

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 80.85 ACRES OUT OF THE J.H. LEWIS SURVEY, ABSTRACT NO 0536, THE J.W. MORTON SURVEY, ABSTRACT NO 0587, AND THE T. ARNOLD SURVEY, ABSTRACT NO 0055, FROM “A” (AGRICULTURAL DISTRICT), “A-R1” (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT), AND “R-1” (SINGLE-FAMILY RESIDENTIAL 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, Joshua Welch, on behalf of CP Summit Group, Loverd Wilson Mitchell Trust, Penelope McDonald & Ray Fread, has presented to the City of Killeen, a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 80.85 acres out of the J.H. Lewis Survey, Abstract No 0536, the J.W. Morton Survey, Abstract No. 0587, and the T. Arnold Survey, Abstract No. 0055, from “A” (Agricultural District), “A-R1” (Agricultural Single-Family Residential District), and “R-1” (Single-Family Residential District) to Planned Unit Development with “SF-2” (Single-Family Residential District), said request having been duly recommended for approval of Planned Unit Development with “SF-2” (Single-Family Residential District), with the condition that the east/west street be moved north to shorten the block length of the northern block, by the Planning and Zoning Commission of the City of Killeen on the 3<sup>rd</sup> day of January 2022, 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 22<sup>nd</sup> day of February 2022, 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 being of the majority opinion that the applicant's zoning 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 approximately 80.85 acres out of the J.H. Lewis Survey, Abstract No 0536, the J.W. Morton Survey, Abstract No. 0587, and the T. Arnold Survey, Abstract No. 0055, from "A" (Agricultural District), "A-R1" (Agricultural Single-Family Residential District), and "R-1" (Single-Family Residential District) to Planned Unit Development with "SF-2" (Single-Family Residential District), said request having been duly recommended for approval of Planned Unit Development with "SF-2" (Single-Family Residential District), for the property generally located south of Prewitt Ranch Road and East of Clear Creek Road, Killeen, Texas.

**SECTION II.** That all standards and conditions prescribed in the Mitchell Farm PUD Standards (Exhibit A) and Mitchell Farm Concept Plan (Exhibit B) are hereby adopted and incorporated herein.

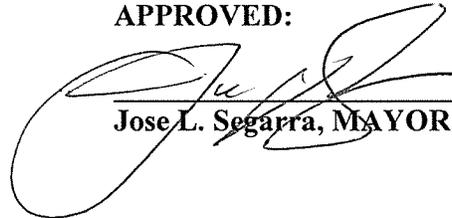
**SECTION III.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**SECTION IV.** 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.

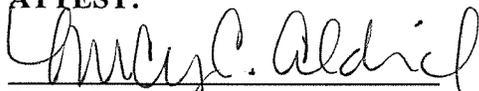
**SECTION V.** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 22<sup>nd</sup> day of February 2022, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

