

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 5.852 ACRES OUT OF THE 172.58 ACRES TRACT FROM THE AZRA WEBB SURVEY, ABSTRACT NO. 857, FROM "A-R1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT W/ "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Killeen Engineering and Surveying, LTD, on behalf of JOF Developers, Inc, 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 5.852 acres out of the 172.58 acres tract from the Azra Webb Survey, Abstract No. 857 from "A-R1" (Agricultural Single-Family Residential District) to Planned Unit Development (PUD) w/ "R-1" (Single-Family Residential District), said request having been duly recommended for approval of Planned Unit Development (PUD) w/ "R-1" (Single-Family Residential District) with conditions to include the newly adopted architectural and design standards by the Planning and Zoning Commission of the City of Killeen on the 18<sup>th</sup> day of July 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 23<sup>rd</sup> day of August 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 as recommended by the Planning and Zoning Commission;

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

**SECTION I.** That the zoning classification of approximately 5.852 acres out of the 172.58 acres tract from the Azra Webb Survey, Abstract No. 857 be changed from "A-R1" (Agricultural Single-Family Residential District) to Planned Unit Development (PUD) w/ "R-1" (Single-Family Residential District), said request having been duly recommended for approval of Planned Unit Development (PUD) w/ "R-1" (Single-Family Residential District), for the property addressed as 6600 S Fort Hood Street, 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 23<sup>rd</sup> day of August 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.

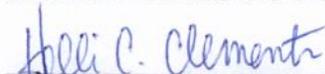
**APPROVED:**

  
**Debbie Nash-King, MAYOR**

**ATTEST:**

  
**Laura J. Calcote, INTERIM CITY SECRETARY**

**APPROVED AS TO FORM**

  
**Holli C. Clements, INTERIM CITY ATTORNEY**  
Case #22-39  
Ord. #22-065





2901 East Stan Schlueter Loop, Killeen, Texas 76542 Phone: (254) 526-3981 Fax: (254) 526-4351

TBPE Registration No. F-4200, TBPLS Registration No. 10194541

Visit our website at: [www.kesltd.com](http://www.kesltd.com)

June 14, 2022

Wallis Meshier, Director of Planning  
City of Killeen, TX

**Re:** Levy Crossing Phase Two PUD rezone

Ms. Meshier,

This letter of request is in reference to a PUD rezone for Levy Crossing Phase Two. It is a small development located to the West of Levy Crossing and is an extension of Atlas Avenue. It consists of 13 lots spanning over 5.852 acres of the Azra Webb Survey, Abstract No. 857. The developer is requesting a change to the building setback lines as reflected on the attached exhibit. The purpose of this alteration is to provide better quality homes to homebuyers in this development. This request is consistent with the Future Land Use Map (FLUM).

This development will have no impact on the surrounding properties, as all the homes constructed will be built to the same quality standards as required by the original PUD. The original PUD was submitted for 409 lots but during the construction and platting process, Levy Crossing was platted as 399 lots. This Phase Two development will only increase the original PUD amount by 3 lots. The green space tract in this development will be dedicated to the HOA just as in the previous phase.

Respectfully,

A handwritten signature in cursive script that reads "Michelle E. Lee".

Michelle E. Lee, PE, RPLS, CFM, CPESC  
Killeen Engineering & Surveying, Ltd.  
[mlee@kesltd.com](mailto:mlee@kesltd.com)



CUT HERE

YOUR NAME: Jeff Nyemast Jr PHONE NUMBER: 254-258-8925

CURRENT ADDRESS: 408 Medina DR

ADDRESS OF PROPERTY OWNED: 408 Medina DR

COMMENTS: PLEASE STOP  
We DO NOT need anymore Housing  
you are RAISING my Property TAX  
you are KILLING Wild life. Hunting my  
yard.  
This will add to OVER use of ALL  
utilities  
We DO NOT WANT THIS or NEED

