



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 #Z19-18 "R-1" (Single-Family Residential District) to "R-1" (Single-Family Residential District) with a Conditional Use Permit (CUP)

Background and Findings:

This request is submitted by Todd and Judenia Wilson to rezone Lot 34, Block 1, Deerwood Estates, from "R-1" (Single-Family Residential District) to "R-1" (Single-Family Residential District) with a Conditional Use Permit (CUP) for a detached guest house. The property is locally addressed as 4901 Deerwood Loop, Killeen, Texas.

Standards and Criteria for Approval of a Conditional Use Permit (CUP):

Standards for Conditional Use Permits are set forth in Killeen Code of Ordinances Sec. 31-456. The City Council may approve the application with or without conditions, deny the application, postpone the matter for future consideration, or refer the application back to the Planning and Zoning Commission for further study and recommendation. The City Council may establish conditions of approval that are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers, fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public.

Criteria for Approval:

The Council may approve a conditional use permit by majority vote, but shall disapprove an application if it finds one or more of the following, or other valid justifications, to be true:

- (A) The proposed use will be incompatible with existing or permitted uses on surrounding sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;
- (B) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;

- (C) The proposed use will be detrimental to the public health, safety or welfare, or will negatively affect the property or improvements in the vicinity;
- (D) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;
- (E) The proposed use will materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs;
- (F) The proposed use fails to provide adequate and convenient off-street parking and loading facilities; or
- (G) The proposed use will incorporate the sale or distribution of alcoholic beverages for on-premises consumption except where the applicant seeks a temporary permit, not to exceed two (2) months in duration, to allow for the on-premises sale, distribution or consumption of alcoholic beverages for temporary events in compliance with a Texas Alcoholic Beverage Commission issued permit and the Texas Alcoholic Beverage Code, as amended.

Property Specifics:

Applicant / Property Owner: Todd and Judenia Wilson

Property Location: 4901 Deerwood Loop, Killeen, Texas.

Legal Description: Lot 34, Block 1, Deerwood Estates

Zoning/ Plat Case History:

- There is no recent zoning activity for this property.
- The subject property is platted as Lot 34, Block 1, Deerwood Estates, which was filed for record on October 17th, 2003, in Cabinet C, Slide 355-C & 355-D, Volume 5174, Page 104, Plat Records of Bell County, Texas.

Character of the Area:

Existing Land Use(s) on the Property: The property, located at 4901 Deerwood Loop, is currently an existing home. The surrounding adjoining properties are predominantly single-family lots.

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.

Transportation:

Existing conditions: Currently the property is accessed via Deerwood Loop, which is classified as a 60' local street on the City's adopted Thoroughfare Plan.

Proposed Improvements: The applicant is not proposing any improvements.

Projected Traffic Generation: The current vehicle trips per day will not be affected by this project.

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: The property is designated as 'Suburban Residential' ('SR') on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Suburban Residential' (SR) designation encourages the following development types:

- Detached residential dwellings
- Planned developments to provide for other housing types in a Suburban character setting
- Public/institutional
- Parks and public spaces

Plan Recommendation: 'Suburban Residential' (SR) characteristics encourages a wide range of residential uses with larger minimum lot sizes for increased lot setbacks and greater separation between homes. This designation also encourages a less noticeable accommodation for automobiles on the site compared to more intensive residential developments, especially where driveways are on the side of homes rather than occupying a portion of the front yard space, and where garages are situated to the side or rear of the main dwelling. Suburban character form balance between buildings and other site improvements relative to degree of open space maintained on site (compared to predominance of site coverage over undeveloped space in auto-oriented areas).

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 twenty-five (25) surrounding property owners regarding this request; as of the date of this staff report, two (2) responses have been received in support of this request.

THE ALTERNATIVES CONSIDERED:

The City Council may:

- disapprove the applicant’s Conditional Use Permit request;
- approve the Conditional Use Permit request with additional conditions; or
- approve the applicant’s Conditional use Permit request.

Which alternative is recommended?

Staff recommends that the City Council approve the applicant’s request of “R-1” (Single-Family Residential District) with a Conditional Use Permit (CUP) request as submitted.

Why?

Staff supports the applicant’s request to pursue the conditional use permit request as submitted. The requested “R-1” (Single-Family Residential District) with a Conditional Use Permit (CUP) complies with Chapter 31 of the City of Killeen Code of Ordinances.

CONFORMITY TO CITY POLICY:

This 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 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 applicant's conditional use permit request of "R-1" (Single-Family Residential District) with a Conditional Use Permit (CUP) by a vote of 4 to 0 with the following conditions:

- All building setbacks and area requirements required by Chapter 31 of the City of Killeen Code of Ordinances will be met;
- the proposed structure will only be utilized for recreation, a pool house, and for lawn care equipment storage;
- the structure be placed on the lot and built as illustrated on Exhibit 'A', which has been attached hereto for Council's consideration; and
- the rental or lease of the proposed guest house shall be prohibited.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Maps

Minutes

Ordinance

Pharr vs. Tippitt

Exhibit 'A'

Responses