

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) TO COMMUNITY UNIT PLAN (CUP).

WHEREAS, Gary W. Purser 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) to Community Unit Plan (CUP), per the attached site plan identified as Exhibit A, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 23rd day of April, 1990, 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 6:00 P.M., on the 8th day of May, 1990, at the Police and Courts Building of the 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 granted; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

That the zoning classification of the following described tract be changed from R-1 (Single Family Residential) to Community Unit Plan (CUP), per the attached site plan identified as Exhibit A:

A 23.906 acre tract of land out of and part of the J. J. McGlothlin Survey, Abstract #623, and the J. H. Jasper Survey, Abstract #990, and the land herein described being that same tract of land herein described as "tract 1," being a save and except tract, out of a 123.58 acre tract of land described in a deed from H. Roy and Valta Reynolds to Gary W. Purser, being of record in Volume 1035, Page 344, Deed of Records, Bell County, Texas, locally known as off Roy Reynolds Road surrounded by Killeen Municipal Golf Course and being more fully described by a metes and bounds description (Exhibit B) attached as a permanent part of this ordinance.

That the following special conditions are hereby required to be obeyed in order for the grant of this zoning change to take effect and remain in effect:

1. The 10.0 and 5.0 foot wide utility and right of way easements are reserved for utilities and for the placement of street, regulatory, and warning signs. There will be no walls, fences, accessory buildings, trees or shrubs higher than 18", etc. within the 10.0 foot utility easement adjacent to the right of way.
2. No fences, walls, landscaping, structures or obstructions will be placed on, within, or across drainage easements without approval of the City of Killeen. Property owners will not prohibit the City of Killeen access to the drainage easements for inspection and maintenance.

3. Lots 12-18, Block 4 and Lots 1-7, Block 5 will have 20.0 foot front setbacks. Lots 1-6, Block 1; Lots 1-5, Block 2; Lots 1-7, Block 3 and Lots 1-11, Block 4 will have the required 25.0 foot front setbacks. Lots 1-6, Block 1; Lots 1-5, Block 2; Lots 1-7, Block 3 and Lots 10-13, Block 4 will have 25.0 foot rear yard setbacks. Lots 1-9, Block 4; Lots 14-18, Block 4 and Lots 1-7, Block 5 will have no rear setback lines. All lots will have 10.0 foot side yard setbacks on interior lot lines except Lots 1-7, Block 5; when used as condominium lots, Lot 1, Block 6, and Lot 1, Block 7. The side yard setbacks adjacent to a street shall be 25.0 feet.
4. Lots 1-7, Block 5 will be reserved for condominiums and/or single-family homes. If the first three (3) lots sold are used for single-family homes, the remaining lots will be used for single-family homes only. If said lots are used for condominiums, they will be restricted to not more than two (2) living units per lot or a total of not more than 14 units with a minimum of 20.0 feet between structures. Lots 1-6, Block 1; Lots 1-5, Block 2; Lots 1-7, Block 3 and Lots 1-18, Block 4 will be used for single-family homes only.

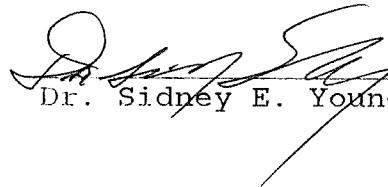
All buildings, condominiums and single-family homes will have a height restriction of not more than two (2) stories or 35.0 feet in height except as permitted in Chapter 9, Article 2, Section 14, Subsection 14-1, City of Killeen Code of Ordinances. Encroachment into airport conicle/clear zone shall be prohibited.

5. Lot 1, Block 7; Lot 1, Block 6 and Lot 8, Block 3 are set aside as commons area for recreational and signage use and are not intended for residential development.
6. There will be no public sidewalks in this Community Unit Plan development.
7. All adopted construction codes shall apply at time of construction. If in conflict, the more restrictive of construction codes or Community Unit Plan (CUP) zoning shall apply.
8. Each dwelling unit shall provide a minimum of two (2) off-street parking spaces per unit.
9. All lots shall conform to "R-1" (Single-Family Residential) District Use Regulations. In addition, Lots 1-7, Block 5, maybe used for condominiums as further detailed in notes 3 and 4.
10. The brick column and steel fence will be located on the Willows property line.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 8th day of May, 1990, at which meeting a quorum was present, held in accordance with the provisions of Article 6252-17, V.A.T.S.

