



AGENDA
REGULAR MEETING
PLANNING AND ZONING COMMISSION
JULY 20, 2020
UTILITY COLLECTIONS
210 W. AVENUE C
LARGE CONFERENCE ROOM

WORKSHOP – 4:00 P.M. – Utility Collections Conference Room

I. Discuss agenda items for the **July 20, 2020** regular Planning and Zoning Commission meeting.

CALL TO ORDER – 5:00 P.M. – Utility Collections Conference Room

ROLL CALL	
COMMISSION	STAFF
<ul style="list-style-type: none"> ___ Kirk Latham, Chairman ___ Ramon Alvarez, Vice Chairman ___ Sandra O’Brien ___ Lawrence Holly ___ Leo Gukeisen ___ Randy Ploeckelmann ___ Louie Minor ___ Michael Hodges ___ Michael Boyd 	<ul style="list-style-type: none"> ___ Tony D. McIlwain, AICP, CFM, Executive Director of Planning and Development Services ___ Wallis Meshier, CNU-A, Senior Planner ___ Jerry Millard Jr., Senior Planner ___ Deirdre Kirk, Revitalization Planner ___ Holli Clements, Esq., Deputy City Attorney ___ MD Hossain, P.E., CFM, City Engineer ___ Paul Boyer, P.E., Project Engineer ___ David Hermosillo, Sr. CAD-GIS Technician ___ Maria Lopez, Assistant Planner

APPROVAL OF AGENDA

Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for **July 20, 2020**.

CONSENT AGENDA

- CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **July 6, 2020**.
- CA-2** Consider a preliminary plat submitted by Quintero Engineering, L.L.C. on behalf of Mary Glennys Bay (**Case #20-029P: The Settlement on Stagecoach**), being approximately 29.88 acres out of the R. Cunningham Survey, Abstract No. 158. The property is addressed as 6401 E. Stagecoach Road, Killeen, Texas.

PUBLIC HEARINGS

- PH-1** **HOLD** a public hearing and consider a request for a plat submitted by Quintero Engineering, L.L.C. on behalf of John and Courtney Meza, and Charles Amundson (**Case #20-028RS: Avenue B Development**), being a replat of part of Lot 3, Block 54, Original Town of Killeen. The property is addressed as 223 W. Avenue B, Killeen, Texas.
- PH-2** **HOLD** a public hearing and consider a request submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (**Case #FLUM20-03**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' designation to a 'General Residential' designation for approximately 5.0 acres out of the S. P. RR. Co. Survey, Abstract No. 794. The property is addressed as 4402 Old FM 440, Killeen, Texas.
- PH-3** **HOLD** a public hearing and consider a request submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (**Case #Z20-09**) to rezone approximately 5.0 acres out of the S. P. RR. Co. Survey, Abstract No. 794, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.
- PH-4** **HOLD** a public hearing and consider an ordinance amending Chapters 8 and 31 of the City of Killeen Code of Ordinances; providing for the repeal of certain landscape standards in Chapter 8 and providing for the addition of certain landscape standards in Chapter 31.
- PH-5** **HOLD** a public hearing and consider an ordinance amending Chapter 26 of the City of Killeen Code of Ordinances; providing for amendments to the City's subdivision and property development regulations.

COMMISSION AND STAFF ITEMS

I. Attendance Chart.

ADJOURNMENT

The next regularly scheduled meeting of the Planning and Zoning Commission is **August 3, 2020** at 5:00 p.m., in the Utility Collections Large Conference Room, 210 W. Avenue C, Killeen, Texas.

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the Planning and Zoning Commission may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

AMERICANS WITH DISABILITIES ACT

This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7630, Planning and Development Services Department, or TDD 1-800-734-2989.

Planning and Zoning Agenda
July 20, 2020

I certify that the above notice of meeting was posted on the bulletin boards at City Hall, the Police Department and on the website of the City of Killeen, Texas, on or before **July 17, 2020**.

María Lopez
Assistant Planner

**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
JULY 6, 2020
UTILITY COLLECTIONS, 210 W. AVENUE C
LARGE CONFERENCE ROOM**

ROLL CALL

PRESENT:

Commission: Kirk Latham, Chairman; Ramon Alvarez, Vice Chairman; Lawrence Holly; Sandra O'Brien; Leo Gukeisen; Randy Ploeckelmann; Louie Minor; Michael Hodges; Michael Boyd

Staff: Tony McIlwain, AICP, CFM, Executive Director of Planning and Development Services; Wallis Meshier, CNU-A, Senior Planner; Deirdre Kirk, Revitalization Planner; Holli Clements, Esq., Deputy City Attorney; MD Hossain, P.E., CFM, City Engineer; Paul Boyer, P.E., Project Engineer; Maria Lopez, Assistant Planner; David Hermosillo, Sr. GIS Technician

ABSENT: None

CALL TO ORDER – 5:00 P.M. – Utility Collections Large Conference Room

Chairman Latham called the meeting of the Planning and Zoning Commission to order at 5:00 p.m.

APPROVAL OF AGENDA

Vice Chairman Alvarez made a motion to approve the agenda. Commissioner Hodges seconded, and the motion passed 8 to 0.

The applicant for PH-1 requested that his item be heard after PH-2.

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission Meeting of **June 15, 2020**.

Vice Chairman Alvarez made a motion to approve the consent agenda. Commissioner Ploeckelmann seconded, and the motion passed 8 to 0.

PUBLIC HEARINGS

PH-2 **HOLD** a public hearing and consider an ordinance amending Chapter 31 of the Code of Ordinances of the city of Killeen; instituting registration and standard of care requirements for vacant structures within and surrounding the Historic Overlay District and TIRZ boundaries.

Chairman Latham requested staff comments.

Ms. Deirdre Kirk, Revitalization Planner, briefed the Commission on the proposed ordinance changes that would affect the Historic Overlay District.

Staff recommended that the Planning and Zoning Commission recommend approval of the proposed amendments.

Chairman Latham opened the public hearing.

Mr. Stephen Cockrell, 308 E. Avenue D, Killeen, Texas, spoke against the changes.

With no one else requesting to speak, the public hearing was closed.

Vice Chairman Alvarez motioned to recommend approval of the changes to Chapter 31. Commissioner Minor seconded, and the motion passed unanimously.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

PH-1 **HOLD** a public hearing and consider a request submitted by Killeen Engineering & Surveying, Ltd. on behalf of JOF Developers, Inc. and Purser King Investment, Ltd., (**Case #Z20-05**) to rezone approximately 108.81 acres out of the A. Webb Survey, Abstract No. 857, including approximately 60.32 acres from "A-R1" (Agricultural Single-Family Residential District) to P.U.D. (Planned Unit Development) for "R-1" (Single-Family Residential District) uses; approximately 27.08 acres from "A-R1" (Agricultural Single-Family Residential District) to P.U.D. (Planned Unit Development) for "SF-2" (Single-Family Residential District) uses; approximately 10.58 acres from "UD" (University District) to "UD" (University District) with P.U.D. (Planned Unit Development) for green space, open space, and detention pond uses; approximately 4.70 acres from "A-R1" (Agricultural Single-Family Residential District) to P.U.D. (Planned Unit Development) for green space, open space, and detention pond uses; approximately 2.55 acres from "UD" (University District) to "UD" (University District) with P.U.D. (Planned Unit Development) for "R-1" (Single-Family Residential District) uses; approximately 2.11 acres from "A-R1" (Agricultural Single-Family Residential District) to P.U.D. (Planned Unit Development) for "R-2" (Two-Family Residential District) uses; and 1.47 acres from "UD" (University District) to "UD" (University District) with P.U.D. (Planned Unit Development) for "R-2" (Two-Family Residential District) uses. The properties are

addressed as 6600 S. Fort Hood Street and 501 Stagecoach Road, Killeen, Texas.

Commissioner O'Brien stepped away from the dais due to a potential conflict of interest.

Chairman Latham requested staff comments.

Ms. Wallis Meshier, Senior Planner, presented the staff report for this item. She stated that sixty (60) surrounding property owners were notified regarding this request. One response in support of the request was received.

Ms. Meshier stated that staff is of the determination that the proposed PUD concept plan conforms to all applicable rules and regulations and recommended that the Planning and Zoning Commission recommend approval of the applicant's PUD request as submitted.

Mr. Gary W. Purser, Jr., 6503 Wells Fargo, Killeen, Texas, was present to represent the request.

Chairman Latham opened the public hearing.

Ms. Terri Nyemaster, 408 Medina Drive, Killeen, Texas, and Mr. Javier Centeno, 501 Medina Drive, Killeen, Texas, spoke in opposition to the request. They noted concerns regarding drainage, crime, and traffic.

With no one else requesting to speak, the public hearing was closed.

Commissioner Holly left the meeting.

Vice Chairman Alvarez motioned to recommend approval of the request. Commissioner Minor seconded, and the motion passed by a vote of 5 to 1. Commissioner Boyd voted in opposition.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

Commissioner O'Brien returned to the dais.

COMMISSION AND STAFF ITEMS

I. Attendance Chart.

The Commissioners reviewed their attendance chart.

ADJOURNMENT

Chairman Latham adjourned the Planning and Zoning Commission Meeting at 5:34 p.m. The next scheduled meeting of the Planning and Zoning Commission is July 20, 2020 at 5:00 p.m., in the Utility Collections Conference Room, 210 W. Avenue C, Killeen, Texas.

Kirk Latham, Chairman
Planning & Zoning Commission

Maria Lopez
Assistant Planner
Planning & Development Services



TO: Planning & Zoning Commission
FROM: Jerry L. Millard, Jr., Senior Planner
DATE: July 15, 2020

Plat Case #20-029P The Settlement on Stagecoach

Consider a preliminary plat submitted by Quintero Engineering, L.L.C. on behalf of Mary Glennys Bay, being approximately 29.88 acres out of the R. Cunningham Survey, Abstract No. 158. The property is addressed as 6401 E. Stagecoach Road, Killeen, Texas.

The applicant is intending to replat this parcel into sixty-two (62) single-family residential lots over two blocks. The property is currently zoned "R-1" (Single-Family Residential District).

The Staff Review Committee met in a correction validation meeting on July 13, 2020 and concurred that the plat meets the requirements of the City's subdivision regulations. Therefore, staff recommends that the Planning and Zoning Commission approve the plat as proposed.



CITY OF KILLEEN - PLAT APPLICATION

0 - 10 acres \$300.00 + \$25.00 per lot
> 10 - 50 acres \$400.00 + \$25.00 per lot
> 50 acres \$500.00 + \$25.00 per lot

Plat Name: The Settlement on Stagecoach

Type: Preliminary Final Replat Minor Amended

Name(s) of Property Owner(s): Mary Glennys Bay

Address: 6401 E Stagecoach Rd

City: Killeen State: TX Zip: 76542

Primary Phone: (254) 855-4067 Cell Phone: () -

Email: youngnco@aol.com

Type of Ownership: Sole Ownership Partnership Corporation Other

Recorded Copy of Warranty Deed: Is a copy of the appropriate deed(s) attached? YES NO

Name of Developer: Mary Glennys Bay

Address: 6401 E Stagecoach Rd

City: Killeen State: TX Zip: 76542

Name of Engineer/Surveyor: Quintero Engineering, LLC

Address: 1501 W Stan Schlueter Loop

City: Killeen State: TX Zip: 76549

Primary Phone: (254) 493-9962 Cell Phone: (254) 394-0034

Email: gmeza@quinteroeng.com

Is the Property: Within City Limits Within the ETJ (5.0 miles)

Proposed Land Use: Single-family residential

Total Acreage: 29.88 Number of Lots: 62 Current Zoning: R-1 Proposed Zoning: N/A

Is there a simultaneous rezoning of any part of this property? YES NO

Address/ Location of property to be platted: 6401 E Stagecoach Rd., Killeen

Legal Description: 30.054 Acres, R Cunningham, A-158BC

Replats and Amendments: During the preceding five (5) years, was the platted property limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot? Yes/No During the preceding five (5) years, was any lot in the preceding plat limited by deed restrictions to residential use for not more than two residential units per lot? Yes/No Attach a copy of applicable deed restrictions or a (notarized) letter from the applicant stating that no deed restrictions apply.

What is the reason for the replat / amendment? N/A

Owner(s) must initial:

I hereby certify that all fees/charges owed by me/us to the City concerning any prior plats and/or subdivisions have been paid in full as of the date of this application.
I understand that attendance at the Development Review Committee meeting is mandatory. My failure to attend or my agent's failure to attend will result in rescheduling the meeting of the Development Review Committee and delay processing of the application.
I understand that I must obtain approval from the Planning and Zoning Commission (except in the case of minor plats) prior to the plat being recorded with the Clerk of Bell County.



APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Quintero Engineering, LLC

Mailing Address: P.O. Box 4386

City: Killeen State: TX Zip: 76540 -

Home Phone: () - Business Phone: (254) 493 - 9962

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. If at any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application, are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my," or "me" is a reference to the entity.

Signature of Agent: *Gorge J. Meza* Title: Project Manager

Printed/Typed Name of Agent: Gorge J. Meza Date: 6/17/20

Signature of Property Owner: *Richard S. Young* Title: Executor

Printed/Typed Name of Property Owner: Richard S. Young Date: 6-17-20

Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Title: _____

Printed/Typed Name of Property Owner: _____ Date: _____

* Applications must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.

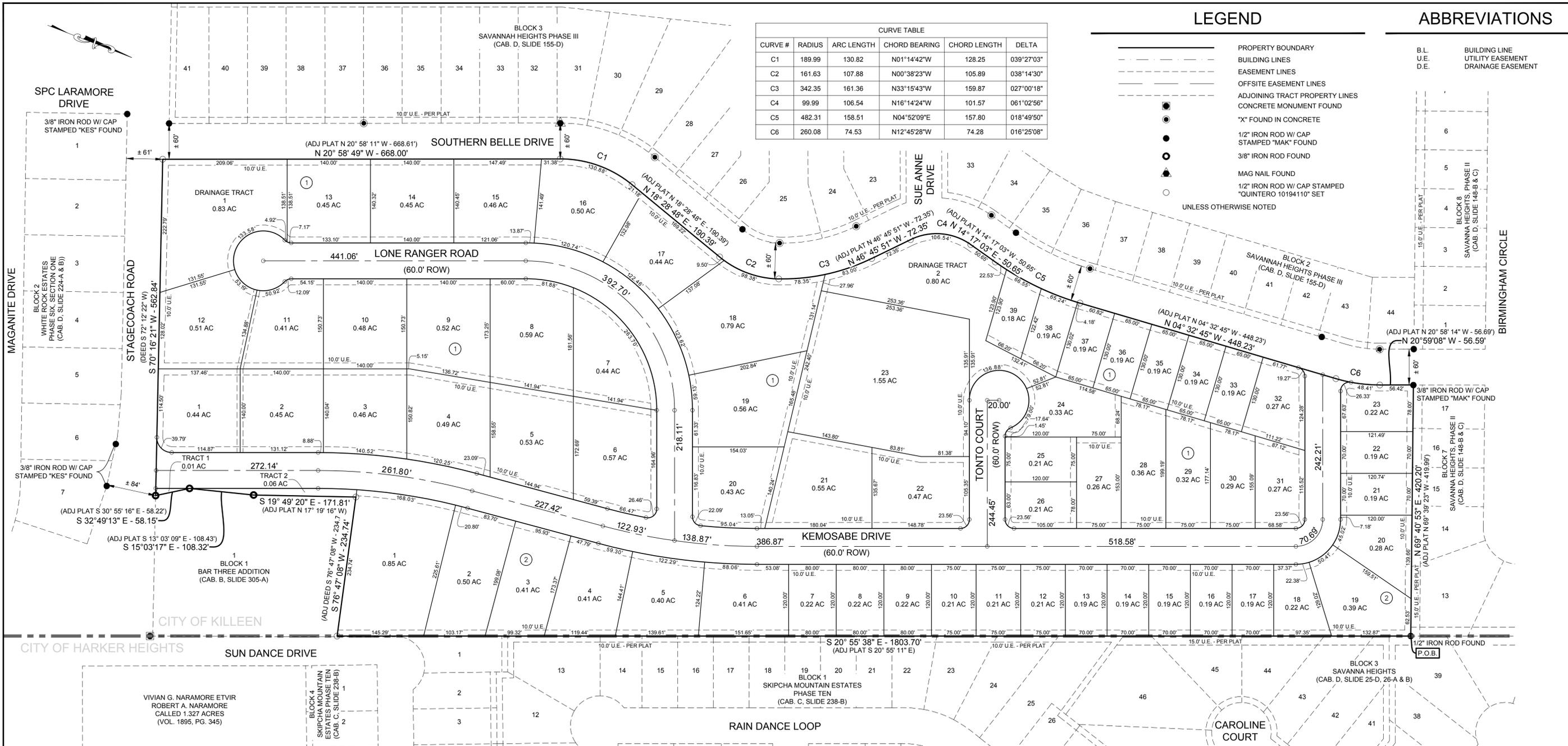
Application Revised: September 28, 2017

LEGEND

ABBREVIATIONS

---	PROPERTY BOUNDARY	B.L.	BUILDING LINE
---	BUILDING LINES	U.E.	UTILITY EASEMENT
---	EASEMENT LINES	D.E.	DRAINAGE EASEMENT
---	OFFSITE EASEMENT LINES		
---	ADJOINING TRACT PROPERTY LINES		
---	CONCRETE MONUMENT FOUND		
●	*X* FOUND IN CONCRETE		
●	1/2" IRON ROD W/ CAP STAMPED "MAK" FOUND		
●	3/8" IRON ROD FOUND		
●	MAG NAIL FOUND		
●	1/2" IRON ROD W/ CAP STAMPED "QUINTERO 10194110" SET		
○	UNLESS OTHERWISE NOTED		

CURVE TABLE					
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA
C1	189.99	130.82	N01°14'42"W	128.25	039°27'03"
C2	161.63	107.88	N00°38'23"W	105.89	038°14'30"
C3	342.35	161.36	N33°15'43"W	159.87	027°00'18"
C4	99.99	106.54	N16°14'24"W	101.57	061°02'56"
C5	482.31	158.51	N04°52'09"E	157.80	018°49'50"
C6	260.08	74.53	N12°45'28"W	74.28	016°25'08"



KNOW ALL MEN BY THESE PRESENTS, THAT **MARY GLENNYS BAY**, BEING THE SOLE OWNER OF THE CALLED **29.88 ACRES** OF LAND SITUATED IN THE **R. CUNNINGHAM SURVEY, A-158**, BEING ALL OF THE REMAINDER OF THE CALLED **122.323 ACRES**, RECORDED IN INSTRUMENT NO. **2019-00056699**, DEED RECORDS OF BELL COUNTY, TEXAS, WHICH IS MORE FULLY DESCRIBED IN THE DEDICATION OF **THE SETTLEMENT ON STAGECOACH**, AS SHOWN BY THE PLAT HEREOF, ATTACHED HERETO, AND MADE A PART HEREOF, AND APPROVED BY THE CITY OF KILLEEN, BELL COUNTY, TEXAS AND **THE SETTLEMENT ON STAGECOACH** DOES HEREBY DEDICATE TO SAID CITY ALL STREETS, AVENUES, DRIVES, AND ALLEYS SHOWN ON SAID PLAT, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES WHEN AND AS AUTHORIZED BY THE CITY OF KILLEEN.

