

**ORDINANCE 22-072**

---

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN TO AMEND THE PLANNED UNIT DEVELOPMENT (PUD) STANDARDS FOR APPROXIMATELY 62.876 ACRES OUT OF THE 172.58 ACRE TRACT FROM THE AZRA WEBB SURVEY, ABSTRACT NO. 857 TO ALLOW LESSENERED SETBACK REQUIREMENTS; 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 to amend the Planned Unit Development (PUD) standards for approximately 62.876 acres out of the 172.58 acre tract from the Azra Webb Survey, Abstract No. 857 to allow for lessened setback requirements for two-hundred and forty-six (246) lots zoned PUD with “R-1” (Single-Family Residential District), said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 18<sup>th</sup> day of July 2022 with the condition that the City’s newly adopted architectural and site design standards be applied to the development, 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 27<sup>th</sup> day of September 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 PUD amendment request should be approved;

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

**SECTION I.** That the PUD standards for approximately 62.876 acres out of the 172.58 acre tract from the Azra Webb Survey, Abstract No. 857 be amended to allow for smaller setback requirements and revised architectural requirements as described in the PUD

Regulations of the Planned Unit Development Exhibit - Amendment dated September 12, 2022, said request having been duly recommended for approval.

**SECTION II.** That the setbacks for approximately 62.876 acres out of the 172.58 acre tract from the Azra Webb Survey, Abstract No. 857 zoned PUD with “R-1” (Single-Family Residential District) shall be as follows:

- Front yard setbacks: Twenty-Five (25) feet;
- Side yard setbacks: Five (5) feet; and
- Rear yard setbacks: Twenty (20) feet.

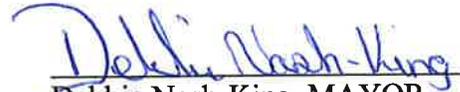
**SECTION III.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**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.

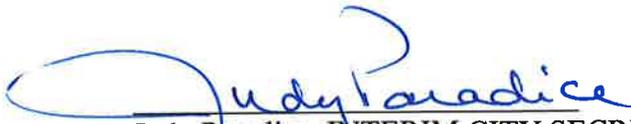
**SECTION V.** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 27<sup>th</sup> day of September 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.

