

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 'A' (AGRICULTURAL DISTRICT), A-R1 (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) AND SR-1 (SUBURBAN RESIDENTIAL SINGLE FAMILY RESIDENTIAL DISTRICT) TO P.U.D. (PLANNED UNIT DEVELOPMENT) FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND GREEN SPACE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Killeen Chaparral Development L.L.C. and RSBP Developers have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of 199.5 acres, being part of the A. H. Wood Survey, Abstract No. 886, the W. E. Hall Survey, Abstract No. 1116 and the J. B. Harris Survey, Abstract no. 452, from 'A' (Agricultural District), A-R1 (Agricultural Single Family Residential District) and SR-1 (Suburban Residential Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and green space, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 9th day of September 2013 with the following conditions of approval:

- Residential density shall not exceed 3.5 dwelling units per gross acre;
- Residential development shall not exceed 660 lots;
- Seventy percent (70%) of the residential lots shall be at least 55' in width or larger (at the 20' front building line);
- Fifteen percent (15%) of the residential lots shall be at least 95' in width or larger (at the 20' front building line);

- The proposed “green space” as illustrated in Exhibit A (to include the creek buffer zones and additional riparian buffers) shall be dedicated to the City for future parkland purposes; 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 24th day of September 2013, 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 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 ‘A’ (Agricultural District), A-R1 (Agricultural Single Family Residential District) and SR-1 (Suburban Residential Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and green space, for 199.5 acres, being part of the A. H. Wood Survey, Abstract No. 886, the W. E. Hall Survey, Abstract No. 1116 and the J. B. Harris Survey, Abstract No. 452, and being located along the Killeen/Harker Heights city limits, north of Chaparral Road, 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 24th day of September 2013, 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:




Daniel A. Corbin, MAYOR

ATTEST:


Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM


Kathryn H. Davis, City Attorney

Case #13-27

Ord #13-___

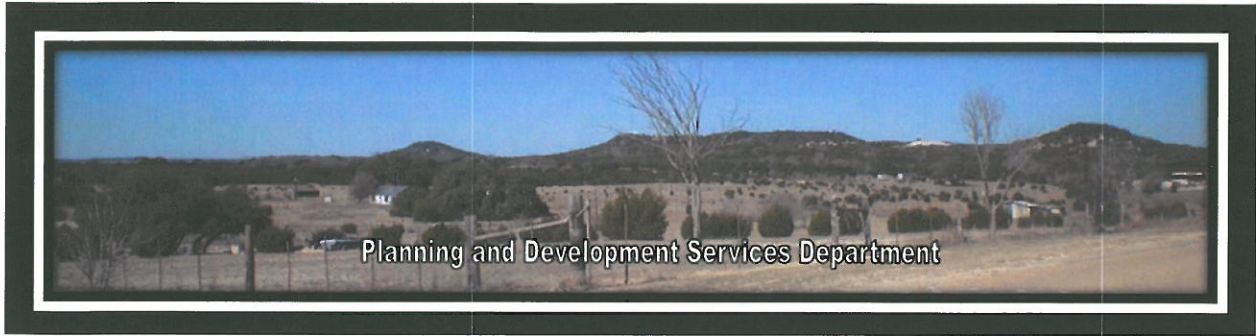


Figure 1. Zoning Map



PLANNING AND ZONING COMMISSION MEETING
SEPTEMBER 9, 2013

Case #Z13-27
'A', Ar-1 and SR-1 to PUD

HOLD a public hearing and consider a request submitted by RSBP Developers, Inc. and the Killeen Chaparral Development, LLC to rezone approximately 199.5 acres, being part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W. E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

Chairman Frederick requested staff comments.

The City Planner stated the this request is to rezone 199.5 acres to a P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road. The proposed development is proposed to be named *Heritage Oaks*.

The City Planner stated that during the workshop it was discussed to limit the PUD to 660 lots with a gross density of 3.5 residences per acre, 70% of the lots to be 55 feet wide or larger, 15% of the lots to be 95 feet or larger and green space to be dedicated to the city for future park land use.