THE DRAINAGE AND UTILITY EASEMENTS SHOWN ON SAID PLAT ARE DEDICATED TO THE SAID CITY FOR INSTALLATION AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES, WHICH THE CITY MAY ELECT TO INSTALL AND MAINTAIN OR PERMIT TO BE INSTALLED OR MAINTAINED.

WITNESS THE EXECUTION HEREOF, ON THIS _____ DAY OF _____, 2020.

FOR: **MARY GLENNYS BAY**
RICHARD STEVE YOUNG
 EXECUTOR

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED **RICHARD STEVE YOUNG** IN HIS CAPACITY **MARY GLENNYS BAY** KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS THE OWNER OF THE PROPERTY DESCRIBED HEREOF.

NOTARY PUBLIC STATE OF TEXAS
 MY COMMISSION EXPIRES: _____

PLANNING AND ZONING COMMISSION

THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KILLEEN, TEXAS.

APPROVED THIS _____ DAY OF _____, 20____, A.D. BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KILLEEN, TEXAS.

CHAIRMAN, PLANNING AND ZONING COMMISSION

SECRETARY, PLANNING AND ZONING COMMISSION

NOTES:

- THE BEARINGS AND DISTANCES SHOWN HERON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, PER LEICA SMART NET GPS OBSERVATION.
- THIS PROPERTY LIES WITHIN FEMA "ZONE X, OTHER AREAS" AS SHOWN ON THE FLOOD INSURANCE RATE MAPS, FEMA MAP 48027C0285E AND 48027C0295E WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.
 FEMA "ZONE X, OTHER AREAS" ARE DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- THE BUILDING SETBACK LINES FOR THIS TRACT SHALL BE DETERMINED AS REQUIRED BY THE APPLICABLE ZONING SECTION OF THE CITY CODE OF ORDINANCES AS RELATED TO THE DEVELOPMENT OF THE TRACT UNLESS SHOWN HEREOF.
- ALL UTILITY EASEMENTS SHALL BE 10.0' WIDE, UNLESS OTHERWISE NOTED.
- FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 1 FOOT ABOVE THE AVERAGE TOP OF CURB ELEVATION FRONTING THE LOT.
- FOR EACH DWELLING UNIT, 2 OFF-STREET PARKING SPACES MUST BE PROVIDED.
- HOMES BUILT ON LOTS THAT FRONT TWO STREETS SHALL BE BUILT WITH THE FRONT OF THE HOUSE FACING THE STREET UPON WHICH THE LOT HAS THE SMALLER LINEAR FRONTAGE.
- APPURTENANCES FOR DRY UTILITIES MAY BE PLACED ABOVE GROUND IN UNDERGROUND UTILITY EASEMENTS; IN AREAS WHERE THE UNDERGROUND UTILITY EASEMENTS COINCIDES WITH A DRAINAGE EASEMENT OR PASSAGE EASEMENT, NO ABOVE-GROUND APPURTENANCES ARE ALLOWED.
- PERMANENT CORNERS, EXTERIOR AND INTERIOR, SHALL BE 1/2" IRON ROD WITH A CAP MARKED "QUINTERO 10194110" SET AFTER COMPLETED CONSTRUCTION AS AUTHORIZED BY THE DEVELOPER.

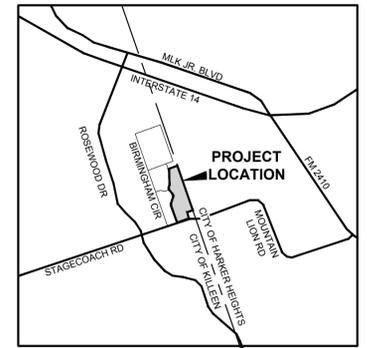
SURVEYORS' CERTIFICATE:

I, **BRADLEY W. SARGENT**, DO HEREBY CERTIFY THAT AN ACTUAL AND ACCURATE SURVEY WAS MADE ON THE GROUND OF THE PLATTED LAND, AND THAT THE CORNER MONUMENTS SHOWN ON THE FOREGOING PLAT WERE FOUND, OR PLACED, IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF KILLEEN, TEXAS.

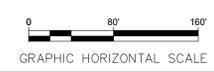
Bradley W. Sargent 01/13/2020
BRADLEY W. SARGENT
 R. P. L. S. NO. 5827
 415 E. AVENUE D
 KILLEEN, TX 76541



SURVEY:	R. CUNNINGHAM SURVEY, A-158	OWNER:	MARY GLENNYS BAY 6401 STAGECOACH RD KILLEEN, TEXAS 76542
NUMBER OF BLOCKS:	2		
NUMBER OF LOTS:	62	SURVEYOR:	QUINTERO ENGINEERING, LLC 1501 W. STAN SCHLUETER LP. KILLEEN, TEXAS 76549 (254) 493-9962
TOTAL ACREAGE:	29.88 AC		
DATE:	JUNE 2019		



LOCATION MAP
 SCALE: NTS



QC
QUINTERO ENGINEERING
 1501 W. STAN SCHLUETER LP. PHONE: (254) 493-9962
 KILLEEN, TEXAS 76549 FAX: (254) 432-7070
 T.B.P.E. FIRM NO.: 14709 T.B.P.L.S. FIRM NO.: 10194110

PRELIMINARY PLAT "NOT FOR RECORD" FOR:
THE SETTLEMENT ON STAGECOACH
 CITY OF KILLEEN, BELL COUNTY, TEXAS

THE SETTLEMENT ON STAGECOACH,
 IS A PLAT OF 29.88 ACRES SITUATED IN THE ROBERT CUNNINGHAM SURVEY,
 ABSTRACT NO. 158, BELL COUNTY, TEXAS, BEING THE REMAINDER OF THE CALLED
 122.323 ACRE TRACT DESCRIBED IN A DEED TO MARY GLENNYS BAY, RECORDED IN
 INSTRUMENT NO. 2019-00056699, DEED RECORDS OF BELL COUNTY, TEXAS.

PROJECT NO.: **006-20**
 DRAWING NO.: **P1 OF P1**



TO: Planning & Zoning Commission
FROM: Jerry L. Millard, Jr., Senior Planner
DATE: July 15, 2020

Plat Case # 20-028RS: Avenue B Development

HOLD a public hearing and consider a request for a plat submitted by Quintero Engineering, L.L.C. on behalf of John and Courtney Meza, and Charles Amundson, being a replat of part of Lot 3, Block 54, Original Town of Killeen. The property is addressed as 223 W. Avenue B, Killeen, Texas.

The applicant is replatting this parcel into a single residential lot for duplex development. The property is currently zoned "R-3" (Multi-Family Residential District).

The Staff Review Committee met in a correction validation meeting on July 13, 2020 and concurred that the plat meets the requirements of the City's subdivision regulations. Therefore, staff recommends that the Planning and Zoning Commission approve the plat as proposed.



CITY OF KILLEEN - PLAT APPLICATION

0 - 10 acres \$300.00 + \$25.00 per lot
 > 10 - 50 acres \$400.00 + \$25.00 per lot
 > 50 acres \$500.00 + \$25.00 per lot

Plat Name: Avenue B Development

Type: Preliminary Final Replat Minor Amended

Name(s) of Property Owner(s): John R. Meza, Courtney Meza and Charles Amundson

Address: 105 Cr 4775

City: Kempner State: TX Zip: 76539

Primary Phone: (254) 251 - 5593 Cell Phone: () -

Email: mezarealtor1@gmail.com

Type of Ownership: Sole Ownership Partnership Corporation Other

Recorded Copy of Warranty Deed: Is a copy of the appropriate deed(s) attached? YES NO

Name of Developer: N/A

Address: _____

City: _____ State: _____ Zip: _____

Name of Engineer/Surveyor: Quintero Engineering, LLC

Address: 1501 W Stan Schlueter Loop

City: Killeen State: TX Zip: 76549

Primary Phone: (254) 493 - 9962 Cell Phone: (254) 394 - 0034

Email: gmeza@quinteroeng.com

Is the Property: Within City Limits Within the ETJ (5.0 miles)

Proposed Land Use: Residential

Total Acreage: 0.23 Number of Lots: 1 Current Zoning: R-3 Proposed Zoning: N/A

Is there a simultaneous rezoning of any part of this property? YES NO

Address/ Location of property to be platted: 223 W.

Legal Description: Being a portion of Lot 3, Block 54, Original Town of Killeen

Replats and Amendments: During the preceding five (5) years, was the platted property limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot? **Yes/No** During the preceding five (5) years, was any lot in the preceding plat limited by deed restrictions to residential use for not more than two residential units per lot? **Yes/No** Attach a copy of applicable deed restrictions or a (notarized) letter from the applicant stating that no deed restrictions apply.

What is the reason for the replat / amendment? To plat a non-conforming lot into a 1 lot subdivision.

Owner(s) must initial:

DS
Ca
DS
CM
DS
Ca
DS
CM
DS
Ca
DS
CM

JRM I hereby certify that all fees/charges owed by me/us to the City concerning any prior plats and/or subdivisions have been paid in full as of the date of this application.

JRM I understand that attendance at the Development Review Committee meeting is mandatory. My failure to attend or my agent's failure to attend will result in rescheduling the meeting of the Development Review Committee and delay processing of the application.

JRM I understand that I must obtain approval from the Planning and Zoning Commission (except in the case of minor plats) prior to the plat being recorded with the Clerk of Bell County.



APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Quintero Engineering, LLC

Mailing Address: P.O. Box 4386

City: Killeen State: TX Zip: 76540 -

Home Phone: () - Business Phone: (254) 493 - 9962

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. If at any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application, are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my," or "me" is a reference to the entity.

Signature of Agent: *Gorge Meza* Title: Project Manager
DocuSigned by: 6CC0205D47ED4D9

Printed/Typed Name of Agent: Gorge J. Meza Date: 6/18/2020

Signature of Property Owner: *John R. Meza* Title: Owner
DocuSigned by: 31C00721060F41B REALTOR

Printed/Typed Name of Property Owner: John R. Meza Date: 6/18/2020

Signature of Property Owner: *Courtney Meza* Title: Owner
DocuSigned by: B1FA525AC1224B8

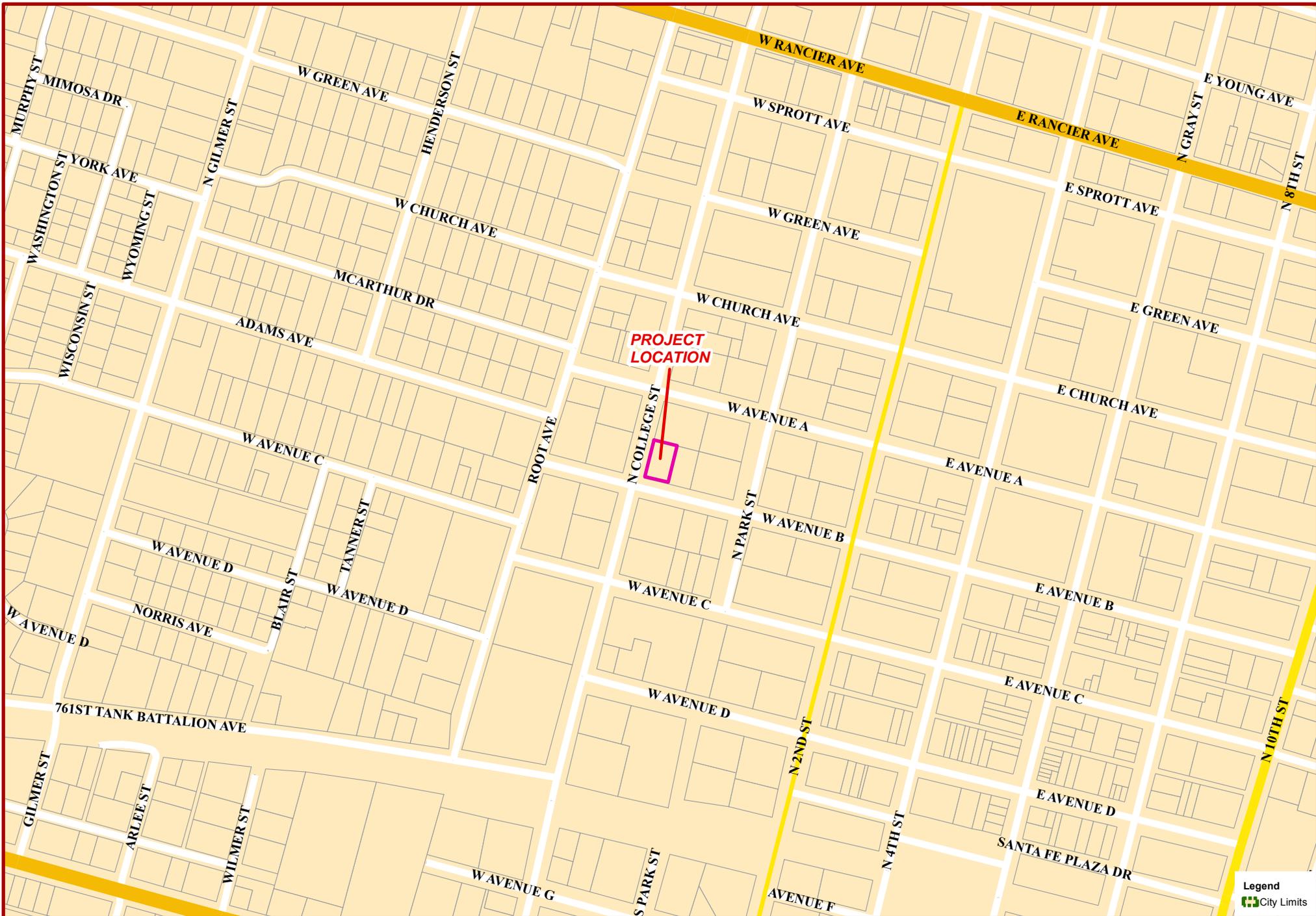
Printed/Typed Name of Property Owner: Courtney Meza Date: 6/18/2020

Signature of Property Owner: *Charles Amundson* Title: Owner
DocuSigned by: 70D5DB826810447

Printed/Typed Name of Property Owner: Charles Amundson Date: 6/18/2020

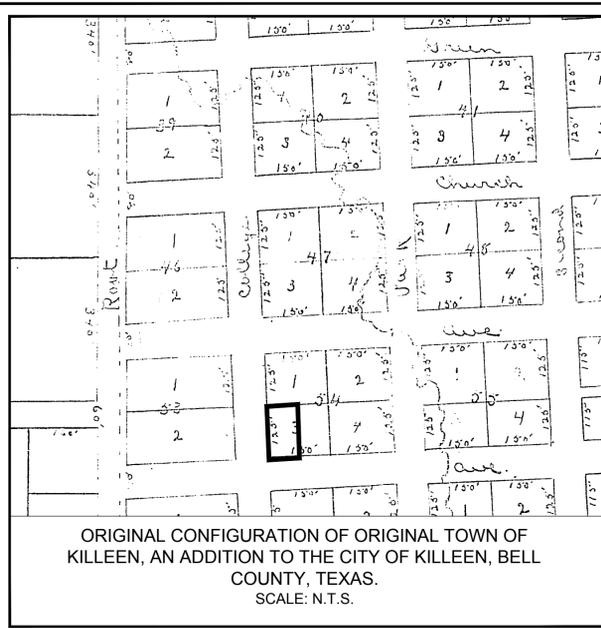
* Applications must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.

Application Revised: September 28, 2017



**PROJECT
LOCATION**





ISMAEL CERDA RODRIGUEZ
(INSTR. NO. 2018-00018251)
PART OF LOT 2, BLOCK 53
ORIGINAL TOWN OF KILLEEN
(VOL. 40, PG. 58)

LOT 1, BLOCK 54
ORIGINAL TOWN OF KILLEEN
(VOL. 40, PG. 58)

LOT 2, BLOCK 54
ORIGINAL TOWN OF KILLEEN
(VOL. 40, PG. 58)

KNOW ALL MEN BY THESE PRESENTS, THAT JOHN R. MEZA, COURTNEY MEZA AND CHARLES AMUNDSON BEING THE SOLE OWNERS OF THAT CERTAIN 0.23 ACRE TRACT OF LAND IN THE CITY OF KILLEEN, BELL COUNTY, TEXAS, SITUATED IN THE A. THOMPSON SURVEY, A-813, BEING THE WEST 80 FEET OF LOT 3, BLOCK 54, ORIGINAL TOWN OF KILLEEN, AN ADDITION TO THE CITY OF KILLEEN, BELL COUNTY, TEXAS, RECORDED IN VOLUME 49, PAGE 58, DEED RECORDS OF BELL COUNTY, TEXAS, BEING CONVEYED IN A SPECIAL WARRANTY DEED TO JOHN R. MEZA, COURTNEY MEZA AND CHARLES AMUNDSON, RECORDED IN INSTRUMENT NO. 2020-020731, DEED RECORDS OF BELL COUNTY, TEXAS, WHICH IS MORE FULLY DESCRIBED IN THE DEDICATION OF AVENUE B DEVELOPMENT, AS SHOWN BY THE PLAT HEREOF, ATTACHED HERETO, AND MADE A PART HEREOF, AND APPROVED BY THE CITY OF KILLEEN, BELL COUNTY, TEXAS AND AVENUE B DEVELOPMENT, DOES HEREBY DEDICATE TO SAID CITY ALL STREETS, AVENUES, DRIVES, ALLEYS AND DRAINAGE TRACTS SHOWN ON SAID PLAT, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES WHEN AND AS AUTHORIZED BY THE CITY OF KILLEEN.

THE DRAINAGE TRACTS, DRAINAGE AND UTILITY EASEMENTS SHOWN ON SAID PLAT ARE DEDICATED TO SAID CITY OF KILLEEN FOR INSTALLATION AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES, WHICH THE CITY MAY ELECT TO INSTALL AND MAINTAIN OR PERMIT TO BE INSTALLED OR MAINTAINED.

WITNESS THE EXECUTION HEREOF, ON THIS _____ DAY OF _____, 2020.

JOHN R. MEZA
OWNER

COURTNEY MEZA
OWNER

CHARLES AMUNDSON
OWNER

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED JOHN R. MEZA, COURTNEY MEZA AND CHARLES AMUNDSON KNOWN TO ME TO BE THE PERSONS WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS THE OWNERS OF THE PROPERTY DESCRIBED HEREON.

NOTARY PUBLIC STATE OF TEXAS
MY COMMISSION EXPIRES: _____

PLANNING AND ZONING COMMISSION

THIS PLAT HAS BEEN SUBMITTED AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KILLEEN, TEXAS. APPROVED THIS _____ DAY OF _____, 20_____, A.D. BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KILLEEN, TEXAS

CHAIRMAN, PLANNING AND ZONING COMMISSION _____ SECRETARY, PLANNING AND ZONING COMMISSION _____

SURVEYORS' CERTIFICATE:

I, BRADLEY W. SARGENT, DO HEREBY CERTIFY THAT AN ACTUAL AND ACCURATE SURVEY WAS MADE ON THE GROUND OF THE PLATTED LAND, AND THAT THE CORNER MONUMENTS SHOWN ON THE FOREGOING PLAT WERE FOUND OR PLACED, IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF KILLEEN, TEXAS.