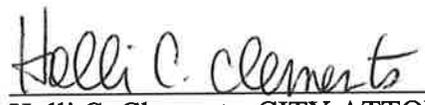
**APPROVED:**

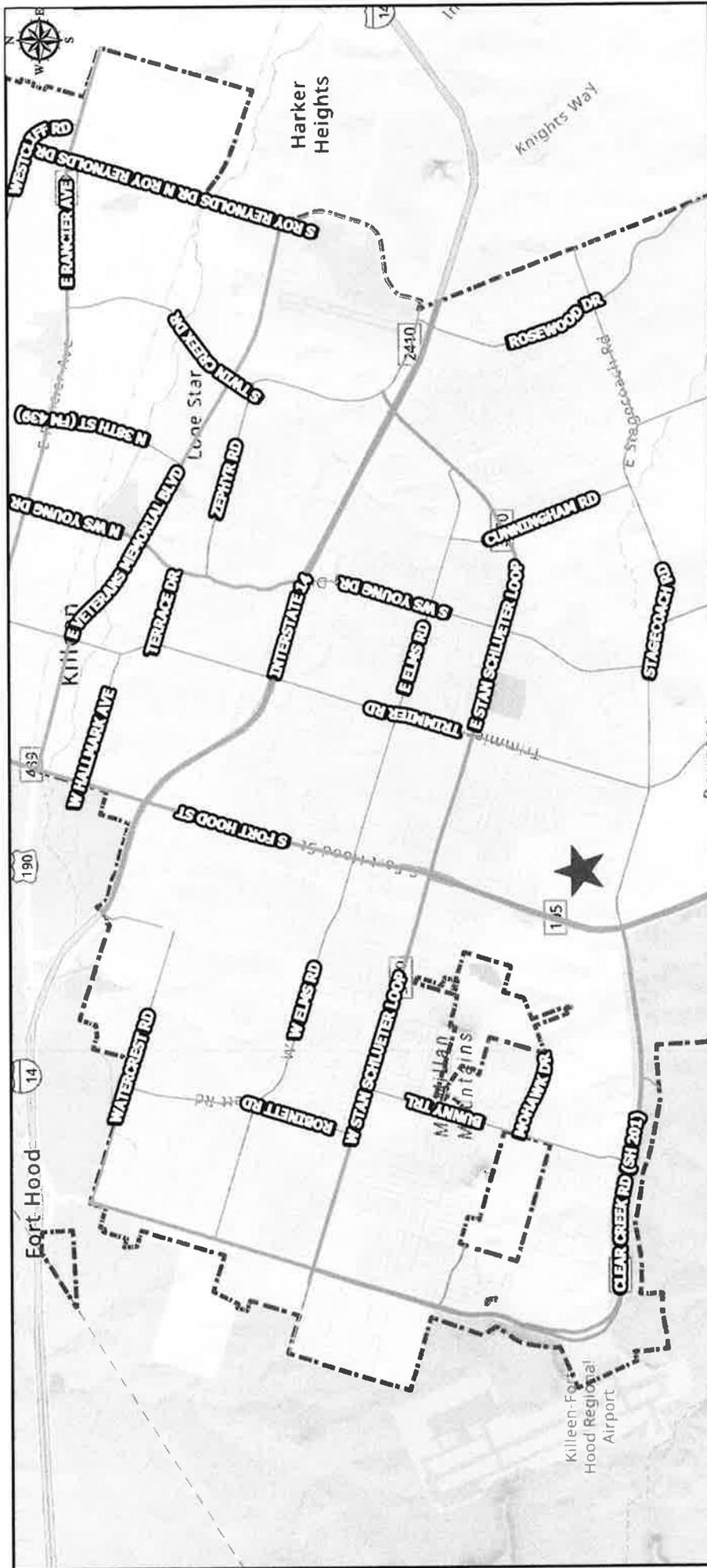
  
Debbie Nash-King, MAYOR

**ATTEST:**

  
Judy Paradice, INTERIM CITY SECRETARY

**APPROVED AS TO FORM**

  
Holli C. Clements, CITY ATTORNEY  
Case #22-40  
Ord. #22-072