Mr. Gary Purser Jr., 6503 Wells Fargo Dr., Killeen, was present to represent this request. Mr. Purser stated that he would be amenable to the recommendations that were discussed during the workshop. Mr. Purser also stated that he would not "dedicate any green space to the city if they are not involved and it may not be dedicated to the city it may stay as an HOA and private. Mr. Purser said that "if the city is not involved he would not dedicate park space."

Vice Chair asked Mr. Purser, "would it be more plausible if more terminology was put in like, dedicated to city for park use and taking over maintenance?" Mr. Purser said, "that it is something that is viable and seems like a middle ground that would work." Mr. Hicks asked if Mr. Purser would accept a recommendation for the city to take over maintenance. Mr. Purser said he would accept that recommendation. Mr. Purser stated that "if improvements were made and the city accepted responsibility of maintenance it would seem like a reasonable request.

Chairman Frederick opened the public hearing. With no one requesting to speak the public hearing was closed.

Chairman Frederick reviewed the recommendations that were stated by staff as conditions of

approval. The recommendations are: no more than 660 lots, density to be no more than 3.5 residences per lot, 15% of the lots to be 95 feet in width or larger, 70% of lots not to be smaller than 55 feet in width and the dedication of the open space to the city as parkland after it was built.

Vice Chair Langford motioned to recommend approval of the requested zoning with the conditions as set forth. Commissioner Dorroh seconded the motion. The motion passed 6-0.

Chairman Frederick stated that this will be forwarded to City Council on September 24, 2013 with a recommendation to approve.

City Planner informed the commission that Mr. Philip Cornet had arrived to represent PH-1.



CASE #:

213-27

City of Killeen Zoning Change Application

Name(s) of Property Owner (s): KILLEEN CHAPARRAL DEVELOPMENT, LLC & RSBP DEVELOPERS, INC

Address: 2901 E STAN SCHLUETER LOOP

City: KILLEEN State: TX Zip: 76542

Home Phone: () _____ Business Phone: (254) 634-5567 Cell Phone: _____

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

Address: _____

City: _____ State: _____ Zip: _____

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

Address/ Location of Property to be Rezoned: CHAPARRAL ROAD

Has the Property been Platted? Y / (N)
Lot(s) Block(s) Subdivision

Legal Description: 199.5 AC. AH WOOD SURVEY A-886, JB HARRIS SURVEY A-452, WE HALL SURVEY A-1116
Metes and Bounds Description

Is there a simultaneous plat of this property? NO
(Plat Name)

Type of Ownership: _____ Sole Ownership Partnership Corporation _____ Other

Recorded Copy of Warranty Deed: Is copy of the deed attached? (YES) / NO

Present Zoning(s): AR1 / A / SR1 Present Use: VACANT

Proposed Zoning(s): PUD Proposed Use: SINGLE FAMILY RESIDENTIAL

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: TX Zip: 76542
Home Phone: () _____ Business Phone: (254) 526-3981 Cell Phone: _____

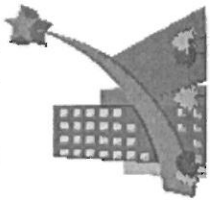
I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

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; consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

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><i>Michelle E. Lee</i></u>	Title <u>OFFICE MANAGER</u>
Printed/Typed Name of Agent <u>MICHELLE E. LEE</u>	Date <u>8-28-13</u>
Signature of Property Owner <u><i>[Signature]</i></u>	Title <u>PRESIDENT - KCD</u>
Printed/Typed Name of Property Owner <u>GARY W. PURSER, JR.</u>	Date <u>8-28-13</u>
Signature of Property Owner <u><i>[Signature]</i></u>	Title <u>PRESIDENT - RSBP</u>
Printed/Typed Name of Property Owner <u>GARY W. PURSER, JR.</u>	Date <u>8-28-13</u>
Signature of Property Owner _____	Title _____
Printed/Typed Name of Property Owner _____	Date _____