Bradley W. Sargent
BRADLEY W. SARGENT
R. P. L. S. NO. 5827
1501 W. STAN SCHLUETER LP.
KILLEEN, TX 76549



AFFIDAVIT:

THE TAX APPRAISAL DISTRICT OF BELL COUNTY DOES HEREBY CERTIFY THERE ARE CURRENTLY NO DELINQUENT TAXES DUE TO THE TAX APPRAISAL DISTRICT OF BELL COUNTY ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED THIS THE _____ DAY OF _____, 20_____, A.D.

By: _____
BELL COUNTY TAX APPRAISAL DISTRICT

COUNTY CLERK INFORMATION:

FILED FOR RECORD THIS _____ DAY OF _____, 20_____, PLAT RECORDS OF BELL COUNTY, TEXAS, AND DEDICATION INSTRUMENT # _____, OFFICIAL RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

BY: _____

SURVEY:	A. THOMPSON, A-813	OWNER:	JOHN R. MEZA & COURTNEY MEZA 105 CR 4775 KEMPNER, TEXAS 76539
NUMBER OF BLOCKS:	1		
NUMBER OF LOTS:	1		CHARLES AMUNDSON 205 PEACH HOLLOW COVE KILLEEN, TEXAS 76543
TOTAL ACREAGE:	0.23 AC		
DATE:	JUNE 2020	SURVEYOR:	QUINTERO ENGINEERING, LLC 1501 W. STAN SCHLUETER LP. KILLEEN, TEXAS 76549 (254) 493-9962

LEGEND

- PROPERTY BOUNDARY
- LOT LINES
- - - EASEMENT LINES
- - - ADJOINING TRACT PROPERTY LINES
- - - OFFSITE EASEMENTS
- 1/2" IRON ROD SET W/ CAP
STAMPED "QUINTERO 10194110"
- 1/2" IRON PIPE FOUND
- 1/2" IRON ROD FOUND

LEATRICE WILLIAMS
(INSTR. NO. 2016-00019463)
PART OF LOT 2, BLOCK 53
ORIGINAL TOWN OF KILLEEN
(VOL. 40, PG. 58)

JOSUE GUADALUPE ESCOBAR
(INSTR. NO. 2019-00016935)
PART OF LOT 3, BLOCK 54
ORIGINAL TOWN OF KILLEEN
(VOL. 40, PG. 58)

LOT 4, BLOCK 54
ORIGINAL TOWN OF KILLEEN
(VOL. 40, PG. 58)

NOTES

1. THE BUILDING SETBACK LINES FOR THIS TRACT SHALL BE DETERMINED AS REQUIRED BY THE NORTH KILLEEN REVITALIZATION PROGRAM AS RELATED TO THE DEVELOPMENT OF THIS TRACT UNLESS SHOWN HERON.
 2. THE BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, PER LEICA SMART NET GPS OBSERVATION.
 3. ALL INTERIOR CORNERS ARE 1/2 IRON ROD SET W/ CAP STAMPED "QUINTERO 10194110", UNLESS OTHERWISE NOTED.
 4. A PORTION OF THIS PROPERTY LIES WITHIN FEMA "ZONE X, OTHER AREAS" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, FEMA MAP 48027C0280E, WHICH BEAR AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.
- *FEMA "ZONE X, OTHER AREAS" IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN*



LOCATION MAP
SCALE: NTS

N. COLLEGE STREET

W. AVENUE B

(DEED W 80' OF LOT 3)
S 76° 09' 54" E - 80.00'

N 76° 34' 32" W - 80.00'
(DEED W 80' OF LOT 3)

(DEED 125')
N 13° 49' 58" E - 126.88'

(DEED 125')
S 13° 50' 02" W - 126.31'

S 89° 36' 27" E
209.28'

S 67° 47' 08" E
610.36'

P C&B COMPANY INC.
(INSTR. NO. 2019-00016935)
PART OF LOT 1, BLOCK 57
ORIGINAL TOWN OF KILLEEN
(VOL. 40, PG. 58)

P C&B COMPANY INC.
(VOL. 4431, PG. 430)
PART OF LOT 1 & 2, BLOCK 57
ORIGINAL TOWN OF KILLEEN
(VOL. 40, PG. 58)

TOBE SWEENEY JR. ETUX
MICHELLE G. SWEENEY
(VOL. 3360, PG. 112)
PART OF LOT 2, BLOCK 57
ORIGINAL TOWN OF KILLEEN
(VOL. 40, PG. 58)

QUINTERO ENGINEERING LLC
1501 W. STAN SCHLUETER PHONE: (254) 493-9962
LP KILLEEN, TEXAS 76549 FAX: (254) 452-7070
T.B.P.E. FIRM NO.: 14709 T.B.P.L.S. FIRM NO.: 10194110

**FINAL PLAT FOR:
AVENUE B DEVELOPMENT
CITY OF KILLEEN, BELL COUNTY, TEXAS**

AVENUE B DEVELOPMENT,
IS A REPLAT OF A PORTION OF LOT 3, BLOCK 54, AN ADDITION TO THE CITY OF KILLEEN, BELL COUNTY, TEXAS, RECORDED IN VOLUME 49, PAGE 58, DEED RECORDS OF BELL COUNTY, TEXAS.

PROJECT NO.:
021-20

DRAWING NO.:
P1



HOLD a public hearing and consider a request submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (**Case #FLUM20-03**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' designation to a 'General Residential' designation for approximately 5 acres out of the SP RR Co Survey, Abstract No. 794. The property is addressed as 4402 Old FM 440, Killeen, Texas.

..SUMMARY

DATE: July 15, 2020

TO: Planning and Zoning Commission

FROM: Jerry Millard, Senior Planner

SUBJECT: Comprehensive Plan Future Land Use Map (FLUM) Amendment:
'General Commercial' to 'General Residential'

BACKGROUND AND FINDINGS:

Summary of Request:

Quintero Engineering, L.L.C., submits this request on behalf of Andrea Weinstein to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' (GC) designation to a 'General Residential' (GR) designation for approximately 5 acres out of the SP RR Co Survey, Abstract No. 794. The property is addressed as 4402 Old FM 440, Killeen, Texas.

Comprehensive Plan Analysis:

The property is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'General Commercial' designation encourages the following development types:

- A wide range of commercial retail and service uses, at varying scales and intensities
- Office (both large and/ or multi-story buildings and small-scale office uses)
- Public/ institutional
- Parks and public spaces

'General Commercial' (GC) characteristics:

General Commercial is typically auto oriented in character, which can be offset by enhanced building design, landscaping, reduced site coverage, and well-designed signage. General Commercial is uses related to sales and services to include central business districts, shopping centers/malls, strip commercial buildings. These establishments are generally convenience commercial uses that cater to local residents.

If approved, the 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus
- Attached housing types subject to compatibility and open space standards (e.g. duplexes, townhomes, patio homes)
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
- Public/ institutional
- Parks and public spaces

Staff Findings:

The City's Future Land Use Map (FLUM) was adopted in 2009 and indicates a transition from high density commercial and residential uses in the northern and central parts of the city to lower intensity residential and industrial uses in the eastern parts of the city. This transition was intentional and was designed to limit high-density residential and commercial uses to the central core of the city, while reserving the eastern parts of the city for less intense suburban uses and varying intensities of industrial uses.

The amendment request would affect approximately 5 acres and is considered a small-scale amendment. The development to the north is currently residentially zoned and is a four-plex development. Similarly, the development to the south is currently commercially zoned and is a four-plex development as well. This property was rezoned in May of 1990. There is approximately eight (8) acres of commercially zoned property on the west side of the Old FM 440 right of way. Staff is of the determination that there is ample commercial property on this thoroughfare and recommending approval of the applicant's request would not negatively affect the neighborhood.

THE ALTERNATIVES CONSIDERED:

The Planning and Zoning Commission may:

- Recommend approval of the applicant's FLUM amendment request;
- Recommend approval of a more restrictive FLUM designation than requested by the applicant; or
- Recommend disapproval of the applicant's FLUM amendment request.

Which alternative is recommended?

Staff recommends that the Commission recommend approval of the applicant's FLUM amendment request as this area has ample commercial development options.

Why?

Staff is of the determination that there is ample commercial property on this thoroughfare and recommending approval of the applicant's request would not negatively affect the neighborhood.

CONFORMITY TO CITY POLICY:

This FLUM amendment request conforms to the City's policy as detailed in the Comprehensive Plan.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year?

This is not applicable at this time.

For future years?

The proposed FLUM amendment does not involve the expenditure of city funds; however, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

Is this a one-time or recurring expenditure?

This is not applicable at this time.

Is this expenditure budgeted?

This is not applicable at this time.

If not, where will the money come from?

This is not applicable at this time.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable at this time.

RECOMMENDATION:

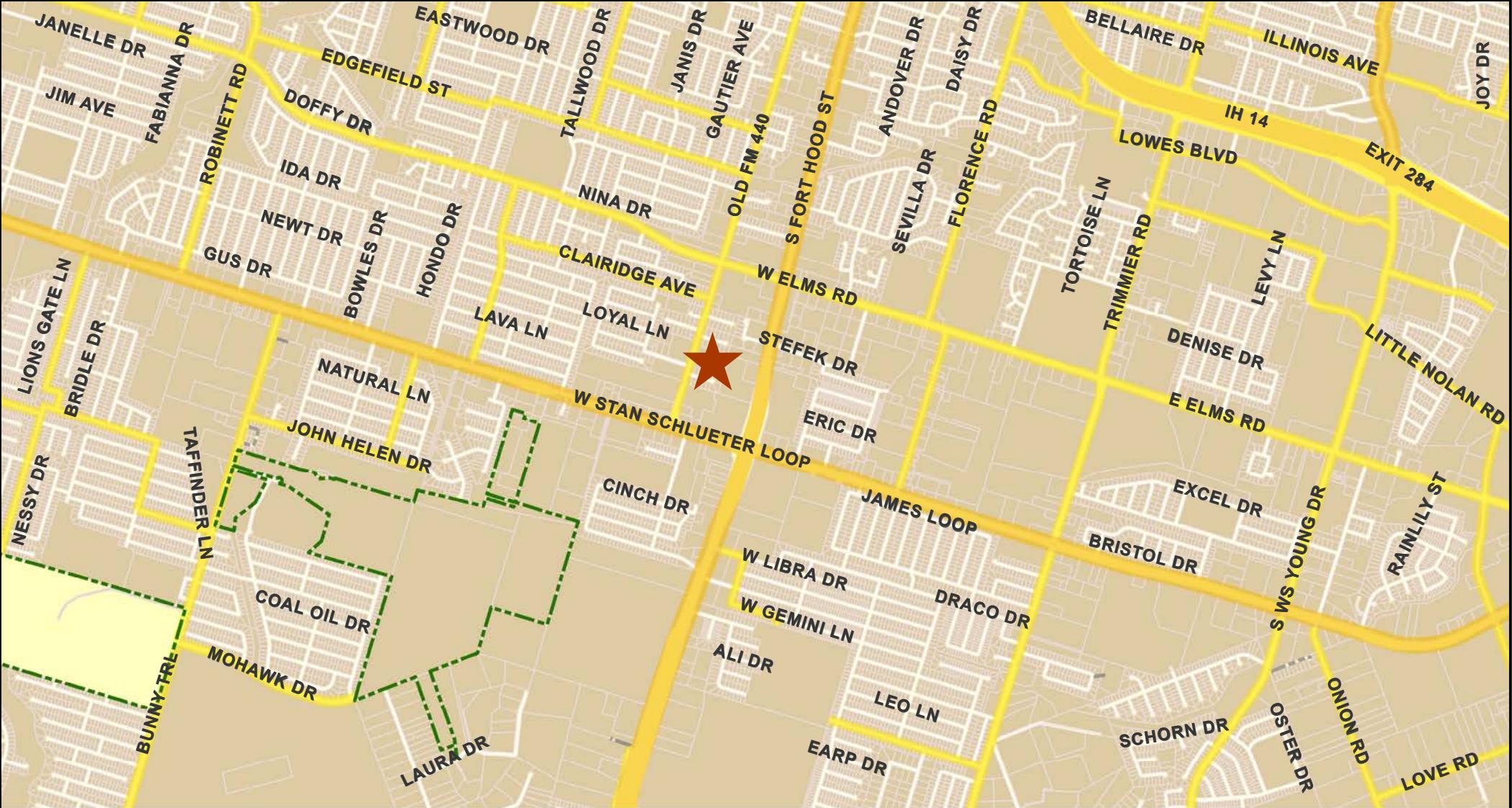
Staff recommends that the Commission recommend approval of the applicant's FLUM amendment request as this area has ample commercial development options. Staff is of the determination that there is ample commercial property on this thoroughfare and recommending approval of the applicant's request would not negatively affect the neighborhood.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

Current/ Proposed FLUM



FLUM LOCATION MAP

Case: FLUM AMENDMENT 2020-03

Council District: 3

FROM: GENERAL COMMERCIAL TO GENERAL RESIDENTIAL

Subject Property Legal Description: A0794BC SP RR CO, ACRES 5.0

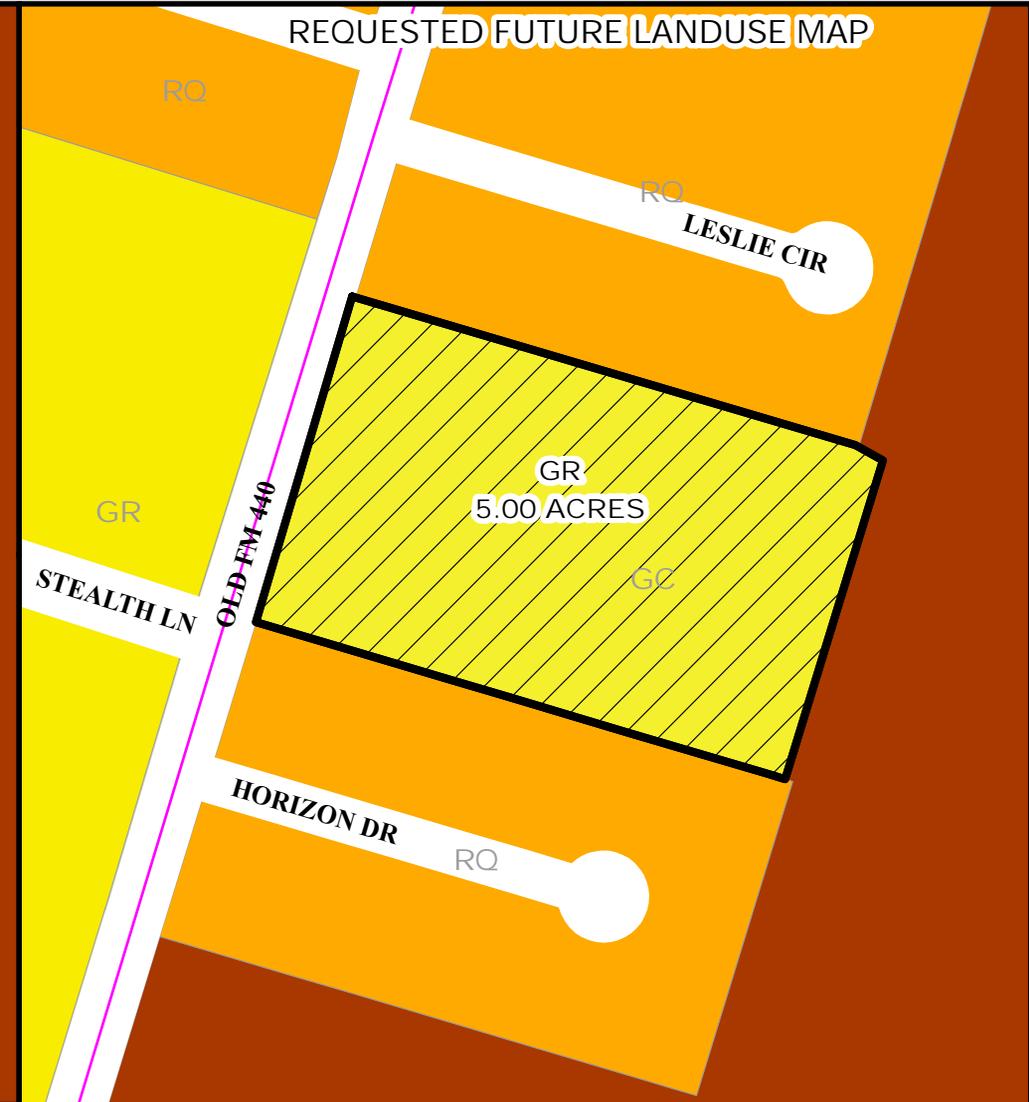
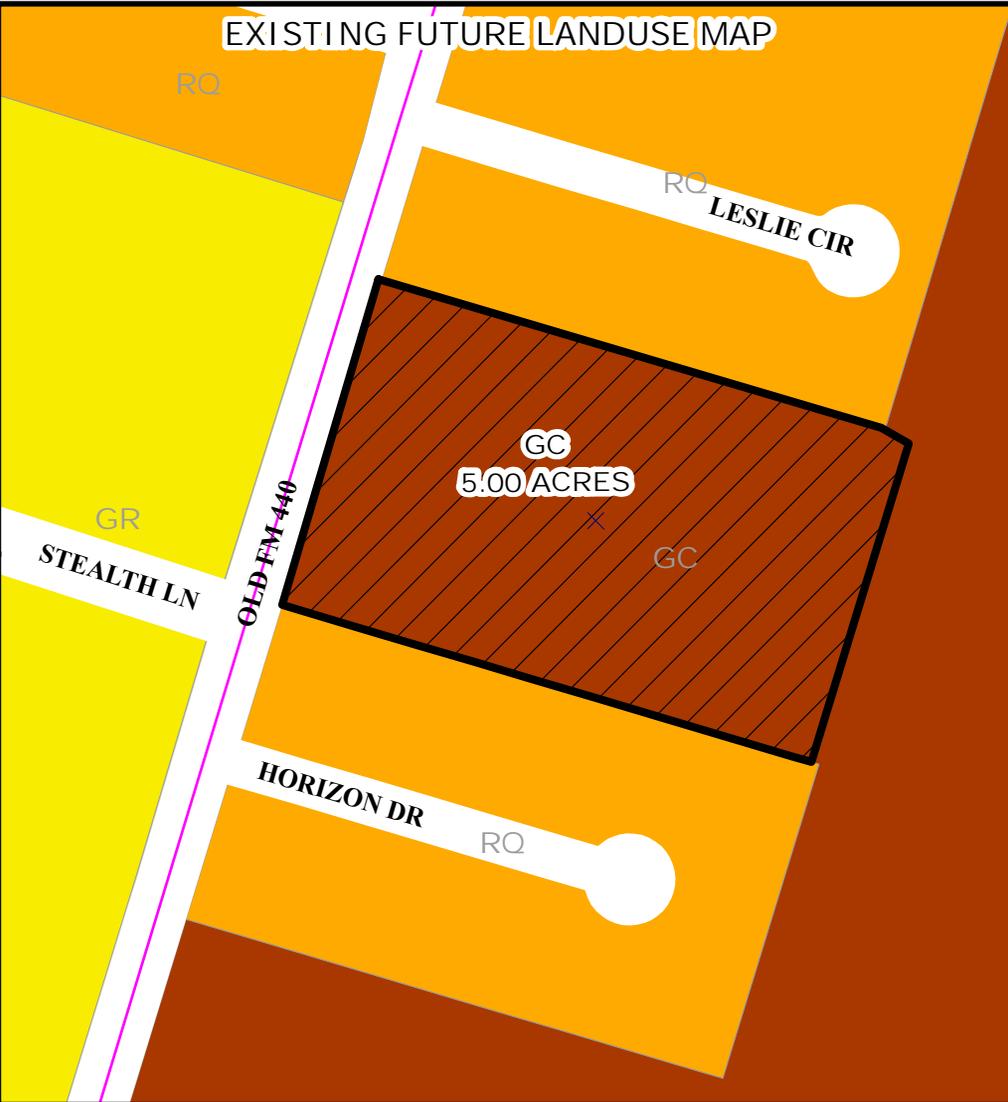
FUTURE LANDUSE LOCATION MAP



