

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-3 (LOCAL BUSINESS DISTRICT) TO A PLANNED UNIT DEVELOPMENT (PUD) WITH SF-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Killeen BES, Ltd., Killeen EGS Property, Ltd., and Bentina Ltd. submits this request for an amendment of the Zoning Ordinance of the City of Killeen by changing the classification of approximately 10.89 acres out of the Azra Webb Survey, Abstract No. 857, from “B-3” (Local Business District) to a Planned Unit Development (PUD) with “SF-2” (Single-Family Residential District) uses, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 20th day of June 2016 with the following conditions:

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

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 July 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 that the request should be approved;

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

Section I. That the zoning classification of the following described tract be changed from "B-3" (Local Business District) to a Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District) uses, with those conditions stipulated by the Planning and Zoning Commission, for approximately 10.89 acres, being part of the Azra Webb Survey, Abstract No. 857, for property located on the west side of Trimmier Road between Judy Drive and Deorsam Loop, Killeen, Texas.

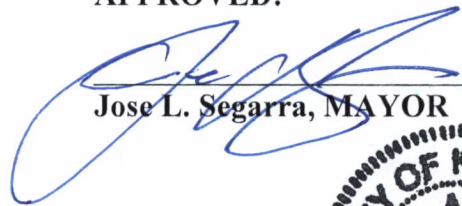
Section II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

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 July 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:

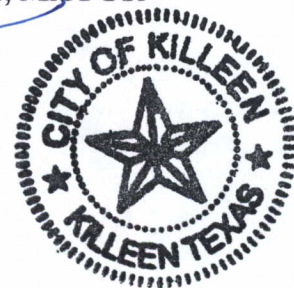


Jose L. Segarra, MAYOR

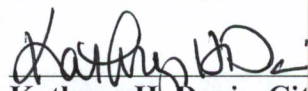
ATTEST:



Dianna Barker, CITY SECRETARY



APPROVED AS TO FORM



Kathryn H. Davis, City Attorney

Case #16-10
Ord. #



Date Paid:	5/23/2016
Amount Paid:	\$ 300.00
Cash/MO #/Check #:	# 1289 \$ 2078
Receipt #:	392 & 393

CASE #: Z16-10

City of Killeen Zoning Change Application

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

Name(s) of Property Owner: Killeen BES LTD, Killeen EGS Property, Ltd., and Bentina, Ltd.

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: Located between Deorsam Loop & Judy Dr. on the west side of West Trimmier Rd.

Legal Description: 10.89 Ac. of the Azra Webb Survey, Abstract No. 857

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: B-3 Present Use: Vacant

Proposed Zoning: PUD (SF-2) Proposed Use: PUD (SF-2 Underlay)

Conditional Use Permit for: _____

This property was conveyed to owner by deed dated January 16, 2007 and recorded in Volume _____

Page _____, Instrument Number 2007-00002259 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

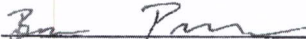
City: Killeen State: Texas Zip: 76542 -

Home Phone: (254) 526-4652 Business Phone: (254) 526-3981 Email: bpurser@kesitd.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  Title Project Manager

Printed/Typed Name of Agent Ben Purser Date 5-27-16

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant  Title Owner's Agent

Printed/Typed Name of Applicant Gary W. Purser, Jr. Date 5-27-16

Signature of Property Owner  Title Owner's Agent

Printed/Typed Name of Property Owner Killeen BES LTD, Killeen EGS Property, Ltd., and Bentina, Ltd. Date 5-27-16

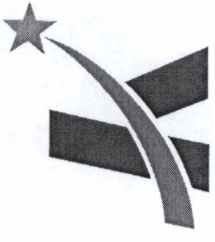
Signature of Property Owner _____ Title _____

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.



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z16-10

ZONING FROM:

B-3 To PUD (SF-2)

APPLICANT:

KILLEEN BES LTD,
KILLEEN EGS PROPERTY, LTD.
AND BENTINA, LTD.




PROPERTY OWNER:

KILLEEN BES LTD,
KILLEEN EGS PROPERTY, LTD.
AND BENTINA, LTD.