**LOCATION MAP**

Council District: 3



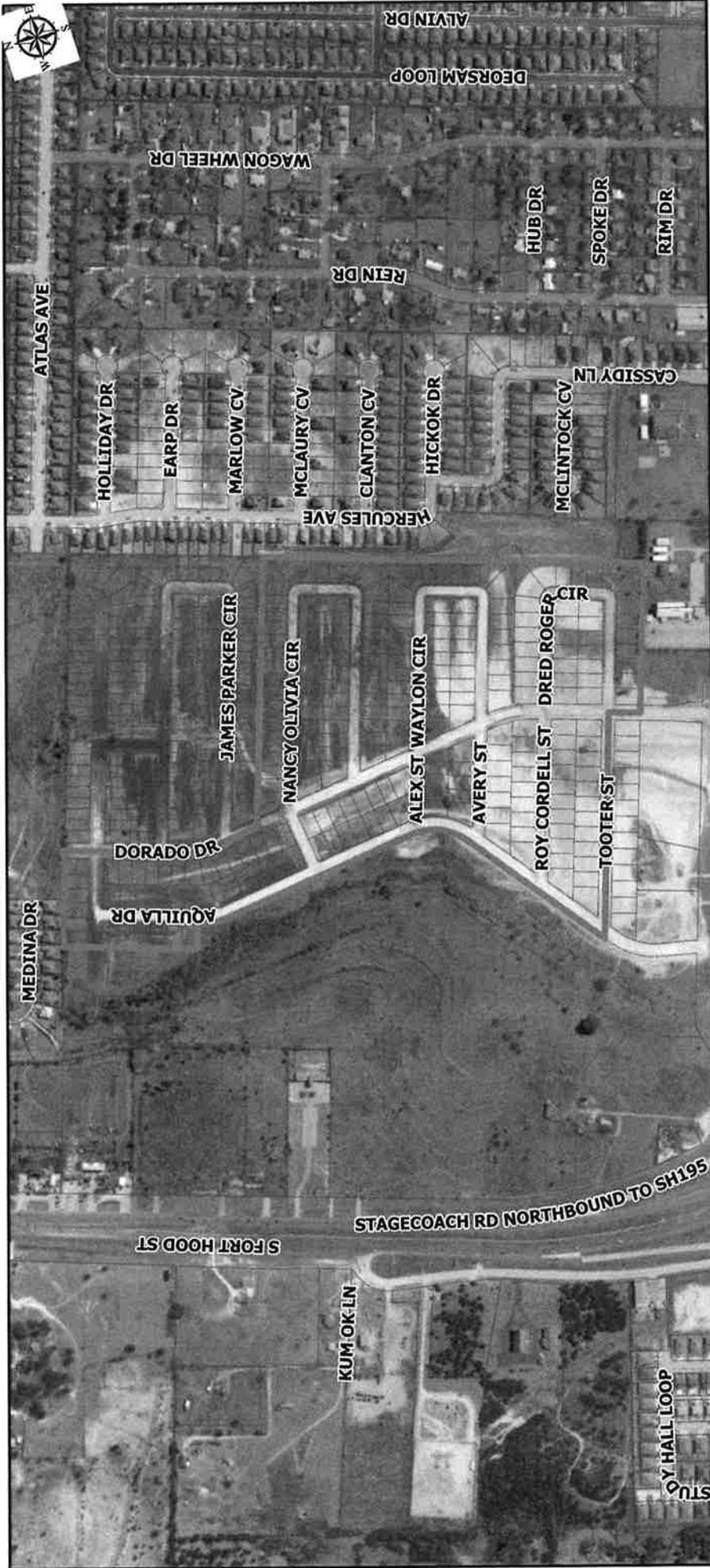
**Legend**

- Major Roads
- - - Citylimits
- ★ Zoning Case Location

**Zoning Case 2022-40**

PUD TO PUD W/ R-1

Subject Property Description: 62.876 Acres out of the A0857BC A WEBB Survey.



