

City of Killeen
Regular City Council Meeting
Killeen City Hall
October 9, 2012
5:00 p.m.

Presiding: Mayor Daniel A. Corbin

Attending: Mayor Pro-Tem Michael Lower, Councilmembers Elizabeth Blackstone, Terry Clark, Jared Foster, Wayne Gilmore, Jonathan Okray, and Jose Segarra

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Paula Miller, and Sergeant-at-Arms Eric Bradley

Rev. H. E. Dubose gave the invocation, and Councilmember Gilmore led everyone in the pledge of allegiance.

Approval of Agenda

Mayor Pro-Tem Lower moved to approve the agenda as written with the moving of OR-1 ahead of the Consent Agenda, seconded by Councilmember Gilmore. The motion was unanimously approved.

Ordinances / Resolutions

OR-1 Consider a memorandum/resolution [12-083R] appointing members to the Killeen Volunteers Inc., Youth Advisory Commission.

Mayor Corbin read the members proposed to serve as the Youth Advisory Commission: Jennice Berdicia, Syeasha Burford, Kelsey Castro, Jenora Chester, Dameisha Clemons, Camryn Cotton, Emily Cumming, Leya Deickman, Sara Drussell, X-zavier Green, Raquel Hubert, Delano Hudson, Ashley Jamison, Jabreel Johnson, Ja'Tyrah Joseph, Kennedy Ketcham, JoAnn Lomas-Mathis, Sarah Luke, Alex Matheny, Kaitlyn McVeigh, Angel Meza, Jacob Nichols, Chelsea Phillips, Talyjah Plummer, Thomas Robinson, Maya Ross, DeAngelo Thompson, Jr., Alyssia Tirado, Alexandria Ussery, Skylar Vanderberg, Alex Weathersby, Keyah Williams, Jasmine Wingate, Shakira Wingate, Travian Wright, and Jim Yeonopolus.

Mayor Pro-Tem Lower moved to approve the appointments, seconded by Councilmember Blackstone. The motion was approved unanimously.

Mayor Corbin then administered the oath of office to those members of the Commission in attendance.

Consent Agenda

CA-1 Consider minutes of Regular City Council Meeting of September 25, 2012.

CA-2 Consider a memorandum/resolution [12-084R] authorizing reimbursement of consideration received for easements to American Water.

The City has received \$16,498.78 from American Water Corporation for acquisition of easements to extend a forty-two-inch gravity line for water and sewer to the expansion of Darnall Medical Center on Fort Hood. The City has historically granted easements to Fort Hood at no cost, and staff believes the amount received from American Water should be refunded.

CA-3 Consider a request for a final minor plat submitted by Bentina Ltd (Case #12-036FMS: Draco Commercial Addition 2) of approximately 1.0 acre, part of the G.W. Farris Survey, Abstract No. 306. The property is located on the west right-of-way of Trimmier Road, north of and adjacent to Draco Commercial Addition, Killeen, Texas.

This plat for commercial development meets all of the City's development regulations, and the Planning and Zoning Commission recommended approval.

CA-4 Consider a memorandum/resolution [12-085R] approving the appointment of an Assistant City Manager (External Services).

City Manager Morrison advised he has appointed John Sutton as Assistant City Manager for External Services.

CA-5 Consider a memorandum [12-086R] authoring the City Manager to execute an amendment to the Advance Funding agreement with the Texas Department of Transportation for the US 190 Expansion Project.

\$4,807,000.00 is available in a federal earmark for the US 190 project. In order to make these funds available, the City Council must authorize that amount for the project.

Mayor Pro-Tem Lower moved to approve the above items on the Consent Agenda, seconded by Councilmember Segarra. The motion was approved unanimously.

Public Hearings / Ordinances

PH-1 **HOLD** a public hearing and consider an ordinance as requested by Reeces Creek Developers, Ltd. (Case #Z12-35) to rezone approximately 177.424 acres, part of the George Allen Survey, Abstract No. 43 from A (Agricultural District) to R-1 (Single-family Residential District). The property is located east of the proposed The Landing at Clear Creek Phase Three and west of Goodnight Ranch Additions Phase One and Phase Four Replat, north of Reese Creek Road, Killeen, Texas.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM 'A' (AGRICULTURAL DISTRICT) TO R-1

(SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is to allow for single-family residential use, and there was one letter of opposition returned in response to the sixty-three letters of notification. The Planning and Zoning Commission recommended approval of the request.