LEGAL DESCRIPTION:

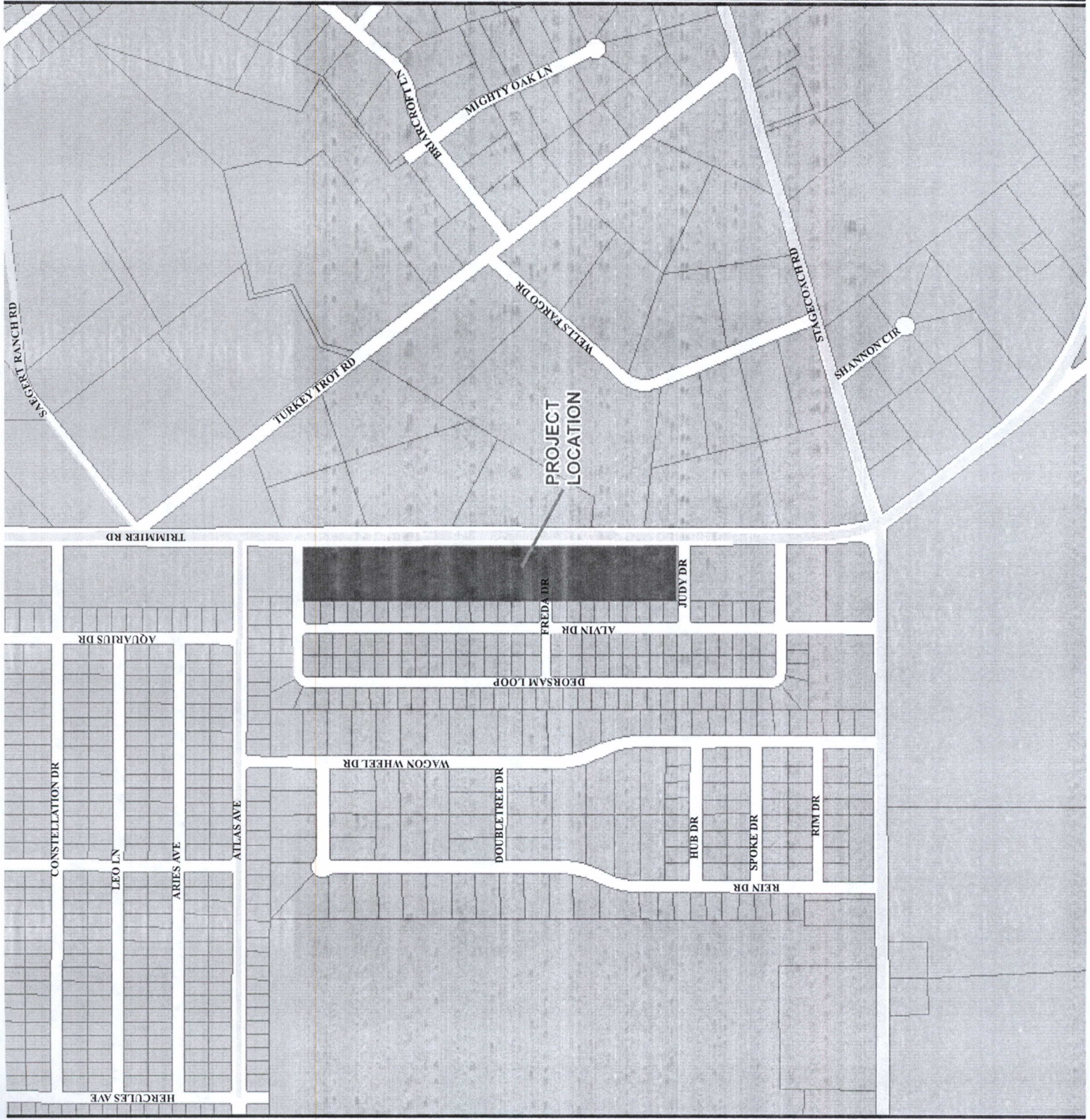
A0857BC A WEBB, 10,
ACRES 7.158 AND A0857BC
A WEBB, 10, ACRES 3.829

LEGEND

-  Zoning Case
-  Parcel
-  City Limits



Date: 6/1/2016





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:
Z16-10

ZONING FROM:
B-3 To PUD (SF-2)

APPLICANT:
KILLEEN BES LTD,
KILLEEN EGS PROPERTY, LTD.
AND BENTINA, LTD.

PROPERTY OWNER:
KILLEEN BES LTD,
KILLEEN EGS PROPERTY, LTD.
AND BENTINA, LTD.

