

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 R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-1 WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, RSBP 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 the hereinafter described property from R-1 (Single-family Residential District) to R-1 (Single-family Residential District) with a Planned Unit Development (PUD) overlay for Lots 1-2, Blocks 10 through 13, Bunny Trail Estates Phase One and Lots 3-19, Block 10 and Lots 3-34, Blocks 11 through 13, Bunny Trail Estates Phase Two, said request having been duly presented and recommended for approval to by the Planning and Zoning Commission of the City of Killeen on the 21st day of December 2015 with the following conditions:

- Side yards shall be a minimum width of nine (9) feet (, exclusive of those side yards located adjacent to public rights-of-way, which shall remain at fifteen (15) feet.
- Rear yards shall have a depth of not less than seventeen (17) feet (as illustrated on the attached PUD site concept plan) from the current standard of twenty-five (25) feet.
- There shall be a minimum of 3-sides masonry (for the front and side exteriors) of all housing units.
- Each lot shall be fully sodded;

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 12th day of January 2016, 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 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 R-1 (Single-family Residential District) to R-1 (Single-family Residential District) with a Planned Unit Development (PUD) overlay, with the standards as stipulated by the Planning and Zoning Commission, for Lots 1-2, Blocks 10 through 13, Bunny Trail Estates Phase One and Lots 3-19, Block 10 and Lots 3-34, Blocks 11 through 13, Bunny Trail Estates Phase Two, 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 12th day of January 2016, 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:



Scott Cosper, MAYOR

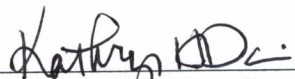


ATTEST:



Dianna Barker, CITY SECRETARY

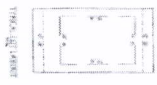
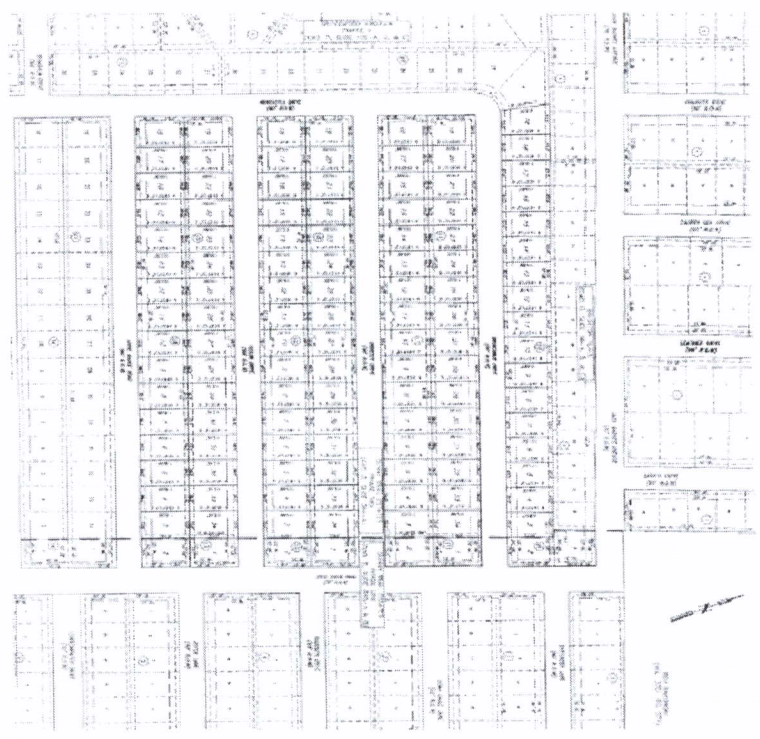
APPROVED AS TO FORM



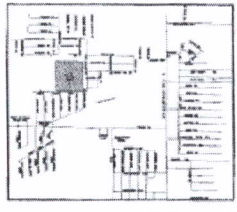
Kathryn H. Davis, City Attorney
Case #15-33
Ord. #

Fig. 1: PUD Site Concept Plan

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ZONING EXHIBIT

PUD SITE CONCEPT PLAN
KILLEEN, BELL COUNTY, TEXAS

Project No.	2008-0001
Client	XXX
Date	11/15/2008
Drawn By	XXX
Scale	1" = 100'



KILLEN ENGINEERING & SURVEYING, LTD
 2401 E. Hwy 380, Suite 1100
 Killeen, Texas 76789
 Phone: (254) 333-3800 Fax: (254) 333-3801
 State Registration No. 1-4330
 Survey Registration No. 1000000000