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



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

#Z13-027

ZONING FROM:

SR-1, AR-1 AND A
TO PUD

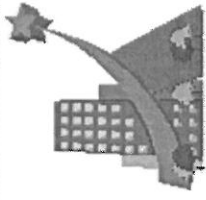
PROPERTY OWNER:

GARY W. PURSER 1999
TRUST AND KILLEN CHAPARRAL
DEVELOPMENT, LLC



Date: 7/31/2013





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

#Z13-27

ZONING FROM:

SR-1, AR-1, AND A
TO PUD

PROPERTY OWNER:

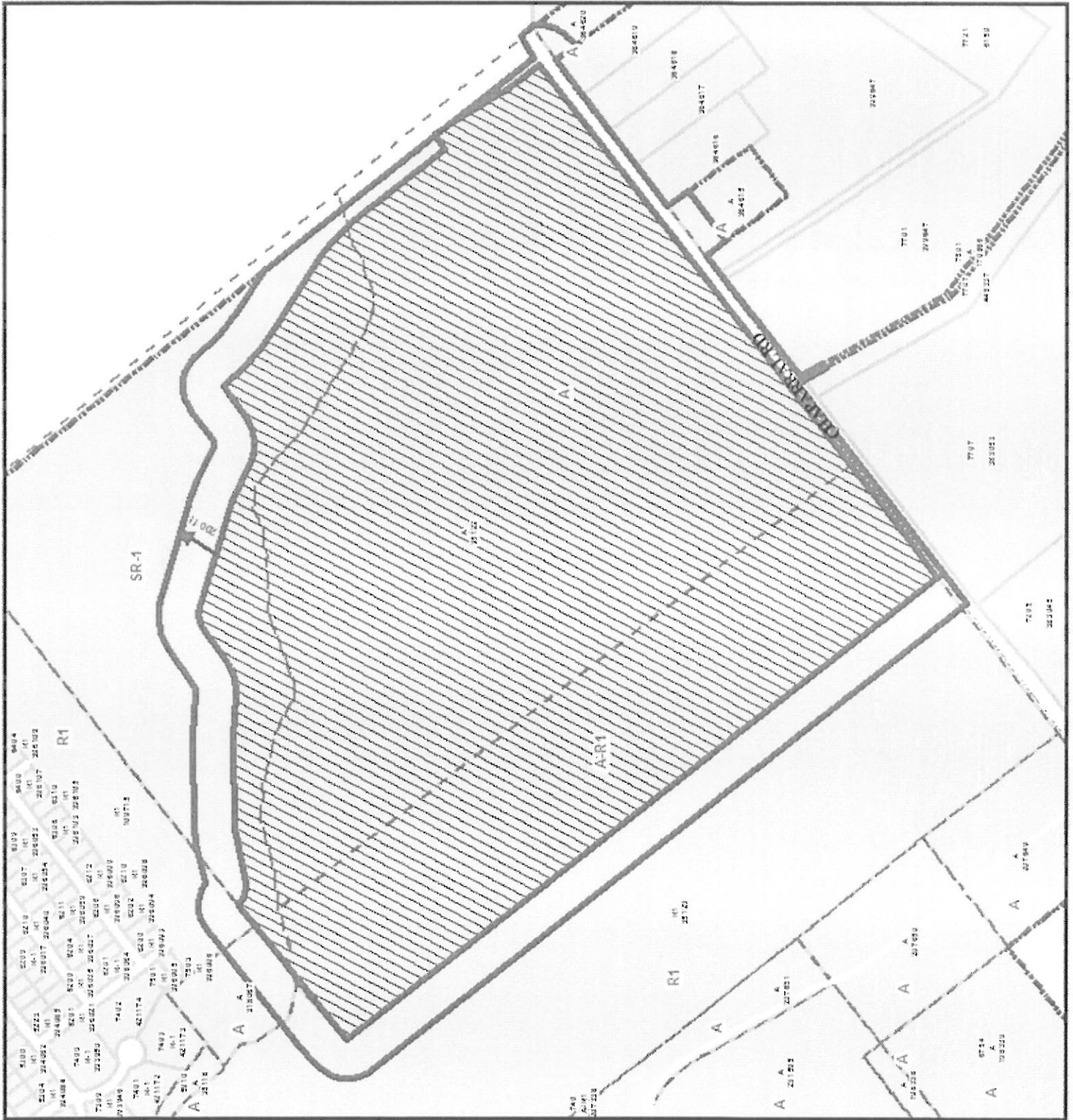
GARY W. PURSER 1999
TRUST AND KILLEEN
CHAPARRAL
DEVELOPMENT, LLC

LEGEND

- 200 Ft Buffer
- Zoning Case
- Current Zoning
- City Limits
- Parcel



Date: 7/31/2013



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 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.

CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

ZONING CASE #Z13-27 'A' (AGRICULTURAL DISTRICT), 'A-R1' (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) AND 'SR-1' (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT) to P.U.D. (PLANNED UNIT DEVELOPMENT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

This request is to rezone approximately 199.5 acres, being part of the A. H. Wood Survey, Abstract No. 886, the W. E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, from 'A' (Agricultural District), 'AR-1' (Agricultural Single-Family Residential District) and 'SR-1' (Suburban Residential Single Family District) to P.U.D. (Planned Unit Development) for single family residential use and green space. The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road, Killeen, Texas.

The P.U.D. 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 pedestrian circulation;
- (c) Allow developers greater freedom to be innovative in selecting 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.

Property Specifics

Applicant/Property Owner: Killeen Chaparral Development, L.L.C. and RSBP Developers, Inc.

Property Location: The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road, Killeen, Texas.

Legal Description: Part of the A. H. Wood Survey, Abstract No. 886, the W.E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, Killeen, Texas.

Zoning/Plat Case History: The property was annexed into the City of Killeen with an effective date of May 1, 2004, per Ordinance #04-12. The property was rezoned to 'A' (Agricultural District) and 'AR-1' (Agricultural Single Family Residential District) on April 26, 2005. A portion of the green space area was zoned as 'SR-1' per Ordinance #12-87. The property is unplatted.

