

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 DISTRICT) TO R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) WITH CUP (COMMUNITY UNIT PLAN); PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Killeen Thundercreek, Ltd. and Centex Homes, 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 the hereinafter described property from R-1 (Single-Family Residential District) to R-1 (Single-Family Residential District) with CUP (Community Unit Plan); said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 26th day of August 2002, 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 10th day of September 2002, 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 granted;

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 R-1 (Single-Family Residential District) to R-1 (Single-Family Residential District) with CUP (Community Unit Plan), allowing twenty (20) foot rear yard setbacks and five (5) foot side yard setbacks, for approximately 74.07 acres, being Lots 1-12 and 30-38 in Block 1, all of Blocks 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13 and 14 in Thunder Creek Estates

subdivision, located south of Rainforest Lane and west of Waterfall Drive, Killeen.

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 That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.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 10th day of September 2002, 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


Mary Kay Fischer, CITY ATTORNEY

Attachment: Exhibit A

Case #02-16

Ord # ____.

CITY COUNCIL MEMORANDUM

AGENDA ITEM

**ZONING CASE #02-16
R-1 to CUP**

ORIGINATING DEPARTMENT

PLANNING & ECONOMIC DEVELOPMENT

BACKGROUND INFORMATION

This zoning case is submitted on approximately 74.07 acres. The Thunder Creek Estates plat was approved in April 2001. The plat contains 304 lots. This rezoning request will change 286 lots from R-1 (Single-Family Residential District) to R1-A (Single-Family Garden Home Residential District). The R-1 district requires lots to have a 60 foot width and not less than 6,000 square feet in area. The R1-A district lot may be reduced to an area of 3,600 square feet with a width of 36 feet. The area covered by this plat is surrounded by R-1 property with the exception of 17 lots on the west boundary of the Thunder Creek Estates plat, which the applicant zoned to R-2 (Two-Family Residential District) in March of 2002.

Public Works indicated that there are two areas in Thunder Creek Subdivision where the installed sanitary sewer infrastructure is inadequate to support an increase in population density.

The required notice of public hearing was published and a letter of notification was mailed to the one hundred and fifty-nine (159) property owners in the 200 foot notification area. After the Planning and Zoning meeting, one response was received in support of the action.

DISCUSSION/CONCLUSION

During discussion, the applicant stated that this zoning case is requested in order to reduce the required side and rear setbacks. In R-1 (Single-Family Residential District) zones, the required side setback is 7 feet and the rear setback is 25 feet. The applicant desired a side setback of 5 feet and a rear setback of 20 feet. The Planning and Zoning Commission was reluctant to grant a zoning that would allow replatting to a greater density. Staff pointed out that this request could be processed as a Community Unit Plan. The applicant could request that the land use remain R-1 (Single-Family Residential District) but the development standards to be applied to this CUP would permit 5 foot side yards and 20 foot rear yards.

The applicant requested to change his request from a rezoning to R1-A (Single-Family Garden Home Residential District) to a rezoning to Community Unit Plan with an R-1 land use and establishing a development regulation for the CUP to permit 5 foot side yards and 20 foot rear yards.

RECOMMENDATIONS

The Planning and Zoning Commission voted 5 to 2 to recommend the City Council approve this rezoning from R-1 (Single-Family Residential District) to CUP (Community Unit Plan) with 5 foot side yards and 20 foot rear yards.

