

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 UD (UNIVERSITY DISTRICT) TO UD WITH CUP (CONDITIONAL USE PERMIT) AND CD (CEMETERY DISTRICT) TO CD WITH CUP (CONDITIONAL USE PERMIT) ALLOWING FOR SINGLE FAMILY RESIDENTIAL USE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Whitis Land Investments 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 a portion of approximately 35.03 acres, being out of the W. H. Cole Survey, Abstract No. 200, being located east of the corner of S.H. 195 and the north right-of-way of Splawn Ranch Drive, from UD (University District) to UD with a CUP (conditional use permit) and CD (Cemetery District) to CD with a CUP (conditional use permit) to allow for single-family residential use with the following conditions:

Use(s)	Single-Family Residential Development, Home Occupations and Accessory Uses Only	
Average Lot Size	8,600 Square Feet	
Average Lot Frontage	70 Feet	
Setbacks		
	Front Yard	25 Feet
	Side Yard (Interior)	7 Feet
	Side Yard (Corner)	15 Feet
	Rear Yard	20 Feet
Maximum Height	Two (2) Stories and/or 35 Feet	
Off-Street Parking Requirement	Two (2) per dwelling unit	
Design Requirement	90% Stone, Stucco, Brick only on all floors/stories and all four sides excluding gables, eaves, windows, doors, etc.	
Landscaping Requirement	Same as SR-1	

This request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 7th day of July 2014, 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 22nd day of July 2014, 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 with the previously listed conditions;

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

Section I. That the zoning classification for approximately 35.03 acres, being out of the W.H. Cole Survey, Abstract No. 200, being located east of the corner of S.H. 195 and the north right-of-way of Splawn Ranch Drive, Killeen, Texas, be changed from UD (University District) to UD with a CUP (conditional use permit) and CD (Cemetery District) to CD with a CUP (conditional use permit) to allow for single-family residential use.

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 August 2014, 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:

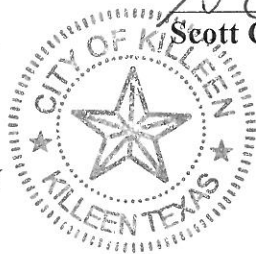


Scott Cosper, MAYOR


ATTEST:



Dianna Barker, CITY SECRETARY



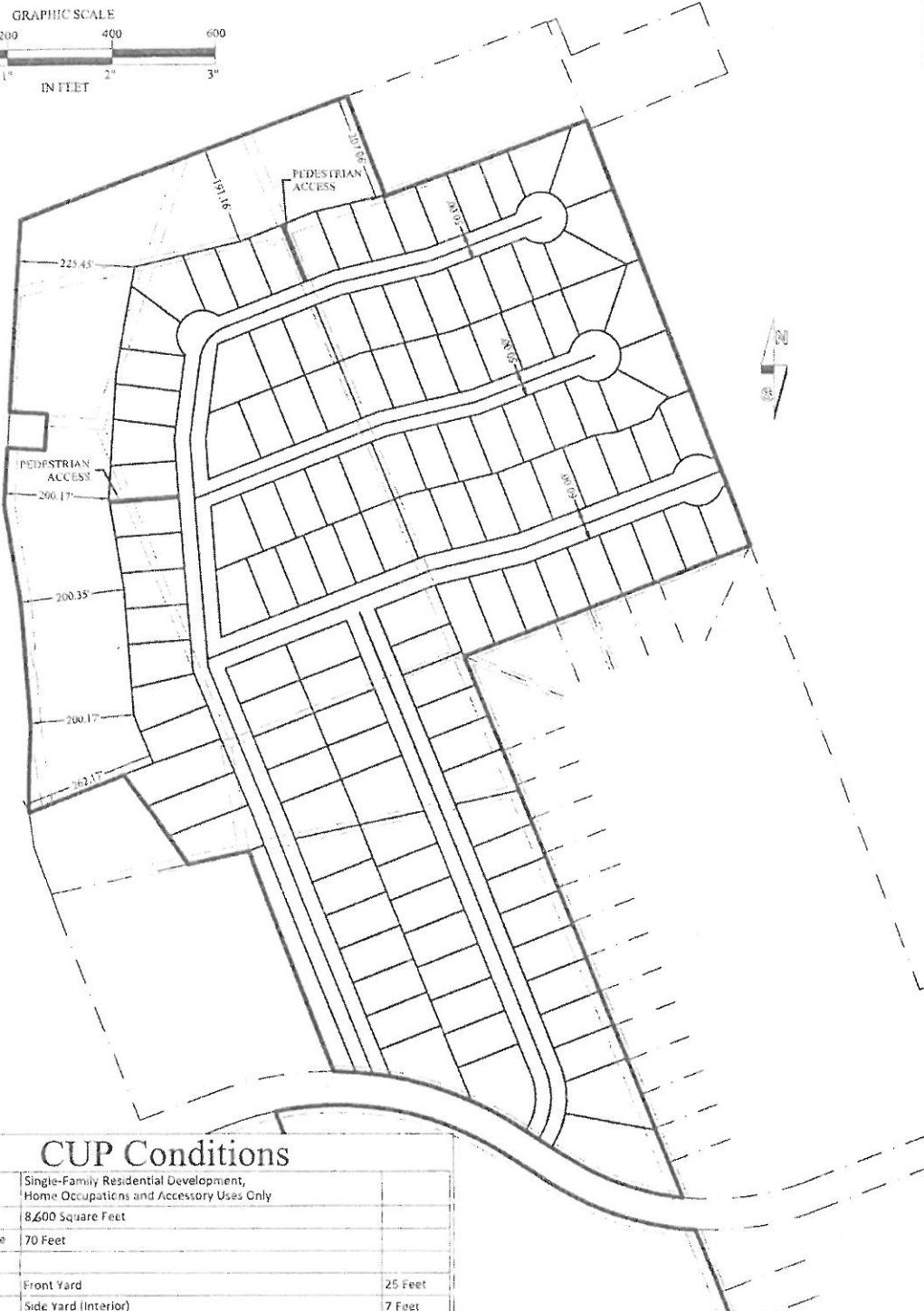
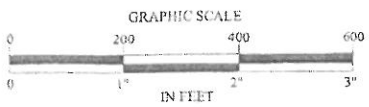
APPROVED AS TO FORM



Kathryn H. Davis, City Attorney

Case #14-19

Ord # 14- _____



CUP Conditions

Use(s)	Single-Family Residential Development, Home Occupations and Accessory Uses Only	
Average Lot Size	8,600 Square Feet	
Average Lot Frontage	70 Feet	
Setbacks	Front Yard	25 Feet
	Side Yard (Interior)	7 Feet
	Side Yard (Corner)	15 Feet
	Rear Yard	20 Feet
	Maximum Height	Two (2) Stories and/or 35 Feet
Off-Street Parking Requirement	Two (2) per Dwelling Unit	
Design Requirement	90% Stone, Stucco, Brick only on all floors, stories and all four sides excluding gables, eaves, windows, doors, etc	
Landscaping Requirement	Same as SR-1	

Yalgo, LLC
 3000 Illinois Ave., Suite 100
 Killeen, TX 76543
 PH (254) 953-5353
 FX (254) 953-0032
 Texas Registered
 Engineering Firm F-10264

REV.	DESCRIPTION	DATE	BY
1	ORIGINAL RELEASE	5/29/2014	ITW

PROJECT NUMBER: SR05	CLIENT NAME: W & B DEVELOPMENT
APPROVED BY: SAB	CLIENT LOCATION: KILLEEN, TX
AUTHORIZED BY: WBW	

PROPOSED LAYOUT
 SPLAWN RANCH PHASE FIVE
 CITY OF KILLEEN, BELL
 COUNTY, TEXAS

SHEET
 1
 OF
 1

PRINTED ON May 30, 2014



Date Paid: _____
 Amount Paid: \$ _____
 Cash/MO #/Check #: # _____
 Receipt #: _____