1 inch = 2,500 feet

EXISTING FUTURE LANDUSE MAP

REQUESTED FUTURE LANDUSE MAP



FLUM Notification Plan
 Case: FLUM AMENDMENT 2020-03
 Council District: 3
 FROM: GENERAL COMMERCIAL TO GENERAL RESIDENTIAL
 1 inch = 208 feet
 Subject Property Legal Description: A0794BC SP RR CO, ACRES 5.0

Legend

-  Killeen City Limits
-  Collector, Existing
-  Four-Plex Residential (RQ)
-  General Residential (GR)
-  General Commercial (GC)

Existing Future Land Use Legend

-  FLUM Case Location
-  Four-Plex Residential (RQ)
-  General Residential (GR)
-  General Commercial (GC)



Date: 6/25/2020



CITY OF KILLEEN- FLUM AMENDMENT APPLICATION

Name(s) of Property Owner: Andrea L. Weinstein

Current Address: 14285 Dickens St. Apt. 4

City: Sherman Oaks State: CA Zip: 91423 - _____

Primary Phone: (818) 414 - 4723 Cell Phone: (____) _____ - _____

Email: awei6050@hotmail.com

Name of Applicant: Quintero Engineering, LLC

(If different than Property Owner)

Address: 1501 W Stan Schlueter Loop

City: Killeen State: TX Zip: 76549

Primary Phone: (254) 493 - 9962 Cell Phone: (254) 394 - 0034

Email: gmeza@quinteroeng.com

Address/Location of property proposed for FLUM amendment: 4402 Old FM 440

Legal Description: 5 Acres, S.P.RR.CP. Abstract No. 794

Type of Ownership: Sole Ownership Partnership Corporation Other

Present FLUM Designation: General Commerical Present Use: Undeveloped

Proposed FLUM Designation: General Residential Proposed Use: Multi Family Development

This property was conveyed to owner by deed dated July 13, 2018 and recorded in Volume _____, Page _____, Instrument Number 2018-00030096 of the Bell County Deed Records. (Attached)



APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Quintero Engineering, LLC

Mailing Address: P.O. Box 4386

City: Killeen State: TX Zip: 76549 - _____

Home Phone: (254) 493 - 9962 Business Phone: (254) 394 - 0034

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City: make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific FLUM amendment request.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of Agent:	<u><i>Gorge Meza</i></u>	Title:	<u>Project Manager</u>
Printed/Typed Name of Agent:	<u>Gorge Meza, Quintero Engineering, LLC</u>	Date:	<u>6/17/2020</u>
Signature of Property Owner:	<u><i>Andrea L. Weinstein</i></u>	Title:	<u>Owner</u>
Printed/Typed Name of Property Owner:	<u>Andrea L Weinstein</u>	Date:	<u>6/17/2020</u>
Signature of Property Owner:	_____	Title:	_____
Printed/Typed Name of Property Owner:	_____	Date:	_____
Signature of Property Owner:	_____	Title:	_____
Printed/Typed Name of Property Owner:	_____	Date:	_____
Signature of Property Owner:	_____	Title:	_____
Printed/Typed Name of Property Owner:	_____	Date:	_____

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

Application Revised: September 28, 2017

HOLD a public hearing and consider a request submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (**Case #Z20-09**) to rezone approximately 5 acres out of the SP RR Co. Survey, Abstract No. 794, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.

..SUMMARY

DATE: July 15, 2020

TO: Planning and Zoning Commission

FROM: Jerry Millard, Senior Planner

SUBJECT: ZONING CASE #Z20-09 "B-3" (Local Business District) to "R-2" (Two-Family Residential District)

BACKGROUND AND FINDINGS:

Summary of Request

This request is submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein is to rezone approximately five (5) acres out of the SP RR Co. Survey, Abstract No. 794, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas and located along the east right of way of Old FM 440. The property has the potential to accommodate 20-30 two-family residential lots depending on infrastructure layout. The final number of lots will be determined during the platting process.

The requested "R-2" (Two-Family Residential) zoning district allows two-family residential lots having a minimum area of 7,000 square feet with a minimum lot width of 60 feet and an average depth of 110 feet. All uses within "R-1" (Single-Family Residential) will be authorized as well.

Zoning / Plat Case History:

- The property was rezoned from "R-1" (Single-Family Residential District) to "B-3" on May 8, 1990, per ordinance #90-24.
- The property is part of the S.P.R.R. Co. Survey, Abstract No. 794. The property is not platted.

Character of the Area:

The entirety of the proposed rezoning area is currently undeveloped land. The surrounding community is made up of a mix of residential and commercial developments of varying densities and undeveloped agriculturally zoned land.

Future Land Use Map Analysis:

The property is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'General Commercial' designation encourages the following development types:

- A wide range of commercial retail and service uses, at varying scales and intensities
- Office (both large and/ or multi-story buildings and small-scale office uses)
- Public/ institutional
- Parks and public spaces

'General Commercial' (GC) characteristics:

General Commercial is typically auto oriented in character, which can be offset by enhanced building design, landscaping, reduced site coverage, and well-designed signage. General Commercial is uses related to sales and services to include central business districts, shopping centers/malls, strip commercial buildings. These establishments are generally convenience commercial uses that cater to local residents.

Water, Sewer and Drainage Services

Water, sanitary sewer and drainage utility service is located within the City of Killeen utility service area and available to the subject tract.

Transportation and Thoroughfare Plan:

Ingress and egress to the proposed development is via Old FM 440, which is classified as 70' Collector on the City of Killeen adopted Thoroughfare Plan. The property is expected to develop into two-family residential lots. The property has the potential to accommodate 20-30 two-family residential lots depending on infrastructure layout. A typical two-family residential home can generate twenty (20) vehicle trips per day [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting]. This development could see an increase of up six hundred (600) vehicle trips per day.

Public Notification:

Staff notified fifty-nine (59) surrounding property owners regarding this request; as of the date of this staff report, no responses have been received.

Staff Findings:

The applicant's zoning request is not consistent with Future Land Use Map (FLUM); however, staff is recommending a small-scale amendment to the FLUM.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended? Staff recommends approval of the applicant's request.

Why? This corridor has under-utilized commercially zoned property and the (neighboring) developed areas to the north and south are residential in nature. The request for residential zoning is suitable at this location.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

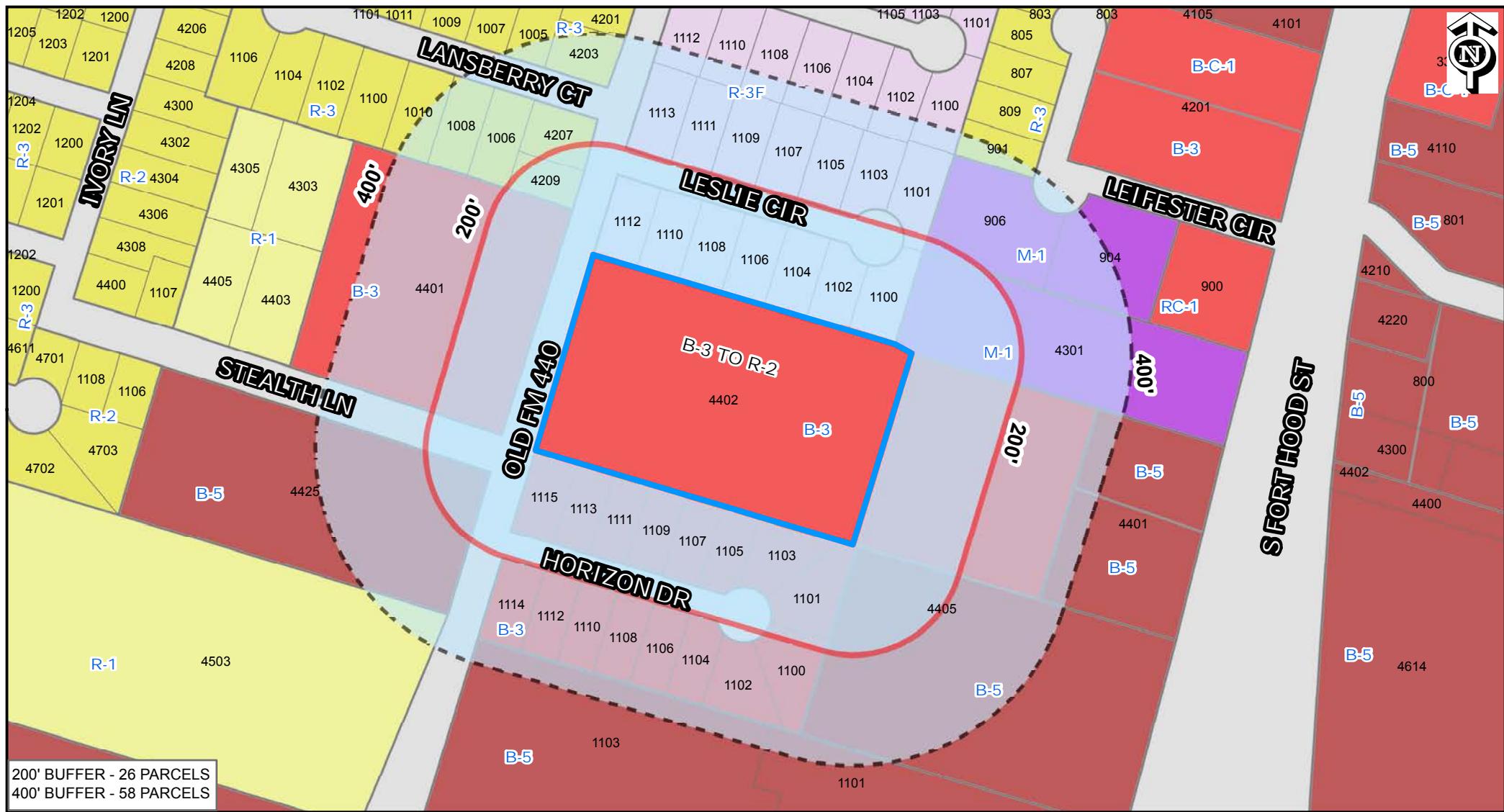
Staff recommends approval of the applicant's "R-2" zoning request as it is consistent and compatible with the existing residential land uses and prevailing community character.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Planning and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Zoning map and notification area



Attachment #2
 Council District: 3
 FROM: B-3 TO R-2
 1 inch = 250 feet
 Subject Property Legal Description: A0794BC SP RR CO, ACRES 5.0

Zoning Map

Zoning Case 2020-09

Legend	■ COMMERCIAL ZONINGS ARE RED	■ AGRICULTURAL ZONINGS ARE GREEN
	■ RESIDENTIAL ZONINGS ARE YELLOW	■ PUD ZONINGS ARE TYPICALLY RESIDENTIAL
	■ MANUFACTURING ZONINGS ARE PURPLE	■ CUP ZONINGS MAY ALSO BE RESIDENTIAL
	■ SUP ZONINGS MAY ALSO BE RESIDENTIAL	
	■ UNIVERSITY ZONINGS ARE BLUE	



APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Quintero Engineering, LLC

Mailing Address: P.O. Box 4386

City: Killeen State: TX Zip: 76540 - _____

Home Phone: (254) 493 9962 Business Phone: () _____ - _____

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific zoning change request.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

DocuSigned by: Gorge Meza
Signature of Agent: _____ Title: Project Manager
Printed/Typed Name of Agent: Gorge Meza, Quintero Engineering, LLC Date: 6/17/2020

DocuSigned by: Andrea L. Weinstein
Signature of Property Owner: _____ Title: Owner
Printed/Typed Name of Property Owner: Andrea L Weinstein Date: 6/17/2020

Signature of Property Owner: _____ Title: _____
Printed/Typed Name of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Title: _____
Printed/Typed Name of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Title: _____
Printed/Typed Name of Property Owner: _____ Date: _____

Signature of Property Owner: _____ Title: _____
Printed/Typed Name of Property Owner: _____ Date: _____

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

Application Revised: September 28, 2017

MEMORANDUM

TO: PLANNING AND ZONING COMMISSION
FROM: WALLIS MESHIER, CNU-A; SENIOR PLANNER
SUBJECT: LANDSCAPE ORDINANCE
DATE: JULY 14, 2020

At their meeting on May 12, 2020, the Killeen City Council directed staff to prepare updates to the City's land use regulations and development standards. Since that time, staff has been working diligently to prepare updates to the City's development regulations. Attached is the first proposed draft ordinance for your review and recommendation to City Council. These proposed amendments address the landscaping provisions found in Chapter 8 and Chapter 31 of the City of Killeen Code of Ordinances.

The attached draft ordinance includes the following recommended changes to the City's minimum standards regarding landscaping for residential developments:

- All landscaping standards have been removed from Chapter 8 – Building Construction Regulation and relocated to Chapter 31 – Zoning;
- The minimum landscaping requirements for residential districts have been increased as follows:
 - o “A-R1” (Agricultural Single-Family Residential District) to require two (2) trees per house;
 - o “R-1” (Single-Family Residential District) to match “SR-1” (Suburban Residential Single-Family District);
 - o “RT-1” (Residential Townhouse Single-Family District) to require one (1) tree and six (6) shrubs per unit; and
 - o “R-2” (Two-Family Residential District) to match “SF-2” (Single-Family Residential District);
- The provision in “SR-1” (Suburban Residential Single-Family District) that allows shrubs to replace trees have been removed;
- Irrigation or a hose bib will be required for all districts with required landscaping; and
- The definition of caliper has been amended to state that the diameter of a tree shall be measured at a height of four (4) feet six (6) inches above grade.

Planning staff sent the attached draft ordinance to a group of sixteen (16) stakeholders on July 14, 2020. To date, no responses have been received from the stakeholder group. This item is scheduled as a Public Hearing in order to give interested parties an opportunity to comment on the proposed draft ordinance. Staff recommends that the Commission recommend approval of the proposed draft ordinance to City Council.

AN ORDINANCE AMENDING CHAPTERS 8 AND 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR THE REPEAL OF CERTAIN LANDSCAPE STANDARDS IN CHAPTER 8; PROVIDING FOR THE ADDITION OF CERTAIN LANDSCAPE STANDARDS IN CHAPTER 31; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, the establishing of minimum regulations governing exterior landscaping is essential to protect the health, safety and general welfare of the public and property;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That Chapter 8, Article VI is deleted in its entirety, and Chapter 31 is hereby amended as follows:

CHAPTER 31 – ZONING

ARTICLE IV. – DISTRICT REGULATIONS

DIVISION 3A. - DISTRICT "SR-1" SUBURBAN RESIDENTIAL SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 31-184. - ~~Landscaping regulations Reserved.~~

~~(a) *Landscaping required.* For residential uses, minimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard, and eight (8) 3-gallon shrubs in the front yard.~~

~~(1) *Trees.* The following requirements shall apply to tree landscaping:~~

~~(a) Newly planted trees shall measure at least two-inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 8-530.~~

~~(b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least two-inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.~~

- ~~(c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.~~
- ~~(d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).~~
- ~~(e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.~~
- ~~(2) Ground cover. The following requirements shall apply to ground cover landscaping:
 - ~~(a) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.~~
 - ~~(b) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.~~
 - ~~(c) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.~~~~

DIVISION 3B. - DISTRICT "SR-2" SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT

Sec. 31-185.6. —~~Landscaping regulations~~ Architectural design.

- ~~(a) *Architectural design*. All attached garages in this district shall be constructed as side or rear entry. Detached front loading garages in this district shall be constructed at a minimum depth of forty-five (45) feet as measured from the front property line.~~
- ~~(b) *Landscaping required*. For residential uses, minimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard, and eight (8) 3-gallon shrubs in the front yard.~~
 - ~~(1) *Trees*. The following requirements shall apply to tree landscaping:
 - ~~(a) Newly planted trees shall measure at least two inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less~~~~

~~than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 8-530.~~

~~(b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least two-inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.~~

~~(c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.~~

~~(d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).~~

~~(e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.~~

~~(2) Ground cover. The following requirements shall apply to ground cover landscaping:~~

~~(a) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.~~

~~(b) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.~~

~~(c) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this Code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used. Xeriscaping shall be in accordance with the applicable guidelines as specified in the City of Killeen Drainage Design Manual and Infrastructure Design and Development Standards Manual, as amended.~~

DIVISION 4A. - DISTRICT "SF-2" SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 31-195. - Area regulations.

(a) *Project size.* All development projects in this district must contain a minimum of one (1) acre of property. A planned unit development (PUD), as defined in chapter 31, article V, division 8, Killeen code of ordinances, shall be required for any request for a

"SF-2" district when the total acreage of the request consists of twenty-five (25) acres or more. The purpose of requiring a PUD is to give the city council the ability to determine the proposed development's impact on existing infrastructure and open/recreational space and whether additional public improvements to serve denser development are necessary to promote the health, safety and welfare of the development's residents.

(b) *Size of yards.* The yards in the "SF-2" single-family residential district shall conform to the following:

- (1) *Front yard.* There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.
- (2) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet.
- (3) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet.

(c) *Size of lot.* The lot requirements for the "SF-2" single-family residential district shall be as follows:

- (1) *Lot area.* No building shall be constructed on any lot less than five thousand (5,000) square feet of area.
- (2) *Lot width.* The width of the lot shall not be less than fifty (50) feet at the front street building line. On corner lots, with two (2) street frontages, the minimum width shall be not less than sixty (60) feet.
- (3) *Lot depth.* The average depth of the lot shall be not less than one hundred (100) feet, except that a corner lot having a minimum width of not less than forty-five (45) feet may have an average depth of less than one hundred (100) feet, provided that the minimum depth is not less than ninety (90) feet.

