

**ORDINANCE 09-002**

**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 PUD (PLANNED UNIT DEVELOPMENT) WITH R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, W & B Development 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 District) to PUD (Planned Unit Development) with R-1 (Single-Family Residential District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 22<sup>nd</sup> day of December 2008, 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 13<sup>th</sup> day of January 2009, 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 R-1 (Single-Family Residential District) to PUD (Planned Unit Development) with R-1 (Single-Family Residential District) for approximately 87.12 acres, being part of the Simeon D. Carothers Survey, Abstract No. 177, for property located on the east right-of-way of Featherline

Road and north of the Police Headquarters Addition, Killeen, Texas.

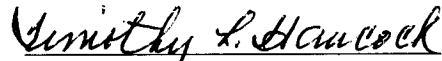
**SECTION II.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**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 13<sup>th</sup> day of January 2009, 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:**

  
Timothy L. Hancock  
Timothy L. Hancock, MAYOR

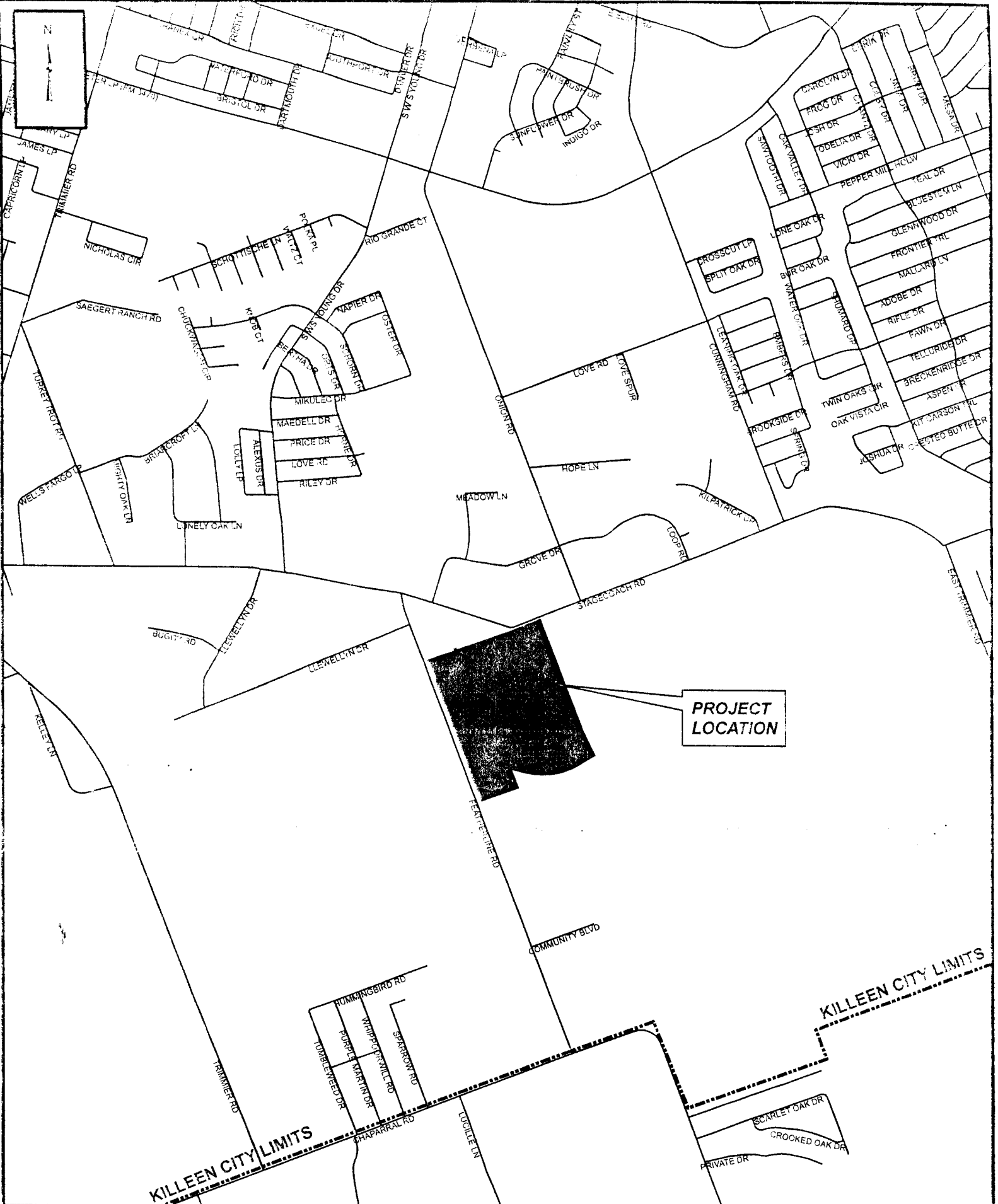
**ATTEST:**

  
Paula A. Miller  
Paula A. Miller, CITY SECRETARY

**APPROVED AS TO FORM**

  
Kathryn H. Davis  
Kathryn H. Davis, City Attorney

Case #Z08-55  
Ord #09-\_\_\_\_.