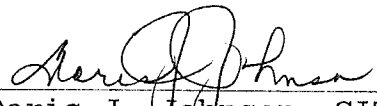


APPROVED:



Dr. Sidney E. Young, MAYOR

ATTEST:



Doris J. Johnson, CITY SECRETARY

DISTRIBUTION:

Dir, Engr & Plng

EXHIBIT B

FIELD NOTES for a tract of land in Bell County, Texas, out of and a part of the J.J. McGlothlin Survey, Abstract No. 623, and the J. H. Jasper Survey, Abstract No. 990, and the land herein described being that same tract of land herein described as "Tract I", being a save and except tract, out of a 123.58 acre tract of land described in a deed from H. Roy Reynolds, to the City of Killeen, being of record in Volume 1035, Page 344, Deed Records of Bell County, Texas.

BEGINNING at an iron rod in concrete being the southeast corner of said "Tract I", for the southeast corner of this.

THENCE N. 24° 48' 57" E., 571.81 feet to an iron rod for a corner of this.

THENCE N. 40° 23' 37" E., 65.74 feet to an iron rod for a corner of this.

THENCE N. 09° 37' 46" E., 355.76 feet to an iron rod in concrete for the northeast corner of this.

THENCE N. 52° 32' 55" W., 353.68 feet and N. 65° 49' 33" W., 370.58 feet to an iron rod in concrete for the northwest corner of this.

THENCE S. 47° 33' 00" W., 910.13 feet to an iron rod in concrete for a corner of this.

THENCE S. 11° 44' 52" E., 339.37 feet to an iron rod for the southwest corner of this.

THENCE S. 68° 51' 09" E., 942.70 feet to the place of beginning containing 23.906 acres of land.

STATE OF TEXAS §

COUNTY OF BELL §

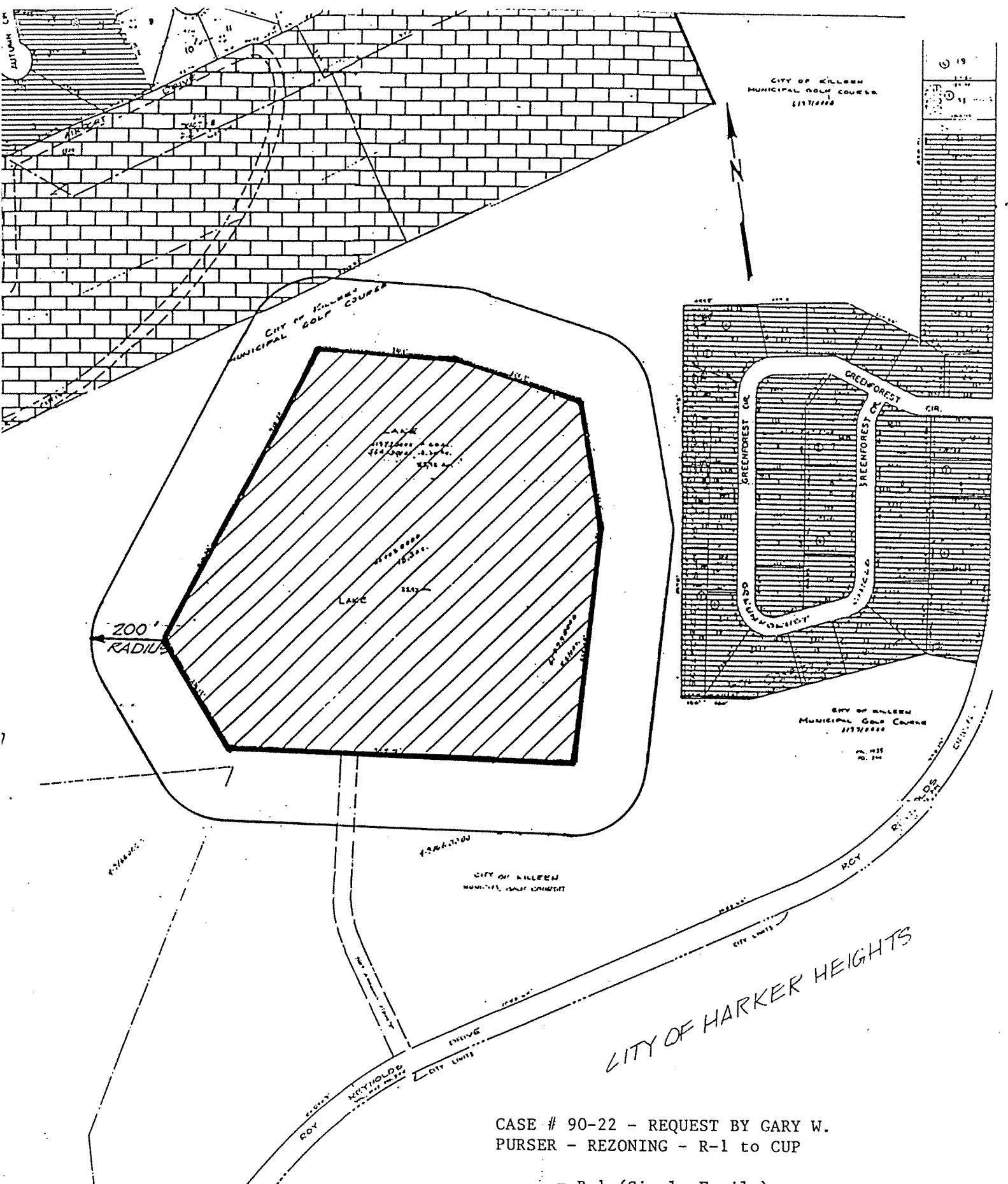
KNOW ALL MEN BY THESE PRESENTS, that I, Gale E. Mitchell, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract of land and to the best of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal this the 20th day of March, 1990 A.D.