~~(d) *Landscaping.* All yards shall be fully sodded or covered with other city-approved groundcover, as determined by the Building Official, to ensure compatibility and to control dust, erosion and sediment from migrating off site. Additionally, for each dwelling unit, a minimum of one (1) six (6) foot tall canopy tree with two-inch caliper, and eight (8) three (3) gallon shrubs, are required to be planted in the front yard. All landscaping must be in place upon final inspection unless an extension is granted in writing by the Building Official. Such extension shall not exceed sixty (60) days.~~

(ed) *Architectural design.* The same exterior architectural elevation may not be used within any grouping of five homes.

DIVISION 6. - DISTRICT "RT-1" RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT

Sec. 31-222. - ~~Landscaping regulations Reserved.~~

~~Thirty-five (35) percent of all common areas shall be devoted to open space.~~

~~*****~~

DIVISION 8A. - DISTRICT "R-3F" MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 31-255.5. - ~~Landscaping Reserved.~~

~~All yards shall have vegetative groundcover of sufficient quality and quantity, or other groundcover approved by the building official, to control dust, erosion and sediment from leaving the site. For each dwelling unit, a minimum of one (1) six-foot tall tree with two-inch caliper, and three (3) three-gallon shrubs, are required. All required trees shall be placed in the front or the side of the building. All landscaping must be in place upon final inspection and prior to issuance of a certificate of occupancy (unless an extension, not to exceed thirty (30) days, has been requested and approved in writing by the building official).~~

~~*****~~

DIVISION 8B. - DISTRICT "R-3A"

MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT

Sec. 31-256.5. - ~~Landscaping Reserved.~~

~~All yards shall have vegetative groundcover of sufficient quality and quantity, or other groundcover approved by the building official, to control dust, erosion and sediment from leaving the site. For each two (2) dwelling units, a minimum of one (1) six-foot tall tree with two-inch caliper, and six (6) three-gallon shrubs, are required. All landscaping must be in place upon final inspection and prior to issuance of a certificate of occupancy (unless an extension, not to exceed thirty (30) days, has been requested and approved in writing by the building official).~~

~~*****~~

DIVISION 21. - DISTRICT "UD" UNIVERSITY DISTRICT

Sec. 31-445. - ~~Landscaping Requirements Reserved.~~

~~(a) *Landscaping required.* Minimum required landscaping shall be determined by this section. At a minimum, fifty (50) percent of the required landscaping should be located in the front of the building and/or on sides of the building that front public rights-of-way; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the building official.~~

~~(b) *Trees.* The following requirements shall apply to tree landscaping:~~

~~(1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by twenty (20). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one (1) street frontage by dividing the total lot frontages by thirty (30) instead of twenty (20).~~

- ~~(2) Not less than fifty (50) percent of the required trees planted in the area to be landscaped shall be canopy trees.~~
 - ~~(3) Newly planted trees shall measure at least three inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.~~
 - ~~(4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.~~
 - ~~(5) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.~~
 - ~~(6) Recommended plantings include the quality tree species listed in art. VI, section 8-530, subdivision A.~~
- ~~(c) *Shrubbery.* The following requirements shall apply to shrubbery landscaping:~~
- ~~(1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by two and one-half (2.5). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.~~
 - ~~(2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, ten (10) shrubs can be substituted for one (1) canopy tree and six (6) shrubs can be substituted for a non-canopy tree.~~
 - ~~(3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials may reduce the number of shrubs required by one (1).~~
 - ~~(4) Shrubs shall not be less than three (3) gallons in size.~~
 - ~~(5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.~~
- ~~(d) *Ground cover.* The following requirements shall apply to ground cover landscaping:~~
- ~~(1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.~~
 - ~~(2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.~~
- ~~(e) *Irrigation.* All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all~~

landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

DIVISION 22. - DISTRICT "CD" CEMETERY DISTRICT

Sec. 31-454. - ~~Landscaping Requirements Reserved.~~

- (a) ~~Landscaping required.~~ Minimum required landscaping shall be determined by this section. At a minimum, fifty (50) percent of the required landscaping should be located in the front of the building and/or on sides of the building that front public rights-of-way; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the building official.
- (b) ~~Trees.~~ The following requirements shall apply to tree landscaping:
- (1) ~~The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by twenty (20). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one (1) street frontage by dividing the total lot frontages by thirty (30) instead of twenty (20).~~
 - (2) ~~Not less than fifty (50) percent of the required trees planted in the area to be landscaped shall be canopy trees.~~
 - (3) ~~Newly planted trees shall measure at least three inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.~~
 - (4) ~~Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.~~
 - (5) ~~Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.~~
 - (6) ~~Recommended plantings include the quality tree species listed in art. VI, section 8-530, subdivision A.~~
- (c) ~~Shrubbery.~~ The following requirements shall apply to shrubbery landscaping:
- (1) ~~The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by two and one half (2.5). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.~~
 - (2) ~~Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this~~

~~section may reduce the number of shrubs required by six (6). In like manner, ten (10) shrubs can be substituted for one (1) canopy tree and six (6) shrubs can be substituted for a non-canopy tree.~~

~~(3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials may reduce the number of shrubs required by one (1).~~

~~(4) Shrubs shall not be less than three (3) gallons in size.~~

~~(5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.~~

~~(d) *Ground cover.* The following requirements shall apply to ground cover landscaping:~~

~~(1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.~~

~~(2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.~~

~~(e) *Irrigation.* All landscaping required by this section shall be irrigated by either an automated system, or a bib-hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.~~

ARTICLE V. – SUPPLEMENTAL REGULATIONS

DIVISION 11. – LANDSCAPING REGULATIONS

Sec. 31-870. - Short title.

The following regulations are hereby adopted and shall be known and may be cited as "City of Killeen Landscaping Regulations."

Sec. 31-871. - Purpose.

The purpose of this article is to promote the following community benefits:

(a) *Sustainability.* To aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, ground water recharge, and storm water runoff retardation, while at the same time aid in abating soil erosion, noise, glare and heat.

- (b) Retention of vegetation. To ensure that healthy quality trees and native vegetation are retained and replenished to the greatest extent practicable.
- (c) Visual buffering. To provide visual buffering and to enhance the beautification of the city.
- (d) Enhancement of property values. To safeguard and enhance property values and to protect public and private real estate investments.
- (e) Preservation of economic base. To preserve and protect the unique identity and environment of the city and to preserve the economic base attracted to the city by these factors.
- (f) Conservation. To conserve energy and natural resources.
- (g) Protection. To promote the health, safety and general welfare of the city.

Sec. 31-872. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall have the meanings given in Webster's Ninth New Collegiate Dictionary, as revised.

Best management practices shall mean measures undertaken during the course of development that reduce the amount of pollutants entering surface waters, ground waters, air or land, and may take the form of a process, activity or physical structure.

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind.

Caliper inch is a unit of measurement used to state in inches the diameter of a tree's trunk at a height of four (4) feet six (6) inches from base of the tree at grade level.

Canopy tree shall mean any self-supporting woody-stemmed plant with a well-defined trunk and a distinct and definite formed crown, which will attain a mature height of at least thirty (30) feet above ground.

Development shall mean the construction of one (1) or more new buildings or structures, relocation or enlargement of one (1) or more new buildings or structures of an existing building or structure on one (1) or more building lots or sites, or the installation of site improvements to include parking lots.

Drip line shall mean the area beneath the canopy of a tree defined by a vertical line extending from the outermost edges of the tree branches to the ground.

Existing tree shall mean any self-supporting woody-stemmed plant with a well-defined trunk that is present on a property before its development.

Grass shall mean any herbaceous plant species that will attain a thick cover over soil.

Ground cover shall mean any woody or herbaceous planting that effectively shades out sod and will not attain a height of more than two (2) feet above the ground.

Landscaping shall mean altering, re-arranging or adding to existing vegetation or landforms, including reshaping of the land by moving earth, preserving native vegetation or adding new vegetation, or any combination of these land treatments.

Lot shall mean an undivided tract or parcel of land having access to a street, which is designated as a separate and distinct tract or lot number or symbol on a duly approved plat filed of record. The terms "lot" and "tract" shall be used interchangeably.

Non-canopy tree shall mean any self-supporting woody-stemmed plant with one or more trunks, which will attain a mature height of at least fifteen (15) feet above ground.

Planting materials shall mean living trees, shrubs, ground cover, grasses, forbs and flowering annuals, biennials and perennials.

Shrub shall mean a perennial plant that is distinguished from a herbaceous plant by its persistent woody stem, and from a tree by a mature height of less than fifteen (15) feet and no distinct elevated crown of foliage.

Street yard shall mean the area of a lot or parcel located between the street right-of-way line(s) and each building that faces the said street right-of-way.

Structure shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings of all types and off-premise ground signs, but exclusive of customary fences or boundary or retaining walls.

Substantial damage shall mean the cost to repair or replace existing development that is more than 50% of the value of the building or structure before the damage occurred. For the purpose of this definition, the original valuation shall be determined by the county tax records.

Substitute landscaping plan shall mean a plan submitted for approval that differs from the standard landscaping requirements. Such substitute landscape plan shall clearly denote the differences from the standard required landscaping from the proposed substitute plan.

Vegetation shall mean any growing plant material.

Xeriscaping shall mean landscaping through use of slow-growing, native or adaptive vegetation that is drought tolerant.

Sec. 31-873. - Applicability.

- (a) Except as otherwise provided in this article, these regulations shall apply to all property within the city limits. These regulations shall run with the land and shall apply to any subsequent owner thereof.
- (b) When the requirements of this article conflict with the requirements of other provisions of this code, this article shall prevail; however, the provisions of this article shall be subordinate to regulations pertaining to traffic and pedestrian safety.

Sec. 31-874. - Administration and enforcement.

- (a) The provisions of this article shall be administered by the Director of Planning and Development Services, and shall be enforced by the Planning Director or other official, such as a code enforcement officer, through issuance of stop work orders, or citations or summons.

(b) While this ordinance establishes required landscape requirements, the City of Killeen encourages property owners of exempt properties to improve the value of their property, enhance the beauty of the city and assist in sustaining the environment by landscaping.

Sec. 31-875. - Penalty.

Unless otherwise stated, violations of this article shall be punishable under the provisions of section 1-8 of the city code of ordinances.

Sec. 31-876. - Landscaping required.

(a) Landscaping is required for any type of new construction, including publicly owned and used property as follows:

(1) New construction of one or more new buildings or new parking, loading or vehicle storage space development within a vacant lot.

Exception. Accessory storage sheds 200 square feet or less shall not be considered new construction.

(2) Construction of a new building or an addition to an existing building located within an existing developed lot that increases the total sum of all existing building footprint(s) on the lot by thirty percent (30%) or more.

(3) Construction of any parking, loading or vehicle storage space additions or extensions within an developed lot that increases the total sum of all existing parking, loading or vehicle storage space(s) less than 90,000 square feet by thirty percent (30%) or more.

(b) Any existing buildings or parking, loading or vehicle storage space areas to be removed for proposed new development shall not be considered for existing building or parking credits. The building footprint shall include the foundation line of the building(s) and include any roof projections at their outer most support lines. Any new development cannot be used as existing development credit until after one (1) year from final city approval of such development.

(c) Should there be no land available for landscaping or should the area available for landscaping be severely restricted, the applicant may seek approval from the Planning Director for alteration or modification of these landscaping requirements. It is the intent of the City of Killeen to empower the Planning Director to apply good judgment and common sense in evaluating such requests for alternative plans.

(d) Common development that encompasses more than one lot may be treated as one project for the purposes of application of this section. Split ownership, planning in phases, construction in stages, or multiple building permits for a project may not prevent it from being considered a common development, provided that a comprehensive site plan is submitted for all portions of the development being considered as a2 common development.

(e) Upon prior approval from the Planning Director, phased development within a single lot that is 90,000 square feet or more in size may be landscaped in two (2) or more phases. A master landscape plan must be submitted for the entire project at the beginning of the first phase submittal denoting such phases.

Sec. 31-877. - Exceptions.

Landscaping is not required for the following development:

- (a) Any development in existence before the effective date of the ordinance from which this article is derived;
- (b) Residential development located within lots or parcels within zoning districts "A" agricultural, "R-MP" mobile home and travel trailer park, and "R-MS" manufactured housing district;
- (c) Any residential or non-residential development in the form of a building permit submitted to the city, which was platted before the effective date of the ordinance from which this article is derived; and
- (d) Restoration of a conforming use building that has been damaged, destroyed or demolished, which does not qualify as substantial improvement.

Sec. 31-878. - Landscape plan required.

- (a) When a building permit application is required, a landscape plan shall be prepared and submitted to the city. It shall contain the following information:
 - (1) Date, graphic scale, north arrow, title and name of applicant/owner;
 - (2) Location of existing boundary lines and dimensions of the lot or tract;
 - (3) Approximate centerline of existing watercourses or drainageways; location of significant drainage features; and the location and size of existing and proposed streets, alleys, utility and fire lanes, and sidewalks;
 - (4) Location, size, number, and type (tree, shrub, ground cover, grass) of landscaping in proposed areas and location and size of proposed landscaped areas;
 - (5) Information necessary for verifying the required minimum amount of landscaping as well as any substitute landscape comparisons; and
 - (6) Location and size of the proposed bib hose or irrigation system, if required.
- (b) Persons desiring use of special or unusual plant materials, or unique landscaping materials, as a part of an overall site design shall prepare a substitute landscape plan. Such plan shall include all information required to support the need for substitute landscaping. Artificial planting materials shall not be credited toward the landscaping requirements of this article.
- (c) Native plant species that conserve water and may have reduced maintenance requirements are suggested for use in landscaping plans. Landscape planning advice may be obtained by contacting the Bell County Extension Office.
- (d) The landscaping plan shall ensure that all impervious areas are developed and maintained in a manner that employs best management practices to control soil erosion and excess sedimentation.
- (e) Landscaping provided in vehicular and pedestrian use areas shall be designed so that the maturing of the landscaping will not conflict with the lighting scheme or such traffic areas.

Sec. 31-879. - Landscaping standards for single-family dwellings located in the AR-1 zoning district.

(a) All single-family dwellings located within zoning district "AR-1" Suburban Residential Single-Family District shall have two (2) canopy trees, with at least one (1) planted in the front yard.

(1) Trees. The following requirements shall apply to tree landscaping.

(a) Newly planted trees shall measure at least two-inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 31-881.

(b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least two-inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.

(c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.

(d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).

(2) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code.

Sec. 31-880. - Landscaping standards for single-family dwellings located in the SR-1, SR-2, and R-1 zoning districts.

(a) All single-family dwellings located within zoning district "SR-1" Suburban Residential Single-Family District, "SR-2" Suburban Residential Single-Family District, and "R-1" Single Family Residential District shall have two (2) canopy trees, with at least one (1) planted in the front yard, eight (8) 3-gallon shrubs planted in the front yard, and ground cover landscaping.

(1) Trees. The following requirements shall apply to tree landscaping.

(a) Newly planted trees shall measure at least two-inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 31-881.

(b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least two-inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.

- (c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
- (d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).
- (e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.
- (2) Ground cover. The following requirements shall apply to ground cover landscaping:

 - (a) All single-family dwellings located within zoning district "SR-1" Suburban Residential Single-Family District, "SR-2" Suburban Residential Single-Family District, and "R-1" Single Family Residential District shall be fully sodded or covered with other city-approved groundcover, as determined by the Planning Director, to ensure compatibility and to control dust, erosion and sediment from migrating off-site.
 - (b) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
 - (c) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses
- (3) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.
- (b) All landscaping must be in place upon final inspection unless an extension is granted in writing by the Planning Director. Such extension shall not exceed sixty (60) days.

Sec. 31-881. - Landscaping standards for single-family or townhouse dwellings located in the RT-1 zoning district.

- (a) All single-family or townhouse dwellings located within zoning district "RT-1" Residential Townhouse Single-Family District shall have two (1) canopy tree, and six (6) 3-gallon shrubs planted per dwelling unit, and ground cover landscaping.
- (1) Trees. The following requirements shall apply to tree landscaping.

- (a) Newly planted trees shall measure at least two-inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 31-881.
- (b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least two-inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
- (c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
- (d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).
- (e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.
- (2) Ground cover. The following requirements shall apply to ground cover landscaping:

 - (a) All single-family dwellings located within zoning district "SR-1" Suburban Residential Single-Family District, "SR-2" Suburban Residential Single-Family District, and "R-1" Single Family Residential District shall be fully sodded or covered with other city-approved groundcover, as determined by the Planning Director, to ensure compatibility and to control dust, erosion and sediment from migrating off-site.
 - (b) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
 - (c) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses
- (3) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.
- (b) All landscaping must be in place upon final inspection unless an extension is granted in writing by the Planning Director. Such extension shall not exceed sixty (60) days.

- (c) Thirty-five (35) percent of all common areas within the “RT-1” Residential Townhouse Single-Family district shall be devoted to open space.

Sec. 31-882. - Landscaping standards for single-family and two-family dwellings located in the SF-2 and R-2 zoning districts.

- (a) All single-family and two-family dwellings located within zoning district "SF-2" Single-Family District and “R-2” Two-Family Residential District shall have one (1) canopy tree per dwelling unit planted in the front yard, eight (8) 3-gallon shrubs per dwelling unit planted in the front yard, and ground cover landscaping.

(1) Trees. The following requirements shall apply to tree landscaping.

- (a) Newly planted trees shall measure at least two-inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree plantings shall be of a recommended species as detailed in section 31-881.

- (b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least two-inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.

- (c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.

- (d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).

- (e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(2) Ground cover. The following requirements shall apply to ground cover landscaping:

- (a) All single-family dwellings located within zoning district "SF-2" Single-Family District shall be fully sodded or covered with other city-approved groundcover, as determined by the Planning Director, to ensure compatibility and to control dust, erosion and sediment from migrating off-site.

- (b) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.

- (c) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses

(3) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

(b) All landscaping must be in place upon final inspection unless an extension is granted in writing by the Planning Director. Such extension shall not exceed sixty (60) days.

Sec. 31-883. - Landscaping standards for multi-family use lots located in the R-3 zoning district.

(a) All multi-family use lots located within zoning district "R-3" multifamily district developed after the original effective date [August 11, 2004] of the ordinance from which this article is derived shall have installed not less than six (6) three-gallon (minimum) shrubs and two (2) two-inch caliper (minimum) trees within the street yard. The remaining portion of the street yard(s) shall be planted in ground cover or grass.

(b) Existing landscaping that matches or exceeds the required number, size, and type of landscaping located in the side or rear yards of a three and four-family dwelling lot or parcel may be credited toward the requirements of this section.

(c) All required landscaping required by this section shall be in place and in a thriving condition on the date a final inspection and/or certificate of occupancy is issued for the structure or should seasonal planting be an issue, partial landscaping may be delayed to a later date with the approval of the Planning Director. Such request shall be in writing, state the reasons for delay, and present a timeline for completion as required in section 8-514.

Sec. 31-884. - Landscaping standards for multi-family use lots located in the R-3F zoning district.

(a) All multi-family use lots located within zoning district "R-3F" Multi-Family Residential District shall have one (1) canopy tree and three (3) 3-gallon shrubs per dwelling unit. All required landscaping shall be placed in the front or the side of the building.