CASE #: 214-19

City of Killeen Zoning Change Application

[] General Zoning Change [] Conditional Use Permit

Name(s) of Property Owner: Whit's Land Investments
 Current Address: 3000 Illinois Ave
 City: Killeen State: TX Zip: 76522
 Home Phone: () _____ Business Phone: () ²⁵⁴ 953-5353 Cell Phone: () _____
 Email: bruce@wbdevelopment.com

Name of Applicant: W+B Development
 (If different than Property Owner)

Address: Same
 City: _____ State: _____ Zip: _____
 Home Phone: () _____ Business Phone: () Same Cell Phone: () _____
 Email: jw Welch @ wb development.com

Address/Location of property to be rezoned: S. Hwy 195, splawn ranch area

Legal Description: A0200BC W H Cole, 12 Acres 42.809

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO

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

Present Zoning: u00 / L00 Present Use: Agriculture

Proposed Zoning: _____ Proposed Use: _____

Conditional Use Permit for: Single family residential with same restrictions

This property was conveyed to owner by deed dated Jan. 10, 2014 ^{as adjacent property} and recorded in Volume 8818
 Page 619, Instrument Number 2014-1896 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)

Ordinance 08-079

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: W+B Development
Mailing Address: 3000 Illinois Ave
City: Killeen State: TX Zip: 76522
Home Phone: () _____ Business Phone: () ²⁵¹ 953-5353 Email: jwelch@wbdevelopment.com

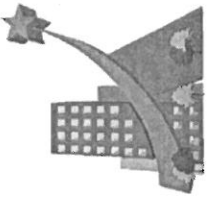
I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

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>Jody Welch</u>	Title <u>Development</u>
Printed/Typed Name of Agent <u>Jody Welch</u>	Date <u>4/29/14</u>
Signature of Applicant <u>[Signature]</u>	Title <u>President</u>
Printed/Typed Name of Applicant <u>Bruce Whitis</u>	Date <u>4/29/14</u>
Signature of Property Owner <u>[Signature]</u>	Title <u>owner / president</u>
Printed/Typed Name of Property Owner <u>Bruce Whitis</u>	Date <u>4/29/14</u>
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:

Z14-19

ZONING FROM:

UD to UD w/CUP
CD to CD w/CUP

PROPERTY OWNER:

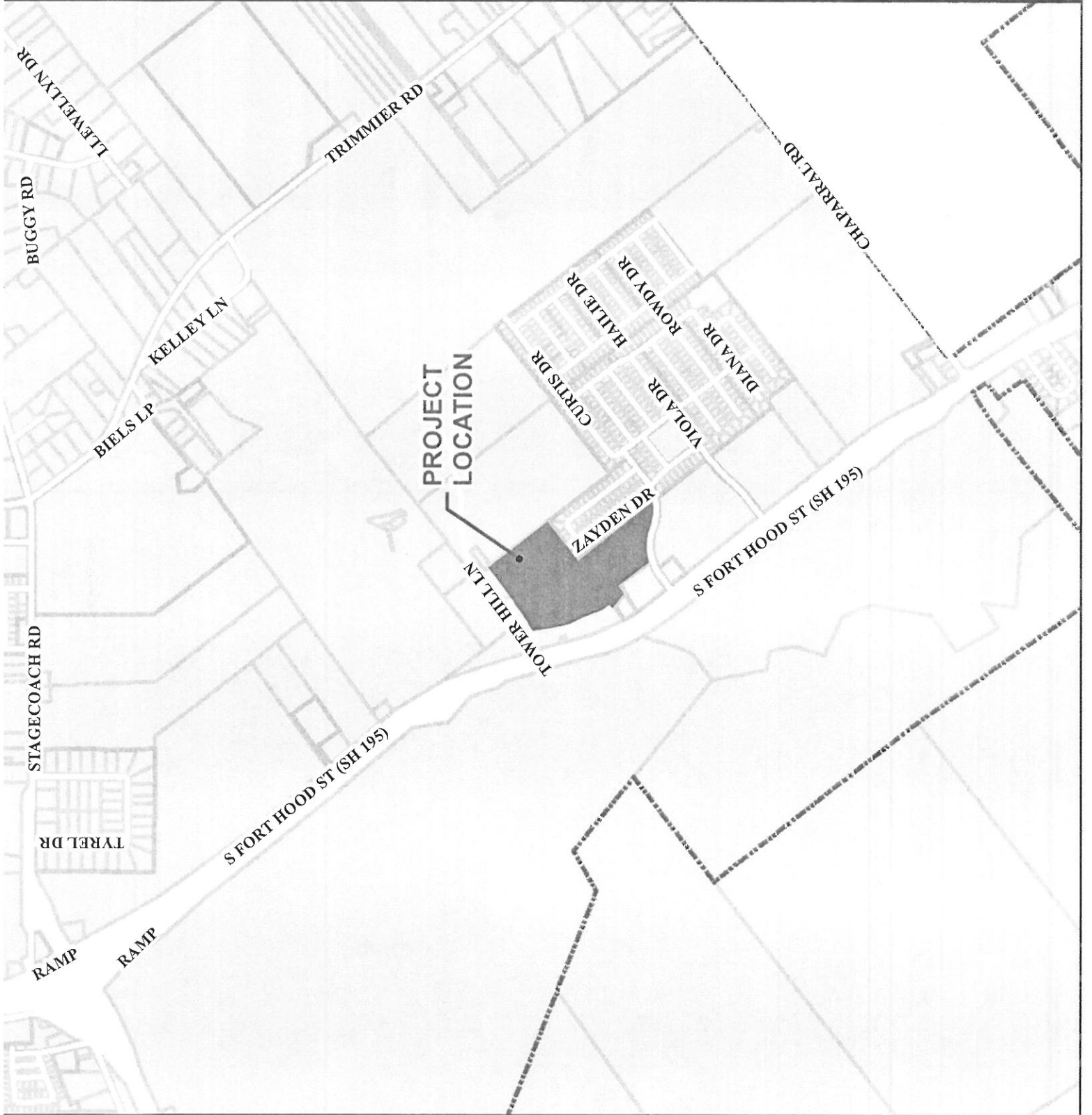
WHITIS LAND
INVESTMENTS

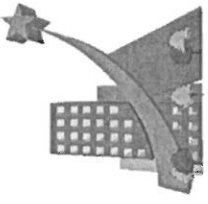
LEGEND

-  Zoning Case
-  Subdivision
-  Parcel
-  City Limits



Date: 6/24/2014





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z14-19

ZONING FROM:

UD to UD w/CUP
CD to CD w/CUP

PROPERTY OWNER:

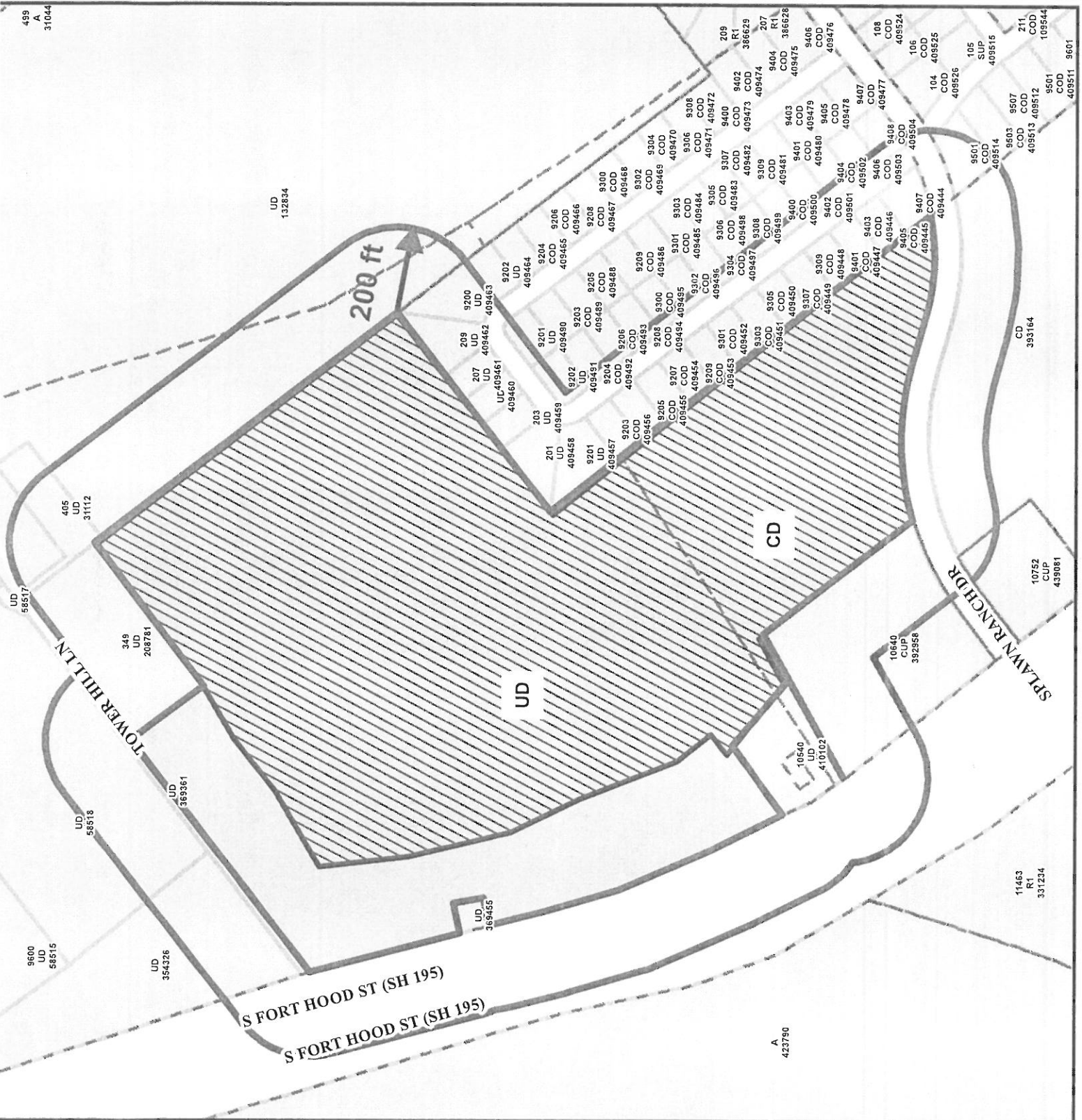
**WHITIS LAND
INVESTMENTS**

LEGEND

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



Date: 6/24/2014



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.

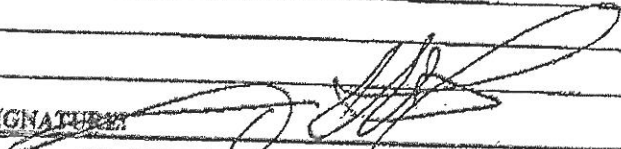
C. Conditions to Consider

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.

YOUR NAME: <u>PAYTON E. DUNCAN</u>	PHONE NUMBER: <u>678-2848</u>
CURRENT ADDRESS: <u>405 TOWER HILL LN. KILLEEN, TX. 76542-8908</u>	
ADDRESS OF PROPERTY OWNED: <u>SAME</u>	
COMMENTS:	
UD to UD w/CUP and CD to CD w/CUP	
I AM ASKING THAT ACCESS TO MY PROPERTY	
FOR FUTURE USE BE INCLUDED IN THIS REZONING	
REQUEST. IF THERE IS NOT ACCESS MADE AVAILABLE TO MY	
PROPERTY, THIS WOULD ALSO AFFECT MY BROTHER'S	
PROPERTY THAT JOINS MY PROPERTY. BECAUSE MY AND	
MY BROTHER'S PROPERTIES WOULD BE LANDLOCKED.	
THANK YOU	
SIGNATURE: <u>Payton Duncan</u>	RECEIVED SPO #Z14-191 JD

P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX
WWW.CI.KILLEEN.TX.US

JUL 04 2014
PLANNING

YOUR NAME:	<i>James Wright</i>	PHONE NUMBER:	<i>536-5117</i>
CURRENT ADDRESS:	<i>2200 S. W.S. Young Dr - Killeen</i>		
ADDRESS OF PROPERTY OWNED:	<i>10540 S Hwy 195</i>		
COMMENTS:	UD to UD w/CUP and CD to CD w/CUP <i>No objections - I think this will be a good use for the property.</i>		
		RECEIVED	
		JUN 27 2014	
		PLANNING	
SIGNATURE:			
		SPO #Z14-19/ 41	

