

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 PLANNED UNIT DEVELOPMENT (PUD) WITH SF-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Killeen BES, Ltd., Killeen EGS Property, Ltd., and Bentina Ltd. submits this request for an amendment of the Zoning Ordinance of the City of Killeen by changing the classification of approximately 2.573 acres out of the Azra Webb Survey, Abstract No. 857, from “B-3” (Local Business District) to a Planned Unit Development (PUD) with “SF-2” (Single-Family Residential District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 20th day of August 2018 with the following conditions:

- Request modification of front yard setback to having not less than twenty (20) feet, from the current “SF-2” standard, of not less than twenty-five (25) feet;
- Request modification of architectural design standard for “SF-2” zoning. Homes must have a minimum of 75% vs. the current 50% brick, stucco or stone veneer for exterior walls excluding doors, windows and gables;
- Any alternate sidewalk placement shall met current *Americans with Disabilities Act* (ADA) guidelines;

and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 11th day of September 2018, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council that the request should be approved;

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

Section I. That the zoning classification of the following described tract be changed from “B-3” (Local Business District) to a Planned Unit Development (PUD) with “SF-2” (Single-Family Residential District), with the conditions stated above stipulated by the Planning and Zoning Commission, for approximately 2.573 acres, being part of the Azra Webb Survey, Abstract No. 857, for property locally known as 902 Judy Drive, Killeen, Texas.

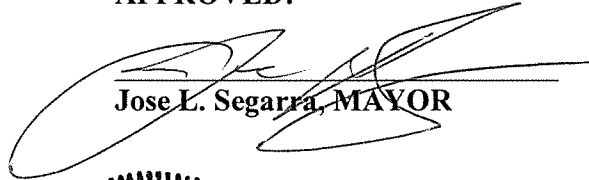
Section II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

Section III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

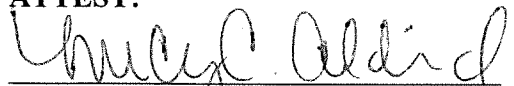
Section IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 11th day of September 2018, 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:


Lucy C. Aldrich, CITY SECRETARY



APPROVED AS TO FORM


Kathryn H. Davis, City Attorney

Case #18-16
Ord. #18-031



2/24/17
Buss & Buss

Project No.:	52616-011
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Acres:	12,636
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No. of Lots:	1
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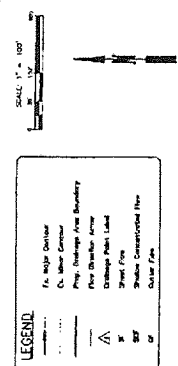
Scale: 1" = 100'

Date:	2/10/2017
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Design By:	JCB/M3Y
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Released for Construction
for a period of 12 months
from the date below:

City Representative _____ Not a

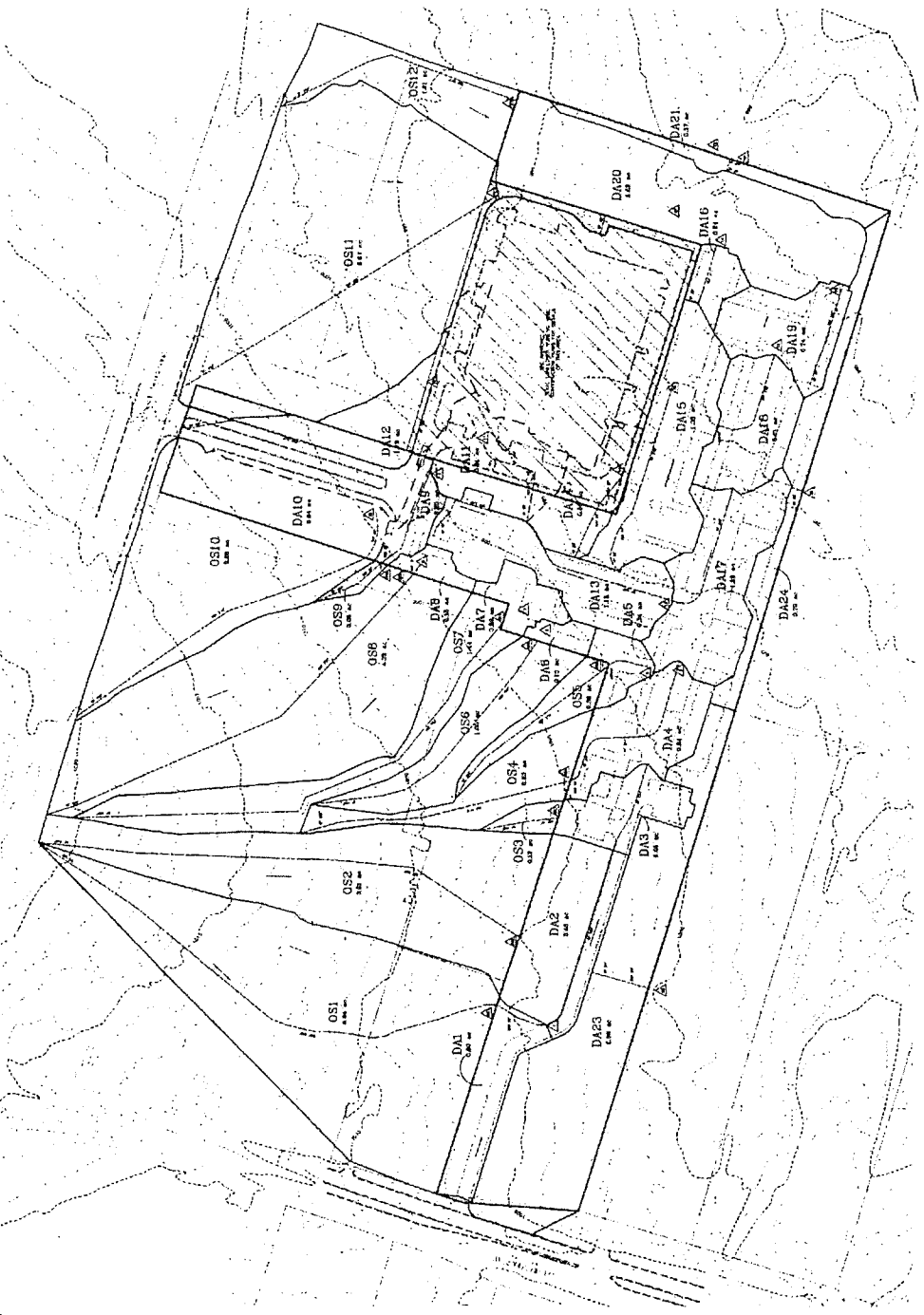


MANAGE NOTES:

SUMMARY.
THE FLOWS CROSSING THE EAST PROPERTY LINE OF THE PROJECT ARE AS FOLLOWS:

TESTING FLOW: EX1 (SAFETY 5.00)
Q_{max} 91.5 cfs
Q_{min} 139.1 cfs
V_{max} 1.08 cfs
V_{min} 3.39 cfs

VELOCITIES ARE BASED ON EXISTING CHANNEL CROSS-SECTION JUST INSIDE ADJACENT PROPERTY MOOLED IN HYDRAFLOW EXPRESS EXTENSION FOR AUTOGASK AUTOCAD FOR 3D



4

[illegible]

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
AUGUST 20, 2018**

**CASE #Z18-16
“B-3” to “PUD” with “SF-2”**

HOLD a public hearing and consider a request submitted by Killeen Engineering & Surveying, Ltd. on behalf of Killeen EGS Property, Ltd. & Bentina, Ltd. (**Case #Z18-16**) to rezone approximately 2.573 acres, out of the Azra Webb Survey, Abstract No. 857 from “B-3” (Local Business District) to “PUD” (Planned Unit Development) with “SF-2” (Single-Family Residential District) housing. The property is located on the west side of Trimmier Road, south of Judy Drive and is locally known as 902 Judy Drive, Killeen, Texas.

Chairman Peters requested staff comments.

City Planner, Tony McIlwain, stated the request is to rezone approximately 2.5 acres of unplatted property from “B-3” (Local Business District) to a Planned Unit Development (PUD) with “SF-2” (Single-Family Residential District) uses. The property is located on the west side of Trimmier Road, south of Judy Drive and is locally known as 902 Judy Drive. Mr. McIlwain stated that the owner of 902 Judy Drive has requested approval of a Planned Unit Development to allow for garden home single-family development of the site. He stated that there are existing single-family homes directly west of the site.

Mr. McIlwain stated that the PUD concept plan illustrates twelve (12) residential lots on the east and west sides of the proposed extension of Catherine Drive, which is a 50-foot right-of-way. The applicant has requested a decreased minimum front yard setback from 25 feet to 20 feet, which is consistent with previous phases of the existing PUD to the north. In exchange for the front yard setback modification, the applicant is proposing an increase of the minimum masonry requirement of 50% to 75%.

Mr. McIlwain stated that this request is currently not consistent with the Future Land Use Map, but that a concurrent request for an amendment to the Future Land Use Map has been submitted.

McIlwain stated that staff notified 25 (twenty-five) surrounding property owners and received no written responses.

Mr. McIlwain stated that the proposed development is expected to generate approximately 120 vehicle trips per day, and that access will be from Judy Drive and Deorsam Loop directly onto Trimmier Road.

Mr. McIlwain stated that staff recommends approval of baseline “SF-2” (Single-Family Residential District) zoning without the Planned Unit Development overlay due to the fact that the zoning request does not meet the minimum five acre size requirement as set forth in

Section 31-802 of the Killeen Code of Ordinances. He further noted that the Commission has broad discretion to approve the PUD as requested, even though it is less than five acres.