GALE E. MITCHELL
Registered Professional Land Surveyor
No. 1602







CASE # 90-22 - REQUEST BY GARY W. PURSER - REZONING - R-1 to CUP

-  = R-1 (Single Family)
-  = R-3 (Multi-Family)
-  = M-1 (Manufacturing Dist.)

JRBMEMO.15/PLAN001

M E M O R A N D U M

TO : Daniel G. Hobbs 
City Manager

VIA : Dion O. Miller 
Assistant City Manager

FROM : John R. Baumgartner, P.E.
Director of Engineering

DATE : May 4, 1990

SUBJECT: THE WILLOWS CUP/PRELIMINARY PLAT

A meeting was held on May 3, 1990 with the developer to address concerns regarding the proposed development.

The developer has provided the following modifications:

- (1) 30-foot cul-de-sacs posted as no-parking zones on each end of the dam. These will allow cars and trucks to turn around at the end of the public street and not use the private drives. The exact location of these cul-de-sacs will be determined at the time of final platting.
- (2) The developer corrected all of the curves and intersections to accommodate a 20 m.p.h. design speed except to two instances. These curves will be posted with advisory speed limit signs.

After review of the site plan, the following items were noted for correction and were agreed to by the developer's representative.

- (1) Indicate on the site plan that the road across the dam is a "private drive".
- (2) Remove the indication of a 10-foot utility easement on the golf course property.
- (3) Revise Note #9 to read:


"All lots shall conform to 'R-1' (Single-Family Residential District) use regulations. In addition, lots 1 through 7, block 5 may be used for condominium as further detailed in notes #3 and #4."
- (4) Revise the last sentence in Note #4 to read, "All buildings, condominiums, and single-family homes will have a height of not

Daniel G. Hobbs
May 4, 1990
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more than two (2) stories or 35 feet, except as permitted in Chapter 9, Article 2, Section 14, Subsection 14-1, City of Killeen Code of Ordinances. Encroachment into the airport conicle/clear zone shall be prohibited."

The final change in the CUP is the request for a brick and steel fence to surround 75% of the project. The location of this fence is proposed on the property line or in an easement on the golf course property. This location should be determined when action is taken to approve the CUP.

If you have any questions or need additional information, please call me.


John R. Baumgartner, P.E. 5-4-90
Director of Engineering


JRB/hvh

Attachment:

Site Plan

Profer fence on Willowst development.
JRM 5/4/90

I do not recommend placing the private fence on City property. It could be placed within the development itself.


Daniel G. Hobbs
City Manager

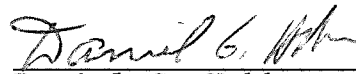
M E M O R A N D U M

TO: Mayor and City Council
FROM: City Manager
DATE: April 26, 1990
SUBJECT: CASE #90-22 FOR A ZONING CHANGE FROM R-1 TO CUP

Staff have identified a number of issues associated with this CUP. In my view, not all of the issues have been successfully resolved. However, they were all considered by the Planning and Zoning Commission which has the responsibility for making recommendations to you on Planning and Zoning matters.

I need to clearly point out to you that the idea of putting a 17-foot wide public road across the dam is not acceptable. There are serious questions about the safety of the design and there is a City liability issue involved.

So that there is no misunderstanding of the staff view of this project, please refer again to the attached memorandum sent to the Chairman of the Planning Commission, and which I previously shared with you.



Daniel G. Hobbs
City Manager

DGH:jw
Attachment

FILE COPY

MEMORANDUM

TO: Leonard Gulig, Chairman, Planning & Zoning Commission
FROM: Daniel Hobbs, City Manager
DATE: April 9, 1990
SUBJECT: REVIEW OF THE WILLOWS SUBDIVISION PLAN

Len, this memo is a follow-up to our April 6, 1990, phone conversation. Please share it with the members of the Planning and Zoning Commission.