# Zoning Case 2022-40 Revised

PUD TO PUD W/ R-1

## Legend

-  Citylimits
-  Zoning Case

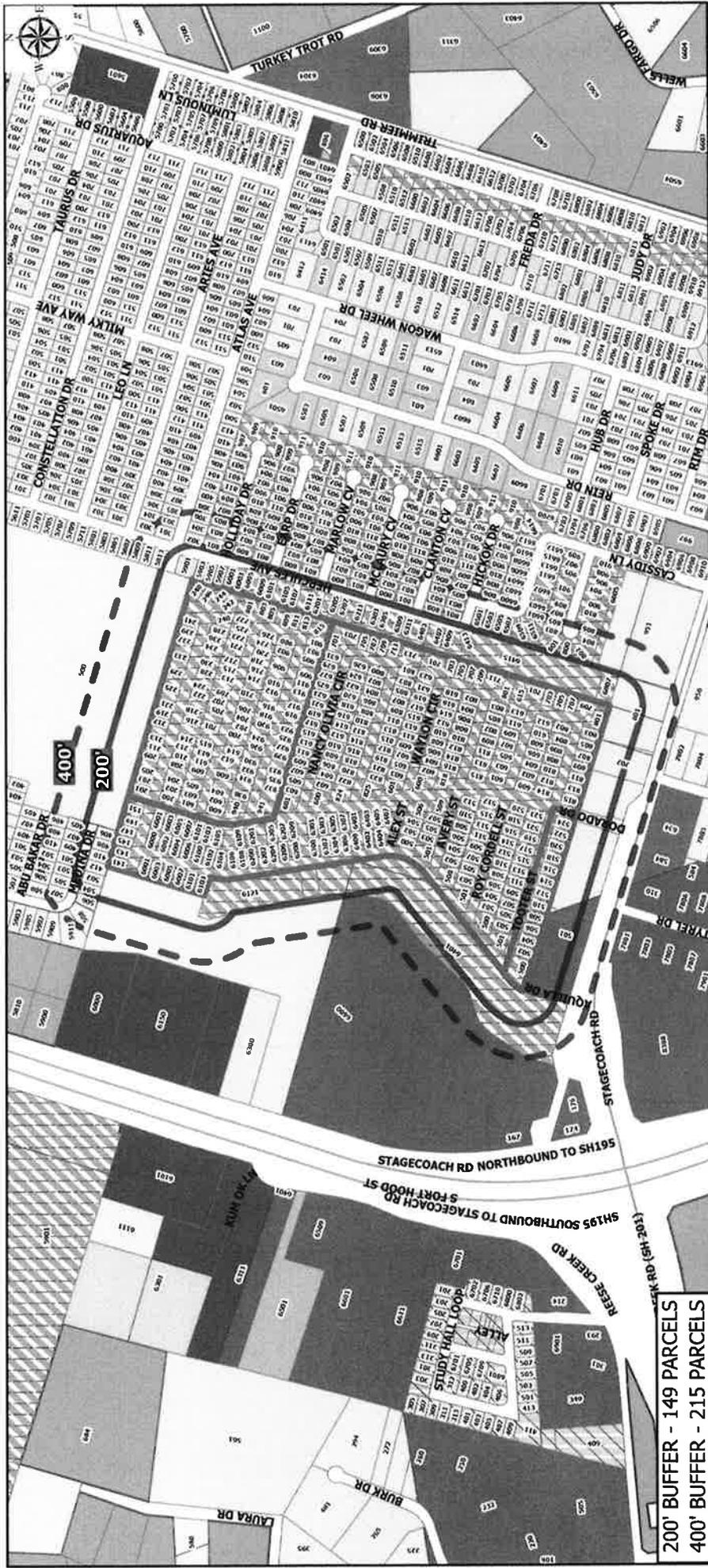
## AERIAL MAP

Council District: 3



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





- Current Zoning**
- B-5
  - R-1
  - B-3
  - ▨ RC-1
  - A
  - ▨ CUP
  - A-R1
  - ▨ PUD
  - R-2
  - ▨ R-3
  - SUP
  - ▨ R1-A
  - UD

## Zoning Case 2022-40

PUD TO PUD W/ R-1, R-2, AND SF-2

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

**NOTIFICATION MAP**  
 Council District: 3  
 0 355 710 Feet

200' BUFFER - 149 PARCELS  
 400' BUFFER - 215 PARCELS

# SITE PHOTOS

Case #Z22-40: PUD to PUD Amendment



View of the subject property looking north:



View looking northwest towards green space (west of Aquilla Dr):



# SITE PHOTOS

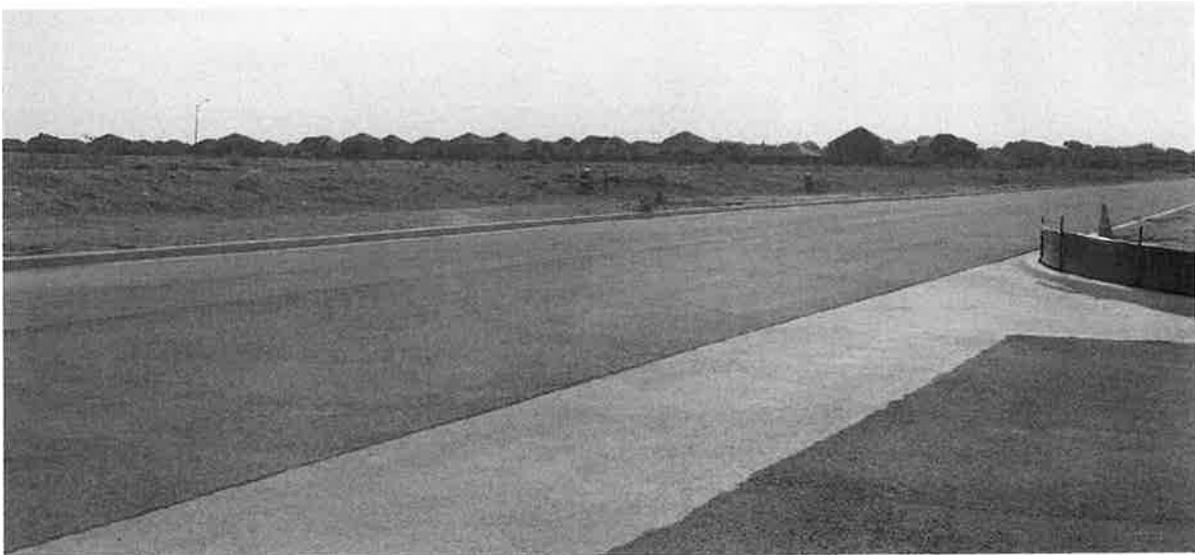
Case #Z22-40: PUD to PUD Amendment



View of the surrounding property to the south:



View within the subject property looking north east:



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

**CASE #Z22-40  
“PUD” to “PUD”**

**HOLD** a public hearing and consider a request submitted by Killeen Engineering and Surveying, LTD, on behalf of JOF Developers (Case #Z22-40) to amend the Planned Unit Development (PUD) standards for approximately 109.557 acres out of the 172.58 acre tract from the Azra Webb Survey, Abstract No. 857 to allow for smaller setback requirements. 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 but postpone the item until the next regular meeting so that staff can provide updated written notice of all public hearing dates to all property owners within 400 feet of the request in accordance with State law and City policy.

Ms. Michelle Lee of Killeen Engineering and Surveying was present to represent the case. She requested that the boundary of the zoning request be reduced to conform to the written notification, and that the Commission vote on the item.

Chairman Latham opened the public hearing.

Mr. Camron Cochran of 800 Holliday Drive stated that he submitted a response in opposition to the request and asked if the request would affect his property. It was explained that the 400-foot buffer is a notification boundary and that the request would not affect his property.

Mr. Gary Purser of 2901 E. Stan Schlueter Loop stated that he is in favor of reducing the area of the request due to the discrepancy regarding the notification boundary.

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

Commissioner Gukeisen moved to recommend approval of the request for the reduced area shown on the notification map as presented by the applicant. Commissioner Sabree seconded.

Commissioner Minor stated that he wished to include a condition that the City’s newly adopted Architectural and Site Design Standards be adhered to.

Commissioner Gukeisen rescinded his motion and moved to recommend approval of the request as presented by the applicant with the condition that the Architectural and Site Design Standards apply to the request.

Commissioner Minor seconded, and the motion passed by a vote of 6 to 0.



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 13, 2022

Wallis Meshier, Director of Planning  
City of Killeen, TX

**Re:** Levy Crossing PUD Amendment

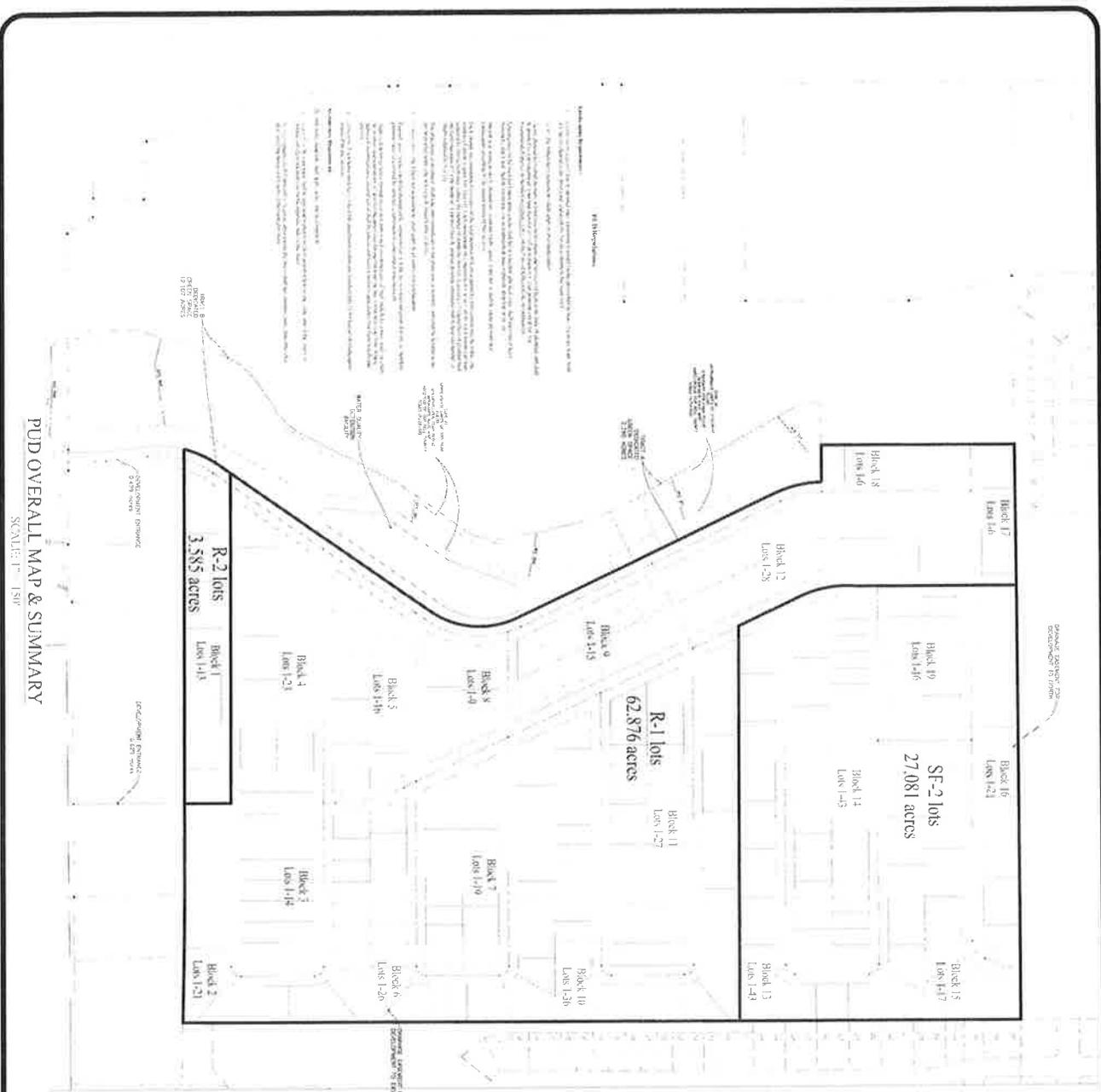
Ms. Meshier,

This letter of request is in reference to an amendment to the PUD for Levy Crossing. It is a development located near the Southeast corner of Highway 195 and Stagecoach Road. It consists of 399 lots spanning over 109.557 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).

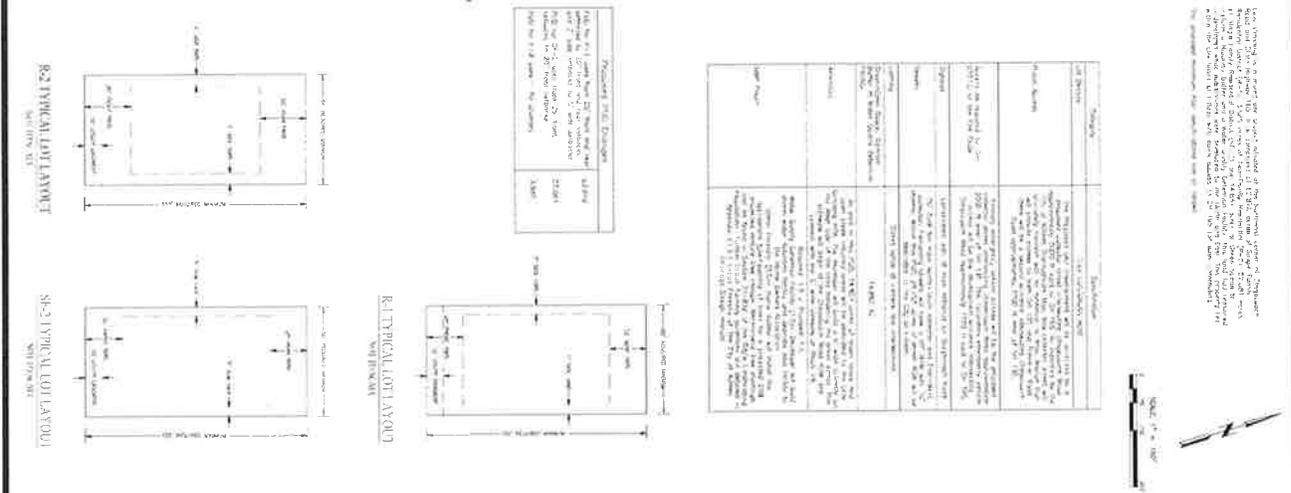
There is no intent to alter the size, nature, description or nomenclature of any lots or streets in the development with this amending PUD. This alteration will have no impact on the surrounding properties, as all the homes constructed will be built to the same quality standards as required by the PUD. Additionally, this development will not increase the number of lots. The developer is asking only for a revision to the building setback lines.

Respectfully,

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



**PUD OVERALL MAP & SUMMARY**  
SCALE: 1" = 150'



Project No.	2018-023
Acres	93.542
Units	399
Sheet	1 of 3
Date	7/19/2022
Sheet No.	1 of 1

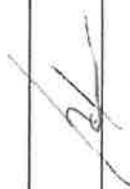
**PROPOSED UNIT DEVELOPMENT EXHIBIT - AMENDMENT**  
93.542 ACRES OF THE AZRA WEBB SURVEY,  
ABSTRACT NO. 857  
KILLEEN, BELL COUNTY, TEXAS

**KILLEEN ENGINEERING & SURVEYING, LTD**  
2901 E. Ston Schriener Loop  
Killeen, Texas 76542  
Office: (254) 506-3981 FAX: (254) 506-4251  
TSPS REGISTRATION NO. F-4200  
TSPS REGISTRATION NO. 10184541



property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than 4:00 p.m., July 18, 2022. After the Planning and Zoning meeting, this matter will be forwarded to the City Council on August 23, 2022, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street, Killeen Texas, where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

CUT HERE

YOUR NAME:	Tommy & Debra Cochran	PHONE NUMBER:	254-213-2409
CURRENT ADDRESS:	800 Holiday Drive, Killeen Tx 76542		
ADDRESS OF PROPERTY OWNED:	800 Holiday Drive Killeen Tx 76542		
COMMENTS:	My family is in opposition with any alterations to the current property lines. We disagree with anyone's annexation of existing land between these two communities.		
SIGNATURE:		7/18/2022	10

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

222-39130

YOUR NAME:	TERRI Nyemaster	PHONE NUMBER:	254-258-8728
CURRENT ADDRESS:	408 Medina DR		
ADDRESS OF PROPERTY OWNED:	408 Medina DR		
COMMENTS:	PLEASE STOP All you are doing is raising my Property TAX Killing the wild life and OVER TAXING ALL UTITIES! and my yard  WE DO NOT NEED OR WANT!! And This is Pointless BC the \$\$\$ is all you care about		
SIGNATURE:	TERRI Nyemaster	REQUEST:	"PUD" to "PUD" w "R-1", "SF-2", & "R-2" SPO #Z22-40/ 21

Fix the abandon areas

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

Take care of the Homeless

# 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:** September 20, 2022  
**TO:** Kent Cagle, City Manager  
**FROM:** Edwin Revell, Executive Director of Development Services.  
**SUBJECT:** ZONING CASE #Z22-40: "PUD" to "PUD" Amendment

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** JOF Developers  
**Agent:** Killeen Engineering & Surveying, LTD  
**Current Zoning:** Planned Unit Development (PUD)  
**Proposed Zoning:** Planned Unit Development (PUD) amendment to allow for smaller setback requirements  
**Current FLUM Designation:** 'Suburban Residential' (SR) and 'Suburban Commercial' (SC)

**Summary of Request:**

The Levy Crossing Planned Unit Development (PUD) was approved in July 2020. The approved PUD includes underlying "R-1" (Single-Family Residential), "SF-2" (Single-Family Residential), and "R-2" (Two-Family Residential) zoning.