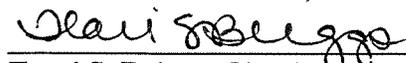
**APPROVED:**

  
\_\_\_\_\_  
Jose L. Segarra, MAYOR

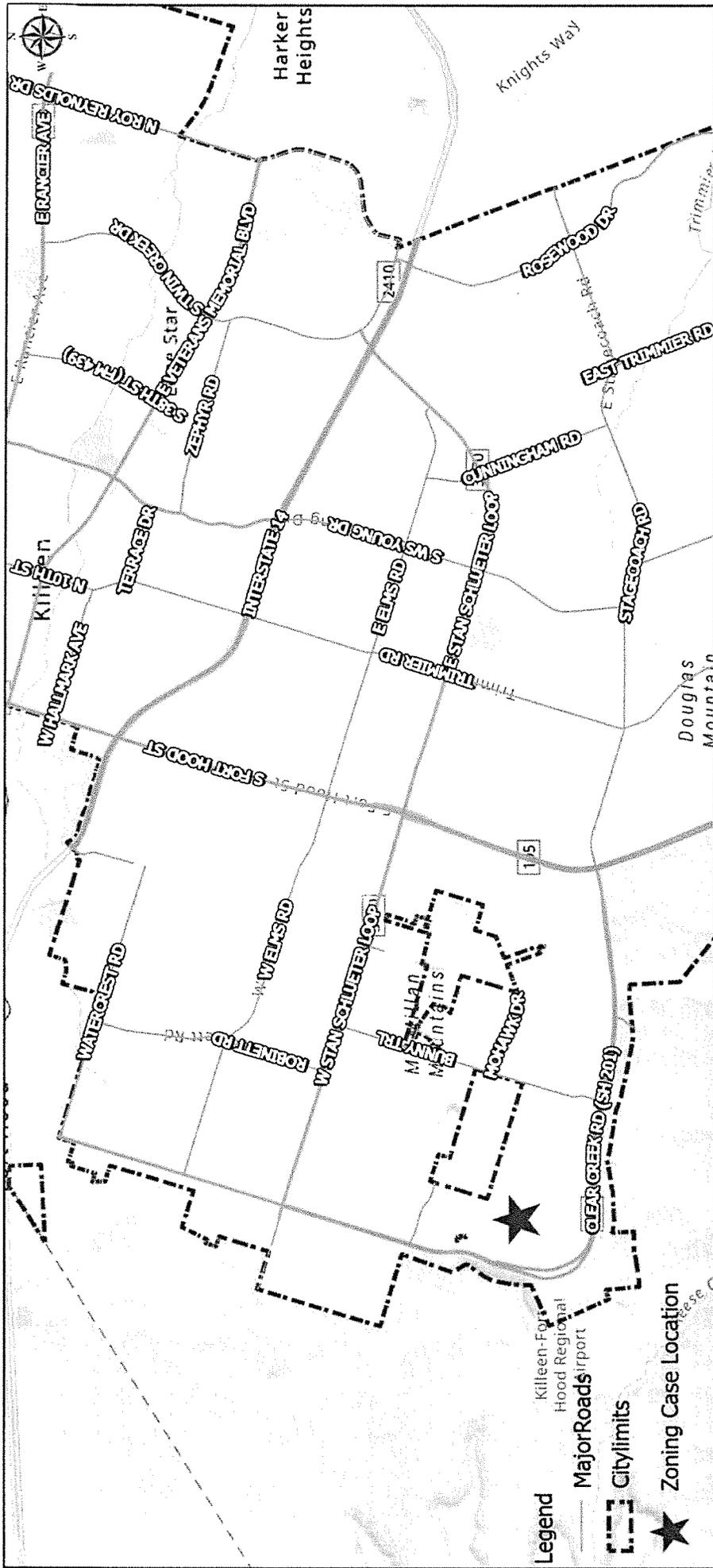
**ATTEST:**

  
\_\_\_\_\_  
Lucy C. Aldrich, CITY SECRETARY

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
Traci S. Briggs, City Attorney  
Case #21-41  
Ord. #22-014





Attachment #2  
 Location Map  
 Council District: 4  
 Subject Property Legal Description: 80.05 ACRES OUT OF THE: J H LEWIS, T ARNOLD & J W MORTON SURVEYS