I have previously indicated to the Mayor and Council and Mr. Purser that I am excited about the opportunity for us to work with Mr. Purser in bringing to this community what will hopefully be a quality development. City staff have put in extra time and effort in the review process of this subdivision, even though we are at the same time pressed by many other projects which also have priority.

John Baumgartner has shared with you the issues matrix that shows the status of the discussion between the developer and staff regarding City requirements. My understanding of the purpose of having a community unit plan (CUP) is to permit the developer to receive a waiver for certain requirements in return for an overall impact or amenities which provide a greater good for the community. Thus, reasonable compromises are made in order to arrive at a larger community good.

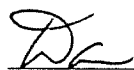
I do not believe we are at the point in our discussions with the developer where that greater community good or set of reasonable trade-offs has been achieved. I believe more time and discussion is needed.

Therefore, I would ask that the Planning and Zoning Commission feel free to take the time needed to adequately review this plan and even help us to resolve issues which may currently be at impasse.

My desired result would be a plan which goes forward to the Council at a future time which has the support of the developer, the Planning and Zoning Commission and the City staff; and one which will be a real enhancement to the Killeen community.

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Chairman, Planning & Zoning Commission
April 9, 1990

I think we can get there if we all work together. Thanks for your help.



Daniel G. Hobbs
City Manager

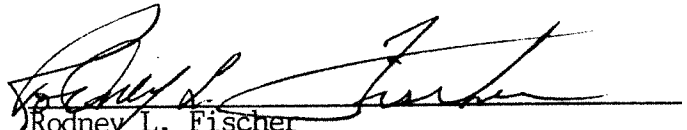
DGH:jkw

CC: Mayor and City Council
Assistant City Manager

M E M O R A N D U M

TO: Dion O. Miller, Assistant City Manager
FROM: Rodney L. Fischer, Fire Chief
DATE: April 23, 1990
SUBJECT: THE WILLOWS SUBDIVISION

Please be advised that a seventeen (17) foot road is wide enough for a fire truck to use safely but only if it does not encounter another vehicle because a fire truck is approximately ten (10) feet wide by itself.


Rodney L. Fischer
Fire Chief

RLF:tb



THE WILLOWS SUBDIVISION

The Willows Subdivision is a proposed Community Unit Plan consisting of 48 lots on 24.871 acres. The tract is completely surrounded by the Killeen Municipal Golf Course. This review is the third site plan submitted by the applicant since the original submitted on March 23, 1990.

A Community Unit Plan is a special permit designed to accommodate planned associations of land uses developed as integral land use units. It is intended to permit new or innovative concepts in land utilization not permitted by other zoning districts in the zoning ordinance.

The development requirements for the CUP shall be set forth in the amending ordinance and should include information such as: uses, density, lot areas, width, depths, heights and elevations, lot coverage, parking and access, screening, landscaping, accessory building and structure requirements, signage, lighting, project phasing or scheduling, management (homeowners) association regulations, and any other element that the applicant requests to incorporate into the development.

study and report concerning the effect of the proposed use on the comprehensive plan and on the character and development of the neighborhood. A public hearing shall be held in relation thereto before the city council, notice and publication of the time and place for which shall conform to the procedure prescribed in subsection 21-3 for hearings on amendments.

SUBSECTION 15-2. COMMUNITY UNIT PLAN

When the city planning commission is petitioned by an agency of the city, county, state, or federal government or by the owner or owners of a tract of land comprising an area of not less than ten (10) acres, for a change in zoning from an existing residential classification to a more intense use in accordance with a community unit plan, the city planning commission may, within its discretion, make the following recommendations to the city council:

- (A) Recommend against the change in zoning.
- (B) Recommend a change in zoning.
- (C) Recommend that the community unit plan for such area be reviewed and that a special permit for such area be granted subject to the conformance with an approved site plan setting forth the city planning commission's recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to the public street, provisions for drainage, parking space and street layout and protective screening and open space.

A public hearing shall be held in relation to the proposed change before the city council, notice and publication of the time and place for which shall conform to the procedure prescribed in subsection 21-3 for hearings on amendments.

A special permit granted under the above provisions shall be considered as an amendment to the zoning ordinance as applicable to such property. In granting such permit the city council may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued for the use of the building or such property pursuant to said special permit and such condition shall not be construed as conditions precedent to the granting of the special permit or the change in zoning of said property, but shall be considered a precedent to the granting of a certificate of occupancy.

SUBSECTION 15-3. GARDEN APARTMENT PROJECTS

The owner or owners of a tract of land in District "R-3" may submit to the city planning commission a plan for the use and