The applicant previously requested for smaller setback requirements for three-hundred and eighty-six (386) lots zoned "R-1" and "SF-2" as follows:

	Front Setback		Side Setback		Rear Setback	
	Current	Requested	Current	Requested	Current	Requested
"R-1"	25 ft.	20 ft.	7 ft.	5 ft.	25 ft.	20 ft.
"SF-2"	25 ft.	20 ft.	5 ft.	No change	20 ft.	No change

On August 23, 2022, City Council tabled this request to give the opportunity for the applicant and staff to discuss a compromise regarding the architectural standards for this request. The public hearing was also held during this meeting.

The applicant has since met and corresponded with staff to find a compromise, which is included in the revised PUD Amendment exhibit.

The revised request is to amend the building setbacks for two-hundred and forty-six (246) lots zoned "R-1" (Single-Family Residential District) as follows:

	Front Setback		Side Setback		Rear Setback	
	Current	Requested	Current	Requested	Current	Requested
<b>"R-1"</b>	25 ft.	No change	7 ft.	5 ft.	25 ft.	20 ft.

The revised PUD regulations includes no changes to the landscaping requirements and the following architectural requirements:

- Repetition standard;
- Garage standard;
- Enhanced windows;
- Architectural details;
- Variable roof design; and
- At least three (3) of the following: recessed garage, vertical articulation, covered front porch, variable exterior finish materials, or enhanced garage doors.

**Zoning/Plat Case History:**

The subject property was annexed into the City limits on October 19, 1999 and subsequently zoned "A-R1" (Agricultural Single-Family Residential District) on September 12, 2000. The property was rezoned from "A-R1" (Agricultural Single-Family Residential District) and "UD" (University District) to Planned Unit Development (PUD) w/ "R-1" (Single-Family Residential District), "SF-2" (Single-Family Residential District), "R-2" (Two-Family Residential District) and Open Space uses via Ordinance No. 22-027 on July 21, 2020. The property was final platted as Levy Crossing Final Plat on June 29, 2022. The subdivision has been constructed, but no homes have been built within the subdivision.

**Character of the Area:**

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

**East:** Single-family homes zoned Planned Unit Development (PUD) w/ "SF-2" (Single-Family Residential District)

**South:** Undeveloped property zoned "A-R1" (Agricultural Single-Family Residential District) and UD (University District), and religious institution zoned "R-1" (Single-Family Residential District)

**West:** Vacant structure on a large lot zoned "A-R1" (Agricultural Single-Family Residential District) and UD (University 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.

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.

#### **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. This is a PUD amendment with no proposed increase in traffic from the previously approved PUD, so a Traffic Impact Analysis is not required.

#### **Environmental Assessment:**

The property is within a FEMA regulatory Special Flood Hazard Area (SFHA) associated with NRC Tributary 3. There is freshwater emergent wetland on or adjacent to the property as identified on the National Wetlands Inventory.

#### **Public Notification:**

Staff notified two-hundred and fifteen (215) surrounding property owners regarding this request.

Of those property owners notified, sixty-six (66) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twenty-six (26) reside outside of Killeen.

As of the date of this staff report, staff has received one (1) written response in support and two (2) written responses in opposition to this request.

**Staff Findings:**

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 request as presented by the applicant.

**Which alternative is recommended? Why?**

Staff finds that the amended request for lessened setback only applies to the “R-1” zoning district which constitutes a reduced number of lots and includes an array of architectural standards that will be implemented immediately.

Staff finds this request is consistent with the policies and principles discussed in the newly adopted Comprehensive Plan; therefore, staff recommends approval of the PUD amendment request as presented by the applicant.

**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 recommend approval of the applicant's request to amend the PUD with the condition that the City's newly adopted Architectural and Site Design Standards be applied by a vote of 6 to 0.

**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 Exhibit  
Responses  
Considerations