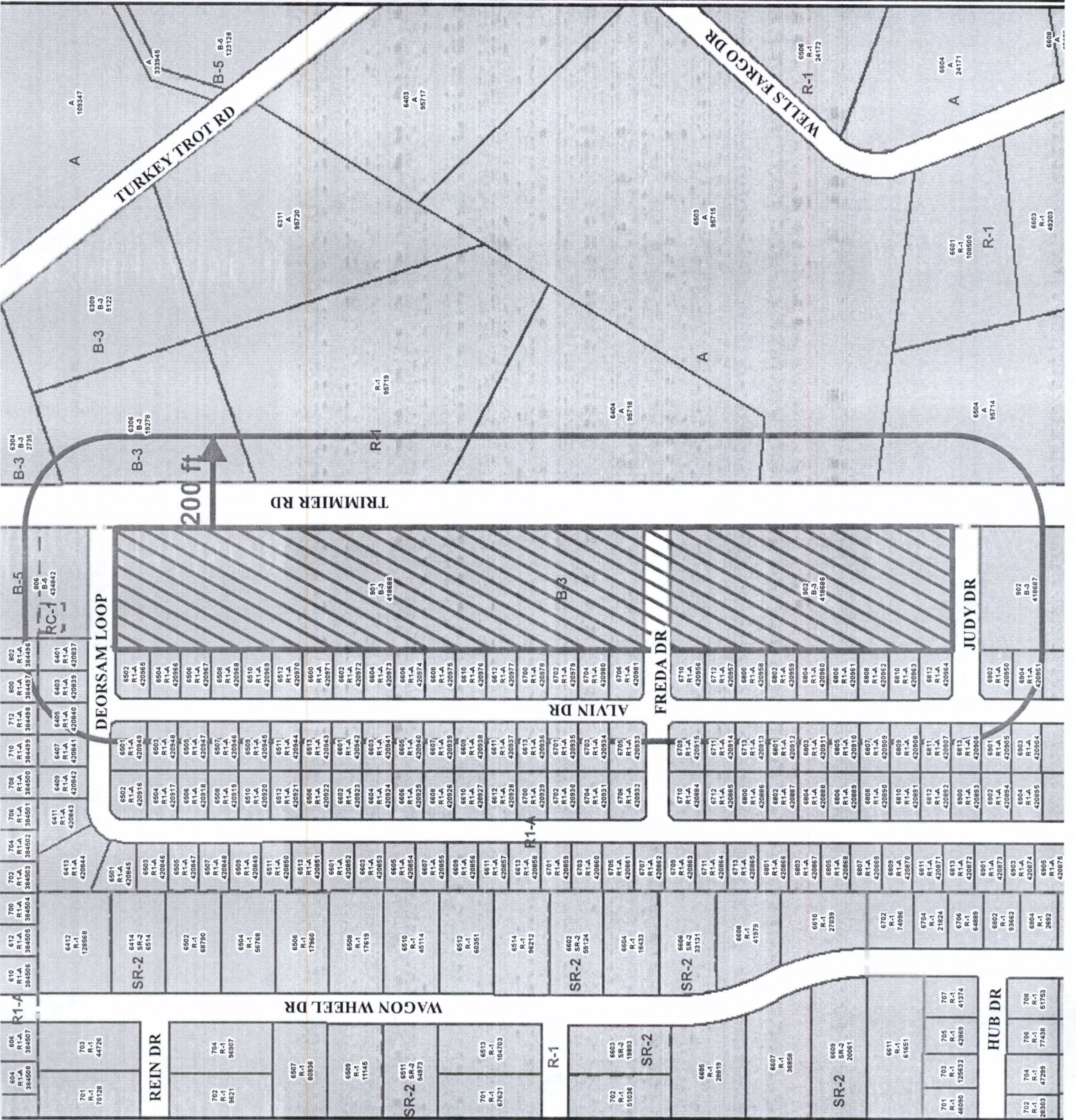
LEGAL DESCRIPTION:
A0857BC A WEBB, 10,
ACRES 7.158 AND A0857BC
A WEBB, 10, ACRES 3.829

LEGEND

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



Date: 6/1/2016



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 #Z16-10 "B-3" (LOCAL BUSINESS DISTRICT) TO A PLANNED UNIT DEVELOPMENT (PUD) WITH "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT) USES.

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

This request is to rezone approximately 10.89 acres out of the Azra Webb Survey, Abstract No. 857, from "B-3" (Local Business District) to a Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District) uses. The property is located on the west side of Trimmier Road between Judy Drive and Deorsam Loop, Killeen, Texas.

PUD Request:

The applicant is requesting modification of the front yard setback to having not less than twenty (20) feet, from the current "SF-2" standard of not less than twenty-five (25) feet.

The applicant is requesting modification of the architectural design standard for "SF-2" zoning. They are proposing that the homes have a minimum of 75% brick, stucco, or stone veneer for exterior walls excluding doors, windows, and gables; the current standard is 50%.

District Descriptions:

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

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

Property Specifics

Applicant/Property Owner: Killeen BES, Ltd., Killeen EGS Property, Ltd., Bentina Ltd.

Property Location: The property is located on the west side of Trimmier Road between Judy Drive and Deorsam Loop, Killeen, Texas.

Legal Description: Approximately 10.89 acres out of the Azra Webb Survey, Abstract No. 857

Zoning/ Plat Case History:

- There is no recent zoning for this property. The property is unplatted.

