

AN ORDINANCE AMENDING ORDINANCE 99-43 WHICH GRANTED A CUP (COMMUNITY UNIT PLAN) ZONING TO FOX CREEK SUBDIVISION PHASE VII BY DESIGNATING THE LAND USE IN THE CUP TO R-1 (SINGLE FAMILY RESIDENTIAL) AND R1-A (SINGLE FAMILY GARDEN HOME).

WHEREAS, Weldon, Nancy, Bruce and Sara Whitis, requested the City of Killeen grant the zoning classification of C.U.P. (Community Unit Plan) for 40.662 acres, known as Fox Creek Subdivision, Phase VII.

WHEREAS, the City Council at a public hearing on June 8, 1999 duly considered said request, the recommended approval action of the Planning and Zoning Commission, and the evidence in support thereof, the City Council granted the C.U.P. zoning by Ordinance 99-43.

WHEREAS, Weldon, Nancy, Bruce, and Sara Whitis have requested the City of Killeen amend Ordinance 99-43 to restrict development in the Fox Creek Subdivision Phase VII (CUP) to R-1 (Single Family Residential) and R1-A (Single Family Garden Home);

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

That Ordinance 99-43 is hereby amended to add paragraph G to Exhibit A (Adoption of Regulations) to read as follows:

G. The uses of the land located within the Fox Creek Subdivision, Phase VII, shall be limited to those uses set forth in the City of Killeen Zoning Districts R-1 and R-1A along with other uses that are appropriate and necessary to serve and supplement the residential uses thereof, including but not limited to signs erected in accordance with City of Killeen Code of Ordinances, swimming pools, community

centers, maintenance facilities, gates, guard houses, Homeowner Association offices and facilities, and real estate sales offices.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 25th day of July, 2000, 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:



Maureen J. Jouett, MAYOR

ATTEST:



Paula A. Miller, CITY SECRETARY



APPROVED AS TO FORM



Kathryn H. Davis, Acting City Attorney

Case 99-43 Amendment 7-10-00

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #00-47
Community Unit Plan with R-1 & R1-A Land Use

ORIGINATING DEPARTMENT

PLANNING & ECONOMIC DEVELOPMENT

BACKGROUND INFORMATION

Community Unit Plans (CUP) can be designated for areas of not less than 10 acres to provide a planned development concept to mix compatible zoning districts and negotiate development regulations to apply to the CUP area.

In June 1999, the City Council approved a zoning of 40.622 acres located on the east side of Illinois Avenue, north of the Central Texas Expressway to CUP by Ordinance 99-43. The Developer's intent was to create a single-family residential gated community. The gated community will have private streets maintained by a Home Owners Association. While Ordinance 99-43 granted CUP status and approved the Adoption of Regulations, the regulations failed to identify the permitted land uses.

The Developer has requested that Ordinance 99-43 be amended to designate the land use in the CUP be restricted to R-1 (Single-Family Residential) and R1-A (Single-Family Garden Homes). The amendment will add the following paragraph to the regulations:

G. The uses of the land located within the Fox Creek Subdivision, Phase VII, shall be limited to those uses set for the in the City of Killeen Zoning Districts R-1 and R1-A along with other uses that are appropriate and necessary to serve and supplement the residential uses thereof, including but not limited to signs erected in accordance with City of Killeen Code of Ordinances, swimming pools, community centers, maintenance facilities, gates, guard houses, Homeowner Association offices and facilities, and real estate sales offices.

The required notice of public hearing was published and a letter of notification was sent to each of the fifty-one (51) property owners in the 200 foot notification area. One letter was received in support of the request.

DISCUSSION/CONCLUSION

No one requested to speak in the public hearing. Staff provided the Commission with the background information stated above and advised the Commission that the City partnered with the applicant in their request in order to correct the Community Unit Plan Ordinance.

RECOMMENDATIONS

The Planning and Zoning Commission voted unanimously to recommend the City Council approve this request to amend Community Unit Plan Ordinance 99-43 to restrict development to R-1 single-family and R1-A single family garden home use.