CUT HERE	
YOUR NAME: <i>Wayne Duncan</i>	PHONE NUMBER:
CURRENT ADDRESS: <i>499 Tower Hill</i>	
ADDRESS OF PROPERTY OWNED:	
COMMENTS:	UD to UD w/CUP and CD to CD w/CUP
<i>1. must have public street access - last chance</i>	
<i>2. single family</i>	RECEIVED
	JUL 07 2014
	PLANNING
SIGNATURE:	SPO #Z14-19/ 48

Conditional Use Permit language for the UD and CD:

The City Council by an affirmative majority vote may by ordinance grant a conditional use permit as provided in section 31-456 of this chapter for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the Veterans Cemetery. Conditional use permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

Standards within the UD and CD.

Sec. 31-442. Height, area, and facade regulations.

No building or structure in university district "UD" shall exceed **four stories or forty-five (45) feet in height**. The height of any building or structure in this district that exceeds thirty-five (35) feet shall provide an additional one (1) foot to every applicable setback distance for each one (1) foot of additional building or structure height over thirty-five (35) feet.

(a) *Size of yards.* The size of yards in the university district "UD" shall be as follows:

(1) **Front yard.** There shall be a front yard having a **minimum depth of thirty (30) feet**. No parking, storage or similar use shall be allowed in required front yards in district "UD," except that automobile parking will be permitted in such yards in accordance with off-street parking requirements.

(2) **Side yard.** A side yard of **not less than fifteen (15) feet in width** shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width **shall be provided on the side of a lot adjoining any "R" zoned residential district. Otherwise, no side yard is required.** No parking, storage, or similar use shall be allowed in any required side yard or in any required side street yard adjoining any "R" zoned residential district, except automobile parking in accordance with off-street parking requirements.

(3) **Rear yard.** There shall be a rear yard having a **minimum depth of ten (10) feet**. No parking, storage or similar use shall be allowed in required rear yards in district "UD."

(b) *Size of lot.* There are no limitations to the size of lots in the district "UD" professional business district.

(c) *Facade requirements.* All structures within this district shall be constructed with a **limestone front facade (required for the first floor only), and eighty percent (80%) stone or brick veneer, stucco, or tempered glass**, exclusive of windows and doors, for the remaining exterior walls.

Table that compares the current standards within these two districts versus those specified by the Commission and agreed upon by WBW Development.

Table 1. Deviation

	UD and CD Standards	WBW Development proposal
Height	Max: 4 stories or 45 feet	No deviation
Front yard	Min: 30 feet	25 feet
Side yard	15 feet (corner) or 10 feet (interior) or none	15 feet (corner) or 7 feet (interior)
Rear	10 feet	20 feet
Lot size	No limitation	8,600 avg. lot size
Facade requirements	Limestone (1 st floor only) and 80% stone or brick veneer, stucco or tempered glass	90% stone, stucco or brick on all floors and stories
Landscaping	No requirement for single family residential development	Same as SR-1

CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

ZONING CASE #Z14-19 "CD" (CEMETERY DISTRICT) and "UD" (UNIVERSITY DISTRICT) TO "CD" WITH A CONDITIONAL USE PERMIT AND "UD" WITH A CONDITIONAL USE PERMIT (CUP)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

W.B.W. Land Investments, L. P. has submitted this request to rezone approximately 35.03 acres out of the William H. Cole Survey, Abstract No. 200, from "CD" (Cemetery District) and "UD" (University District) to "CD" with a Conditional Use Permit (CUP) and "UD" with a Conditional Use Permit (CUP). The property is located along the north right-of-way of Splawn Ranch Drive, approximately 250 feet east of S. Fort Hood Street (S.H. 195), Killeen, Texas.