(b) Trees. The following requirements shall apply to tree landscaping:

(1) Newly planted trees shall measure at least two (2) inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.

(2) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four (4) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.

(3) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.

(4) Recommended plantings include the quality tree species listed in subdivision A.

(c) Shrubbery. The following requirements shall apply to shrubbery landscaping:

- (1) Shrubs shall not be less than three (3) gallons in size.
- (2) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(d) Ground cover. The following requirements shall apply to ground cover landscaping:

- (1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
- (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.

(e) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

Sec. 31-885. - Landscaping standards for multi-family use lots located in the R-3A zoning district.

(a) All multi-family use lots located within zoning district "R-3A" Multi-Family Apartment Residential District shall have one (1) canopy tree and six (6) 3-gallon shrubs per every two (2) dwelling units. All required landscaping shall be placed in the front or the side of the building.

(b) Trees. The following requirements shall apply to tree landscaping:

- (1) Newly planted trees shall measure at least two (2) inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.
- (2) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four (4) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
- (3) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.
- (4) Recommended plantings include the quality tree species listed in subdivision A.

(c) Shrubby. The following requirements shall apply to shrubby landscaping:

- (1) Shrubs shall not be less than three (3) gallons in size.
- (2) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(d) Ground cover. The following requirements shall apply to ground cover landscaping:

- (1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.
- (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.
- (e) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

Sec. 31-886. - Landscaping standards for non-residential uses located in the UD and CD zoning districts.

Landscaping within zoning districts "UD" University District and "CD" Cemetery District is required as follows:

- (a) Landscaping required. Minimum required landscaping shall be determined by this section. At a minimum, fifty (50) percent of the required landscaping should be located in the front of the building and/or on sides of the building that front public rights-of-way; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the Planning Director.
- (b) Trees. The following requirements shall apply to tree landscaping:
 - (1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by twenty (20). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one (1) street frontage by dividing the total lot frontages by thirty (30) instead of twenty (20).
 - (2) Not less than fifty (50) percent of the required trees planted in the area to be landscaped shall be canopy trees.
 - (3) Newly planted trees shall measure at least three-inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.
 - (4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least four-inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
 - (5) Should an existing tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.

(6) Recommended plantings include the quality tree species listed in art. VI, section 8-530, subdivision A.

(c) *Shrubbery.* The following requirements shall apply to shrubbery landscaping:

(1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e., the length in feet of lot lines abutting street frontages) by two and one-half (2.5). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.

(2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, ten (10) shrubs can be substituted for one (1) canopy tree and six (6) shrubs can be substituted for a non-canopy tree.

(3) Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials may reduce the number of shrubs required by one (1).

(4) Shrubs shall not be less than three (3) gallons in size.

(5) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(d) *Ground cover.* The following requirements shall apply to ground cover landscaping:

(1) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.

(2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.

(e) *Irrigation.* All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.

Sec. 31-887. - Landscaping standards for parking lots.

(a) *Area required.* The minimum amount of landscaped area required for parking, loading or vehicle storage space development within a single lot that is 90,000 square feet or more shall be five percent (5%) of all vehicular use areas, which shall be devoted to landscape islands, peninsulas or medians.

(b) Street yard landscape credit. Landscape islands, peninsulas and medians may be included in calculating the minimum required street yard landscaping.

(c) Distribution of landscaping. The number, size and shape of landscape islands, peninsulas, and medians, in both street and non-street yards, shall be at the discretion of the applicant. All required islands, peninsulas and medians shall be reasonably distributed throughout parking areas; however, the distribution and location of landscape islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total landscape area requirement for all parking areas is satisfied.

(d) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The Planning Director may waive irrigation requirements where xeriscaping or a substitute landscaping watering plan is used.

Sec. 31-888. - Landscaped buffer screening devices.

(a) Where approved by the Planning Director, a landscaped buffer may be planted to meet the screening device requirements specified within chapter 31 - zoning regulations, sections 31-250 and 31-280. Such alternate screening shall become applicable only upon a change of land use, property ownership, or building occupancy, or at such time a building permit application is made, except as otherwise specified within this chapter.

(b) A landscaped buffer shall provide a visual barrier from adjacent properties and streets. The owner of the property on which the landscaped buffer screening is planted shall permanently and adequately maintain such screening.

(c) Landscaped buffer screening shall consist of earthen and planting materials not less than five (5) feet in width and include hedge-like shrubbery or evergreen planting materials capable of obtaining a minimum height of six (6) feet within the first three (3) years of initial planting.

(d) Where approved by the Planning Director, an earthen berm with elevated planting materials may be used as a landscaped buffer to meet the requirements of this section.

(e) If required, an automatic underground drip irrigation or sprinkler system shall be provided for all landscaped buffer screens. A landscaped buffer shall be continuously maintained in a healthy thriving condition.

Sec. 31-889. - Public rights-of-way.

(a) Landscaping shall not be placed in a public right-of-way without the approval of the Planning Director and city engineer, and in the case of right-of-way controlled by the state, only with the approval of the State Department of Transportation.

(b) Landscaping shall not be located or placed so as to obstruct any fire lane, fire hydrant, or similar connection, nor shall landscaping be placed in a manner that obstructs emergency ingress/egress access to any building.

- (c) Landscaping shall not obstruct views between the street and access drives or parking aisles near street yard entries and exits, nor shall any landscaping obstruct views within the radius of any curb return.
- (d) Sight triangles shall be maintained for all landscaped property at all driveways and street intersections in accordance with section 28-241, visibility at intersections of the Killeen code of ordinances.

Sec. 31-890. - Completion and maintenance.

- (a) The Planning Director shall review all landscaping for compliance with this article. Landscaping shall be completed in compliance with the approved landscape plan before a final inspection and/or certificate of occupancy is issued, unless otherwise provided in this article. In the event that placement of certain or partial landscaping materials is not practicable at the time the final inspection and/or certificate of occupancy is requested, a written placement schedule shall be submitted to the Planning Director for approval before issuance of the certificate of occupancy. Such request cannot exceed forty-five (45) days unless an escrow for the cost of completion is provided. Failure to meet the approved placement schedule and place the required landscaping materials as shown on the landscape plan shall constitute a violation of this article.
- (b) Dead, damaged, diseased or displaced landscaping shall be promptly replaced or repaired, and in any event, within a reasonable time after notification by the Planning Director. Replaced or repaired landscaping shall be of similar type and character as the material it replaces.
- (c) Replacement of dead landscaping shall occur within thirty (30) days of the required replacement date issued by the Planning Director or other official, such as a code enforcement officer. In the event that placement of dead landscaping materials is not practicable within thirty (30) days of notification, a placement schedule shall be submitted to the Planning Director for approval. Replacement material shall be of similar type and character as the dead landscaping. Failure to replace dead landscaping, as required by the Planning Director, shall constitute a violation of this article.
- (d) Should installed landscaping not be maintained or is determined to not be in compliance with this article, the landscaping shall be declared a nuisance and the property owner shall replace it with materials that are in compliance with the requirements of this article.

Sec. 31-891. - Appeals.

The board of adjustment shall hear and decide all appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Planning Director in the enforcement of this Division. Any action of the zoning board of adjustment shall be in accordance with the provisions of this chapter.

Sec. 31-892. - Recommended quality tree species list.

<u>Common Name</u>	<u>Scientific Name</u>	<u>Type</u>
<u>Amer. Elderberry</u>	<u>Sambucus Canadensis</u>	<u>Small</u>

<u>Car. Buckthorn</u>	<u>Frangula caroliniana</u>	<u>Small</u>
<u>Callery Pear</u>	<u>Pyrus calleryana</u>	<u>Small</u>
<u>Crape Myrtle</u>	<u>Lagerstroemia indica</u>	<u>Small</u>
<u>Deciduous Holly</u>	<u>Ilex deciduas</u>	<u>Small</u>
<u>Desert Willow</u>	<u>Chilopsis linearis</u>	<u>Small</u>
<u>Eve's Necklace</u>	<u>Sophora affinis</u>	<u>Small</u>
<u>Mesquite</u>	<u>Prosopis glandulosa</u>	<u>Small</u>
<u>Mexican Plum</u>	<u>Prunus mexicana</u>	<u>Small</u>
<u>Purpleleaf Plum</u>	<u>Prunus cerasifera</u>	<u>Small</u>
<u>Rusty Blackhaw</u>	<u>Viburnum rufidulum</u>	<u>Small</u>
<u>Texas Buckeye</u>	<u>Aesculus arguta</u>	<u>Small</u>
<u>Texas Persimmon</u>	<u>Diospyros texana</u>	<u>Small</u>
<u>Texas Redbud</u>	<u>Cercis canad. 'Texana'</u>	<u>Small</u>
<u>Wax Myrtle</u>	<u>Myrica cerifera</u>	<u>Small</u>
<u>Youpon Holly</u>	<u>Ilex vomitoria</u>	<u>Small</u>
<u>Cedar Elm</u>	<u>Ulmus crassifolia</u>	<u>Medium</u>
<u>Chinese Pistache</u>	<u>Pistachia chinensis</u>	<u>Medium</u>
<u>East. Red Cedar</u>	<u>Juniperus virginianum</u>	<u>Medium</u>
<u>Hawthorn</u>	<u>Crataegus viridis</u>	<u>Medium</u>
<u>Jap. Black Pine</u>	<u>Pinus thunbergii</u>	<u>Medium</u>
<u>Lacebark Elm</u>	<u>Ulmus parvifolia</u>	<u>Medium</u>
<u>Little Walnut</u>	<u>Juglans microcarpa</u>	<u>Medium</u>
<u>Afghan Pine</u>	<u>Pinus eldarica</u>	<u>Large Non-Canopy</u>
<u>Bald Cypress</u>	<u>Taxodium distichum</u>	<u>Large Non-Canopy</u>
<u>Black Pine</u>	<u>Pinus nigra</u>	<u>Large Non-Canopy</u>

<u>Eastern Red Cedar</u>	<u>Juniperus virginiana</u>	<u>Large Non-Canopy</u>
<u>Pond Cypress</u>	<u>Taxodium ascendens</u>	<u>Large Non-Canopy</u>
<u>So. Magnolia</u>	<u>Magnolia grandiflora</u>	<u>Large Non-Canopy</u>
<u>American Elm</u>	<u>Ulmus Americana</u>	<u>Canopy</u>
<u>Black Oak</u>	<u>Quercus veluntina</u>	<u>Canopy</u>
<u>Bigtooth Maple</u>	<u>Acer grandidentatum</u>	<u>Canopy</u>
<u>Bur Oak</u>	<u>Quercus macrocarpa</u>	<u>Canopy</u>
<u>Chinquapin Oak</u>	<u>Quercus muhlenbergii</u>	<u>Canopy</u>
<u>Durand Oak</u>	<u>Quercus durandii</u>	<u>Canopy</u>
<u>Green Ash</u>	<u>Fraxinus pennsylvanica</u>	<u>Canopy</u>
<u>Gum Bumelia</u>	<u>Bumelia lanuginose</u>	<u>Canopy</u>
<u>Ken. Coffeetree</u>	<u>Gymnocladus dioicus</u>	<u>Canopy</u>
<u>Live Oak</u>	<u>Quercus virginiana</u>	<u>Canopy</u>
<u>Pecan</u>	<u>Carya illinoensis</u>	<u>Canopy</u>
<u>Persimmon</u>	<u>Diospyros virginiana</u>	<u>Canopy</u>
<u>Red Mulberry</u>	<u>Morus rubra</u>	<u>Canopy</u>
<u>Shumard Oak</u>	<u>Quercus shumardii</u>	<u>Canopy</u>
<u>So. Sugar Maple</u>	<u>Acer barbatum</u>	<u>Canopy</u>
<u>Sugarberry</u>	<u>Celtis laevigata</u>	<u>Canopy</u>
<u>Sweetgum</u>	<u>Liquidambar styraciflua</u>	<u>Canopy</u>
<u>Sycamore</u>	<u>Plantus occidentalis</u>	<u>Canopy</u>
<u>Texas Ash</u>	<u>Fraxinus texenses</u>	<u>Canopy</u>
<u>Texas Red Oak</u>	<u>Quercus texana</u>	<u>Canopy</u>
<u>Trident Maple</u>	<u>Acer buergerianum</u>	<u>Canopy</u>
<u>Water Oak</u>	<u>Quercus nigra</u>	<u>Canopy</u>

<u>West. Soapberry</u>	<u>Sapindus drummondii</u>	<u>Canopy</u>
<u>White Ash</u>	<u>Fraxinus Americana</u>	<u>Canopy</u>

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this **28th day of July, 2020**, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lucy C. Aldrich, CITY SECRETARY

Traci Briggs, CITY ATTORNEY

MEMORANDUM

TO: PLANNING AND ZONING COMMISSION
FROM: WALLIS MESHIER, CNU-A; SENIOR PLANNER
SUBJECT: CHAPTER 26 AMENDMENTS
DATE: JULY 14, 2020

At their meeting on May 12, 2020, the Killeen City Council directed staff to prepare updates to the City's land use regulations and development standards. Since that time, staff has been working diligently to prepare updates to the City's land development regulations. Attached is a draft ordinance that includes recommended changes to Chapter 26 of the Code of Ordinances, which is the chapter that addresses subdivision and property development.

The attached draft ordinance includes the following recommended amendments to Chapter 26 of the Code of Ordinances:

- Makes updates to the definitions section, including the following:
 - Revises the definition of 'engineering plans' to require that they be prepared by an engineer;
 - Adds a definition for 'flag lot';
 - Amends the definition of Master Plan to include the Thoroughfare Plan, Water and Wastewater Master Plan, Drainage Master Plan, Parks Master Plan, and Downtown Plan; and
 - Revises the definitions for 'thoroughfares' to be consistent with the Thoroughfare Plan.
- Makes updates to the list of plat submittal requirements, including requiring .pdf and .dwg files for all plat applications;
- Eliminates the mandatory Development Review meeting for all applicants, and replaces it with a Pre-Development Meeting for new applicants, only;
- Establishes a process for subdivision variance requests;
- Makes updates to the list of required plat content, including the size and lot width of all proposed residential lots, and a signature block for the Tax Appraisal District;
- Eliminates the public hearing requirement for minor replats in accordance with H.B. 3167;
- Includes public hearing and notification requirements for residential replats (as per Chapter 212 of the Local Government Code);

- Adds language regarding the plat and construction plan review process in accordance with H.B. 3167;
- Establishes street frontage requirement for new lots;
- Establishes minimum standards for flag lots; and
- Establishes street naming conventions for new streets.

Planning staff sent the attached draft ordinance to a group of sixteen (16) stakeholders on July 14, 2020. Staff received one response from Ms. Michelle Lee of Killeen Engineering & Surveying, Inc. She had a few minor suggested changes, all of which have been incorporated into the attached draft.

This item is scheduled as a Public Hearing in order to give interested parties an opportunity to comment on the proposed draft ordinance. Staff recommends that the Commission recommend approval of the proposed draft ordinance to City Council.

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S SUBDIVISION AND PROPERTY DEVELOPMENT REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, the City of Killeen has declared the application and enforcement of the City's subdivision and development regulations to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

WHEREAS, the City Council desires to create subdivision and development regulations that will help ensure that future development is safe, orderly, and visually appealing; and,

WHEREAS, the City Council desires to amend the subdivision and development regulations to conform to H.B. 3167, which became effective September 1, 2019 and made numerous changes to the site plan and subdivision platting approval process; and,

WHEREAS, the City Council desires to amend subdivision and development regulations to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That Chapter 26 of the City of Killeen Code of Ordinances is hereby amended to read as follows:

Sec. 26-2. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall have the meanings given in Webster's Ninth New Collegiate Dictionary, as revised.

Accessory structure or building shall mean a subordinate structure or building customarily incident to and located on the same lot occupied by the main structure or building.

Applicant shall mean the owner(s) of the property to be developed or platted.

Bond shall mean any form of security, including a cash deposit, surety bond, or instrument of credit in an amount and form approved by the city.

Brother-sister group means a group of two (2) or more organizations where the same five (5) or fewer common owners own a controlling interest in each group and taking into account the ownership of each common owner only to the extent ownership is identical with respect to each organization, the common owners are in control of more than fifty (50) percent of each organization.

Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind.

City standards shall mean those standards and specifications, together with all tables, charts, graphs, drawings and other attachments hereinafter approved and adopted by the city council, which may be amended from time to time, and are administered by the city staff for the construction and installation of streets, sidewalks, drainage facilities, water and sanitary sewer mains and any other public facilities. All such facilities which are to become the property of the city upon completion must be constructed in conformance with these standards.

Commission shall mean the duly organized body appointed by the city council as the planning and zoning commission.

Common ownership shall mean owned by the same person or owned by persons within a parent-subsidiary group, brother-sister group, or a combination of those groups subject to the constructive ownership and attribution rules located in the Internal Revenue Code, I.R.C. § 1563(e).

Common plan of development shall mean a construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a "common plan of development or sale") is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development does not necessarily include all construction projects within the jurisdiction of a public entity (e.g. a city or university). Construction of roads or buildings in different parts of the jurisdiction would be considered separate "common plans," with only the interconnected parts of a project being considered part of a "common plan" (e.g. a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale, but are located one-fourth (1/4) mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline or utility project that is part of the same "common plan" is not included in the area to be disturbed.

Construction plans shall mean the maps, drawings and technical specifications, including bid documents and contract conditions, where applicable, which provide a graphic and written description of the character and scope of the work to be performed prepared for approval by the city for construction.

Controlling interest shall mean the following:

In the case of a corporation, ownership of stock having at least eighty (80) percent of the total combined voting power of all classes of stock entitled to vote of such corporation or at least eighty (80) percent of the total value of shares of all classes of stock of such corporation.

In the case of a trust or estate, ownership of an actuarial interest of at least eighty (80) percent of such trust or estate.

In the case of a partnership, ownership of at least eighty (80) percent of the profits interest or capital interest of such partnership.

In the case of a sole proprietorship, ownership of the sole proprietorship.

Developer shall mean any person, corporation, governmental or other legal entity engaged in the development of property by developing, improving, or subdividing a tract or parcel of land for any use. The term "developer" is intended to include the term "subdivider."

Development shall mean the construction, structural alteration, relocation, or enlargement of one (1) or more buildings or structures on a site, or the installation of site improvements or infrastructure.

Development review committee shall mean a committee consisting of members of city staff, which shall review all plats submitted to the city for consideration for compliance with the city's standards, policies, resolutions, codes, and ordinances. *Drainage design manual* shall mean the City of Killeen's adopted Drainage Design Manual, as amended, providing definitions, formulae, criteria, procedures, data, parameters, and methodology governing the planning, design, construction, and maintenance of drainage infrastructure within the city's jurisdiction.

Easement shall mean a grant by a property owner to the public, a corporation, or persons for a general or specific use of a defined strip or parcel of land, for such purpose as the installation, construction, maintenance and/or repair of utility lines, drainage ditches or channels, or other public services, the ownership or title to the land encompassed by the easement being retained by the owner of the property.