Ms. Anca Neagu, 2901 E. Stan Schlueter Loop, Killeen, Texas, was present to represent this request.

Chairman Peters opened the public hearing.

Ms. Debra Patterson, 6906 Alvin Drive, Killeen, Texas spoke in opposition to the request. Ms. Patterson stated that there are currently a number of vacant homes in that area, and she is opposed to further construction of homes.

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

Commissioner Dorroh motioned to recommend approval of the Planned Unit Development with "SF-2" (Single-Family Residential) zoning as requested by the applicant with the condition that the location of the sidewalks be adjusted to meet ADA requirements. Commissioner Latham seconded, and the motion passed by a vote of 5 to 0.

Chairman Peters stated that the zoning request will be forwarded to City Council with a recommendation to approve.

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use is harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: September 4, 2018
TO: Ronald L. Olson, City Manager
FROM: Dr. Ray Shanaa, AICP, Exec. Dir. of Planning and Development Services
SUBJECT: ZONING CASE #Z18-16 "B-3" (Local Business District) to a Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District).

BACKGROUND AND FINDINGS:

This request is to rezone approximately 2.573 acres out of the Azra Webb Survey, Abstract No. 857, from "B-3" (Local Business District) to a Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District) uses. The property is located on the west side of Trimmier Road, south of Judy Drive and is locally known as 902 Judy Drive, Killeen, Texas.

District Descriptions:

A building or premises in a district "SF-2" single-family residential district shall be used only for the following purposes:

- (1) Single-family dwellings meeting the criteria of the garden home district, with a minimum floor area of one thousand one hundred (1,100) square feet.
- (2) All uses allowed in section 31-186, including those defined as home occupation uses.

PUD Request:

The applicant is requesting approval of a twelve lot development, with a decrease of the minimum required front yard setback of 25' to 20', which is consistent with previous phases of the existing PUD to the north. In exchange for the front yard setback modification, the applicant is proposing an increase of the minimum masonry requirement of 50% to 75% of brick, stucco or stone veneer for all exterior walls excluding doors, windows and gables; all other standards apply.

Property Specifics

Applicant/Property Owner: Killeen EGS Property Ltd. and Bentina Ltd.

Property Location: The property is located on the west side of Trimmier Road, south of Judy Drive and is located at 902 Judy Drive, Killeen, Texas.

Legal Description: Approximately 2.573 acres out of the Azra Webb Survey, Abstract No. 857.

Zoning/ Plat Case History:

- There is no recent zoning activity for this property.
- The property is not platted.

Character of the Area

Existing Land Use(s) on the Property: Undeveloped and vacant. This location is bounded by smaller lots single family residential development with R1-A zoning and PUD w/SF-2 (to the north and west) and commercial zoned property to the south; Trimmier Road abuts the eastern boundary of the site.

Figure 1. Zoning Map

See Attachment

Historic Properties: None

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

This memorandum is to advise that water, sanitary sewer, and drainage utility services are readily accessible to the subject property located within the City of Killeen municipal utility service area. Adequate potable water and sanitary sewer capacity is available to the tract. The property is currently part of a remainder tract and will be required to be platted prior to development. Public storm drainage infrastructure lies within the abutting right-of-way. Detention of post development storm water run-off will be required if inadequate capacity remains within existing drainage infrastructure.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

Transportation

Existing conditions: Trimmier Road is designated as a 90' minor arterial on the City's approved Thoroughfare Plan; Judy Drive is classified as a 60' local street.

Proposed improvements: The applicant is proposing the continuation of Catherine Drive as a 50' right-of-way.

Projected Traffic Generation: The PUD concept plan illustrates 12 residential lots, which will generate approximately 120 vehicle trips/ day.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA).

Land Use Analysis

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

Plan Recommendation: The Comprehensive Plan calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

Consistency: The rezone request is not consistent with the Comprehensive Plan. However, the Planning and Zoning Commission has recommended approval of a staff initiated FLUM amendment request (affecting this property and another property). If approved, the amendment will amend the FLUM from 'Suburban Commercial' to 'General Residential.'

Public Notification

The staff notified twenty-five (25) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no responses. However, one resident, Debra Patterson, spoke in opposition to the request. Ms. Patterson owns 6906 Alvin Drive and she stated that there are too many empty houses in that area and there is no need for anymore residential development.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternatives.

Why?

The project scope is identical to the surrounding residential development and previous phases of development of the Deorsam Estates community.

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.

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:

The Planning and Zoning Commission recommended approval (by a vote of 5 to 0) of the applicant's PUD request with the added condition that any alternate neighborhood sidewalk placement meet current *Americans with Disabilities Act* (ADA) guidelines.

DEPARTMENTAL CLEARANCES:

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