Cemetery and University Districts Use regulations:

This property lies within the boundaries of the Cemetery and University Districts. Within these districts properties adjacent to the S. Fort Hood Street (S.H. 195) right-of-way for a depth of 1,500 feet are to be used as follows: the first 950 feet of depth, as measured from the right-of-way, shall be designated for commercial use, the remaining 550 feet of depth shall be designated for mixed-use development, or residential use via a Conditional Use Permit.

Property Specifics

Applicant/Property Owner: W.B.W. Land Investments, L.P.

Property Location: The property is located along the north right-of-way of Splawn Ranch Drive, approximately 250 feet east of S. Fort Hood Street (S.H. 195), Killeen, Texas.

Legal Description: Approximately 35.03 acres out of the William H. Cole Survey, Abstract No. 200, Killeen, Texas.

Zoning/Plat Case History:

The Cemetery and University Districts were established in 2006 and revised in 2012.

The property is not platted.

Character of the Area

Existing Land Uses(s) on the Property: The subject property is undeveloped. Most of the surrounding properties are vacant and/or undeveloped; however, east of the subject property, there is some single-family residential development and some agricultural uses. The adjacent residential development, Splawn Ranch Subdivision, Phase Four, Section One, was granted a CUP for residential development in 2008, and met requirements similar to "SR-1" Suburban Residential Single-Family District (lot sizes) and "R-1" Single-Family Residential (setbacks). The exterior walls/facades are 90% stone, stucco or brick.

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, infrastructure improvements will be constructed during development.

Transportation:

Existing conditions: The subject property will have access to Fort Hood Street (S.H. 195), which is classified as a 110' principal arterial on the City's Thoroughfare Plan, from Splawn Ranch Drive, which is a 60' local street.

Proposed Improvements: Local streets will be constructed as part of the development.

Projected Traffic Generation: Moderate upon build-out.

Environmental Assessment

Topography: The site has varying elevations ranging from 890' to 922'.

Regulated Floodplain/Floodway/Creek: This lot is not within any FEMA regulatory Special Flood Hazard Area (SFHA).

Land Use Analysis

Land Use Plan: The property is designated as 'Suburban Commercial' and 'General Residential' on the adopted Future Land Use Map (FLUM), a component of the Comprehensive Plan.

Plan Recommendation: The 'Suburban Commercial' character allows for a range of commercial retail and service uses, at varying scales and intensities depending on the site. This includes the following development types:

Office (both large and/or multi-story buildings and small-scale office uses depending on the site);

Planned development to accommodate custom site designs or mixing of uses in a suburban character setting;

Public/institutional;
Parks and public spaces;
Encourages conservation design or cluster development.

The 'General Residential' character designation allows for detached residential dwellings as the primary focus; attached housing types subject to compatibility and open space standards (e.g.' duplexes, townhomes, patio homes); planned development, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards; public/institutional; and parks and public spaces.

Consistency: The applicant's zoning request is consistent with the Comprehensive Plan's Future Land Use Map (FLUM).

Public Notification

The staff notified forty six surrounding property owners within a 200 foot notification boundary regarding this request. Staff has received three responses, which have been included for City Council consideration.

Recommendation

The Planning and Zoning commission recommended approval, with a five (5) to three (3) vote, of the applicant's Conditional Use Permit for single-family residential development that would mimic the previously approved CUP development adjacent to this proposed project. Staff believes that the solemn nature of the Cemetery District will be preserved while leaving ample land for future commercial development.

The attached proposed site plan and the following conditions shall regulate development for consistency with the adjacent residential development to the east:

Use(s): Single-Family Residential Development, Home Occupations and Accessory Uses Only

Avg. Lot size: 8,600 square feet

Avg. Lot frontage: 70 feet

Setbacks: front yard-25 feet; side yard(interior)-7 feet; side yard(corner)-15 feet; rear yard-20 feet

Max. Height: Two (2) stories and/or 35 feet

Off-Street Parking Requirement: Two (2) spaces per dwelling unit

Design Requirement: 90% Stone, Stucco, Brick only on all floors/stories and all four sides excluding gables, eaves, windows, doors, etc.