Mayor Corbin opened the public hearing. Bob Mitchell, 102 N. College, appeared in support of the request. With no one else appearing, the public hearing was closed.

Councilmember Segarra moved to approve the ordinance [12-073], seconded by Mayor Pro-Tem Lower. The motion was approved 6-1 (Councilmember Okray in opposition).

PH-2 A. **HOLD** a public hearing and consider a request by Reeces Creek Developers, Ltd. (Case #FLUM 12-36) to revise the Comprehensive Plans' future land use map (FLUM) to change an approximate 5.623 acre area currently designated as 'General Commercial' to 'General Residential'. The property is located north of Woodrow Drive on the east right-of-way of Robinett Road, Killeen, Texas.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL COMMERCIAL' TO 'GENERAL RESIDENTIAL' FOR APPROXIMATELY 5.632 ACRES OF LAND LOCATED NORTH OF WOODROW DRIVE ALONG THE EAST RIGHT-OF-WAY OF ROBINETTE ROAD, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

A rezoning request for this property was submitted, and in order to be consistent with the Comprehensive Plan, it is necessary to amend the plan. The tract is designated for general commercial and would have to be redesignated as general residential. After a review of the request, staff recommended disapproval of the request. The Planning and Zoning Commission recommended approval of the request by a vote of 4-3/

Mayor Corbin opened the public hearing. Bob Mitchell, 102 N. College, appeared in support of the request. He noted the depth of the tract is much greater than is typically used for commercial development. In addition, the topography does not lend itself for commercial use. With no one else appearing, the public hearing was closed.

Mayor Pro-Tem Lower moved to disapprove the request in order to be consistent with the Comprehensive Plan, seconded by Councilmember Foster. The motion was approved 6-1 (Councilmember Gilmore in opposition).

B. **HOLD** a public hearing and consider an ordinance as requested by Reeces Creek Developers, Ltd. (Case #Z12-36) to rezone approximately 5.623 acres, part of the Thomas Robinett Survey, Abstract No. 686, from B-3 (Local Business District) to R-2 (Two-family Residential District). The property is located north of Woodrow Drive on the east right-of-way of Robinett Road, Killeen, Texas.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-3 (LOCAL BUSINESS DISTRICT) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

The property along the Robinett corridor is designated as B-3. There was no response to the forty-six letters of notification, and the Planning and Zoning Commission recommended approval of the request by a vote of 4-3. However, since the City Council has denied the amendment to the Comprehensive Plan, this request should also be denied.

Mayor Corbin opened the public hearing. Steve Shepherd, 4101 Trimmier, appeared in support of the request. He advised the property has been commercial for eight years without interest from developers for commercial. With no one else appearing, the public hearing was closed.

Mayor Pro-Tem Lower moved to disapprove the request, seconded by Councilmember Okray. The motion was approved unanimously.

The Comprehensive Plan will be coming back to the City Council for review, and this area will be looked at more in depth at that time.

PH-3 **HOLD** a public hearing and consider an ordinance as requested by Abbott Springs Ltd. (Case #Z12-37) to rezone Lot 1, Block 1, Ware Addition, from B-5 (Business District) to PUD (Planned Unit Development) for a mixed-use concept containing B-4 (Business District) zoning and R-3A (Multifamily Apartment Residential District) zoning. The property is locally known as 2600 Clear Creek Road, Killeen, Texas.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-5 (BUSINESS DISTRICT) TO B-4 (BUSINESS DISTRICT) AND R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) WITH A PLANNED UNIT DEVELOPMENT (PUD); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted on an approximate five acres of land and will contain nineteen apartment homes and 21,865 square feet of retail and commercial use. The site plan shows the layout including the buildings and parking areas. The Planning and Zoning Commission recommended approval of the request unanimously.

Mayor Corbin opened the public hearing. Michelle Lee, 2901 E. Stan Schlueter Loop, appeared in support of the request. Matt Weigers, 109 E. Avenue D, Copperas Cove, advised the company has worked with the developer for the design of the site. With no one else appearing, the public hearing was closed.

Councilmember Clark moved to approve the ordinance [12-074], seconded by Councilmember Blackstone. The motion was approved unanimously.

PH-4 **HOLD** a public hearing and consider the creation of a new zoning district to the Killeen Code of Ordinances, Chapter 31, Article IV, Division 3A, “SR-1” (Suburban Residential Single Family District).

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; CREATING ARTICLE IV, DIVISION 3A, DISTRICT “SR-1” SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT, BY CREATING THE DISTRICT NAME, ZONING REGULATIONS AND REQUIREMENTS THEREIN; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

When the Comprehensive Plan was adopted, it was determined that zoning regulations needed to be revised to be consistent. The Planning and Zoning Commission held two public hearings with regard to a new classification of zoning to be known as suburban residential single family. The regulations provide for a larger minimum lot size to allow for larger front yards, building setbacks, and side yard separation. Front yard setback is twenty-five feet; side yards a minimum of fifteen feet between structures with a minimum side yard of five feet; and rear yard of twenty-five feet. Lot size must be at least 8,400 square feet, with a minimum of seventy feet at the front and depth of at least one hundred feet. The Commission recommended approval of the amendment by a vote of 4-3. The issue of side yard setback had been discussed extensively at the Commission meeting, and the final compromise was for fifteen feet, with a minimum of five feet on one side and ten feet on the other.

Mayor Corbin opened the public hearing.

Callie Hammerschmidt, 7709 Chaparral Road, expressed concern about the effect this change might have on her home’s property value decreased as a result of this change and possibly allowing smaller homes in her area.

Steve Shepherd, 4101 Trimmier, was concerned with the minimum required lot size, and particularly the side yard issue.

Don Farek, 1500 Mockingbird, advised he was in support of the ordinance as presented but was concerned that it might impact currently-existing R-1 zoning. City Attorney Davis advised that property already zoned R-1 would not be affected by the ordinance.

Gary Purser, Jr. 6503 Wells Fargo, expressed his opposition to the ordinance and advised there was no a big market for this type of housing.

James Gaffney, 212 Pin Oak, Harker Heights, asked if this was an added classification. Mayor Corbin explained it was a step up from R-1 zoning and under estate residential and is being added to be consistent with the Comprehensive Plan.

Dale Janda, 3515 H.K. Dodgen Loop, Temple, was opposed to this ordinance and preferred a side yard of ten feet. Mayor Corbin pointed out he could still build their types of homes on R-1 property.

With no one else appearing, the public hearing was closed.

Councilmember Clark advised he would like to see a larger front width that would allow for a side-entry for a garage, and Councilmember Segarra said that would take a lot of at least one-half acre in size.

Councilmember Foster moved to approve the ordinance [12-075] with changing the side yard requirement to a minimum of ten feet on each side, seconded by Mayor Pro-Tem Lower. The motion was approved 5-2 (Councilmembers Gilmore and Segarra in opposition).

Councilmember Clark suggested another classification could be considered between suburban and estate that might allow for ten feet on each side yard. Staff was asked to consider that option when bringing forth the Comprehensive Plan for review.

PH-5 **HOLD** a public hearing and consider an ordinance amending the FY 2012-13 Annual Budget and Plan of Municipal Services of the City of Killeen by increasing revenues and expenses in the various Drainage Utility Fund accounts.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING THE FY 12-13 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING THE DRAINAGE UTILITY FUND REVENUE AND EXPENDITURE ACCOUNTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

This amendment is necessary to increase the revenue and expenses in the Drainage Utility Fund to account for the Repetitive Flood Claims grant.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Councilmember Okray moved to approve the ordinance [12-076], seconded by Councilmember Segarra. The motion was approved unanimously.

Adjournment

With no further business, upon motion being made by Mayor Pro-Tem Lower, seconded by Councilmember Clark, and unanimously approved, the meeting was adjourned at 6:37 p.m.

Daniel A. Corbin, Mayor

Paula Miller, City Secretary