

ORDINANCE NO. {{item.custom\_tracking\_number}}  
(FY-21-20-ZC)

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING REQUEST FROM AGRICULTURAL PLANNED DEVELOPMENT NEIGHBORHOOD SERVICE ON APPROXIMATELY 2.725 ACRES AND TO PLANNED DEVELOPMENT SINGLE-FAMILY-1 ON APPROXIMATELY 2.778 ACRES WITH DEVELOPMENT/ SITE PLAN APPROVAL, LOCATED AT 4107 WEST FM 93; AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the applicant, Turley Associates on behalf of Edward Marek, requests rezoning of approximately 5.503 acres from Agricultural (AG) zoning district to Planned Development Neighborhood Service (PD-NS) zoning district on approximately 2.725 acres and Planned Development Single-Family 1 (PD-SF-1) zoning district on approximately 2.778 acres - the subject property is located on the south side of West FM 93 and is comprised of 2 tracts addressed as 4107 West FM 93;

**Whereas**, this rezoning is anticipated to follow the same land use patterns and developed in the same manner as the adjacent Planned Developments for Valley Ranch which was developed in accordance with Ordinance 2004-3979 & Ordinance 2013-4601 - Ordinance 2004-3970 addressed the Planned Development tracts for Neighborhood Service on either side of Dubose Road;

**Whereas**, in an effort to provide enhanced screening and buffering between the single family uses and future non-residential, the applicant has agreed to development/ site plan review by the Planning & Zoning Commission and City Council in which a condition has been proposed to ensure compatibility - case numbers in **Bold**, this is the first of a multi-step development is summarized as follows:

1. PD rezoning of 5.5 +/- Acres to PD-NS & PD-SF-1 (**FY-21-20-ZC**);
2. Annexation of 23.802 +/- acres directly south to Forester Road (**FY-21-2-ANX**);
3. PD rezoning of 23.802 +/- acres to PD-SF-1 w/ development/ site plan, plat layout (**FY-21-19-ZC**);
4. Plat Vacation – Valley West subdivision, a 6 lot, 1 block subdivision approved in 1980;
5. New subdivision plat for the entire 29.302 +/- acres (consistent with development/ site plan);

**Whereas**, on April 5, 2021, the Planning & Zoning Commission voted 8 to 0 to recommend approval per staff's recommendation - Staff recommends Council authorize a rezoning request from Agricultural Planned Development Neighborhood Service on approximately 2.725 acres and to Planned Development Single-Family-1 on approximately 2.778 acres with development/ site plan approval, located at 4107 West FM 93, subject to the following conditions:

1. The approximately 2.725-acre NS-zoned portion shall be developed in

- accordance with uses allowed by UDC Section 5.1;
2. A development/ site plan in the form of the subdivision plat is required to be reviewed by the Planning & Zoning Commission and City Council; and
3. That a separate development/ site plan is required to be reviewed by the Planning & Zoning Commission and City Council to ensure adequate buffering and screening for any non-residential development; and

**Whereas**, the City Council has considered these matters and deems it in the public interest to authorize these actions.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1: Findings.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**Part 2:** The City Council approves a rezoning request from Agricultural Planned Development Neighborhood Service on approximately 2.725 acres and to Planned Development Single-Family-1 on approximately 2.778 acres with development/ site plan approval, located at 4107 West FM 93, subject to the following conditions:

1. The approximately 2.725-acre NS-zoned portion shall be developed in accordance with uses allowed by UDC Section 5.1;
2. A development/ site plan in the form of the subdivision plat is required to be reviewed by the Planning & Zoning Commission and City Council; and
3. That a separate development/ site plan is required to be reviewed by the Planning & Zoning Commission and City Council to ensure adequate buffering and screening for any non-residential development.

**Part 3:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

**Part 4:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 5:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 6:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose

of said meeting was given as required by the Open Meetings.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **May, 2021**.

PASSED AND APPROVED on Second and Final Reading on the **20<sup>th</sup>** day of **May, 2021**.

THE CITY OF TEMPLE, TEXAS

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TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

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Jana Lewellen  
City Secretary

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Kathryn H. Davis  
City Attorney