PLANNING AND ZONING COMMISSION MEETING
DECEMBER 21, 2015

CASE # Z15-33
R-1 TO R-1 w/PUD

HOLD a public hearing and consider a request by RSBP Developers, Inc. to rezone Lots 1-2, Blocks 10, 11, 12 and 13, Bunny Trail Estates, Phase One and Lots 3-19, Block 10, Lots 3-34, Blocks 11, 12 and 13, Bunny Trail Estates, Phase Two, from R-1 (Single-family Residential District) to R-1 with a Planned Unit Development (P.U.D.) for single family use with reduced required rear yards and increased required side yards. The properties are bounded by Jack Barnes Avenue (north), Great Divide Road (east), Newcastle Drive (west) and Anvil road Range (south), Killeen, Texas.

Chairman Frederick requested staff comments.

Senior Planner Charlotte Hitchman stated Killeen Engineering & Surveying, Ltd. submits this request on behalf of RSBP Developers to rezone the lots to Planned Unit Development (PUD) with "R-1" (Single-Family Residential District). The purpose of the PUD overlay is to reduce the required rear yard from 25 feet to 17 feet, while increasing the required side yard from 7 feet to 9 feet. The property was rezoned from "A" (Agricultural District) to "R-1" (Single-family Residential District) on November 11, 2011 per Ordinance No. 11-098.

Staff notified 93 (ninety three) surrounding property owners within the 200 foot notification boundary and no responses have been received.

Staff recommends approval of "R-1" (Single-Family Residential District) zoning with a PUD overlay with the following standards:

- Side yards shall be a minimum width of nine (9) feet exclusive of those side yards located adjacent to public rights-of-way, which shall remain at fifteen (15) feet as illustrated on the attached PUD zoning exhibit.
- Rear yard shall have a depth of not less than seventeen (17) feet from current standard of twenty-five (25) feet.
- There shall be a minimum of 3-side masonry on the front and side exteriors of all housing units.
- Each lot shall have a fully sodded yard.

Ms. Hitchman noted that staff is of the determination that this project is a unique in-fill development opportunity, and the requested deviation is more than mitigated by the requested increase in lot width, overall lot size, and additional conditions required.

Mr. Charles Gamble, 609 Sunny Brook Drive, Leander, Texas, was present to represent this request.

Chairman Frederick opened the public hearing.

Mr. Gary Purser Jr., 6503 Wells Fargo, Killeen, Texas, was present to support this request. With no one else requesting to speak, the public hearing was closed.

Commissioner Alvarez motioned to recommend approval of the "PUD" zoning with the conditions for Case #Z15-33. Commissioner Cooper seconded the motion. The motioned was approved by a vote of 6 to 0.

Chairman Frederick stated that his will be forwarded to City Council with a recommendation to approve.



Date Paid:	<u>4/19/15</u>
Amount Paid:	\$ <u>300</u>
Cash/MO #/Check #:	# <u>1199</u>
Receipt #:	<u>327</u>

CASE # 215-32

City of Killeen Zoning Change Application

General Zoning Change \$300.00 [] Conditional Use Permit \$500.00

Name(s) of Property Owner: RSBP Developers, Inc.

Current Address: 2901 E. Stan Schlueter Loop

City: Killeen State: Texas Zip: 75642 -

Home Phone: (254) 526-4652 Business Phone: (254) 634-5567; Ext #104 Cell Phone: (254) 535-1540

Email: cpurser@purserco.com

Name of Applicant: (SAME)
(If different than Property Owner)

Address: _____

City: _____ State: _____ Zip: _____

Home Phone: () _____ Business Phone: _____ Cell Phone: _____

Email: _____

Address/Location of property to be rezoned: Bunny Trail Estates Phase Two
Near Anvil Range Road & Great Divide Road

Legal Description: Bunny Trail Estates Phase Two - Blocks 11,12, & 13, Lots 3-34; Block 10, Lots 3-19 and
Bunny Trail Estates Phase One - Blocks 10, 11, 12, & 13, Lots 1-2

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
If NO, a FLUM amendment application must be submitted.

Type of Ownership: _____ Sole Ownership _____ Partnership Corporation _____ Other

Present Zoning: R-1 Present Use: SINGLE FAMILY RESIDENTIAL - VACANT

Proposed Zoning: PUD Proposed Use: PLANNED UNIT DEVELOPMENT

Conditional Use Permit for: _____

This property was conveyed to owner by deed dated August 26, 2011 and recorded in Volume
Page _____, Instrument Number 2011-00029590 of the Bell County Deed Records.
(Attached)

Is this the first rezoning application on a unilaterally annexed tract?
Yes _____ (Fee not required) No (Submit required fee)

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Killeen Engineering & Surveying, Ltd.

Mailing Address: 2901 E. Stan Schlueter Loop

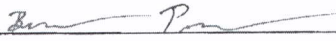
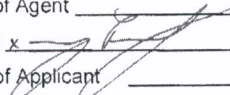
City: Killeen State: Texas Zip: 76542 - _____

Home Phone: (254) 526-4652 Business Phone: (254) 526-3981 Email: bpurser@kesltd.com

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific zoning request.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of Agent	<u></u>	Title	<u>Project Manager</u>
Printed/Typed Name of Agent	<u>Ben Purser</u>	Date	<u>11-18-15</u>
Signature of Agent	_____	Title	_____
Printed/Typed Name of Agent	_____	Date	_____
Signature of Applicant	<u></u>	Title	<u>President - RSBP</u>
Printed/Typed Name of Applicant	<u>RSBP Developers, Inc.</u>	Date	<u>11-18-15</u>
Signature of Property Owner	_____	Title	_____
Printed/Typed Name of Property Owner	<u>(same)</u>	Date	_____
Signature of Property Owner	_____	Title	_____
Printed/Typed Name of Property Owner	_____	Date	_____
Signature of Property Owner	_____	Title	_____
Printed/Typed Name of Property Owner	_____	Date	_____

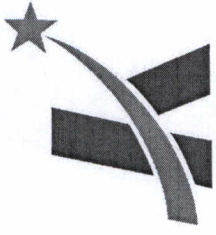
*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

PUD OVERLAY

Property: Per attached exhibit.

Request modification of rear yard setback to having a depth of not less than seventeen (17) feet from current standard of not less than twenty-five (25) feet.

Request modification of interior side yard setback on each side of the lot having a width of not less than nine (9) feet from current standard of not less than seven (7) feet.



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z15-33

ZONING FROM:

R-1 To PUD

APPLICANT:

RSBP DEVELOPERS INC.

PROPERTY OWNER:

RSBP DEVELOPERS INC.

LEGAL DESCRIPTION:

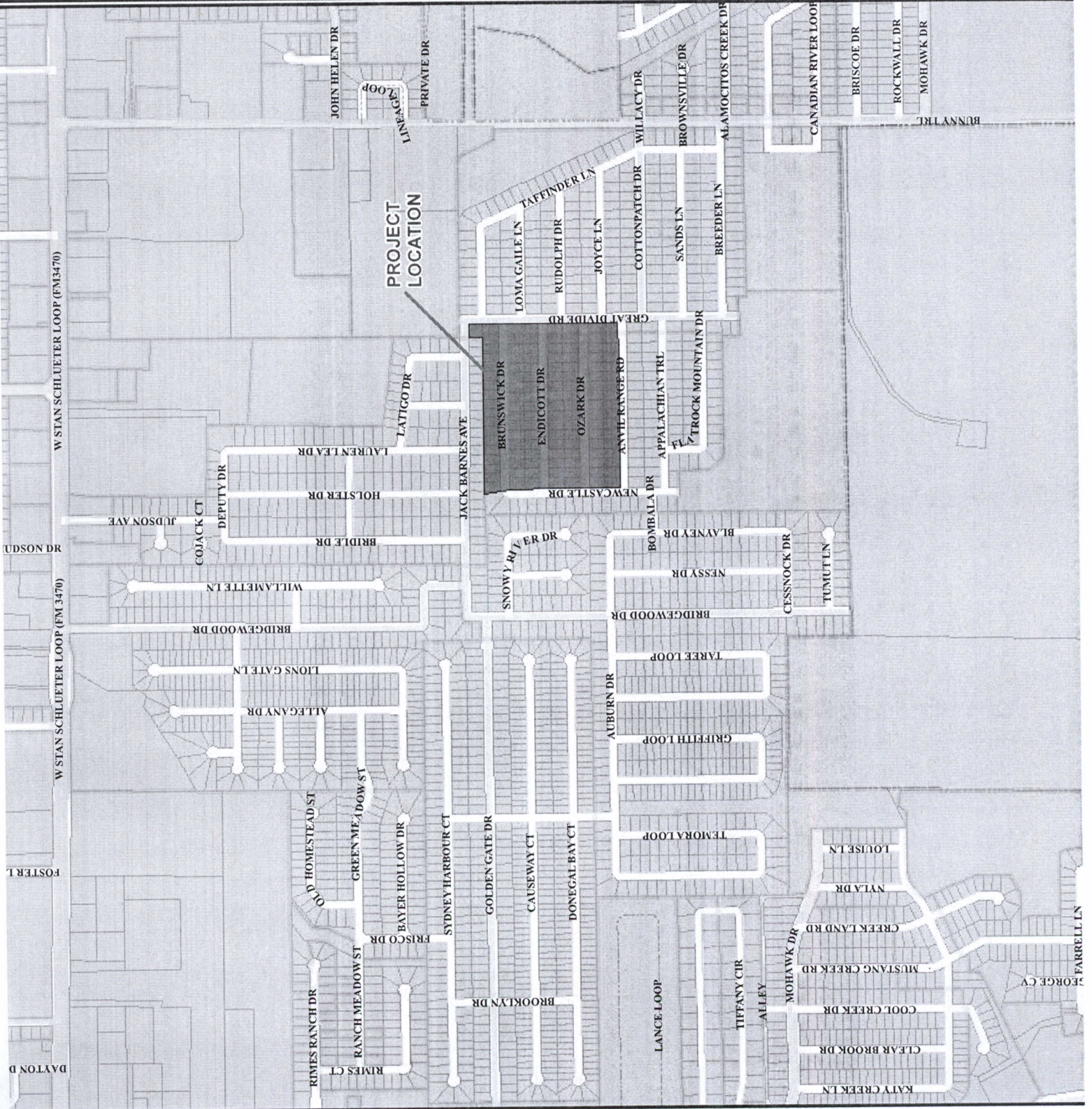
**BUNNY TRAIL ESTATES PH II -
BLK 11,12,13 LOT 3-34
BLK 10 LOT 1,2
BUNNY TRAIL ESTATES PH I -
BLK 10,11,12,13 LOT 1,2**

LEGEND

-  Zoning Case
-  Parcel
-  City Limits



Date: 11/23/2015





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z15-33

ZONING FROM:

R-1 To PUD

APPLICANT:

RSBP DEVELOPERS INC.

PROPERTY OWNER:

RSBP DEVELOPERS INC.

LEGAL DESCRIPTION:

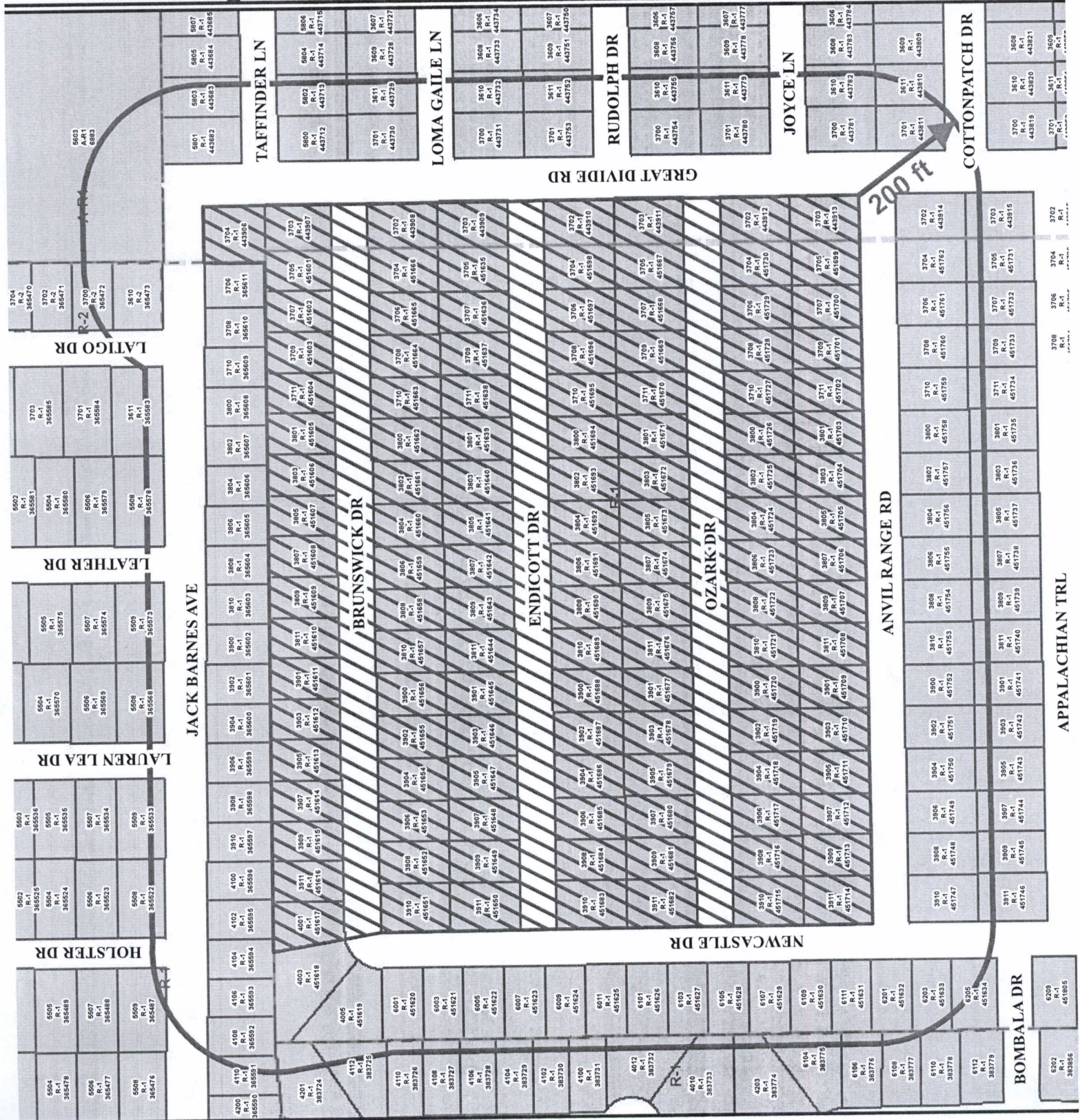
BUNNY TRAIL ESTATES PH II -
BLK 11,12,13 LOT 3-34
BLK 10 LOT 1,2
BUNNY TRAIL ESTATES PH I -
BLK 10,11,12,13 LOT 1,2

