



## STAFF REPORT

**DATE:** September 5, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Dr. Ray Shanaa, Exec. Dir. Of Planning and Development Services

**SUBJECT:** ZONING CASE #Z19-15 "B-3" (Local Business District) and "A" (Agricultural District) to "R-1" (Single-Family Residential District), "SF-2" (Single-Family Residential District) and "R-2" (Two-Family Residential District).

### **Background and Findings:**

Killeen Engineering & Surveying, Ltd. on behalf of JOF Developers, Inc., has requested to rezone approximately 76.983 acres out the James Cook Survey, Abstract No. 161, from "B-3" (Local Business District) and "A" (Agricultural District) to "R-1" (Single-Family Residential District), "SF-2" (Single-family Residential District), and "R-2" (Two-Family Residential District). The property is locally addressed as 5601 Clear Creek Road, Killeen, Texas.

#### "R-1" Single-Family Residential District Description

A building or premises in the district "R-1" Single-Family Residential district shall be used only for the following purposes:

- (1) One-family dwellings.
- (2) Churches or other places of worship.
- (3) Colleges, universities or other institutions of higher learning.
- (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (5) Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- (7) Public buildings, including libraries, museums, police and fire stations.
- (8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years.
- (9) Schools, public elementary or high.
- (10) Schools, private with curriculum equivalent to that of a public elementary or high school.
- (11) Temporary buildings for uses incidental to construction work on the premises.
- (12) Water supply reservoirs, pumping plants and towers.
- (13) Accessory buildings and uses, incident to the uses in this section and located on

- the same lot therewith, not involving the conduct of a retail building.
- (14) A subdivision entry sign, when such sign is located on a lot that abuts a subdivision boundary and fronts on a street entering the subdivision.
  - (15) Cemetery

### **"SF-2" Single-Family Residential District Description**

A building or premises in a district "SF-2" single-family residential district shall be used only for the following purposes:

- (1) Single-family dwellings meeting the criteria of the garden home district, with a minimum floor area of one thousand one hundred (1,100) square feet.
- (2) All uses allowed in section 31-186, including those defined as home occupation uses.

### **"R-2" Two-Family Residential District Description**

A building or premise in a district "R-2" Two-family Residential District shall be used only for the following purposes:

- (1) Any use permitted in district "R-1" (Single-family Residential District)
- (2) Two-Family dwellings.

### **Property Specifics:**

Applicant / Property Owner: JOF Developers, Inc.

Property Location: 5601 Clear Creek Road, Killeen, Texas.

Legal Description: Approximately 76.983 acres, out the James Cook Survey, Abstract No. 161.

### **Zoning/ Plat Case History:**

- The property was designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan per ordinance # 19-13 on March 26<sup>th</sup>, 2019.
- There is no recent zoning activity for this property.
- The property is not platted.

### **Character of the Area:**

Existing Land Use(s) on the Property: The property, located at 5601 Clear Creek Road, is currently undeveloped, agriculturally used land. The surrounding adjoining properties are predominantly agricultural in nature or vacant undeveloped lots with a mix of single-family style and commercially used lots to the north and east. All residential lots to the northwest are single-family residential properties.

Historic Properties: None

### **Community Infrastructure and Environmental Assessment:**

#### **Water, Sewer and Drainage Services**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility services are located within the City of Killeen municipal utility service area and available to the subject tract. However, it will be necessary to extend public utility infrastructure to each lot, prior to the release of the lot(s) for residential and commercial construction purposes.

**Transportation:**

Existing conditions: The current property is accessed via Clear Creek Road (S.H. 201) which is classified as a 120' Principal Arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: The applicant is proposing the continuation of Golden Gate Drive as a 70' collector, with six 60' local streets to accommodate traffic. Two of the local streets will provide connectivity to the adjacent Estancia West subdivision.

Projected Traffic Generation: A typical single-family home will generate ten (10) vehicle trips per day. A typical two-family home will generate twenty (20) vehicle trips per day. The typical elementary school in the City has an average student population of 850. This project will yield 234 single-family residential lots, 24 two-family residential lots, and a proposed new elementary school for a total of 3,915 vehicle trips per day [This data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

**Environmental Assessment:**

There are no known environmental constraints for these lots. The lots are not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

**Land Use Analysis:**

Future Land Use Map: This area is designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The 'General Residential' designation encourages a mix of single-family types, public and institutional uses, parks and public spaces.

Consistency: The applicant's request is consistent with the FLUM of the Comprehensive Plan.

**Fort Hood Joint Land Use Study (JLUS) Analysis:**

JLUS Plan: The property is not located in an "Encroachment Awareness Area" as identified within the JLUS.

Section 4.3 of the JLUS describes an "Encroachment Awareness Area" as intending "to serve the purpose of establishing the *current* area in which the partners in this study should maintain heightened vigilance with regard to potentially incompatible civilian land uses encroaching into critical areas that may experience the effects of military training, such as high noise levels."

**Public Notification:**

Staff notified nine (9) surrounding property owners regarding this request; no responses have been received.

**THE ALTERNATIVES CONSIDERED:**

The City Council may:

- disapprove the applicant’s zoning request;
- approve more restrictive zoning districts; or
- approve the applicant’s zoning request.

**Which alternative is recommended?**

Staff recommends that the City Council approve the applicant’s “R-1” (Single-Family Residential District), “SF-2” (Single-family Residential District), and “R-2” (Two-Family Residential District) zoning request as submitted.

**Why?**

Staff supports the applicant’s request to pursue the zoning request as submitted. Staff is of the determination that the current request for “R-1” (Single-Family Residential District), “SF-2” (Single-family Residential District), and “R-2” (Two-Family Residential District) zoning is consistent with the historic residential development pattern of the adjacent community.

**CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City’s policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This zoning request does not involve the expenditure of city funds.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

The Planning and Zoning Commission recommended approval of the applicants request for "R-1" (Single-Family Residential District), "SF-2" (Single-family Residential District), and "R-2" (Two-Family Residential District) zoning request as submitted by a vote of 3 to 2, with Commissioners Gukeisen and Ploeckelmann being opposed to the motion.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Maps

Minutes

Ordinance

Pharr vs. Tippitt