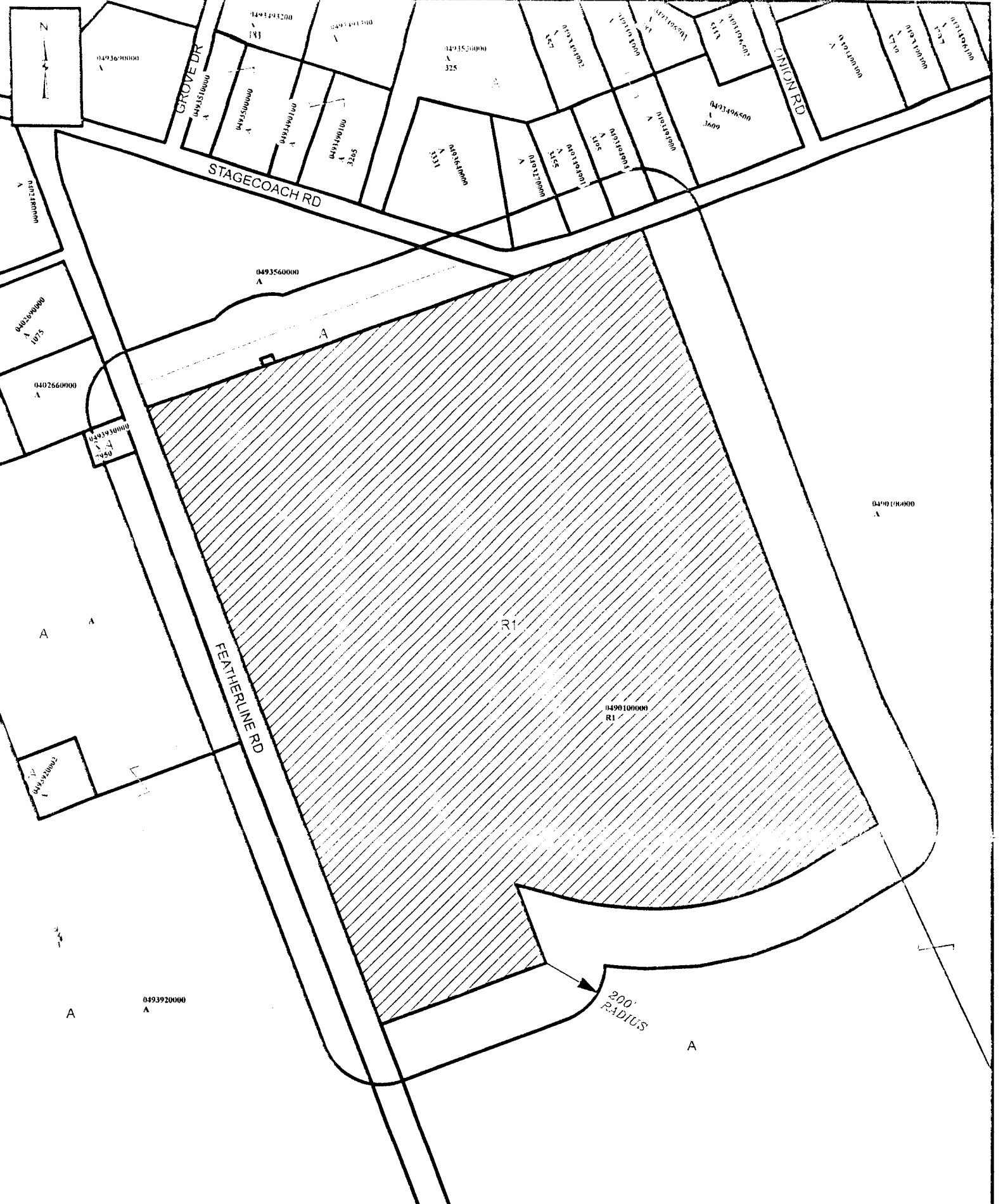


Date: 12/08/08  
87.15 ACRES

ZONING CASE #Z08-55  
From R-1 To PUD w/R-1



**CITY OF KILLEEN**  
PLANNING/MAPPING  
P.O. BOX 1329  
KILLEEN, TEXAS, 76540-1329



Date: 12/08/08  
 87.15 ACRES

ZONING CASE #Z08-55  
 From R-1 To PUD w/R-1



**CITY OF KILLEEN**  
 PLANNING/MAPPING  
 P.O. BOX 1329  
 KILLEEN, TEXAS, 76540-1329

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**AGENDA ITEM**

**ZONING CASE #Z08-55  
R-1 TO PUD WITH R-1**

**ORIGINATING DEPARTMENT  PLANNING & DEVELOPMENT SERVICES**

**BACKGROUND INFORMATION**

This is a request submitted by W&B Development to rezone approximately 87.12 acres, being part of the Simeon D. Carothers Survey, Abstract No. 177 from R-1 (Single-Family Residential District) to PUD (Planned Unit Development) consisting of 381 lots and 5 blocks for property located on the east right-of-way of Featherline Road approximately 1,000 feet south of Stagecoach Road, Killeen, Texas.

The applicant proposes to rezone the property to allow for a residential development consisting of single-family homes and an open space/ amenity area. The proposed development will include seven common areas tracts totaling 15.5 acres. The PUD zoning would allow the applicant to develop single-family homes on lots greater than and less than 6,000 square feet. Some of the PUD develop standards are listed below in Table 1.

Table 1. Development Standards for Yowell Ranch PUD

Total Lots	381
Set backs	20' setback required for front and rear yards; 15' setback required for side yards that abut a street and 5' setback for interior side yards
Minimum floor area	1,000 square feet
Masonry requirements	One-story- 60% requirement of native stone, brick, or cementitious siding product which collectively comprise a masonry veneer. Two-story-75% requirement of combination of native stone, brick or cementitious siding product comprising a 75% masonry veneer for front exterior wall; 60% requirement of native stone, brick, or cementitious siding product which collectively comprise a masonry veneer for side exterior walls of first floor.
Landscaping requirements	Front-yard- fully-sodded with 1 tree, and 5 bushes

Legal staff has reviewed the bylaws, Articles of Incorporation and Declaration for the Yowell Ranch PUD zoning request and determined that the documents provided by the applicant meets the requirements of Section 31-805 of the Code of Ordinances. Also, letters of notification were

mailed to eleven (11) property owners in the 200-foot notification area. Staff received one response in support for the rezone request from Mr. Bruce Whitis.

If this rezone application is recommended for approval by the Commission, the Planning staff recommends the following five conditions:

- Provide a 42' wide street paving section for a minimum length of 100' as measured from all subdivision entrances.
- Increase the minimum floor area (enclosed living area) from 1,000 to 1,200 square feet.
- 90 % requirement of native stone, brick or other masonry product for an entire home.
- No repeat or duplicate elevation within a group of five homes.
- Provide information in the PUD document that details the proposed recreational uses within Tract 1.

## **DISCUSSION/CONCLUSION**

Bruce Whitis of W & B Development was present to represent the case. Chairman Frederick opened the public hearing, and Bill King spoke at the public hearing regarding concerns that he has with the proposed zoning. He stated that he is in favor of the projected green space with the amenities that are proposed, but he is in opposition to the density of housing even though he is aware that requiring 1-3 acre lots is not feasible. With no one else requesting to speak, the public hearing was closed.

## **FISCAL IMPACT**

No fiscal impact is associated with this rezone application.

## **RECOMMENDATIONS**

The Planning and Zoning Commission made a recommendation to approve rezone case #Z08-55 by a vote of 5 to 2 with the following conditions:

- The applicant shall provide a 42' wide street paving section for a minimum length of 100' as measured from all subdivision entrances.
- The applicant shall increase the minimum floor area (enclosed living area) for a home from 1,000 to 1,200 square feet.
- 90 % requirement of native stone, brick or other masonry product for an entire home.
- There is to be no repeat or duplicate elevation within a group of five homes.
- Provide information in the PUD document that details the proposed recreational uses within Tract 1 to include a playground, pool, hike and bike trail, and at least one pond.