Landscaping Requirement: Same as "SR-1"

Attachment to CCMO 14-19

Figure 1. Zoning Map



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
JULY 7, 2014**

**CASE # Z14-19
CD AND UD TO CD W/CUP AND UD W/CUP**

HOLD a public hearing and consider a request by Whitis Land Investments, Ltd. to rezone approximately 35.03 acres, being part of the W.H. Cole Survey, Abstract No. 200, from UD (University District) to UD (University District) with CUP (Conditional Use Permit) and CD (Cemetery District) to CD (Cemetery District) with CUP (Conditional Use Permit) for a single-family residential development. The property is located on the north right-of-way of Splawn Ranch Drive, approximately 250 feet east of S. Fort Hood Street (S.H. 195), Killeen, Texas.

Chairman Frederick requested staff comments.

Senior Planner, Shelly Shelton, stated that this request by the property owner is requesting a change of zoning from “CD” (Cemetery District) and “UD” (University District) to “CD” with a Conditional Use Permit (CUP) and “UD” with a Conditional Use Permit (CUP), for the development of single-family residential housing. This property lies within the boundaries of the Cemetery and University Districts. Within these districts properties adjacent to the S. Fort Hood Street (SH 195) right-of-way for a depth of 1,500 feet are to be used as follows; the first 950 feet of depth, as measured from the right-of-way, shall be designated for commercial use, the remaining 550 feet of depth shall be designated for mixed-use development, or residential use via a conditional use permit. The property is located along the north right-of-way of Splawn Ranch Drive and approximately 250 feet west of S. Fort Hood Street (SH 195)

Staff notified 46 property owners within the 200’ notification area. Staff received one response from Wayne Duncan. This response has been included for your consideration.

Staff recommended approval of the applicant’s Conditional Use Permit for single-family residential development that would mimic the previously approved CUP development adjacent to this proposed project. Staff believes that the solemn nature of the Cemetery District will be preserved while leaving ample land for future commercial development.

The following conditions shall be imposed to match the adjacent residential development to the east:

Use(s)	Single-Family Residential Development, Home Occupations and Accessory Uses Only	
Average Lot Size	8,600 Square Feet	
Average Lot Frontage	70 Feet	
Setbacks		
	Front Yard	25 Feet

	Side Yard (Interior)	7 Feet
	Side Yard (Corner)	15 Feet
	Rear Yard	20 Feet
Maximum Height	Two (2) Stories and/or 35 Feet	
Off-Street Parking Requirement	Two (2) per dwelling unit	
Design Requirement	90% Stone, Stucco, Brick only on all floors/stories and all four sides excluding gables, eaves, windows, doors, etc.	
Landscaping Requirement	Same as SR-1	

Ms. Shelton also stated that the site plan shall be included as part of the ordinance.

Mr. Josh Welch was representing the developer for this zoning change request. Mr. Welch informed the commissioners that a 200' buffer was reserved for future commercial development, pedestrian access to the commercial area was added and that the development that is planned will be a good subdivision and diverse development.

Commissioner Alvarez asked is the pedestrian access would be an improved area or just let go? Mr. Welch stated that in the best interest all is to keep them nice.

Chairman Frederick opened the public hearing.

Mr. Payton Duncan, 405 Tower Hill Lane, stated that he was concerned regarding future access to his property and Mr. Wayne Duncan, stated that access has been proposed and he is sure that the property owner will follow through with the plan. Mr. Wayne Duncan stated that he would also like to see single family homes on larger lots that what is being proposed.

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

Vice Chair Dorroh motioned to recommend approval of the request to change the zoning. Commissioner Butler seconded the motion.

Commissioner Cooper asked to be on record stating the he does not feel that adequate space has been reserved for commercial development. He also stated that the city has to be visionaries and that this area can't be used as an experiment or sacrifice. Commissioner Cooper also said that this is an awesome piece, but wrong location. Commissioner Dillard stated that while he is apprehensive, this may be opportunity to see if this is where the city wants to go.

The motion passed 5 to 3 with Commissioners Cooper, Steine and Alvarez in opposition.

Chairman Frederick stated that this request will be forwarded to City Council on July 22, 2014, with a recommendation to approve the zoning change request.