## Zoning Case 2021-41

### A & A-R1 TO PUD/SF-2





Z21-41

Attachment #3  
Council District: 4

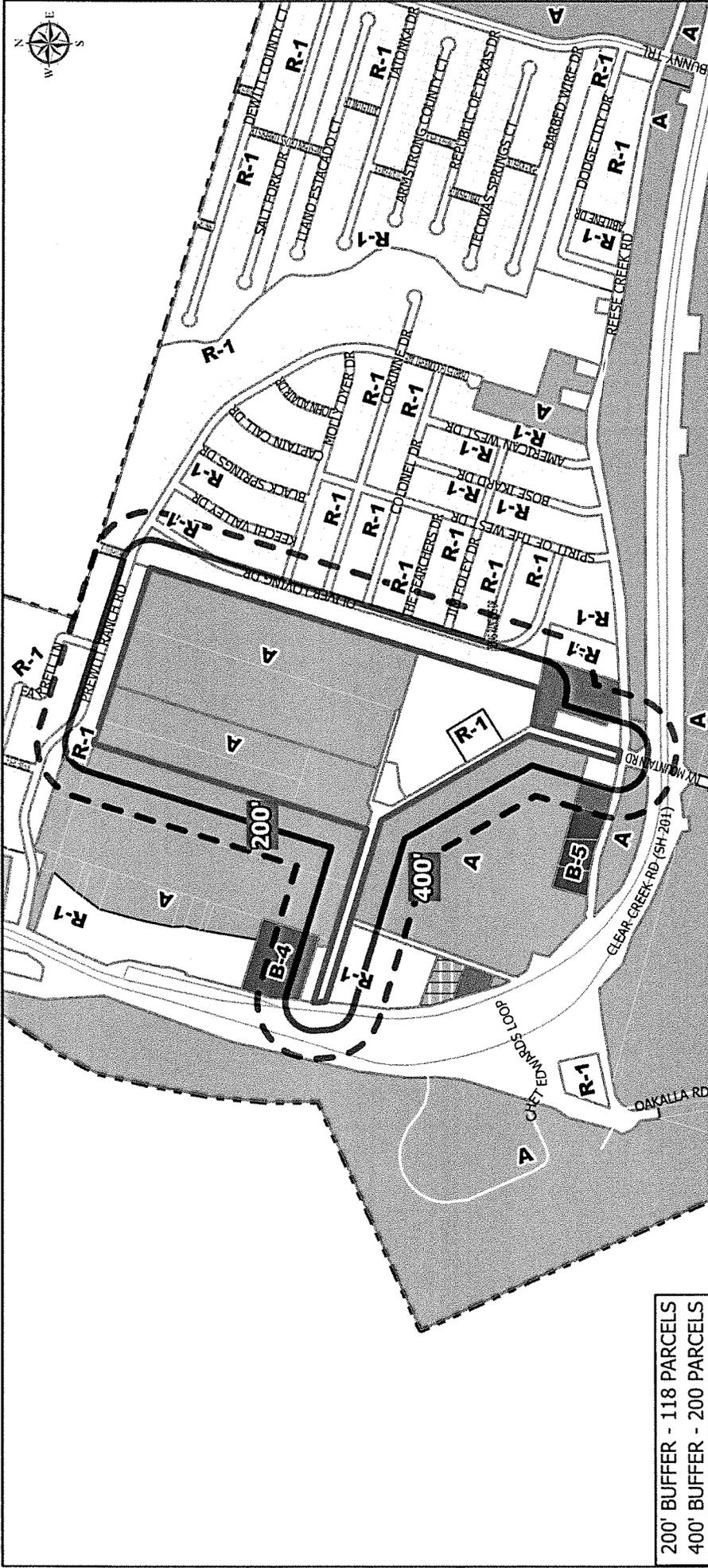


## Zoning Case 2021-41

### A & A-R1 TO PUD/SF-2

Legend  
 City limits

Subject Property Legal Description: 80.05 ACRES OUT OF THE: J H LEWIS, T ARNOLD & J W MORTON SURVEYS



200' BUFFER - 118 PARCELS  
 400' BUFFER - 200 PARCELS

Attachment #4  
 Zoning Map  
 Council District: 4  
 Subject Property Legal Description: 80.85 ACRES OUT OF THE: J H LEWIS, T ARNOLD & J W MORTON SURVEYS

### Zoning Case 2021-41 A, A-R1, & R-1 TO PUD/SF-2

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**January 3, 2022**

**CASE #Z21-41**  
**'A'/'A-R1'/'R-1' to 'SF-2'**

**HOLD** a public hearing and consider a request submitted by Joshua Welch on behalf of CP Summit Group, Loved Wilson Mitchell Trust, Penelope McDonald, and Ray Fread (**Case #Z21-41**) to rezone approximately 80.905 acres out of the J.H. Lewis Survey, Abstract No. 0536; J.W. Morton Survey, Abstract No. 0587; and T. Arnold Survey, Abstract No. 0055 from “A” (Agricultural District), “A-R1” (Agricultural Single-Family Residential District), and “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) with “SF-2” (Single-Family Residential District) uses. The property is generally located south of Prewitt Ranch Road and East of Clear Creek Road, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request with the following conditions:

1. That the east/west street be moved north by 200-300 feet, or that an additional east/west street be added to the concept plan, in order to shorten the length of the northern block.
2. That Architectural Standard number three (3) in the proposed PUD document be revised to state: “For all homes within the proposed development, the exterior wall on either side of the garage door shall not protrude further than any other horizontal building plane on the front elevation.

Ms. Larsen stated that the recommended conditions are necessary to ensure that the proposed development will be consistent with the policies and principles discussed during the ongoing Comprehensive Plan process.

The agent, Mr. Joshua Welch, was present to represent the case.

Chairman Latham opened the public hearing.

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

Commissioner Minor made a motion to approve the request with staff’s condition No. 1. Commissioner Adams seconded, and the motion passed by a vote of 5 to 1 with Commissioner Ploeckelmann in opposition. Commissioner Ploeckelmann expressed concern regarding density and the fact that the proposed development would have on-street parking on one side of the street, only.

## Exhibit A

### Mitchell Farm Planned Unit Development (PUD) Standards

#### 1. DEVELOPMENT STANDARDS.

##### 1.1 Lot size and setbacks.

The minimum lot width, depth, and setbacks shall be as follows:

Minimum lot width:	50 ft.
Minimum lot depth:	120 ft.
Minimum lot area:	6,000 sq. ft.
Front setback:	20 ft. / 25 ft. <sup>(1)</sup>
Side setback:	5 ft.
Rear setback:	20 ft.

<sup>(1)</sup> Front yard setbacks shall alternate 20 ft./25 ft. on every other lot. Houses with protruding garage doors shall be limited to only those lots with a 25 ft. front setback.

##### 1.2 Number of lots.

The maximum number of single-family residential lots in the development shall be three hundred and thirty-three (333).