SIGNATURE: Jeff Nyemast Jr REQUEST: "A-R1" to "PUD" W/R-1" SPO #Z22-39/30

This is pointless because all you are about is \$\$\$

Take Care of the Homeless

P.O. BOX 1329, KILLEEN, TEXAS 76540-1329, 254-501-7631, FAX 254-501-7628  
 WWW.KILLEENTEXAS.GOV

22-2-40/21





AERIAL MAP

Council District: 3



Subject Property Legal Description: PART OF A0857BC A WEBB, 12, ACRES 172.58

### Zoning Case 2022-39

A-R1 TO PUD W/ R-1

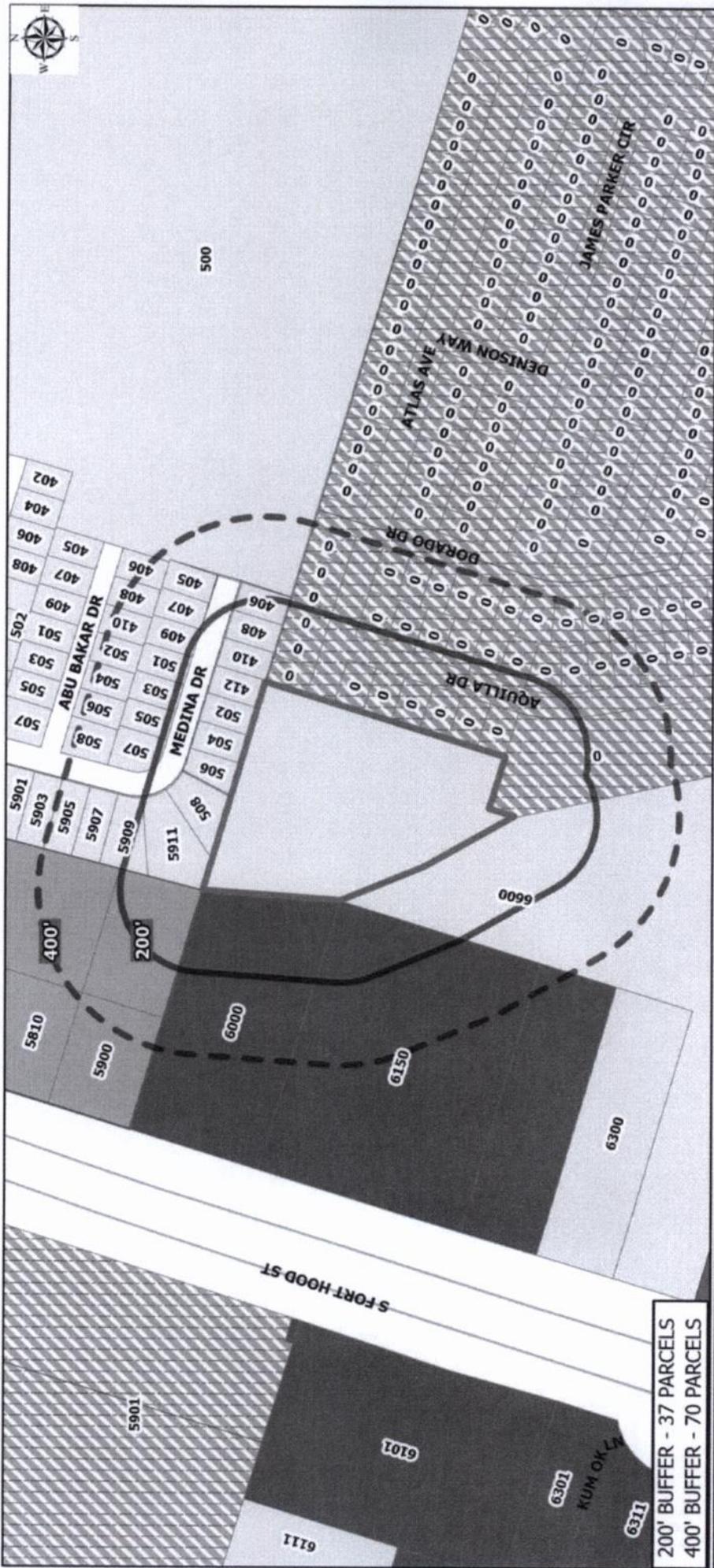
Legend



City Limits



Zoning Case



200' BUFFER - 37 PARCELS  
 400' BUFFER - 70 PARCELS

NOTIFICATION MAP  
 Council District: 3  
 0 150 300 Feet

Current Zoning  
 A R-1 SUP UD  
 A-R1 B-5

Legend

## Zoning Case 2022-39

### A-R1 TO PUD W/ R-1

Subject Property Legal Description: PART OF A0857BC A WEBB, 12, ACRES 172.58

# SITE PHOTOS

Case #Z22-39: "A-R1" to PUD W/ "R-1"



View of the subject property looking west:



View looking west towards proposed green space:



# SITE PHOTOS

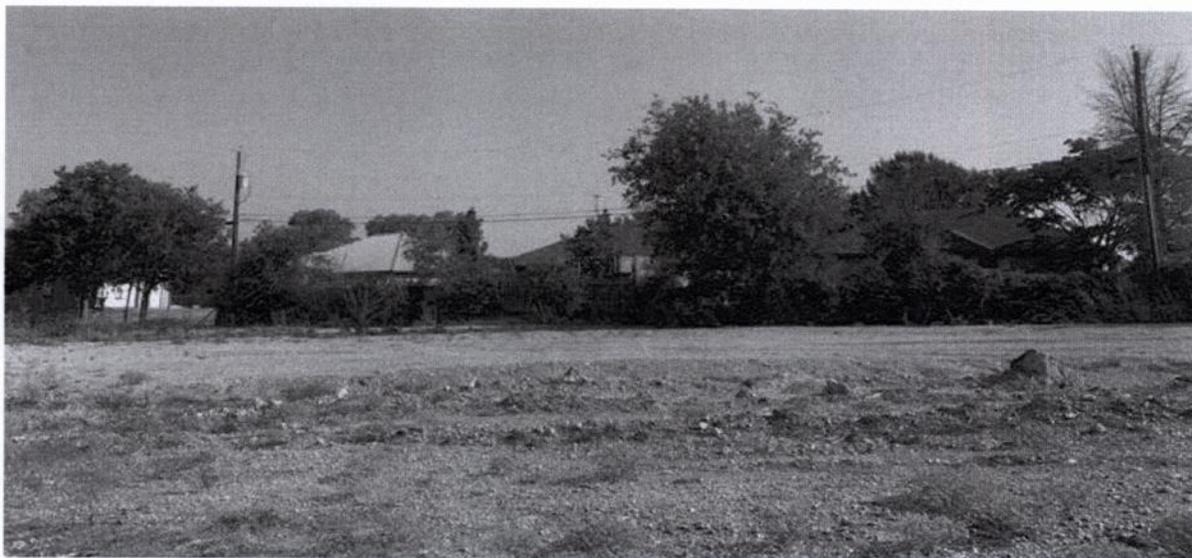
Case #Z22-39: "A-R1" to PUD W/ "R-1"



View of the surrounding property to the east (Levy Crossing Subdivision):



View of the surrounding property to the north (Rahman Subdivision Phase One):



## 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 in 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.

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**July 18, 2022**

**CASE #Z22-39**  
**“A-R1” to “PUD” w/ “R-1”**

**HOLD** a public hearing and consider a request submitted by Killeen Engineering and Surveying, LTD, on behalf of JOF Developers, Inc (Case #Z22-39) to rezone approximately 5.852 acres out of the 172.58 acre tract from the Azra Webb Survey, Abstract No. 857 from “A-R1” (Agricultural Single-Family Residential District) to Planned Unit Development (PUD) with “R-1” (Single-Family Residential District). The property is locally addressed as 6600 S. Fort Hood Street, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommended that the Commission hold the Public Hearing for Zoning Case #Z22-39 but postpone the item until the next regular meeting due to its relation to Zoning Case Z22-40, where a discrepancy on the notification boundary was found.

Ms. Michelle Lee of Killeen Engineering and Surveying was present to represent the case. Ms. Lee requested that the Commission vote on this item because it was noticed correctly.

Chairman Latham opened the public hearing.

Mr. Gary Purser of 2901 E. Stan Schlueter Loop spoke in favor of the request.

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

Commissioner Minor moved to recommend approval of the applicant’s request with the condition that the City’s newly adopted Architectural and Site Design Standards be applied. Commissioner Jones seconded, and the motion passed by a vote of 6 to 0.

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**DATE:** August 16, 2022  
**TO:** Kent Cagle, City Manager  
**FROM:** Edwin Revell, Executive Director of Development Services  
**SUBJECT:** ZONING CASE #Z22-39: "A-R1" to PUD w/ "R-1".

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** JOF Developers  
**Agent:** Killeen Engineering & Surveying, LTD  
**Current Zoning:** "A-R1" (Agricultural Single-Family Residential District)  
**Proposed Zoning:** Planned Unit Development (PUD) w/ "R-1" (Single-Family Residential District)  
**Current FLUM Designation:** 'Suburban Residential' (SR)

**Summary of Request:**

Killeen Engineering & Surveying, LTD, on behalf of on behalf of JOF Developers, has submitted a request to rezone approximately 5.852 acres out of the 172.58 acre tract from the Azra Webb Survey, Abstract No. 857, from "A-R1" (Agricultural Single-Family Residential District) to Planned Unit Development (PUD) w/ "R-1" (Single-Family Residential District). The applicant intends to develop thirteen (13) residential lots and approximately 1.775 acres of dedicated green space. If approved, the additional lots included in this request would be subject to the "R-1" PUD standards in the Levy Crossing PUD. The applicant has submitted a concurrent request to amend the Levy Crossing PUD to reduce the setback requirements within the development. If approved, the reduced "R-1" setback would be applicable to the subject property.

**Zoning/Plat Case History:**

The subject property was annexed into the city limits on October 19, 1999 via Ordinance No. 99-61 and subsequently zoned "A-R1" (Agricultural Single-Family Residential District) via Ordinance No. 00-69 on September 12, 2000. The property is currently unplatted.

### **Character of the Area:**

#### **Surrounding Land Use and Zoning:**

**North:** Single-family homes zoned "R-1" (Single-Family Residential District)

**East:** Single-family residential lots zoned Planned Unit Development (PUD) w/ "R-1" (Single-Family Residential District)

**South:** Lot remainder with a vacant structure zoned "A-R1" (Agricultural Single-Family Residential District) and "UD" (University District)

**West:** Commercial businesses zoned "B-5" (Business District)

#### **Future Land Use Map Analysis:**

This area is designated as 'Suburban Residential' (SR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

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.

#### **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 Atlas Avenue, which is classified as a 70' wide Collector Street on the City of Killeen Thoroughfare Plan. Staff estimates that there will be an increase of approximately 123 trips per day and has determined that a Traffic Impact Analysis is not required for the proposed land use.

#### **Environmental Assessment:**

The property appears to have a small portion (600 to 650 SF) of FEMA regulatory Special Flood Hazard Area (SFHA) at its south end. There is freshwater emergent wetland on or adjacent to the property as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified seventy (70) surrounding property owners regarding this request.

Of those property owners notified, thirty-three (33) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twelve (12) reside outside of Killeen.

As of the date of this staff report, staff has received one (1) written response in opposition to this request.

### **Staff Findings:**

The Comprehensive Plan (page 2.17) notes that the 'Suburban Residential' (SR) land use designation allows for "planned developments to provide for other housing types (e.g., townhouse, patio) in a suburban character setting." This section further states that the 'Suburban Residential' (SR) designation "can establish development options which allow for lot sizes smaller than the baseline in exchange for greater open space set-aside, with the additional open space devoted to maintaining the overall suburban character and buffering adjacent properties." Staff finds that the request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

The surrounding area includes predominantly residential uses and undeveloped properties. To the north and east, there are single-family homes and undeveloped property. To the south, there are undeveloped properties and a religious institution. To the west are undeveloped properties.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's PUD amendment request;
- Approve the PUD amendment request with conditions; or
- Approve the PUD amendment as presented by the applicant.

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

Staff recommends approval of the applicant's request to rezone the property from "A-R1" (Agricultural Single-Family Residential District) to Planned Unit Development (PUD) with "R-1" (Single-Family Residential District) used with the condition that the City's Architectural and Site Design Standards be applied to the development.

Staff finds that the request is compatible with the surrounding land uses and consistent with the prevailing community character. The character of the area includes predominantly single-family residential uses and commercial businesses. In addition, staff finds that the proposed green space to the west will provide a sufficient buffer between the subject property and the commercial properties to the west.

**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, long-term maintenance of all proposed municipal infrastructure will be the City's responsibility.

**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:**

At their regular meeting on July 18, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0 with the condition that the architectural standards be implemented.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinance  
Letter of Request  
PUD Amendment Exhibit  
Response  
Considerations