LEGEND

- 200' Buffer
- Zoning Case
- Current Zoning
- Subdivision
- Parcel
- City Limits



Date: 11/23/2015



APPALACHIAN TRL

BOMBALA DR

ANVIL RANGE RD

OZARK DR

ENDICOTT DR

BRUNSWICK DR

JACK BARNES AVE

LAUREN LEA DR

LEATHER DR

LATIGO DR

TAFFINDER LN

HOLSTER DR

LOMA GAILE LN

RUDOLPH DR

JOYCE LN

COTTONPATCH DR

BOMBALA DR

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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

AGENDA ITEM

ZONING CASE #Z15-33 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) WITH A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY.

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Killeen Engineering & Surveying, Ltd. submits this request on behalf of RSBP Developers to rezone Lots 1-2, Blocks 10 through 13 Bunny Trail Estates, Phase One and Lots 3-19, Block 10 and Lots 3-34, Blocks 11 through 13, Bunny Trail Estates, Phase Two, from "R-1" (Single-Family Residential District) to "R-1" (Single-Family Residential District) uses with a Planned Unit Development (PUD) overlay. The properties are bounded by Great Divide Road on the east and Newcastle Drive on the west, Killeen, Texas. The purpose of the PUD overlay is to reduce the required rear yard from 25 feet to 17 feet, while increasing the required side yard from 7 feet to 9 feet.

District Descriptions:

A building or premises in a "R-1" Single-Family Residential District shall be used only for the following purposes:

- (1) One-family dwellings.
- (2) Churches or other places of worship.
- (3) Colleges, universities or other institutions of higher learning.
- (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (5) Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- (7) Public buildings, including libraries, museums, police and fire stations.
- (8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years. Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
- (9) Schools, public elementary or high.
- (10) Schools, private with curriculum equivalent to that of a public elementary or high school.
- (11) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.

(12) Water supply reservoirs, pumping plants and towers.

(13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building...

(14) A subdivision entry sign, when such sign is located on a lot that abuts a subdivision boundary and fronts on a street entering the subdivision. Such sign:

a. Shall not have a sign face which exceeds a total of twenty-four (24) square feet; and

b. Shall not exceed six (6) feet in height; and

c. Shall not be located in a side or rear yard which is adjacent to any other lot designated for residential use; and

d. Shall advertise only the name of the subdivision.

(15) Cemetery.

A Planned Unit Development (PUD) is a land use design incorporating the concepts of density and common open space. Common open space shall include, but is not limited to, community amenities such as parks, gardens, pedestrian trails, recreation areas, and usable undisturbed, natural areas. The PUD designation serves as an "overlay zoning and development classification." In this capacity, the designation permits specific negotiated development regulations to be applied to the base land use zoning district(s) in which the property is located. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site. Such specific land use and development regulations shall not take effect until they are reviewed, public hearings held and approved by both the Planning and Zoning Commission and the City Council. The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses.

This classification serves the following purposes:

- (a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
- (b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and promote pedestrian circulation;
- (c) Allow developers greater freedom to be innovative in selecting the means to provide access, light, open space and amenities; and
- (d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

The regulatory provisions of this classification are intended to achieve the above purposes while maintaining the spirit of the current City of Killeen Development Regulations, as amended. As such, these provisions represent the governing body's minimum quality of life standard and no variance or exception shall be granted thereto.

Property Specifics

Applicant/Property Owner: RSBP Developers, Inc.

Property Location: The properties are bounded by Great Divide Road on the east and Newcastle Drive on the west, Killeen, Texas.

Legal Description: Lots 3-34, Blocks 11 through 13 and Lots 3-19, Block 10, Bunny Trail Estates, Phase Two; Lots 1-2, Blocks 10 through 13 Bunny Trail Estates, Phase One.

Zoning/ Plat Case History:

The property was rezoned from "A" (Agricultural District) to "R-1" (Single-family Residential District) on November 11, 2011 per Ordinance No. 11-098.

The subject property is platted as Bunny Trail Estates, Phase One, which was filed for record on January 23, 2012 in Cabinet D, Slide 384-A/B, Plat Records, Bell County, Texas and Bunny Trail Estates, Phase Two, which was filed for record on February 8, 2013 in Cabinet D, Slide 384-A, Plat Records, Bell County, Texas.

Character of the Area

Existing Land Use(s) on the Property: The project area is currently under development with a mixture of single-family residential uses. Bridgewood Addition and Brighton Place are two existing subdivisions around this development.

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

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility services are readily available to the above subject property proposed to be rezoned within the City of Killeen municipal utility service area. The property lies entirely within previously platted subdivisions - Bunny Trail Estates, Phases One and Two. In accordance with the City of Killeen Code of Ordinances, the developer is required to extend public utilities to the property in accordance with the plan of service validated with the approved plat cases. All supporting public utilities and public streets have been accepted and dedicated to the City for maintenance. 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 the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:

Existing conditions: This project area has been platted with adequate ingress/egress according to the Code of Ordinances. Brunswick Drive, Endicott Drive, Ozark Drive and Anvil Range Road are all 60' local streets that abut the subject property.

Proposed Improvements: None.

Projected Traffic Generation: Moderate upon build out.

Environmental Assessment

Topography: This property is relatively flat.

Regulated Floodplain/Floodway/Creek: This property is located in a Zone X Special Flood Hazard Area. There are no known wetlands on this parcel.

Land Use Analysis

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

Plan Recommendation: The 'General Residential' character encourages detached residential dwellings as the primary focus, attached housing types subject to compatibility and open space standards (e.g. duplexes), planned developments with a mix of housing types subject to compatibility and open space standards, public/institutional, parks, and other public spaces.

The characteristics of this designation include:

- Predominantly "R-1" zoning district with less openness and separation between dwellings compared to Suburban Residential areas.

- Auto-oriented character that can be offset with architectural standards, landscaping, and limited uniform subdivision designs.

- Neighborhood-scale commercial emerging over time for well-suited areas.

Consistency: The zoning request is consistent with the FLUM of the Comprehensive Plan.

Public Notification

The staff notified 93 (ninety three) surrounding property owners regarding this request. No responses have been received.

Recommendation

The Planning & Zoning Commission recommended approval (by a vote of 6 to 0) of the applicant's request with the following standards:

Side yards shall be a minimum width of nine (9) feet (as illustrated on the PUD zoning concept plan), exclusive of those side yards located adjacent to public rights-of-way, which shall remain at fifteen (15) feet.

Rear yards shall have a depth of not less than seventeen (17) feet (as illustrated on the PUD zoning concept plan) from the current standard of twenty-five (25) feet.

There shall be a minimum of 3-sides masonry (for the front and side exteriors) of all housing units.

Each lot shall have a fully sodded yard.

Figure 1. Zoning Map