Character of the Area

Existing Land Uses(s) on the Property: Undeveloped parcel of land.

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: The existing potable water main serving the property is a looped 16-in diameter transmission main running along the Chaparral Road frontage and the eastern boundary of the tract. When the property is platted for the purpose of a development permit, the developer would be required to extend public water mains to the property that provides adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of all required testing of the public water mains to confirm adequate flow and pressure exists to support any code-mandated fire protection measures.

Public sanitary sewer utilities are in place to serve the entire drainage basin encompassing the tract. A 30" diameter gravity sanitary sewer interceptor serving the lower Trimmier Creek basin bisects the tract. City of Killeen development criteria will require the extension of public sanitary sewer utility service throughout the property when the property is platted for the purpose of a development permit, Any existing OSSF within the boundary of the property must be closed in accordance with all applicable state and local OSSF regulations as no future development within a future subdivision may be served by an OSSF.

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 analysis 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: Ingress/egress to and from Chaparral Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is platted for the purpose of a development permit. Chaparral Road is a rural section with a bar ditch profile. It is not at the desired level of service (LOS) for a minor arterial street classification.

Proposed Improvements: Development of additional streets will occur during the subdivision process.

Projected Traffic Generation: Significant upon build-out.

Environmental Assessment

Topography: The property is undulating, with significant elevation changes. The site contains a substantial mesh of oak and other tree species. Trimmier Creek runs along the western portion of the subject site.