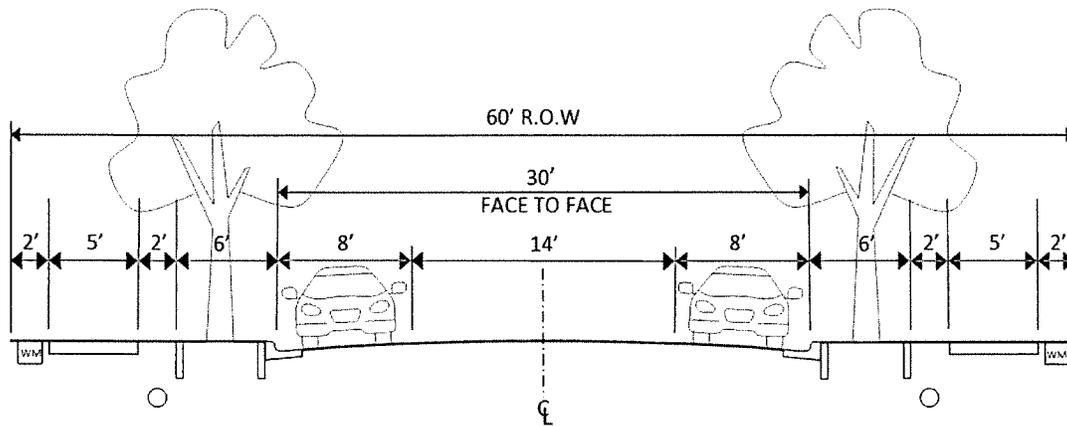
##### 1.3 Base zoning to be "SF-2".

This base zoning for the development shall be "SF-2" (Single-Family Residential District). The development shall adhere to all provisions for "SF-2" (Single-Family Residential District) unless otherwise addressed herein.

#### 2. STREET SECTIONS.

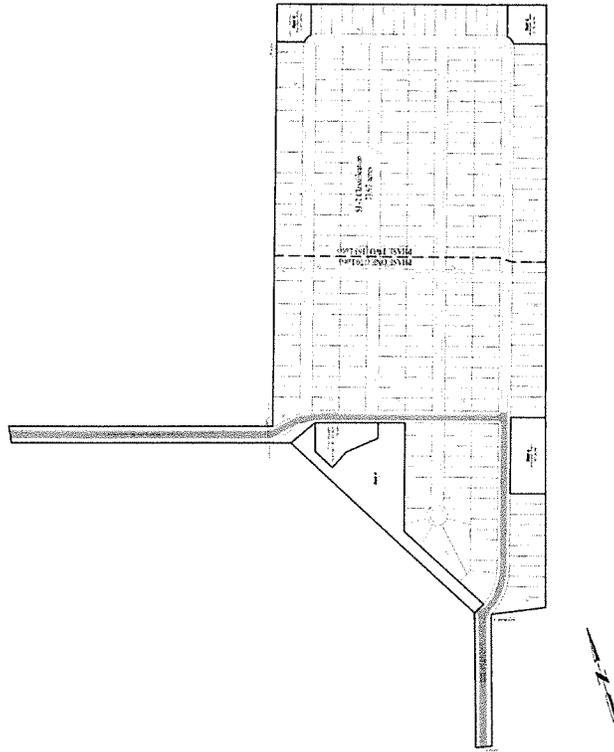
##### 2.1 Local street section.

The standard local street section shall be as follows:



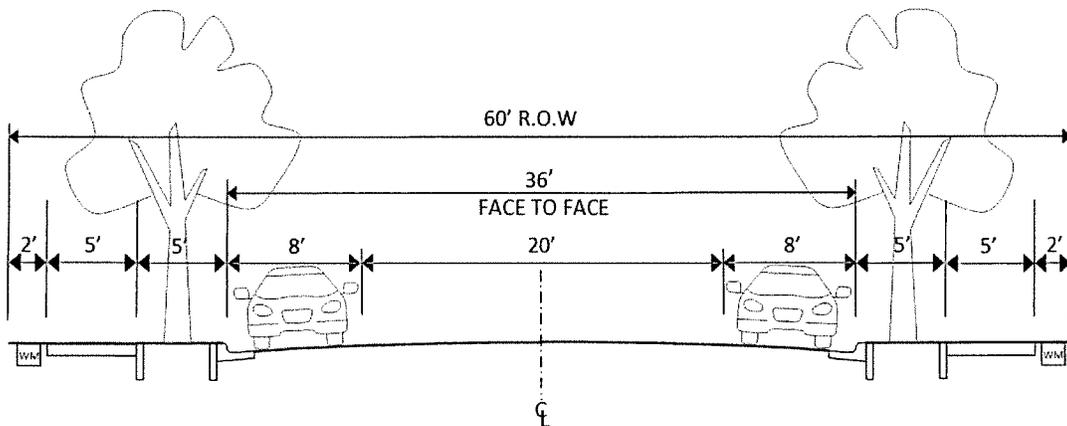
**2.2 Collector streets.**

Street sections highlighted in the graphic below shall have a sixty (60) foot right-of-way with thirty-six (36) foot wide street face-of-curb to face-of-curb.



**2.3 Collector street section.**

The standard section for the streets highlighted above shall be as follows:



**3. STREET TREES.**

**3.1 Street trees and ground cover required.**

- (1) Street trees and root barriers shall be installed on both sides of all collector and local streets within the development.
- (2) Street trees and accompanying root barriers located on local streets be installed by the homebuilder with each home. For corner lots, the homebuilder shall be responsible for installing street trees along the front and side property lines.
- (3) At least one (1) street tree shall be provided between the sidewalk and curb in front of each residential lot.
- (4) Street trees shall be container grown and shall be at least one and one half (1½) inches in caliper and six (6) feet in height at the time of planting.
- (5) On corner lots, two (2) street trees shall be provided between the sidewalk and curb along the side property line.
- (6) The developer shall be responsible for installing street trees and accompanying root barriers along the entire length of both collector streets and adjacent to all open space, drainage tracts, or other common areas. Where street trees are adjacent to such tracts or common areas, street trees shall be planted every fifty (50) linear feet. All such street trees shall be installed prior to issuance of a certificate of occupancy for the first home in the development.
- (7) Street trees shall be centered within the tree lawn in accordance with the typical street sections 2.1 and 2.3 above.
- (8) Placement of street trees within the tree lawn may be adjusted or modified by the City Engineer to avoid conflict with existing or proposed driveways, utilities, or other public or private infrastructure.
- (9) If solid rock makes planting of street trees impracticable, a comparable number of trees may be planted at an alternative location within the development, as approved by the City Engineer.
- (10) Vegetative ground cover shall be planted by the homebuilder between the trees within the tree lawn.

**3.2 Approved street tree species.**

Street tree species shall be selected from the following list:

- (1) Cedar Elm;
- (2) American Elm;
- (3) Bigtooth Maple;
- (4) Bur Oak;
- (5) Chinquapin Oak;
- (6) Live Oak;
- (7) Shumard Oak;

- (8) Texas Red Oak; or
- (9) Other species as approved by the City Engineer

**3.3 Root barriers and steaking required.**

- (1) "DeepRoot" UB 24-2 root barriers, or an approved equivalent, shall be provided on both sides of the tree lawn parallel to the curb and sidewalk.
- (2) Root barriers shall be a minimum of twenty-four (24) inches in height and eight (8) feet in length.
- (3) Root barriers shall be placed with the top of the root barrier two (2) inches below finished grade and ribs facing toward the tree.
- (4) The party responsible for installation of the street tree (either the developer or homebuilder, depending on location) shall also be responsible for installation of the associated root barriers.
- (5) Once installed, street trees shall be staked with seven-foot (7') steel posts and shall be painted dark green. Posts shall be driven into the ground two feet (2') with five feet (5') exposed above ground. Posts shall be consistent height and aligned parallel to adjacent curbs. 12-guage stranded cable with rubber hose shall be used to protect the tree trunk.

**3.4 Street tree maintenance.**

- (1) The owner(s) of any lot with frontage along a public street, including a property owners' association, shall maintain the street trees and other landscaping growing along the frontage or in the street right-of-way adjacent to the lot, including in any park or parking strip between the property line and the street line.
- (2) If a street tree dies, the adjacent property owner shall also be responsible for replacing the tree with a new tree at least one and one half (1½) inches in caliper and six (6) feet in height at the time of planting.

**4. ARCHITECTURAL STANDARDS.**

**4.1 Architectural features.**

All new residential structures within the development shall include at least three (3) of the following architectural elements:

- (1) *Vertical articulation.* A minimum of three (3) wall planes shall be provided on the front elevation, with offsets being at least twelve (12) inches deep.
- (2) *Covered front porch.* A covered front porch of at least forty (40) square feet shall be provided.
- (3) *Enhanced windows.* Windows on the front elevation shall incorporate use of transoms, bay windows, shutters, dormers, or other similar window enhancements.
- (4) *Architectural details.* The front elevation shall incorporate enhanced architectural details including corbels, quoining, louvered vents, keystones, decorative railings, or coach lights.

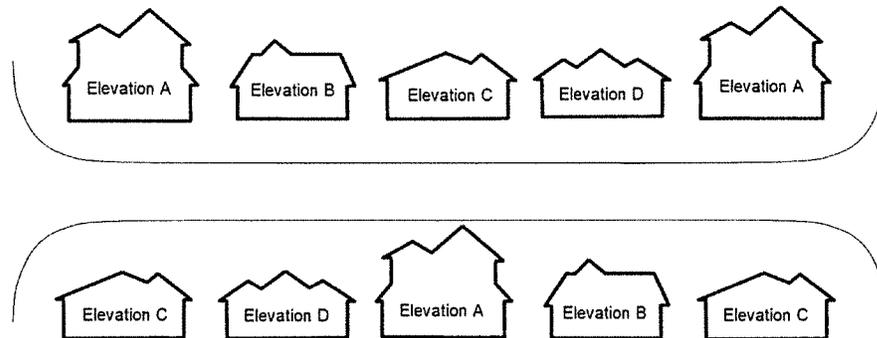
- (5) *Variable roof pitch.* At least two (2) different roof types (e.g. hip and gable) or two (2) different roof planes of varying height, direction, or pitch shall be provided.