Engineer shall mean any person duly authorized under the Texas Engineering Practice Act (V.A.C.S. art. 3271a), as amended, to practice the profession of engineering.

Engineering plans shall mean the maps and drawings prepared by an engineer, that are required for approval of a plat, construction plan, or associated permit.

Extraterritorial jurisdiction shall mean that unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in V.T.C.A., Local Government Code, section 42.001 et seq.

Flag lot shall mean a lot having access to a street by means of a narrow strip of land with a width less than the minimum required lot width.

Infrastructure Design and Development Standards Manual (IDDSM) shall mean the city of Killeen's adopted infrastructure design and development standards manual, as amended, providing definitions, formulae, criteria, specifications, details, procedures, data, parameters and methodology governing the planning, design, construction, and maintenance of water, sewer, drainage, street and associated infrastructure and, further detailing pollution control measures within the city's jurisdiction.

Land disturbing activity shall mean any activity including, without limitation, the clearing, grading, filling, grubbing, scraping, dredging, mining, paving, excavating, drilling or movement of land, or the construction of any building or structure, the stockpiling of soil or materials, the baring of soil or rock, the diversion or piping of any natural or man-made watercourse, or any other activity that will or may result in soil erosion from water or wind, the movement of solid materials into waters or onto adjacent lands, or that changes the volume or peak flow discharge rate of storm water runoff from the land surface.

Lacustrine shall mean pertaining to, formed in, growing in, or inhabiting lakes.

Lot shall mean an undivided tract or parcel of land having access to a street, which is designated as a separate and distinct tract or lot number or symbol on a duly approved plat filed of record. The terms "lot" and "tract" shall be used interchangeably.

Master plan shall mean the comprehensive plan of the city adopted by the city council and shall include but is not limited to the thoroughfare plan, parks master plan, downtown plan, water and wastewater master plan, and drainage master plan.

Notice of Intent (NOI) - see Texas Commission on Environmental Quality General Permit TXR150000, as amended.

Off-site shall mean any premises not located within the property to be developed, regardless of ownership.

Owner shall mean any persons, firm or corporation having legal title to the property.

Parent-subsidiary group means a group of two (2) or more organizations connected through a common parent who owns a controlling interest in the other organization(s).

Person shall mean any individual, firm, partnership, corporation, association, estate, trust or organization. It also includes the singular and plural.

Plat shall mean a map representing a tract of land showing the boundaries of individual properties and streets or a map, drawing, chart, or plan showing the layout of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainageways, easements, alleys, which an applicant submits for approval and a copy of which he intends to record with the county clerk of Bell County.

Plat, final, shall mean the map or plan of a proposed development submitted for approval by the planning and zoning commission, where required, prepared in accordance with the provisions of this chapter and requested to be filed with the county clerk of Bell County.

Plat, preliminary, shall mean the initial map or plan of a proposed development showing the general layout of streets, blocks and lots, utility systems, and drainage systems.

Right-of-way shall mean a strip of land acquired by dedication, prescription or condemnation and intended to be occupied by a road, sidewalk, railroad, electric transmission facility, oil or gas pipeline, water mains, sewer mains, storm drainage or other similar facility. Rights-of-way intended for streets, sidewalks, water mains, sewer mains, storm drainage, or any other use involving maintenance by a public agency shall be dedicated to the public use by the plat applicant either by easement or in fee simple title.

Storm Water Pollution Prevention Plan (SWPPP) - see Texas Commission on Environmental Quality General Permit TXR150000, as amended.

Streets and alleys shall mean a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, alley, place or however otherwise designated. City streets shall conform to the following classifications:

- (1) Principal arterials provide a high degree of mobility by serving travel between major destinations or activity centers, as well as long-distance traffic that goes through or bypasses an area. Access points are limited.

- (2) Minor arterials are intended to connect traffic into and between the principal Arterial system. They can serve trips of moderate length by connecting smaller geographic areas.
- (3) Collector streets provide a balance between mobility and access, primarily serving to “collect” traffic from local streets and provide connections to arterials. Collectors provide traffic circulation within residential areas or commercial districts. Collectors are broken down into subcategories of residential, commercial, and mixed-use based on the adjacent land use.
- (3) Minor streets are those which are used primarily for access to abutting properties.
- (4) Marginal access streets are minor streets located parallel to and adjacent to arterial streets and highways, providing access to abutting properties and protection from the traffic of the thoroughfares.
- (5) Local streets offer lower mobility but provide the highest degree of access to adjacent land. Local streets have low posted speed limits.
- (6) Alleys are minor ways used primarily for access to abutting properties for vehicle service usually to the back or side of a property.

Structural alterations shall mean the installation or assembly of any new structural components, or any change to existing structural components, in a system, building or structure.

Structure shall mean anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings of all types and ground signs, but exclusive of customary fences or boundary or retaining walls.

Subdivision shall mean dividing a tract in two (2) or more parts for the purpose of creating lots, including an addition to the city, to lay out suburban, building or other lots or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to the public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts. "Subdivision" refers to any division irrespective of whether the actual division is made by metes and bounds description in a deed of conveyance or a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A subdivision does not include a division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated.

Sec. 26-9. - Development plat required.

- (a) Any person who proposes the development of a tract of land located within the limits of the city must have a development plat of the tract prepared in accordance with this subchapter and the applicable plans, rules, or ordinances of the municipality.
- (b) The development plat must be prepared by a registered professional land surveyor as a boundary survey showing:
 - (1) Each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvements involving a change of the building, structure, or improvement.

- (2) Each easement and right-of-way within or abutting the boundary of the surveyed property.
 - (3) The dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.
- (c) New development may not begin on the property until the development plat is filed with and approved in accordance with this chapter.
- (d) If a person is required under this chapter, as amended, to file a subdivision plat, a development plat is not required in addition to the subdivision plat. The development plat shall be accompanied by the following minimum documentation:
- (1) Completed plat application signed by the property owner or in the case of a corporation/partnership, a party empowered to sign such actions (supported with authorizing documentation);
 - (2) Two (2) 24 in. x 36 in. paper copies of the plat;
 - (3) One (1) 11 in. x 17 in. paper copy of the engineering plans;
 - (4) A digital copy of the plat in .pdf format.
 - (5) A digital copy of the plat in .dwg format.
 - (6) Deed showing current ownership of the platted property;
 - (7) Dedication instrument, which shall be a signed and notarized original;
 - (8) Field notes of the property to be platted, which shall be signed and sealed by a Registered Professional Land Surveyor;
 - (9) Nonrefundable application fee, as established by the city council; and
 - (10) Preliminary Access/Drainage Letter granted by the Texas Department of Transportation for any plat with frontage on state managed rights of way identifying TxDOT's preliminary determination of access points and any drainage concerns that TxDOT desires to call to the city's attention.
 - (11) Additional items, as may be required on the subdivision plat application checklist.
- (e) Development plats must meet the following criteria and contain the following information:
- (1) Scaled drawing no smaller than 1" = 200' on a sheet size of twenty-four (24) inches by thirty-six (36) inches (multiple sheets may be submitted; however, each sheet must be registered and match lines to allow assembly of the multiple sheets).
- (f) The engineering plans shall be in compliance with the city's currently adopted construction standards, infrastructure design and development standards manual, and drainage design manual and include the following:
- (1) Layout of all needed off-site utilities;
 - (2) Water system layout, including size of line and fire hydrant location;
 - (3) Sewer system layout, including size of line, location of manholes and cleanouts;

- (4) All drainage infrastructure designs, analysis of as-is and full development conditions, analysis of all storm water conveyance systems, FEMA floodplain and floodway boundaries (if applicable), Creek Buffer Zone(s) (CBZ) in accordance with section 32-56 of this code of ordinances, letter(s) of release from property owners affected by diversion of water (except for watercourse(s) designated on current city topography maps), drainage construction and maintenance agreements (if applicable).
- (5) Engineer's certification that the plans meet all engineering and code requirements, unless otherwise noted.

Sec. 26-11. - Approval of development plat.

- (a) Development plats shall be submitted to the planning and zoning commission in accordance with procedures established by this chapter.
- (b) The development plat shall be approved if the plat conforms to:
 - (1) The general plans, rules, and ordinances of the municipality concerning its current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities.
 - (2) The general plans, rules, and ordinances for the extension of the municipality or the extension, improvement, or widening of its roads, streets, and public highways within the municipality taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
 - (3) Any general plans, rules, or ordinances adopted under this chapter.

Sec. 26-21. - Fees.

The applicant for approval of a preliminary plat, final plat, replat, amended plat, minor plat, modified final plat, development plat, or subdivision variance shall, upon submission of the plat application and all required documentation, pay a nonreturnable fee, as established by the city council, for the review and processing of the plat application. Upon approval of the final plat, replat, amended plat, final minor plat, or development plat, the applicant shall pay an additional recording fee established by the county for recording the plat with the county clerk.

Sec. 26-23. - Process for approval.

- (a) Prior to the submission of a preliminary plat, plat applicants are encouraged to schedule and attend a pre-application meeting with city staff.
- (b) Prior to submitting a plat application for review, the applicant shall ensure that the property is appropriately zoned for the proposed development. Plat applications that do not conform with zoning requirements will not be validated.
- (c) The planning and development services department shall convene a meeting of the staff review committee for review of the plat. The staff review committee shall assure conformance with the city's standards, policies, resolutions, codes, and ordinances.

- (d) The staff review committee shall document its comments in writing and forward their report to the plat applicant and/or his or her designated agent for corrective action. The applicant shall assure that there is no outstanding debt owed the city required by this chapter on a previous plat(s) submitted by the applicant. Failure to pay the debt prior to the plat's submission to the planning and zoning commission shall result in the planning and zoning commission's disapproval of the plat.
- (e) If a plat application is not validated, the applicant may submit a subdivision variance application for each corrective comment stating their objection in writing. At that time, the plat shall be considered filed and passed to the planning and zoning commission for approval, approval with conditions, or disapproval. If the plat application is not validated, and no subdivision variance application is submitted, the plat shall not be deemed filed, and shall not be passed to the planning and zoning commission.
- (f) When the applicant has completed all corrective actions, the plat will be forwarded to the planning and development services department for continued processing. Plats submitted on or before the scheduled plat correction submission date will be forwarded to the staff plat correction validation meeting. When plat corrections are validated, the plat application process shall be considered complete. The date of the staff plat correction validation meeting in which the plat corrections are validated, shall be designated to be the date the plat is filed with the City of Killeen. Those plats not eligible for administrative approval under the provisions of subsections 26-61 and 26-74 that are validated in the staff plat correction validation meeting will be scheduled for the next regular meeting of the planning and zoning commission.
- (g) Within thirty (30) days of the date that a plat application is deemed filed, those plats meeting the requirements of sections 26-61 and 26-74 of this chapter shall be approved by the planning director. (h) Any plan or document, including a subdivision development plan, subdivision construction plan, site plan, land development application, or site development plan, submitted to the city that is not related to an application required by ordinance may be reviewed by staff, but shall not be considered filed.
- (i) If the plat is conditionally approved or disapproved by the planning and zoning commission, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The planning and zoning commission shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted that satisfies each condition for the conditional approval or remedies each reason for disapproval provided.
- (j) An applicant may withdraw his plat application from consideration at any time during the application process by filing a written notice of withdrawal with the planning and development services department. Upon filing the notice to withdraw, the planning and development services department shall discontinue processing the plat application. If the applicant wishes to proceed with further consideration following withdrawal of the plat application, the applicant shall be required to repeat the plat application process from the beginning and pay the standard application fees.

Sec. 26-24. - Requirements for approval of application by planning and zoning commission.

- (a) Within thirty (30) days of the date that the application is deemed filed, the planning and zoning commission shall approve, approve with conditions, or disapprove a plat. A plat shall be approved if it complies with the requirements of this chapter, the applicant is not in arrears in the payment of any debts owed the city required by this chapter on a previous plat, it conforms to the general plan of the city and its current and future streets, alleys, parks, playgrounds, and public utility facilities plans, and it conforms to the city's general plan for the extension of roads, streets, and public highways, taking into account access to and extension of sewer and water mains and instrumentalities of public utilities to include public drainage infrastructure.
- (b) Upon approval with conditions or disapproval of a plat, the applicant shall be provided with a written statement of the conditions for the conditional approval, or reasons for disapproval, that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must be directly related to the requirements of Texas Local Government Code, Chapter 212, Subchapter A and include a citation to statute or city ordinance that is the basis for the conditional approval or disapproval.
- (c) A plat is considered approved by the planning and zoning commission unless it is disapproved within such thirty-day period.

Sec. 26-25. - Subdivision variances.

- (a) Whenever a tract to be developed is of such unusual size or shape or is surrounded by development of such unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardship or inequity, the Planning and Zoning Commission may grant a variance from the regulation of this chapter when, in their opinion, undue hardship will result from requiring strict compliance.
- (b) The Commission may grant a variance to the requirements of design as provided for herein, but may not grant a variance for process or procedures, such that the developer may improve his/her property in a reasonable manner, but at the same time, the public welfare and interests of the city are protected and the general intent and spirit of this chapter, the comprehensive plan, and zoning ordinance are preserved. A variance to the provisions of this chapter shall be considered an exception to the regulations, rather than a right.
- (c) If an applicant wishes to request a variance to the provisions of this chapter, an application for a variance from a subdivision requirement shall be submitted concurrently with an application for preliminary plat or, if a preliminary plat is not required, when the applicant files an application for a final plat.
 - a. An applicant may file an application for a subdivision variance after filing an application for approval of a preliminary plat or final plat if the need for the variance becomes apparent after staff review.
 - b. An application for a subdivision variance shall be accompanied by a request letter from the applicant stating how the subdivision variance criteria have been met, and a nonrefundable application fee, as established by the City Council.

- c. An applicant may not file an application for a variance less than seven days before a deadline for placing the application for preliminary plan or plat approval on the agenda of a board or commission.
 - d. The Planning and Zoning Commission shall consider an application for a subdivision variance prior to consideration of an application for preliminary plat or final plat.
- (d) In granting approval of a request for a subdivision variance, the Planning and Zoning Commission shall conclude that the requested variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and that the variance observes the spirit of this chapter and concludes that substantial justice is done. No subdivision variance shall be granted unless the Commission finds:
- a. That, due to special circumstances or conditions inherent to the property, the strict application of the provisions of this chapter would result in an unnecessary hardship or deprive the applicant of the reasonable use of his land;
 - b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - c. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter;
 - d. That the appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
 - e. That the hardship from which relief is sought is not solely of an economic nature;
 - f. That the applicant has not created the hardship from which relief is sought;
 - g. That in granting the variance, the public convenience and welfare will be substantially served; and
 - h. That in granting the variance, the spirit of the ordinance is observed, and substantial justice is done.
- (e) In making the findings required herein, the Commission shall take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, the possibility that a nuisance will be created, and the probable effect of such waiver upon traffic conditions and upon public health, convenience, and welfare of the vicinity.
- (f) Such findings of the Commission shall be incorporated into the official minutes of the meetings at which such variance is granted. **Sec. 26-26. - Recordation.**
- (a) Preliminary plats are not recorded with the county clerk.
 - (b) All plats pertaining to platted property located in the extraterritorial jurisdiction of the city shall only be recorded after approval by the planning and zoning commission, or the planning director, as applicable, and the commissioners' court of the county and the applicant's submission of the required recording fee.

- (c) All plats meeting the criteria of sections 26-61 and 26-74 of this chapter shall be recorded with the county clerk upon the planning director's approval of the plat and the applicant's submission of the required recording fee.
- (d) All other plats shall be recorded with the county clerk upon the planning and zoning commission's approval of the final plat, the applicant's submission of the required recording fee, and all required municipal infrastructure is accepted per section 26-83. The applicant may elect to have the final plat recorded prior to acceptance of infrastructure by providing a guarantee of completion to the city in accordance with section 26-84. If all conditions, fees, or improvements are not completed within two years of being released for construction, then the final plat approval shall expire unless an extension is applied for and granted, due to ongoing progress towards completion of the project by the director of planning or designee. The request for an extension shall be submitted at least thirty (30) days prior to the date the final plat expires.

Sec. 26-41. - Form, contents and required documentation.

- (a) Preliminary plats shall include the entire tract of land under common ownership or common plan of development.
 - (1) Where property is part of a common plan of development, not under common ownership, a preliminary plat shall be filed that incorporates existing, approved preliminary or final plat(s) within the common plan area.
- (b) Preliminary plats are optional for those submissions meeting the requirements of amending, minor, or development plats. Those plat applicants may elect to proceed to the final platting requirements in division 3 without filing a preliminary plat. Preliminary plats are mandatory for all other submissions.
- (c) Preliminary plats shall be filed with the planning and development services department. The following words shall appear on the face of each preliminary plat: "Preliminary plat not for record."
- (d) When a preliminary plat application is filed with the planning and development services department, it shall be accompanied by the following minimum documentation:
 - (1) Completed preliminary plat application signed by the property owner or in the case of a corporation/partnership, a party empowered to sign such actions (supported with authorizing documentation);
 - (2) Two (2) 24 in. x 36 in. paper copies of the plat;
 - (3) One (1) 11 in. x 17 in. paper copy of the engineering plans;
 - (4) A digital copy of the plat in .pdf format.
 - (5) A digital copy of the plat in .dwg format.(6) Two (2) 24 in. x 36 in. paper copies of engineering plans and one (1) digital (.pdf format) version of the same;
 - (7) Deed showing current ownership of the platted property;
 - (8) Field notes of the property to be platted, which shall be signed and sealed by a Registered Professional Land Surveyor;

- (9) Tax certificates showing property owner is not in arrears in payment of taxes; and
- (10) Nonrefundable application fee, as established by the city council.
- (11) Preliminary Access/Drainage Letter granted by the Texas Department of Transportation for any plat with frontage on state managed rights of way identifying TxDOT's preliminary determination of access points and any drainage concerns that TxDOT desires to call to the city's attention.
- (12) Additional items, as may be required on the subdivision plat application checklist.(e) Preliminary plats must meet the following criteria and contain the following information:
 - (1) Scaled drawing no smaller than 1" = 200' on a sheet size of twenty-four (24) inches by thirty-six (36) inches (multiple sheets may be submitted; however, each sheet must be registered and match lines to allow assembly of the multiple sheets, and an index sheet shall be drawn on a sheet twenty-four (24) inches by thirty-six (36) inches showing the entire property being platted);
 - (2) Boundary of the subject tract, indicated by a heavy bold line, and the computed acreage of land within the plat boundary;
 - (3) The location of all existing and/or proposed streets, alleys, sidewalks and multi-use paths, with existing and/or proposed street names, right-of-way widths, cul-de-sac dimensions, and relation to surrounding existing street patterns;
 - (4) Location, size, and purpose of, and deed or plat record information for, all existing easements and proposed municipal easements on or adjacent to the proposed subdivision;
 - (5) Location, size, and purpose of any existing or proposed areas dedicated for public use within or adjacent to the proposed subdivision, including total acreage of proposed new rights-of-way;
 - (6) Conceptual location of all proposed lots and blocks, with consecutive numbers to identify each lot and block;
 - (7) Layout, in dashed lines, of all existing adjacent lots to the property being platted showing lot size, lot and block numbers, name of existing subdivision or property owner if undeveloped property;
 - (8) Location, size, and centerline of all existing and proposed utilities;
 - (9) Conceptual drainage information (i.e. detention pond location and approximate size, creek buffer zone, drainage infrastructure, other storm water conveyance systems, and location of the following proposed storm water management site plan areas: riparian buffers, preserved natural areas, linear parks, open space areas, protected environmentally sensitive areas, conservation easements, and preserved tree canopy, if applicable);
 - (10) FEMA designated special flood hazard boundaries, if applicable, or a certified statement that no portion of the plat lies within a FEMA designated special flood hazard area;

- (11) Topographic information, including contours at two-foot intervals and identification of source with date;
 - (12) The location, approximate dimensions, and descriptions of existing watercourses and drainage infrastructure within and contiguous to the proposed subdivision;
 - (13) Label or identify the proposed number of residential lots and blocks, average lot size, and provide a typical detail for each size of proposed lot if applicable;
 - (14) Proposed phasing, with demonstrated sufficiency and viability of public infrastructure for each phase such that an undue burden is not placed on any particular phase. Phasing shall occur in sequential order in such a way as to not create phases that are not developable within compliance with other provisions of the Code;
 - (15) Date, graphic and written scale, north arrow, and inset location map;
 - (16) Name and address of all property owners of the property being platted;
 - (17) Name and address of engineer and surveyor;
 - (18) Signed statement of the engineer and/or surveyor who prepared the preliminary plat indicating the records or survey from which the property description of the boundary of the proposed plat was developed; and
 - (19) As-built drawing of existing structures, if applicable.
- (f) A preliminary plat will expire five (5) years after the first application was filed. Each final plat, which is a phase of an approved preliminary plat, shall extend the expiration date of the preliminary plat an additional two (2) years from the date the final plat was approved by the planning and zoning commission. Nothing herein shall reduce the initial five-year permit period.
 - (g) All items submitted under subsection 26-41(e) shall be in compliance with the city's currently adopted zoning, construction standards, infrastructure design and development standards manual, drainage design manual, thoroughfare plan, and master plans, except as otherwise allowed by state law.

Sec. 26-51. - Form, contents, and required documentation.

- (a) Final plats are mandatory in accordance with section 26-5.
- (b) In cases where a preliminary plat was previously approved, the final plat shall substantially conform to the approved preliminary plat.
- (c) If the plat requires the extension of public infrastructure, construction plans shall be released for construction before the final plat can be deemed filed in accordance with subsection 26-23(d).
- (d) Final plats shall be filed with the planning and development services department and shall be accompanied by the following minimum documentation:
 - (1) Completed final plat application signed by the property owner or in the case of a corporation/partnership, a party empowered to sign such actions (supported with authorizing documentation);

- (2) Two (2) 24 in. x 36 in. paper copies of the plat;
 - (3) A digital copy of the plat in .pdf format.
 - (4) A digital copy of the plat in .dwg format.
 - (5) Deed showing current ownership of the platted property;
 - (6) Dedication instrument, which shall be a signed and notarized original;
 - (7) Field notes of the property to be platted, which shall be signed and sealed by a Registered Professional Land Surveyor;
 - (8) A statement on the plat application showing that all fees owed the city on any prior projects have been paid in full at the time the application was filed;
 - (9) Nonrefundable application fee, as established by the city council; and
 - (10) Preliminary access/drainage letter granted by the Texas Department of Transportation for any plat with frontage on state managed rights of way identifying TxDOT's preliminary determination of access points and any drainage concerns that TxDOT desires to call to the city's attention.
- (11) Additional items, as may be required on the subdivision plat application checklist.(e)
Final plats must meet the following criteria and contain the following information:
- (1) Scaled drawing no smaller than 1" = 200' on a sheet size of twenty-four (24) inches by thirty-six (36) inches (multiple sheets may be submitted; however, each sheet must be registered and match lines to allow assembly of the multiple sheets and an index sheet shall be drawn on a sheet twenty-four (24) inches by thirty-six (36) inches showing the entire property being platted);
 - (2) Date, graphic and written scale, north arrow, and inset location map;
 - (3) Boundary of the subject tract, indicated by a heavy bold line, and the computed acreage of land within the plat boundary;
 - (4) Name and address of all property owners of the property being platted;
 - (5) Name and address of engineer and surveyor;
 - (6) Number of proposed lots and blocks, with consecutive numbers to identify each.
 - (7) Number of proposed tracts, identified by letter, with the size and purpose of each tract identified on the plat.
 - (8) The lot width and square footage of each proposed lot shall be noted on the graphic, or in a table on the plat.(9) The length of all-straight lines, deflection angles, radii, arcs, and central angles of all curves shall be given along the property lines of each street or tabulated on the same sheet showing all curve data with its symbol. All dimensions along the lines of each lot with the angles of intersections that they make with each other shall be indicated;
 - (10) The names of all adjoining subdivisions, the side lines of abutting lots, lot and block numbers, all in dotted lines, and accurate reference ties to at least two (2) adjacent, existing controlling property monuments shall be clearly indicated;

- (11) The description and location of all survey monuments placed on the property being platted shall be indicated;
- (12) A title shall be indicated, including the name of the property being platted, the name of the applicant and scale and location of the property being platted with reference to original surveys and a north arrow.
- (13) All FEMA-designated flood hazards shall be indicated. These shall include, the floodway boundary, 100-year floodplain limits, base flood elevation (BFE) contours, flood zone designations (Zone "X" inclusive), and all other essential flood insurance study data. The panel number, effective date, and map number of each referenced National Flood Insurance Program (NFIP) map shall be cited. Where required, the lowest finish floor elevation (FFE) shall be determined for each affected lot. The BFE and FFE for each lot shall be summarized in a table. All NFIP map changes or map revision data submitted to FEMA shall be indicated in like manner;
- (14) Avigation notation, if required, as prescribed in subsection 26-29;
- (15) A surveyor's certificate shall be placed on the final plat:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Killeen, Texas, and in accordance with State surveying standards.

/s/

Signature

/s/

Texas Reg. No.

- (16) A certificate of ownership and of dedication of all streets, alleys, easements and lands to public use forever, signed and acknowledged before a notary public by the owner of the land, shall appear on the face of the map, containing complete and accurate description of the property being platted and the streets dedicated; (17) A Tax Appraisal District affidavit shall be placed on the final plat:

The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described on this Plat.

Dated this _____ day of _____, _____.

/s/

Bell County Tax Appraisal District

- (17) In the case of a final plat, a certificate of approval by the planning and zoning commission shall be placed on the plat.

Approved this _____ day of _____, _____, by the Planning and Zoning Commission of the City of Killeen, Texas.

/s/

Chairman, Planning and Zoning Commission

/s/

Secretary, Planning and Zoning Commission

(18) In the case of a minor or amended plat provided under section 26-61 or 26-74 of this chapter, as applicable, only a certificate of approval from the planning director shall be required as follows:

Approved this _____ day of _____, _____, by the planning director of the City of Killeen, Texas.

/s/

Planning Director-

/s/

Planning Assistant

(f) All items submitted under subsection 26-51(e) shall be in compliance with the city's currently adopted zoning, construction standards, infrastructure design and development standards manual, drainage design manual, thoroughfare plan, and master plans, except as otherwise allowed by state law.

Sec. 26-61. - Conditions for approval.

(a) The planning director is hereby authorized to approve a minor plat, without subsequent approval by the planning and zoning commission or when the property proposed to be platted or replatted is as follows:

- (1) Four (4) or fewer lots fronting on an existing street;
- (2) Street construction or the extension of municipal facilities is not required; and
- (3) An agreement between the city and the plat applicant is not required.

(b) All other requirements of this chapter shall apply, except that subsequent approval by the planning and zoning commission shall not be required prior to recording the minor plat with the county clerk.

Sec. 26-72. - Replats without vacating preceding plat.

A replat may be recorded and controls over a previously recorded plat without vacation of that plat if the replat is signed and acknowledged by the owners of the property being platted, does not attempt to amend or remove any covenants or restrictions, and is approved by the planning and zoning commission. **Sec. 26-73. - Additional requirements for certain replats.**

(a) In addition to compliance with section 26-72, a replat without vacation of the preceding plat must conform to the requirements of this section if:

- (1) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
 - (2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
- (b) If a proposed replat as described in Subsection (a) requires a variance or exception, a public hearing must be held by the planning and zoning commission. Notice of the hearing shall be given before the 15th day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and by written notice forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.
- (c) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present at the meeting of the planning and zoning commission. For a legal protest, written instruments signed by at least twenty (20) percent of the owners of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the planning and zoning commission prior to the close of the public hearing.
- (d) In computing the percentage of land area under subsection (b), the area of streets and alleys shall be included.
- (e) If a proposed replat does not require a variance or exception, the planning department shall, not later than the fifteenth (15th) day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within two hundred (200) feet of the lots to be replatted, as indicated on the most recently approved tax rolls. The notice of a replat approval must include the zoning designation of the property after the replat and a telephone number and e-mail address an owner of a lot may use to contact the planning department.

Sec. 26-74. - Plat amendments or corrections.

- (a) The planning director may approve and issue an amended plat, which may be recorded with the county clerk and controls over the preceding plat without vacation of the plat, if the amended plat is signed by the applicant(s) and is solely for one (1) or more of the following purposes:
- (1) To correct an error in a course or distance shown on the preceding plat;
 - (2) To add a course or distance that was omitted on the preceding plat;
 - (3) To correct an error in the description of the real property shown on the preceding plat;

- (4) To indicate monuments set forth after death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) To show the proper location or character of any monument which has been changed in location or character or which originally was shown incorrectly as to location or character on the preceding plat;
 - (6) To correct any other type of scrivener's or clerical error or omission previously approved by the planning and zoning commission, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) To correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished; provided, that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat;
 - (8) To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
 - (9) To relocate one (1) or more lot lines between one (1) or more adjacent lots where the owner(s) of all such lots join in the application for the plat amendment; provided, that such amendment does not attempt to remove recorded covenants or restrictions and does not increase the number of lots; or
 - (10) To make necessary changes to the preceding plat to create six (6) or fewer lots in the plat if the changes do not affect applicable zoning and other regulations of the city, and the changes do not attempt to amend or remove any covenants or restrictions and the area covered by the changes is located in an area that the planning and zoning commission has approved, after a public hearing, as a residential improvement area.
 - (11) To replat one or more lots fronting on an existing street if the owners of all those lots join in the application for the amendment; the amendment does not attempt to remove recorded covenants or restrictions or increase the number of lots; and, the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (b) Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amended plat.
 - (c) All other requirements of this chapter shall apply, except that subsequent approval by the planning and zoning commission shall not be required prior to recording the amended plat with the county clerk.

Sec. 26-81. - Construction of infrastructure.

- (a) Construction plans for all proposed infrastructure to be constructed for the property may be submitted only after the preliminary plat has been approved by the Planning and Zoning Commission. Construction plan applications shall be deemed filed when they are determined by staff to be administratively complete. Administratively complete shall mean

that all required application materials have been submitted. Construction plans submitted shall be in conformance with the approved preliminary plat.

- (b) The public works department shall review the submitted plans for compliance with the infrastructure design and development standards manual, the drainage design manual, and other applicable construction standards adopted by the city and approve, approve with conditions, or disapprove the construction plans within thirty (30) days after the plans are filed. Upon approval with conditions or disapproval of construction plans, the applicant shall be provided with a written statement of the conditions for the conditional approval, or reasons for disapproval, that clearly articulates each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement must be directly related to the requirements of Texas Local Government Code, Chapter 212, Subchapter A and include a citation to statute or city ordinance that is the basis for the conditional approval or disapproval. After the conditional approval or disapproval of construction plans, the applicant may submit to the city engineer a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. Upon receipt of a response, the city engineer shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved construction plans not later than the fifteenth (15th) day after the date the response was submitted.(c)

Upon review and consideration of release for construction of construction plans by the public works department, the plat applicant and/or the plat applicant's contractor will provide written notification to the public works department of the intent to commence construction of the required infrastructure. No work may be performed unless written notification has been provided to the public works department. The written notification shall contain the following information:

- (1) Name of the plat or subdivision;
 - (2) Plat applicant's name;
 - (3) Contractor's name, address and phone number;
 - (4) Type of construction to be performed; and
 - (5) Estimated value of construction.
- (d) The public works department shall issue an acknowledgment of receipt of notification to the developer and/or his contractor.

Sec. 26-91. - Lots, blocks, and street layout.

- (a) All lots of the plat shall have frontage on, or access to, a dedicated public street. Plats shall not be approved if the platting action creates land-locked parcels. A plat applicant may provide existing parcels access to a dedicated street through a passage easement granted into perpetuity if such easement is required to prevent land locking a parcel. The size of the required easement may vary in accordance with the land area to be land-locked. Newly created lots or parcels shall have no less than fifty (50) feet of frontage on a dedicated public street. A land locked parcel of less than two acres existing on the effective date of this ordinance may be platted with access to a dedicated right of way through an easement only

if extending or creating a public street is not required by the planning and zoning commission.

- (b) In general, lots shall conform in width, depth, and area to the pattern already established in the adjacent areas, having due regard to the character of the neighborhood, its particular suitability for residential purposes, and also taking into consideration the natural topography of the ground, drainage, sanitary sewage facilities, and the proposed layout of the streets. Emergency vehicles shall have ingress and egress access to all lots.
- (c) Lots shall have the minimum width measurements, front, rear, and side yard and area requirements required by chapter 31 of the city code of ordinances.
- (d) The area of the lots shall be computed by taking the average width of the lot times the average depth of the lot measured from the street line to the rear lot line.
- (e) The lot line common to the street rights-of-way shall be front line. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. Side lot lines shall project away from the front line at approximately a right angle to street lines and radial to curved street lines. The rear line shall be opposite and approximately parallel to the front line. Variation from this rule is permitted, if in the opinion of the planning and zoning commission, such variation will produce a better lot plan and better utilize the proposed development. The length and bearing of all lot lines shall be indicated on the plat.

Sec. 26-94. – Flag lots.

- (a) Flag lots shall be permitted at the discretion of the Planning and Zoning Commission at the time of subdivision platting. For a flag lot to be considered for approval, it must meet the following conditions:
 - (1) The lot has a minimum width of 50 feet at the street;
 - (2) The length of the projection to the street does not exceed 500 feet or the depth of the abutting lot, whichever is less;
 - (3) There is a minimum distance of 400 feet from the nearest flag lot as measured along the street frontage;
 - (4) The lot provides adequate accessibility for emergency responders; and
 - (5) The lot is compatible with the surrounding neighborhood.
- (b) The Planning and Zoning Commission may deny an application for a flag lot if the location creates site specific traffic safety concerns or conflicts with access to abutting lots or driveway separation standards.

DIVISION 4. – STREET NAMING CONVENTIONS

Sec. 26-126. – Approval of street names.

- (a) Approval of a street name by the City’s address coordinator is required before a preliminary or final plat may be approved.

- (b) Street names submitted for review that do not adhere to the standards within this Division shall be rejected.
- (c) Prior to or during subdivision review, developers must submit street names for review and reservation. Reserving street names allows the developer to pre-approve street names and reserve them for their use.
- (d) A street name reservation will expire five (5) years after the date on which it is reserved if no phases of the subdivision have been recorded in that time. After the street name has expired, it will be released.
- (e) Approval of a preliminary or final plat does not guarantee pre-approval or reservation of street names. If a street name does not meet the street naming standards or the name is found to pose an emergency service response risk, the City's addressing coordinator reserves the right to reject a previously reserved street name.

Sec. 26-127. – Naming of streets.

- (a) Each street name in the City of Killeen shall consist of two parts: a primary street name, and a street type.
- (b) The character limit for a street name, including the primary name, street type, word spaces, and a directional (if applicable), may not exceed thirty (30) characters.
- (c) A primary street name shall be less than twenty (20) characters.
- (d) Each primary street name should be used only once within a subdivision, with the exception that one cul-de-sac may use the same primary street name as a street it intersects.
- (e) Street names must be comprised only of characters using the standard English alphabet. No special characters (dashes, apostrophes, periods, slashes, etc.) maybe used. A space may replace the special character.
- (f) Except for numbered streets and highways, numbers, numerals, or spelled out numbers shall not be used in street names.
- (g) Cardinal direction words (north, south, east, west) may not be used as part of a street name. This restriction extends to cardinal direction words in other languages.
- (h) Cardinal directional words shall not be combined with other words to create street names.
- (i) Cardinal directional words are required when a street crosses over a designated zero range boundary.
- (j) Representation of required directionals is limited to the use of the four letters (N, S, E, W). The cardinal directions are not to be spelled out, and no punctuation used.
- (k) Streets in new subdivisions must continue the names of existing streets on adjoining plats to maintain street name continuity.
- (l) Duplicative and overused street names shall be prohibited.
 - a. A street name is considered duplicative if an existing street shares the same primary street name. Number of words, spaces, spelling differences, and street type do not make a street name unique.

- b. Use of the same primary street name in close proximity to similarly named streets shall be prohibited.
- c. A modifier, or extra word added to a street name, may be added to a street name to make it unique.
- d. Words used as the first word in more than 50 street names in the City of Killeen or Bell County shall be considered overused. Street names submitted for review will be rejected if overused words are included in the name (regardless of subdivision name or marketing theme). Changing the spelling of an overused word does not create a new word (Ann is equivalent to Anne). Compound or combined words using an overused word will also be rejected.
- (m) Street types shall be consistent with the configuration of the street. Misleading and confusing street types are prohibited.
- (n) Street type words shall not be used in place of or within a street name.
- (o) Two street names shall be used when a street incorporates a 90 degree turn.
- (p) The following limitations on street types shall apply:
 - a. *Boulevard* shall only be used for streets with a right-of-way greater than ninety (90) feet in width; however, these streets are not limited to this street type.
 - b. *Avenue* shall only be used for streets greater than one thousand five hundred (1,500) feet in length; however, these streets are not limited to these street types.
 - c. *Parkway* can only be used for streets greater than 2500 feet in length, with right-of-way greater than 90 feet in width, and which serves as a connector between two major thoroughfares.
 - d. *Bend* designates a street with at least one bend in it. The bend must exceed 100 degrees. Streets that include a 90-degree turn may not use the *Bend* street type.
 - e. *Circle* can only be used for a street that has two intersections along an intersecting street.
 - f. *Court, Cove, or Place* may only be used for cul-de-sacs, and cul-de-sacs may only use *Court, Cove, or Place*.
 - g. *Loop* may only be used for streets that loop back onto or across themselves.
 - h. Cul-de-sacs are intersected by only one street and do not provide through access.
 - i. Streets opposite each other that end in a cul-de-sac shall have the same name with a non cul-de-sac street type.
 - j. A street that intersects another and continues into a cul-de-sac should not change name or street type and is not considered a cul-de-sac.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or

impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this **28th day of July, 2020**, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lucy C. Aldrich, CITY SECRETARY

Traci Briggs, CITY ATTORNEY