Regulated Floodplain/Floodway/Creek: A portion of the property in this zoning case is located within a regulated Special Flood Hazard Area (SFHA). Runoff flows from the property north into Trimmier Creek. Trimmier Creek and all of its tributaries are currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria. In addition Trimmier Creek was listed on the same list for concerns for near-nonattainment of the Water Quality Standards for the macro benthic community. The TCEQ listed Post-development Erosion and Sedimentation as the potential source for the impaired macro benthic community in this basin.

Land Use Analysis

Land Use Plan: This area is within the 'Estate' designation of the Comprehensive Plan's Future Land Use Map (FLUM). Under Local Government Code section 213, the comprehensive plan is recognized under state law as the city's document for long range growth and development.

Plan Recommendation: The 'Estate' character encourages detached residential dwelling, public/institutional uses, parks, and public spaces. The characteristics of this designation include:

- Transition between Suburban and Rural character areas, with further progression along the character spectrum toward environments where the landscape is visually dominant over structures.
- Still in Suburban portion of character spectrum, but with larger lots (typically 1 acre minimum), especially where required by public health regulation to allow for both individual water wells and in-site septic systems on properties where centralized water and/or wastewater service is not available or feasible.
- One-acre lots are usually adequate in wooded areas to achieve visual screening of homes (from streets and adjacent dwelling). Three to five-acre lots may be needed to achieve and maintain Estate character in areas with more open land.

Consistency: The Planned Unit Development concept is consistent with the FLUM.

Public Notification

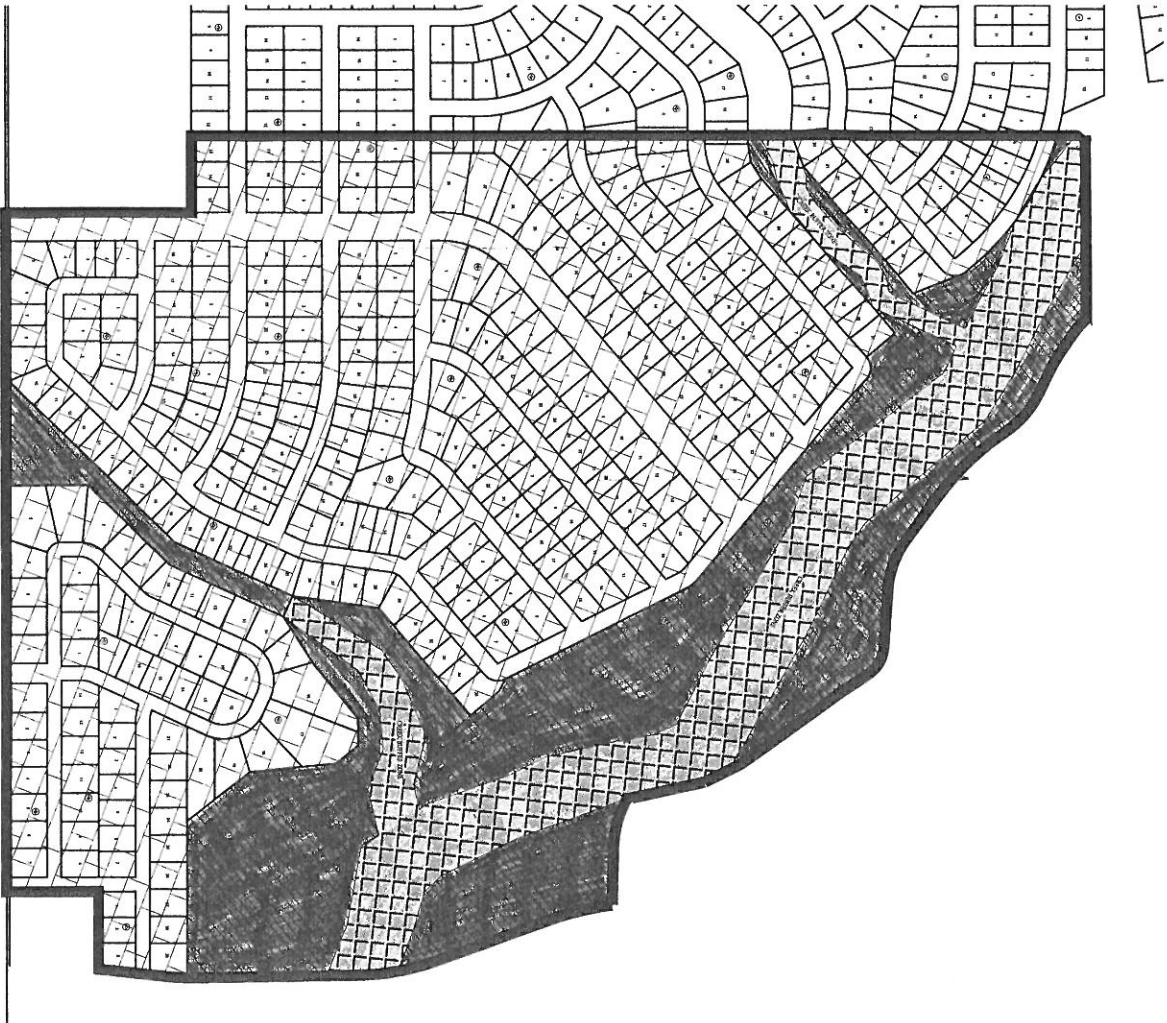
The staff notified four (4) surrounding property owners within a 200' notification boundary regarding this request and no responses were received.