**4.2 Garage door standards.**

- (1) In this section, “homes with protruding garage doors” shall mean those homes where the exterior wall on either side of the garage door is the most forward plane of the front elevation.
- (2) Homes with protruding garage doors shall only be located on lots having a twenty-five (25) foot front setback.
- (3) Homes with protruding garage doors shall not be located on lots having a twenty (20) foot front setback.
- (4) Garage doors shall not comprise more than fifty (50) percent of the horizontal length of the front elevation. This standard is applicable only to the width of the garage door, not the entirety of the garage.
- (5) All garage doors within the development shall have accent windows and decorative hardware.

**4.3 Repetition standard.**

- (1) No elevation shall be repeated within four (4) residential lots on the same side of the street, or within three (3) residential lots on the opposite side of the street (see example below):



- (2) For purposes of this section, elevations shall be substantially different in terms of shape, massing, and form. The same elevation with different materials, different architectural features, or different fenestration shall not be considered a different elevation for purposes of this section.

**5. TRAFFIC IMPACT ANALYSIS.**

The developer shall conduct a Traffic Impact Analysis (TIA) in accordance with all TXDOT requirements. Such TIA must be submitted to and approved by the City Engineer prior to approval of the preliminary plat. If TXDOT waives their requirement for a TIA, the developer shall still submit a TIA to the City prior to approval of the construction plans. Such TIA will specifically evaluate the need for a traffic signal at the intersection of Ivy Mountain Rd. and Reese Creek Rd.

**6. LANDSCAPING STANDARDS.**

**6.1 Required landscaping on residential lots.**

Landscaping on all residential lots within in the development shall be provided as follows:

- (1) A minimum of six (6) three-gallon shrubs shall be planted on each lot.
- (2) All portions of the lot not covered by structures, paving, planting areas, or tree beds shall be fully sodded.
- (3) Each home shall have either an irrigation system or hose bib attachment within one hundred and fifty (150) feet of all landscaping required by this section.
- (4) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava 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.

**7. FENCING STANDARDS.**

**7.1 Enhanced fencing along collector streets.**

Enhanced fencing shall be provided by the developer adjacent to collector streets in those areas where the collector street abuts any developed residential or non-residential property as follows:

- (1) Enhanced fencing shall consist of wood privacy fence with top rail supported by masonry columns of brick or stone.
- (2) Masonry columns shall be provided every one hundred (100) linear feet and at all turn points and corners.
- (3) Fencing along collector streets shall be at least six (6) feet, but not more than eight (8) feet in height.
- (4) The finished side of the fence shall face the public right-of-way.
- (5) Required fencing along collector streets shall be fully constructed prior to issuance of a certificate of occupancy for the first home in the development.

**7.2 Fencing on residential lots.**

- (1) All fencing on residential lots shall be wood privacy fencing or ornamental wrought iron fencing.
- (2) Privacy and ornamental fencing shall not exceed six (6) feet in height.
- (3) The finished side of the fence shall face the public right-of-way.
- (4) The Homeowners' Association (HOA) shall designate a pre-approved fence stain color. All wood fences within the development shall be stained the same color.

**8. COMMON OPEN SPACE.**

**8.1 Open space areas.**

- (1) Not less than a total of five (5) acres shall be provided within the development for use as neighborhood parks.
- (2) Not less than three (3) contiguous acres of useable open space shall be provided by the developer for use as an HOA park.

## 8.2 Open space amenities.

- (1) Amenities shall be provided within the three-acre HOA park area as follows:
  - a) *Playscape*. At least one (1) playscape shall be provided within the HOA park. Such playscape shall include at least two (2) slides and two (2) swings. The area beneath the playscape shall be provided with a mulch bed.
  - b) *Walking trail*. A concrete walking of at least one quarter ( $\frac{1}{4}$ ) mile long (1,320 ft.) and six (6) feet in width shall be constructed by the developer within the park area.
  - c) *Covered pavilion*. A covered pavilion of at least one thousand five hundred (1,500) square feet shall be constructed by the developer within the park area.
  - d) *Trees*. At least five (5) trees per acre shall be planted by the developer within the park area. Such trees shall be at least one and one half ( $1\frac{1}{2}$ ) inches in caliper and six (6) feet in height at the time of planting.
  - e) *Picnic tables*. At least two (2) picnic tables shall be provided by the developer within the park area.
  - f) *Barbeque grills*. At least two (2) barbeque grills shall be provided by the developer within the park area.
  - g) *Benches*. At least two (2) benches shall be provided by the developer within the park area. At least one bench shall be located within ten (10) feet of the playscape.
  - h) *Trash receptacle*. At least one (1) trash receptacle shall be provided within the park area and shall be installed by the developer and maintained by the HOA.
  - i) *Pet waste stations*. At least two (2) pet waste stations shall be provided within the park area. Pet waste stations shall be installed by the developer and maintained by the HOA.
- (2) In addition to the three-acre HOA park area, useable open space amenities shall be provided as follows:
  - a) Drainage Tract A, as shown on the attached Concept Plan and being 1.42 acres in size, shall incorporate a useable recreation amenity, such as a multi-purpose field.
  - a) Drainage Tract B, as shown on the attached Concept Plan and being 0.79 acres in size, shall incorporate a secondary playscape having at least two (2) swings or a climbing structure, as well as one (1) bench, one (1) trash receptacle, and one (1) pet waste station.
- (3) All required open space amenities shall be fully installed prior to issuance of a certificate of occupancy for the first home in the development.

**8.3 Drainage tracts.**

All drainage tracts and associated infrastructure and amenities within the development shall be owned and maintained by the HOA.

**8.4 Subdivision entry signs.**

- (1) Two (2) subdivision entry signs shall be provided by the developer, including one at the entrance on Clear Creek Road, and one at the entrance on Reese Creek Road.
- (2) Each subdivision entry sign shall have at least twelve (12) three-gallon shrubs. Such landscaping shall be installed by the developer.
- (3) Subdivision entry signs and associated landscaping shall be owned and maintained by the HOA.
- (4) The City shall require a right-of-way occupation license prior to the placement of any sign within a City right-of-way.

**9. HOMEOWNERS' ASSOCIATION.**

**9.3 Homeowners' Association required.**

- (1) A Homeowners Association (HOA) shall be established by the developer for the development.
- (2) The HOA shall be responsible for the continuous and perpetual operation, maintenance, and/or supervision of all infrastructure, common areas, and amenities within the development.
- (3) A copy of the agreements, covenants and restrictions establishing and creating the association shall be provided to the City prior to approval of the final plat of the subdivision and must be recorded with such final plat. At a minimum, the agreements, covenants, conditions, and restrictions establishing and creating the Homeowners' Association shall contain and/or provide for the following:
  - a) Provisions acceptable to the City for the establishment and organization of the mandatory homeowners' association and the adoption of bylaws for such association, including provisions requiring that the owner of any lot within the applicable subdivision and any successive buyer shall automatically and mandatorily become a member of the association;
  - b) The initial term of the agreements, covenants, conditions, and restrictions establishing and creating the association shall be for a 25-year period and shall automatically renew for successive ten-year periods, and the association may not be dissolved without the prior written consent of the City;
  - c) Provisions acceptable to the City to ensure the continuous and perpetual use, operation, maintenance, and/or supervision of all facilities, structures, improvements, systems, areas or grounds by a responsible body, in perpetuity, and to establish a reserve fund for such purposes;

- d) Provisions prohibiting the amendment of any portion of the association's agreements, covenants, conditions, or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association without the prior written consent of the City; and
- e) Provisions indemnifying and holding the City harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the City's removal of any landscape systems, features or elements that cease to be maintained by the association or from the City's performance of the operation, maintenance or supervision responsibilities of the association due to the association's failure to perform such responsibilities.

**9.4 HOA management company required.**

A professional management company shall be hired and contracted with by the developer for purposes of managing and administering the affairs of the HOA.



# SITE PHOTOS

Case #Z21-41: "A" (Agricultural District), "A-R1" (Agricultural Single-Family Residential District), and "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District).

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View of the subject property looking north:



View of the adjacent property to the north (from Prewitt Ranch Rd):



# SITE PHOTOS

Case #Z21-41: "A" (Agricultural District), "A-R1" (Agricultural Single-Family Residential District), and "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District).

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View of the surrounding property to the east (from Oliver Loving Dr):



View of the adjacent property looking south:



# CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2<sup>nd</sup> 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:** February 1, 2022  
**TO:** Kent Cagle, City Manager  
**FROM:** Wallis Meshier, Director Of Planning

**SUBJECT: ZONING CASE #Z21-41: "A" (AGRICULTURAL DISTRICT), "A-R1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT), AND "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) W/ "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT)**

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner / Agent:** CP Summit Group, Loverd Wilson Mitchell Trust, Penelope McDonald & Ray Fread / Joshua Welch

**Current Zoning:** "A" (Agricultural District), "A-R1" (Single-Family Garden Home Residential District), and "R-1" (Single-Family Residential District)

**Proposed Zoning:** Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District) uses

**Future Land Use Map (FLUM) Designation:** 'General Residential' (GR)

**Summary of Request:**

This request, submitted by Joshua Welch, on behalf of CP Summit Group, Loverd Wilson Mitchell Trust, Penelope McDonald & Ray Fread (**Case #Z21-41**), is to rezone approximately 80.85 acres from "A" (Agricultural District), "A-R1" (Agricultural Single-Family Residential District), and "R-1" (Single-Family Residential District) to a Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District). The applicant intends to build approximately three-hundred and thirty-three (333) residential lots over nine (9) blocks in two phases.

The applicant is proposing PUD standards as described in the attached Mitchell Farm Planned Unit Development Standards. Proposed standards include enhanced neighborhood design standards, street tree requirements, architectural standards, repetition standards, enhanced fencing standards, requirements for HOA maintained open space amenities, and a requirement for a Traffic Impact Analysis (TIA).

**Zoning/Plat Case History:**

The southern portion of the subject property was annexed into the city on March 16, 1999 via ordinance No. 99-16. The property was zoned "A" and "R-1" on January 25, 2000 via Ordinance No. 00-5. The northeast portion of the subject property was annexed into the city via Ordinance No. 07-110 on December 18, 2007, effective on January 28, 2008. Finally, the western portion of the property was recently annexed via Ordinance No. 21-060 on October 26, 2021. The subject property is currently unplatted.

**Character of the Area:**

	Current Land Use	Zoning District	Future Land Use
North	Single-family homes	R-1 (Single-Family Residential)	General Residential (GR)
East	Single-family homes	R-1 (Single-Family Residential)	General Residential (GR)
South	Single-family homes	B-3, A, and R-1*	Suburban Commercial (SC)
West	Single-family home	R-3 (Multifamily Residential)	Suburban Residential (SR)

\*B-3 (Local Business District), A (Agricultural District), R-1 (Single-Family Residential District)

**Future Land Use Map Analysis:**

This property is designated as 'Rural' (R), 'Suburban Residential' (SR), and 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The proposed 'General Residential' (GR) designation encompasses most existing residential areas within Killeen. The 6,000 square foot minimum lot size in the predominant "R-1" zoning district results in less openness and separation between dwellings compared to Suburban residential areas. It is auto-oriented character (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement.

The 'Rural' (R) designation encourages the following development types:

- Residential homesteads;
- Planned development to accommodate conservation and cluster residential designs;
- Agricultural uses;
- Agriculture-focused commercial retail;
- Public/institutional;
- Parks and public spaces; and
- Natural and protected floodplain areas.

The 'Suburban Residential' (SR) designation encourages the following development types:

- Detached residential dwellings;
- Planned developments to provide for other housing types in a Suburban character setting;
- Public/institutional; and
- Parks and public spaces.

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

The request is partially consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant submitted a concurrent request to amend the Future Land Use Map (FLUM) from 'Rural' (R), 'Suburban Residential' (SR), and 'General Residential' (GR) to 'General Residential' (GR).

### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and utility services are located within the City of Killeen municipal utility service area and available to the subject tract.

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from Reese Creek Road to the south, which is classified as 70' wide Collector street, and Clear Creek Road to the west, which is classified as a 120' Principal Arterial on the City of Killeen Thoroughfare Plan. Access from Clear Creek Road will be right-in/right-out only.

### **Environmental Assessment:**

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified one-hundred and ninety-one (191) surrounding property owners regarding this request.

Of those property owners notified, eighty-two (82) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twenty-nine (29) reside outside of Killeen.

As of the date of this staff report, no responses have been received regarding this request.

### **Staff Findings:**

The current zoning of the subject property is "A" (Agricultural District), "A-R1" (Agricultural Single-Family Residential District), and "R-1" (Single-Family Residential District). The surrounding area includes predominantly residential uses. The area to the north and east are

existing single-family residential developments. To the west is an existing single-family home on approximately 19.5 acres of land. To the south is a legal non-conforming single-family home zoned "B-3" (Local Business District), existing single-family homes on large lots zoned "R-1" (Single-Family District), and single-family home on approximately 43.4 acres of land zoned "A" (Agricultural District).

Staff finds that the proposed development is in keeping with the predominantly single-family character of the area. Further, staff finds that the proposed development, if approved, would provide for the principles of density and common open space as described in Killeen Code of Ordinances Sec. 31-800.

If approved, the proposed development will include approximately 5.21 acres of open space, as described in the attached PUD standards. This results in a Level of Service of approximately 5.23 acres of open space per 1,000 residents, which exceeds the target Level of Service identified in the Parks Master Plan.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Disapprove the applicant's PUD request;
- Approve the proposed PUD with additional and/or amended conditions; or
- Approve the PUD as presented.

### **Which alternative is recommended? Why?**

In the spirit of compromise, staff recommends approval of the PUD as presented. If approved, the proposed development will be a high-quality development with open space amenities and neighborhood design standards that far exceeds the City's current minimum standards.

### **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.

### **RECOMMENDATION:**

At their regular meeting on January 3, 2022, the Planning and Zoning Commission recommended approval of the applicant's request - with the condition that the east/west street be moved north to shorten the block length of the northern block - by a vote of 5 to 1 with Commissioner Ploeckelmann in opposition.

Commissioner Ploeckelmann expressed concern regarding density and the fact that the proposed development would have on-street parking on one side of the street, only.

Since that time, the applicant has addressed the Commission's concern about the location of the east/west street by moving it north approximately 100 feet. The applicant has also addressed

concerns regarding parking by modifying the proposal to include 30-foot streets with parking on both sides.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Mitchell Farm PUD Standards  
Mitchell Farm PUD Concept Plan  
Site Photos  
Considerations