Character of the Area

Existing Land Use(s) on the Property: Undeveloped and vacant. This location is surrounded by a mixture of residential uses from "R-1" (Single-Family Residential) to "A" (Agricultural Residential) and undeveloped commercial zoning.

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

Water, sanitary sewer, and drainage utility services are readily accessible to the subject property located within the City of Killeen municipal utility service area. Adequate potable water and sanitary sewer capacity are available to the tract. The property is currently part of a remainder tract and will be required to be platted prior to development. Public storm drainage infrastructure lies within the abutting right-of-way. Detention of post development storm water run-off will be required if inadequate capacity remains within existing drainage infrastructure. Ingress/egress to the property would be limited to the single point of existing ingress/egress to Trimmier Road, a major arterial street and one along Atlas Avenue and Constellation Drive, both local residential streets. No proposed right-of-way taking affects the property.

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

Transportation:

Existing conditions: Trimmier Road is designated as a 90' minor arterial on the City's approved Thoroughfare Plan.

Proposed improvements: None

Projected Traffic Generation: The traffic impact will be marginal.

City's approved Thoroughfare Plan. No proposed right-of-way taking affects the property.

Environmental Assessment

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

Land Use Analysis

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

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

Consistency: The rezone request is not consistent with the Comprehensive Plan. The applicant has submitted a separate request to amend the FLUM to 'General Residential.'

Public Notification

The staff notified seventy-two (72) surrounding property owners regarding this request. Staff has received no responses.

Recommendation

The Planning & Zoning Commission recommended approval of the PUD with the requested "SF-2" modifications by a vote of 5 to 1, with Commissioner Harkin voting in opposition.

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
JUNE 20, 2016**

**CASE #Z16-10
B-3 to PUD with SF-2**

B. HOLD a public hearing and consider a request by Killeen BES, Ltd., Killeen EGS Property, Ltd. and Bentina Ltd. to rezone approximately 10.89 acres out of the Azra Webb Survey, Abstract No. 857, from “B-3” (Local Business District) to a Planned Unit Development (PUD) with “SF-2” (Single-Family Residential District) uses. The property is located on the west side of Trimmier Road between Deorsam Loop and Judy Drive, Killeen, Texas.

Chairman Frederick asked for staff comments.

Senior Planner Charlotte Hitchman stated that this request is to rezone approximately 10.89 acres out of the Azra Webb Survey, Abstract No. 857, from “B-3” (Local Business District) to “SF-2” (Single-Family Residential District) with a Planned Unit Development (PUD). The property is located on the west side of Trimmier Road between Judy Drive and Deorsam Loop, Killeen, Texas.

The staff notified seventy-two (72) surrounding property owners regarding this request. Staff has received no responses.

Staff recommends approval of the requested PUD.

Mr. Ben Purser, Killeen Engineering & Surveying, Ltd., 2901 E. Stan Schlueter Loop, Killeen, Texas was present to represent this request.

Chairman Frederick opened the public hearing.

Mr. Gary Purser, Jr., 2901 E. Stan Schlueter Loop, Killeen, Texas, spoke in support of the request.

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

Commissioner Alvarez motioned to recommend approval of the request. Vice Chair Dorroh seconded the motion. The motion passed 5-1 with Commissioner Harkin in opposition.

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

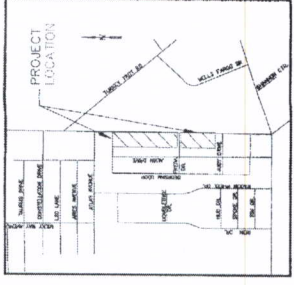
KILLEN ENGINEERING & SURVEYING, LTD.
 2901 E. Star Scheufler Loop
 Killeen, Texas 76542
 OFFICE: (254) 526-3681 FAX: (254) 526-4351
 THE REGISTRATION NO. F-4200
 TRPLS REGISTRATION NO. 100144-00



Δ	DIST.	SHEETS

**PUD (SF-2 UNDERLYING ZONE)
 TRIMMER ESTATES PHASE FIVE
 KILLEN, BELL COUNTY, TEXAS**

Project No.:	2016-023
Acres:	10.89
No. of Lots:	152
Scale:	1" = 100'
Date:	02/27/2016
Design By:	RUP
Sheet No.:	---



**VICINITY MAP
 N.T.S.**

Planned Unit Development - PUD
 Property for attached exhibits C and D
 Applicant certifies that the information provided is true and correct to the best of their knowledge and belief and that they have the authority to execute the same.
 Applicant certifies that the information provided is true and correct to the best of their knowledge and belief and that they have the authority to execute the same.
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