Recommendation

The Planning and Zoning Commission recommended approval of the P.U.D. (Planned Unit Development) by a vote of 6 to 0. This recommendation takes into account the applicant's submitted typical lot layout of 20' front and rear building lines and a 5' side building line, along with the following conditions:

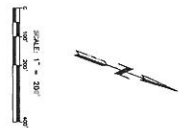
- Residential density shall not exceed 3.5 dwelling units per gross acre;
- Residential development shall not exceed 660 lots;
- Seventy percent (70%) of the residential lots shall be at least 55' in width (at the 20' front building line) or larger;
- Fifteen percent (15%) of the residential lots shall be at least 95' in width (at the 20' front building line) or larger;
- The proposed "green space" as illustrated in Exhibit A (to include the creek buffer zones and additional riparian buffers) shall be dedicated to the City for future parkland purposes.

The P.U.D. narrative nor the Planning and Zoning Commission's recommendation includes any expressed masonry and landscaping standards, therefore, staff recommends that the City Council consider those landscaping and masonry standards articulated in Killeen Code of Ordinances Section 31-184, Architectural and Landscaping regulations, within the current 'SR-1' Suburban Residential Single Family District. These regulations require that single family detached homes must have a minimum of 75% brick, stucco or stone for front exterior walls and 50% brick, stucco or stone veneer for side exterior walls, excluding doors, windows and gables. The minimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard, and eight (8) 3-gallon shrubs in the front yard. These standards would ensure a higher level of compatibility with other residential home sites in the immediate vicinity.



LEGEND

- GREEN SPACE (20.6%)
- RIPARIAN BUFFER & CBZ (13.0%)
- RESIDENTIAL SPACE (66.4%)



DEVELOPMENT CONCEPT
HERITAGE OAKS
KILLEEN, BELL COUNTY, TEXAS

KILLEEN ENGINEERING & SURVEYING, LTD

2901 E. Stan Schlueter Loop
Killeen, Texas 76542
OFFICE: (254) 526-3981 FAX: (254) 526-4351

TBPES REGISTRATION NO. F-4200
TBPES REGISTRATION NO. 100144-00

Project No.:	2013-008
Address:	199.50
No. of Lots:	---
Scale:	1" = 200'
Date:	8/30/2013
Design By:	MEL / SJP
Sheet No.:	60

THESE PLANS, SPECIFICATIONS, AND CONDITIONS ARE PREPARED BY KILLEEN ENGINEERING & SURVEYING, LTD. FOR THE PURPOSE OF REVIEW ONLY. THEY ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES.