City of Killeen

Agenda

City Council

Tuesday, December 17, 2019 | **5:00 PM** | **City Hall**
Council Chambers
101 N. College Street
Killeen, Texas 76541

Call to Order and Roll Call

___ *Jose Segarra, Mayor*
___ *Shirley Fleming*
___ *Steve Harris*
___ *Gregory Johnson*
___ *Jim Kilpatrick*
___ *Butch Menking*
___ *Debbie Nash-King*
___ *Juan Rivera*

Invocation

Pledge of Allegiance

Approval of Agenda

Presentations

1. PR-19-004 Presentation - Bell County Child Safety Check

Citizen Comments

This section allows members of the public to address the Council regarding any item(s), other than a public hearing item, on the agenda for Council's consideration. Each person shall sign up in advance, may speak only one time, and such address shall be limited to three (3) minutes. The Presiding Officer may allow a one (1) minute extension, if requested at the end of the original three (3) minute period. No other extensions will be allowed.

Consent Agenda

2. RS-19-121 Consider a memorandum/resolution approving an operating authority to Limo Company Transportation, LLC.

Attachments: Staff Report
Application
Presentation

Ordinances

3. OR-19-028 Consider an ordinance amending the Code of Ordinances by adding Chapter 33, Impact Fees establishing roadway, water and wastewater

impact fees.

Attachments: Staff Report
Ordinance
Presentation

Public Hearings

4. PH-19-044 HOLD a public hearing and consider a memorandum/resolution approving the addition of an honorary street designation of “Bishop Nate Holcomb Mem. Blvd.” to Cunningham Road signs.

Attachments: Staff Report
Request
Map
Proposed Sign & Locations
Responses
Presentation

5. PH-19-045 HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf of JOF Developers, Inc. (Case #FLUM 19-12) to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from a ‘Suburban Commercial’ designation to a ‘General Residential’ designation for approximately 2.90 acres out of the James Cook Survey, Abstract No. 161. The property is located on the west right-of-way of Clear Creek Road, approximately 350 ft. north of the proposed Golden Gate Drive, Killeen, Texas.

Attachments: Staff Report
Maps
Minutes
Ordinance
Considerations
Presentation

6. PH-19-046 HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Mesa Verde Developers, L.P. and Tara Campbell (Case #Z19-16) to rezone approximately 24.9 acres, out the W. L. Harris Survey, Abstract No. 1155, from “B-3” (Local Business District) and “A” (Agricultural District) to “R-1” (Single-Family Residential District). The property is located south of the Renick Ranch Subdivision, Killeen, Texas.

Attachments: Staff Report
Maps
Minutes
Ordinance

Responses

Considerations

Presentation

7. PH-19-047 HOLD a public hearing and consider an ordinance requested by Allen Cloud on behalf of the Killeen Church of Christ (Case #Z19-24) to rezone approximately 5.8 acres, being part of Lot 1, Block 1, Church of Christ Addition, from “R-1” (Single-Family Residential District) to “B-5” (Business District). The property is addressed as 400 N. W.S. Young Drive, Killeen, Texas.

Attachments: Staff Report

Maps

Minutes

Ordinance

Considerations

Presentation

8. PH-19-048 HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Herring Legacy Estates, L.L.C. (Case #Z19-25) to rezone approximately 75.9 acres, being out of the W. E. Hall Survey, Abstract No. 1116, from “A-R1” (Agricultural Single-Family Residential District) and “A” (Agricultural District) to “SR-1” (Suburban Residential Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, Killeen, Texas.

Attachments: Staff Report

Maps

Minutes

Ordinance

Considerations

Presentation

9. PH-19-049 HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Leslie Shelley (Case #Z19-26) to rezone approximately 4.153 acres, being out of the W. H. Cole Survey, Abstract No. 200, from “CD” (Cemetery District) to “CD” (Cemetery District) with a Conditional Use Permit (CUP) for “SF-2” (Single-Family Residential District) and from “A” (Agricultural District) to “SF-2” (Single -Family Residential District). The property is locally known as 211 Viola Drive, Killeen, Texas.

Attachments: Staff Report

Maps

Minutes

Ordinance

Considerations

Presentation

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on December 13, 2019.

_____

Lucy C. Aldrich, City Secretary

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the City Council may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7700, City Manager's Office, or TDD 1-800-734-2989.

Notice of Meetings

The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. No official action will be taken by Council.

- *57th Annual Christmas Parade, December 14, 2019, 4:30 p.m., Downtown Killeen*

Dedicated Service -- Every Day, for Everyone!

City of Killeen

Legislation Details

File #:	PR-19-004	**Version:**	1	**Name:**	Child Safety Check Presentation
Type:	Presentations			**Status:**	Presentations
File created:	12/4/2019			**In control:**	City Council
On agenda:	12/17/2019			**Final action:**	
Title:	Presentation - Bell County Child Safety Check				
Sponsors:	City Manager Department				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result

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City of Killeen

Legislation Details

File #:	RS-19-121	**Version:**	1	**Name:**	Operating Authority - Limo Company
Type:	Resolution			**Status:**	Resolutions
File created:	11/21/2019			**In control:**	City Council
On agenda:	12/17/2019			**Final action:**	
Title:	Consider a memorandum/resolution approving an operating authority to Limo Company Transportation, LLC.				
Sponsors:	City Secretary				
Indexes:					
Code sections:					
Attachments:	Staff Report Application Presentation				

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council Workshop		

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STAFF REPORT

DATE: **December 10, 2019**

TO: **Kent Cagle, City Manager**

FROM: **Traci Briggs, Interim City Attorney**

SUBJECT: **Operating Authority Application from Limo Company Transportation, LLC**

BACKGROUND AND FINDINGS:

Chapter 29, City of Killeen Code of Ordinances, provides the manner by which an operating authority permit is granted. An operating authority is for ground transportation and taxicab services. An applicant must file an application, fee, and supporting documents.

Limo Company Transportation, LLC has applied for an operating authority permit. Staff has determined that the application is complete. As indicated on the application, the company owns and will operate one vehicle, a 2005 Lincoln with seating capacity for 10 people. Operating authorities are good for five years. Vehicle window sticker permits expire on December 31st of each year.

THE ALTERNATIVES CONSIDERED:

Grant the operating authority to all the applicant to provide limousine services in the city, or do not grant the operating authority.

Which alternative is recommended? Why?

Staff recommends granting the operating authority to Limo Company Transportation, LLC. The submitted application is complete and does conform to the city's code of ordinances.

CONFORMITY TO CITY POLICY:

The request conforms with Chapter 29, Transportation, of the city's code of ordinances.

FINANCIAL IMPACT:

An application fee in the amount of $300.00 has been paid to the City of Killeen. Prior to the end of each year, fees for vehicle window stickers and driver permits will be collected as follows: vehicle permit - $50.00 per vehicle; airport permit - $40.00 per vehicle and driver permit - $25.00 per driver.

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

There are no expenditures associated with granting an operating authority.

Is this a one-time or recurring expenditure?

n/a

Is this expenditure budgeted?

n/a

If not, where will the money come from?

n/a

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

n/a

RECOMMENDATION:

Staff recommends that the city council approve an operating authority to Limo Company Transportation, LLC.

DEPARTMENTAL CLEARANCES:

Legal

ATTACHED SUPPORTING DOCUMENTS:

Application

CITY OF KILLEEN

APPLICATION FOR OPERATING AUTHORITY FOR TAXI CABS AND GROUND TRANSPORTATION SERVICES

Chapter 29, Article 2 of the City of Killeen Code of Ordinances

An operating authority is valid for five (5) years from date of approval. Vehicle permits are renewed annually.

1. Business/Trade Name: Limo Company

   Business Address: 1503 San Antonio St Killeen TX 76541

   Mailing Address: 1503 San Antonio St Killeen TX 76541

   E-mail: clintenglish644@gmail.com Telephone #: 254-415-1807

2. Please check the type(s) of Operating Authority requested:

   ☒ Limousine Service ☐ Airport Shuttle Service ☐ Other _____

   ☐ Shuttle Service ☐ Charter Service ☐ Taxi Cab

3. Business Owner(s) Information:

   Name: Phillip Faunce English III Driver's License # [redacted]

   Name: _____ Driver's License # _____

   Name: _____ Driver's License # _____

4. Number of permits requested for each service vehicle:

   Limousine 1 Airport Shuttle _____ Shuttle _____

   Charter _____ Other _____ Taxi Cab _____

5. Provide the following information for each vehicle to be used to provide the service (if additional space is needed include on a separate page):

Yr.	Make	Model	Body Style	Seating Capacity*	Service Type**	License Number	Vehicle Identification No.
1) 2005	Lincoln	Town Car	Limo	10	L	[redacted]	
2)							
3)							
4)							
5)							
6)							
7)							
8)							
9)							
10)							

* Manufacturer's rated seating capacity
** (L) Limousine (A) Airport Shuttle (S) Shuttle (C) Charter (O) Other

6. Name of Insurance Co.: INS Agents Alliance of Texas, Inc.
Agent Name: Brian
Agent Phone #: 512-637-4270 Agent Insurance License #: 2430064

7. The applicant must provide the following information and attach as part of the application:

- Current State of Texas registration on each service vehicle;
- The proposed rate of fare.
- A certificate of insurance as proof of insurance coverage listing the City of Killeen as additional insured.

For Taxi Cab services only:
Color scheme of vehicles: _____

Attach a description of the taximeter proposed to be used and a current rate card.

8. A $300.00 non-refundable operating authority application fee must be submitted with this application.

Fees submitted upon approval of operating authority:

Vehicle permit	- $50.00/vehicle
Airport permit	- $40.00/vehicle (if applicable)
Driver permit	- $25.00/driver (this fee is collected by the Killeen Police Department)

All drivers must go to the Killeen Police Department headquarters, *Records department*, located at 3304 Community Boulevard in Killeen to obtain a Driver Permit. The police department will require a letter of sponsorship from the company, a valid currentTexas Driver's License, and a $25.00 fee (cash only).

See Section 29-22, Driver Qualifications, for regulations/requirements on service vehicle drivers.

I, Phillip Faunce English III, applicant, do swear or affirm that all of the information included within this application is accurate, and I understand that any omitted information or information found to be inaccurate will result in the denial of this application for operating authority or the revocation of an operating authority that is granted based on the information provided in this application. I also swear or affirm that I have read and understand Chapter 29 of the Killeen City Code relating to Transportation and agree to comply with the terms as written and as may be amended.

Phil English	OWNER	9-23-19
Signature of Applicant	Title	Date

THE STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, the undersigned authority, on this day appeared Phillip Faunce English III, known to me to be the person whose name is signed to the foregoing application and duly sworn by me states under oath that he/she has read the said application and that all of the facts therein set forth are true and correct.

Sworn to before me, this, 23 day of September, 2019.

Cathy Yost
Notary Public

NOTARY PUBLIC STATE OF TEXAS
CATHY YOST
Notary ID # 128521134
My Commission Expires
June 13, 2020

Application must go to the city council for approval after City Manager approval.

Texas Department of Motor Vehicles

DUPLICATE RECEIPT

[redacted]

COUNTY: BELL

TAC NAME: SHAY LUEDEKE
DATE: 10/21/2019
TIME: 09:44AM
EMPLOYEE ID: KILN010

EFFECTIVE DATE: 07/08/2019
EXPIRATION DATE: 6/2020
TRANSACTION ID: 01420243757094425

PLATE NO: [redacted]
DOCUMENT NO: 01430343652084112

RENEWAL RECIPIENT NAME AND ADDRESS
LIMO COMPANY
1503 SAN ANTONIO ST
KILLEEN, TX 76541

OWNER NAME AND ADDRESS
CLINT GREGORY ENGLISH
1503 SAN ANTONIO ST
KILLEEN, TX 76541

REGISTRATION CLASS: PASSENGER-LESS/EQL 6000
PLATE TYPE: PASSENGER-TRUCK PLT
ORGANIZATION:
STICKER TYPE: WS

PREVIOUS PLATE NO: [redacted] PREVIOUS EXP MO/YR: 6/2017
VEHICLE CLASSIFICATION: PASS CUSTOMER REG FEES PAID: $75.50
VEHICLE IDENTIFICATION NO: [redacted]
YR/MAKE: 2005/LINC MODEL: BODY STYLE: LM UNIT NO:
EMPTY WT: 5000 CARRYING CAPACITY: 0 GROSS WT: 5000
BODY VEHICLE IDENTIFICATION NO: TRAVEL TRLR LENGTH: 0

REGISTRATION ISSUE DATE: 07/08/2019 COUNTY OF REGISTRATION: 14

FEES ASSESSED		
DUPLICATE RECEIPT	$	2.00
TOTAL	$	2.00

VEHICLE RECORD NOTATIONS
PAPER TITLE
MAJOR COLOR: WHITE
DOCUMENT TYPE : REGULAR TITLE

METHOD OF PAYMENT AND PAYMENT AMOUNT:
CASH $ 5.00

TOTAL AMOUNT PAID	$	5.00
CHANGE DUE	$	3.00

IMPORTANT DOCUMENT: Please retain for your records.
THIS RECEIPT TO BE CARRIED IN ALL COMMERCIAL VEHICLES.
Purchased registration remains with this vehicle and
will not be refunded if the vehicle is sold.

ORIGINAL
VTR-500-RTS (REV. 10/2016) DHT157490

Limo Company Transportation, LLC
1503 San Antonio Drive
Killeen, Texas 76541
Ph: (254) 415-1807

City of Killeen
PO Box 1329
Killeen, Texas 76540-1329
Ph: (254) 501-7717
E-mail: laldrich@killeentexas.gov

RE: Transportation application, rates

ATTN: Office of the City Secretary

Ms. Aldrich,

Per our conversation this morning, I am writing to provide you with rates for services rendered through Limo Company Transportation, LLC.

The grand opening hourly, for the first three months of operation, will be set at ninety-nine dollars, or $99 (US), with a minimum two-hour contractual agreement. Thereafter, beyond the first quarter of business operations, the hourly maximum will be capped at $125 per hour.

If you have any questions pertaining to either the transportation application or fees, please do not hesitate to contact me via the phone number listed above.

Professionally,
Phil English

STATE AUTO
Insurance Companies

State Auto Insurance Companies
P.O. Box 182738
Columbus, Ohio 43218-2738

Automobile ID Cards

Auto Policy

Questions?
*Visit us at **StateAuto.com***
*or call **(800) 288-4425***
customer service.

Contact your independent agent at(512) 637-4270

STATE AUTO
Insurance Companies

Texas Liability Insurance Card
*Call **(800) 766-1853** to file a claim.*
*For a glass only claim call **(888) 504-4527.***

*If your policy includes **Roadside Assistance, call (844) 546-5393** for 24 hour service.*

Agency	Issuing Company
Ins Agents Alliance of Texas, Inc. *(512) 637-4270*	*Home State County Mutual Insurance Company*

Policy Number	Effective Date	Expiration Date	NAIC #
1000503075	*05-09-19*	*05-09-20*	*29297*

Year	Make/Model	Vehicle ID Number
2005	*LINCOLN TOWN CAR*	[redacted]

Name and Address of Insured	Additional Driver(s)
Clint English *1503 SAN ANTONIO ST* *KILLEEN, TX 76541*	*Phil English*

This policy provides at least the minimum amounts of liability insurance required by the Texas Motor Vehicle Safety Responsibility Act for the specified vehicle and named insureds and may provide coverage for other persons and other vehicles as provided by the insurance policy

Texas Liability Insurance Card

Keep this card.

IMPORTANT: This card or a copy of your insurance policy must be shown when you apply for or renew your:

- *motor vehicle registration*
- *driver's license*
- *motor vehicle safety inspection sticker*

You also may be asked to show this card or your policy if you have an accident or if a peace officer asks to see it.

All drivers in Texas must carry liability insurance on their vehicles or otherwise meet legal requirements for financial responsibility. If you do not meet your financial responsibility requirements, you could be fined up to $1,000, your driver's license and motor vehicle registration could be suspended, and your vehicle could be impounded for up to 180 days (at a cost of $15 per day).

KEEP THESE CARDS IN YOUR VEHICLE AND WALLET AT ALL TIMES.

You may be required to present this proof of insurance to a law enforcement officer upon request.

Thank you for choosing ***State Auto***.

STATE AUTO Insurance Companies

Amended Declaration

Personal Auto Policy

Issue Date: 10/07/2019

Ins Agents Alliance of Texas, Inc.
3834 Spicewood Springs Rd Ste 100
Austin, TX 78759-8977

Amended/Pro-rated ***Premium***	*$1,281.62*
Total ***Term Premium***	*$1,684.41*

Named Insured

Clint English
1503 SAN ANTONIO ST
KILLEEN, TX 76541

Policy Number	Policy Period	Coverage is provided by the following Company
1000503075	*05/09/19 - 05/09/20*	*Home State County Mutual Insurance Company*

Policy period begins and ends at 12:01 a.m. standard time for the vehicles identified.

Amended Declaration Effective 10/05/19

- Changed Primary Location
- Changed Driver: Clint English
- Changed Driver: Phil English
- Added 2005 TOYOT TACOM in Texas
- Removed 2009 NISSAN SENTRA BASE/S/SL in Texas
- Changed Edit Tier Group _ Ext
- Changed Edit Tier Score _ Ext

Questions?

Visit us at ***StateAuto.com*** *or call* ***(800) 288-4425 customer service.***

***Contact your independent agent at* (512) 637-4270.**

Your Covered Vehicles

	Veh 2: ***2005 LINCOLN TOWN CAR***	*Veh 3:* ***2005 TOYOT TACOM***
VIN	[redacted]	[redacted]
Garage State	*TX*	*TX*
BI Symbol		*JK*
PD Symbol		*KT*
Offering	*Standard*	*Standard*
Territory	*R41*	*R41*

Your Covered Drivers

Driver Name	Gender	Marital Status	Driver Status
Phil English	*Male*	*Single*	*Rated*
Clint English	*Male*	*Single*	*Rated*

STATE AUTO Insurance Companies

Amended Declaration

Personal Auto Policy

Issue Date: 10/07/2019

Ins Agents Alliance of Texas, Inc.
3834 Spicewood Springs Rd Ste 100
Austin, TX 78759-8977

Amended/Pro-rated Premium	***$1,281.62***
Total Term Premium	***$1,684.41***

Named Insured

Clint English
1503 SAN ANTONIO ST
KILLEEN, TX 76541

Policy Number	Policy Period	Coverage is provided by the following Company
1000503075	*05/09/19 - 05/09/20*	*Home State County Mutual Insurance Company*

Policy period begins and ends at 12:01 a.m. standard time for the vehicles identified.

Your Policy Level Coverages

Coverage	Limit/Deductible	Veh 2: 2005 LINCOLN TOWN CAR [redacted] Premium	Veh 3: 2005 TOYOT TACOM [redacted] Premium
Bodily Injury	*$100,000 per person/ $300,000 per accident*	*$440.54*	*$293.73*
Property Damage	*$100,000*	*$308.17*	*$233.18*
	Total Premium	***$748.71***	***$526.91***

Questions?

*Visit us at **StateAuto.com** or call **(800) 288-4425** **customer service.***

***Contact your independent agent at* (512) 637-4270.**

STATE AUTO Insurance Companies

Amended Declaration

Personal Auto Policy

Issue Date: 10/07/2019

Ins Agents Alliance of Texas, Inc.
3834 Spicewood Springs Rd Ste 100
Austin, TX 78759-8977

Amended/Pro-rated ***Premium***	*$1,281.62*
Total ***Term Premium***	*$1,684.41*

Named Insured

Clint English
1503 SAN ANTONIO ST
KILLEEN, TX 76541

Policy Number	Policy Period	Coverage is provided by the following Company
1000503075	*05/09/19 - 05/09/20*	*Home State County Mutual Insurance Company*

Policy period begins and ends at 12:01 a.m. standard time for the vehicles identified.

Taxes and Fees

	Veh 2: ***2005 LINCOLN TOWN CAR*** [redacted]	*Veh 3:* ***2005 TOYOT TACOM*** [redacted]
	Amount	**Amount**
Motor Vehicle Crime Prevention Authority Fee (See enclosed explanation)	*$2.00*	*$2.00*
Total Taxes and Fees	***$2.00***	***$2.00***

Questions?

Visit us at ***StateAuto.com*** *or call* ***(800) 288-4425 customer service.***

***Contact your independent agent at* (512) 637-4270.**

Your Discounts

- *Multi-Policy Discount*
- *Multi-Car Discount*
- *State Auto Startup Discount*

Your Forms and Endorsements

Number	Edition Date	Name
TX0001A	*01/16*	*Personal Auto Policy (Cover Page)*
PP0001B	*01/07*	*Your Personal Auto Policy Quick Reference*
PP0001	*01/05*	*Personal Auto Policy*
AU651TX	*01/07*	*Amendment of Policy Provisions - Fraud - Texas*
AU0150	*08/14*	*Amendment of Policy Provisions - Texas*
AU2073	*02/06*	*Amendment of Cancellation Provision*
AU101	*01/09*	*Amendatory Endorsement - Amendment of Part B Medical Payments Coverage*
AU650	*01/07*	*Communicable Disease*
AU706	*01/11*	*Amendment to Supplementary Payments*
PP0301	*08/86*	*Federal Employees Using Autos in Government Business*
AU1306	*01/09*	*Custom Equipment Exclusion Endorsement*

STATE AUTO Insurance Companies

Amended Declaration

Personal Auto Policy

Issue Date: 10/07/2019

Ins Agents Alliance of Texas, Inc.
3834 Spicewood Springs Rd Ste 100
Austin, TX 78759-8977

Amended/Pro-rated Premium	***$1,281.62***
Total Term Premium	***$1,684.41***

Named Insured

Clint English
1503 SAN ANTONIO ST
KILLEEN, TX 76541

Policy Number	Policy Period	Coverage is provided by the following Company
1000503075	*05/09/19 - 05/09/20*	*Home State County Mutual Insurance Company*

Policy period begins and ends at 12:01 a.m. standard time for the vehicles identified.

Your Forms and Endorsements

Number	Edition Date	Name
PP1301	*12/99*	*Coverage for Damage to Your Auto Exclusion Endorsement*
PP2316	*10/13*	*Personal Vehicle Sharing Program Exclusion Endorsement*
AU1828	*01/17*	*Personal Vehicle Sharing Program Exclusion Advisory Notice to Policyholders*
AU1017	*01/08*	*Recovered Vehicle Deductible Reimbursement Endorsement*
AU677	*06/15*	*Special Account Deductible*

This declaration page with policy forms and endorsements completes the policy. This policy will continue in force for the period indicated upon valid payment of the premium, when due.

Questions?

*Visit us at **StateAuto.com** or call **(800) 288-4425** **customer service.***

***Contact your independent agent at* (512) 637-4270.**

Burns & Wilcox

70 NE Interstate 410 Loop, Suite 1075, San Antonio, TX 78216
Phone: (210) 640-4400 Fax: (210) 640-4459

DATE: 11/19/2019

INSURANCE BINDER

THIS BINDER IS A TEMPORARY INSURANCE CONTRACT, SUBJECT TO THE CONDITIONS SHOWN BELOW.

INSURED: Limo Company Transportation, LLC

1503 San Antonio St
Killeen, TX 76541

B&W PRODUCER: Monica M Cantu
AGENT: Insurance Agents Alliance of Texas Inc
P.O. Box 1188
Mineola, TX 75773

LOCATION(S) OF RISK:

1. 1503 San Antonio St, Killeen, TX 76541

POLICY EFFECTIVE FROM: 11/19/2019 AT 12:01 AM TO 11/19/2020 AT 12:01 AM STD TIME AT RISK LOCATION.

FORM OF COVERAGE: COMMERCIAL AUTOMOBILE OCCURRENCE

POLICY NO: 73APR382563

INSURER(S):

Line Of Business	Supplier(s)	Participation
Auto Liability	National Liability & Fire Insurance Company	100.00 %
Auto Physical Damage	National Liability & Fire Insurance Company	100.00 %
Commercial Automobile	National Liability & Fire Insurance Company	100.00 %

LIMITS / DEDUCTIBLES:

Loc	Sub	Coverage	Limit(s)	Deductible(s)		Co Ins
1		Combined Single Limit	$300,000			
1		Personal Injury Protection	$2,500			
1		Uninsured Motorist CSL	$300,000			
1		Collision	$10,000	$1,000	Each Covered Auto	
1		Comprehensive	$10,000	$1,000	Each Covered Auto	

TOTAL CHARGES:

Premium:	$	1,314.00	Auto Liability
Premium:	$	926.00	Auto Physical Damage
Premium:	$	50.00	Additional Insured (Fully Earned)
Fee:	$	4.00	Anti-Theft Assessment Fee (Fully Earned)
Fee:	$	100.00	Policy Fee (Fully Earned)
TOTAL:	$	2,394.00	

100% MINIMUM & DEPOSIT

MINIMUM RETAINED PREMIUM $0.00

EXCLUSIONS:

ENDORSEMENTS:

Per attached forms & endorsements

CONDITIONS:

Burns & Wilcox

70 NE Interstate 410 Loop, Suite 1075, San Antonio, TX 78216
Phone: (210) 640-4400 Fax: (210) 640-4459

DATE: 11/19/2019

INSURANCE BINDER

The following are required to bind coverage (see attached forms):

1. Company Application
2. Acceptable MVR's
3. Signed UM/UIM and PIP Selection or Rejection as required by coverage
4. Subject to acceptable loss history.

Based on 1 power unit with less than passengers; no losses; clear MVRs; no filings being made or needed; Less than 50% airport exposure; NO UBER OR LYFT operations

All drivers must be over 21 with minimum 2 years operating experience and proper licensing. Drivers 35 and under are subject to surcharge!

ALL NEW DRIVERS MUST BE REPORTED IMMEDIATELY TO AVOID CANCELLATION OR NON-RENEWAL!

Vehicles:2005 Lincoln #3742
Radius:50
Symbols:7,10

Filings:
*If filings required, all commercial vehicles owned &/or operated must be insured under this coverage.

Filings:
Burns & Wilcox will endeavor to make all requests for filings in a timely fashion, but will not be held responsible for fines associated with revoked authorities for coverage bound within seventy two (72) hours of inception.

PLEASE REVIEW THIS BINDER CAREFULLY AS IT MAY DIFFER FROM COVERAGES AND LIMITS REQUESTED.

THIS COMPANY BINDS THE KIND(S) OF INSURANCE STIPULATED HEREIN. THE ABOVE COVERAGES ARE THE ONLY COVERAGES BOUND. ANY COVERAGE REQUESTED IN THE APPLICATION THAT DIFFERS FROM THE ABOVE IS NOT INCLUDED. THE INSURANCE IS SUBJECT TO THE TERMS, CONDITIONS, LIMITATIONS, AND FORMS OF THE POLICY(S) IN CURRENT USE BY THE COMPANY. THIS BINDER IS CANCELLED SIXTY (60) DAYS FROM THE EFFECTIVE DATE OR WHEN REPLACED BY A POLICY, WHICHEVER COMES FIRST.

THE AGENT MUST READ THIS CERTIFICATE AND IF NOT CORRECT RETURN IT IMMEDIATELY TO BURNS & WILCOX, LTD.

BY: Daniel T Muldowney, Authorized Representative

Texas Liability Insurance Card - Tarjeta de Seguro de Responsabilidad de Texas

Name & Address of Insured - Nombre y Dirección del Asegurado LIMO COMPANY TRANSPORTATION, LLC 1503 SAN ANTONIO ST KILLEEN, TX 76541		
Insurance Company & Toll Free Number - Compañia de Seguro & Número Gratuito National Liability & Fire Insurance Company		1-800-356-5750
Agent & Phone Number - Agente & Número de Telefono Burns & Wilcox Ltd. 2301 E Lamar Blvd, 5th Fl Brookhollow One Arlington, TX 76006		8176521277
Policy Number - Número de Póliza 73 APR 382563	**Effective Date - Fecha de Efectiva** 11/19/2019 12:01 AM	**Expiration Date - Fecha de Expiración** 11/19/2020 12:01 AM
Vehicle Year - Vehículo Año 2005	**Make/Model - Marca/Modelo** LINCOLN TOWN CAR	**VIN#** [redacted]

This policy provides at least the minimum amounts of liability insurance required by the Texas Motor Vehicle Safety Responsibility Act for the specified vehicles and named insureds and may provide coverage for other persons and other vehicles as provided by the insurance policy.

Esta póliza provee por lo menos las cantidades mínimas de seguro de responsabilidad civil que es requerida por la ley de responsabilidad para la seguridad de los vehículos motorizados de Texas para los vehículos especificados y para los asegurados nombrados y puede proveer una cobertura para otras personas y vehículos según lo proporcionado en la póliza de seguro.

Texas Liability Insurance Card

Keep this card.

IMPORTANT: This card or a copy of your insurance policy must be shown when you apply for or renew your:

- motor vehicle registration
- driver's license
- motor vehicle safety inspection sticker.

You also may be asked to show this card or your policy if you have an accident or if a peace officer asks to see it.

All drivers in Texas must carry liability insurance on their vehicles or otherwise meet legal requirements for financial responsibility. Failure to do so could result in fines up to $1,000, suspension of your driver's license and motor vehicle registration, and impoundment of your vehicle for up to 180 days (at a cost of $15 per day).

M-4619 (11/2018)

Tarjeta de Seguro de Responsabilidad de Texas

Guarde esta tarjeta.

IMPORTANTE: Esta tarjeta o una copia de su póliza de seguro debe ser mostrada cuando usted solicite o renueve su:

- registro de vehículo de motor
- licencia para conducer
- etiqueta de inspeccion de seguridad para su vehículo

Puede que usted tenga también que mostrar esta tarjeta o su póliza de seguro si tiene un accidente o si un oficial de la paz se la pide.

Todos los conductores en Texas deben de tener seguro de responsabilidad para sus vehículos, o de otra manera llenar los requisitos legales de responsibilidad civil. Fallo en llenar este requisito pudiera resultar en multas de hasta $1,000, suspensión de su licencia para conducir y su registro de vehículo de motor, y la retención de su vehículo pou un período de hasta 180 días (a un costo de $15 por día).

LIMO COMPANY TRANSPORTATION OPERATING AUTHORITY

RS-19-121

December 10, 2019

Ordinance Requirements

- Must obtain an operating authority from the City Council by submitting an application
- Once approved
  - Operating authority is valid for 5 years and is not transferable
  - Each vehicle must display a vehicle permit obtained from the city
  - Drivers must obtain a driver's permit from PD

Specifics and Findings

- Application received from Limo Company Transportation, LLC
- Will operate one vehicle: a 2005 Lincoln Town Car stretch limousine
- Application is complete and complies with Chapter 29, Transportation, City of Killeen Code of Ordinances

Financial Impact

- $300.00 new operating authority application fee
- $50.00 window sticker (per vehicle), renewed annually to operate in city limits
- $40.00 window sticker (per vehicle), renewed annually to operate at city airport
- $25.00 driver permit (per driver), renewed annually
- There are no expenses to the City of Killeen

Alternatives

- Deny the request
- Approve the application and allow the limousine service to operate for a five-year period

Recommendation

Approve the operating authority application from Limo Company Transportation, LLC.

City of Killeen

Legislation Details

File #:	OR-19-028	**Version:**	1	**Name:**	Ordinance adopting water, wastewater and roadway impact fees
Type:	Ordinance			**Status:**	Ordinances
File created:	12/2/2019			**In control:**	City Council
On agenda:	12/17/2019			**Final action:**	
Title:	Consider an ordinance amending the Code of Ordinances by adding Chapter 33, Impact Fees establishing roadway, water and wastewater impact fees.				
Sponsors:	Public Works Department				
Indexes:					
Code sections:					
Attachments:	Staff Report Ordinance Presentation				

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council Workshop		

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STAFF REPORT

DATE: **December 10, 2019**

TO: **Kent Cagle, City Manager**

FROM: **Danielle Singh, Executive Director of Public Works**

SUBJECT: **Consider an Ordinance adopting water, wastewater, and roadway impact fees.**

BACKGROUND AND FINDINGS:

On October 16, 2018, City Council authorized the creation of the Capital Improvements Advisory Committee (CIAC) to move forward with the process of implementing impact fees. On August 24, 2019, the first public hearing on the impact fee capital improvement plan and land use assumptions was held. On September 24, 2019, the City Council approved the impact fee capital improvement plan and land use assumptions. The second public hearing on the imposition of an impact fee for water, wastewater, and roadways was held on November 19, 2019. Per section 395.051 of the Local Government Code, an impact fee shall be approved or disapproved within 30 days of the public hearing on the imposition of an impact fee.

The maximum impact fee per service unit that could be assessed for each roadway service area is:

Roadway Service Area	A	B	C
Maximum fee per service unit	$190	$127	$706

The maximum assessable impact fee per service unit for wastewater and water facilities is:

Water	$1161
Wastewater	$418

The CIAC has provided a recommendation on the imposition of water, wastewater, and roadway impact fees. The CIAC recommends that impact fees be adopted in increasing yearly intervals as a percentage of the maximum assessable impact fee per service unit as outlined below:

	Year 1	Year 2	Year 3	Year 4	Year 5
Water	20%	40%	60%	80%	100%
Wastewater	20%	40%	60%	80%	100%
Roadway	20%	40%	60%	80%	100%

THE ALTERNATIVES CONSIDERED:

1. Do not approve the ordinance establishing the imposition of water, wastewater, and roadway impact fees.
2. Approve the ordinance establishing the imposition of water, wastewater, and roadway impact fees.

Which alternative is recommended? Why?
City Staff recommends that the City Council adopt the ordinance establishing water, wastewater, and roadway impact fees as recommended by the Capital Improvements Advisory Committee in order to provide for the future growth of the City.

CONFORMITY TO CITY POLICY:

This item complies with all federal, state, and local regulations.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?
N/A

Is this a one-time or recurring expenditure?
N/A

Is this expenditure budgeted?
N/A

If not, where will the money come from?
N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?
N/A

RECOMMENDATION:

City Staff recommends that the City Council adopt the ordinance establishing water, wastewater, and roadway impact fees.

DEPARTMENTAL CLEARANCES:

City Attorney, Finance

ATTACHED SUPPORTING DOCUMENTS:

Ordinance

AN ORDINANCE ADDING CHAPTER 33, IMPACT FEES; PROVIDING FOR COLLECTION OF ROADWAY, WATER AND WASTEWATER IMPACT FEES; PROVIDING FOR OFFSETS AND CREDITS AGAINST IMPACT FEE CHARGES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Texas Local Government Code Ch. 395 authorizes Texas cities to create and implement impact fees to generate revenue for funding certain costs attributable to new development;

WHEREAS, the City Council of the City of Killeen deems the continued funding and repayment of costs for capital improvements or facility expansions necessitated by and attributable to new development to be of vital importance to the protection of the public health, safety, and welfare of its citizens; and,

WHEREAS, the City Council adopted Land Use Assumptions and Roadway, Water, and Wastewater Impact Fee Capital Improvements Plan, and the Water, Wastewater, and Roadway 2019 Impact Fee Study in accordance with provisions of the Local Government Code Chapter 395;

WHEREAS, the City of Killeen has determined that in order to adequately fund necessary capital improvements, it is necessary and in the best interest of the public health and safety to provide for the collection of impact fees; and,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That Chapter 33 of the City of Killeen Code of Ordinances is hereby added to read as follows:

ARTICLE I. - ROADWAY IMPACT FEE

Sec. 33-1. – Purpose.

This article is intended to ensure the provision of adequate roadway facilities to serve new development in the city by requiring each development to pay its share of the costs of such improvements necessitated by and attributable to such new development.

Sec. 33-2. Definitions.

In this Article:

Assessment means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this article. The amount of the impact fee per service unit is a measure of the traffic impact on system facilities created by the new development.

Capital improvement means a roadway facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the city. "Capital improvement" applies to a newly constructed roadway facility or to the expansion of an existing roadway facility necessary to serve new development.

City means the City of Killeen, Texas.

Credit means:

(1) When used in the context of determining the maximum assessable impact fee per service unit, an amount equal to: fifty (50) percent of the total projected cost of implementing the capital improvements plan.

(2) When used in the context of determining the offset for system facilities, the amount of the reduction of an impact fee designed to fairly reflect the value of any construction of, contributions to, or dedications of a system facility agreed to or required by the city as a condition of development approval, pursuant to rules herein established or pursuant to city council-approved administrative guidelines which value shall be credited against roadway facilities impact fees otherwise due from the development and which credits are hereinafter referred to as an "offset" or "offsets" to avoid confusion.

Development unit or *development units* is the expression of the magnitude of the transportation demand created by each land use planned within a particular development based on the size or number of units.

Final plat approval or *approval of a final plat* means the point at which the applicant has complied with all conditions of approval and the plat (minor plat or record plat) has been released for filing with the county.

Final plat recordation or *recordation of a final plat* means the point at which the applicant has complied with all conditions precedent to recording an approved final plat (minor plat or record plat) in the county, including the final completion of and acceptance by the city of any infrastructure or other improvements required by the subdivision ordinance or any other ordinance and the plat is filed for record with the county clerk's office.

Impact fee or *roadway impact fee* means a charge or assessment imposed by the city, pursuant to this article, against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term does not include dedication of land for public parks or payment in lieu of the dedication to serve park needs, dedication of rights-of-way or easements or construction or dedication of water distribution, wastewater collection or drainage facilities, streets, sidewalks, or curbs if the dedication or construction is required by ordinance and is necessitated by and attributable to the new development, lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines, or other pro rata fees for reimbursement of water or sewer mains or lines extended by the City.

Land use assumptions means and includes a description of the service areas and the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the city, as may be amended from time to time, in each service area over a ten-year period upon which the roadway improvements plan is based. The land use assumptions are set out in the most recently updated land use assumptions for roadway impact fees adopted by resolution of the city council.

Land use vehicle-mile equivalency tables or *LUVMET* are tables that provide the standardized measure of consumption or use of roadway facilities attributable to a new development based on the land use category of the development and historical data and trends applicable to the city during the previous ten years. The LUVMET recognizes and expresses the magnitude of the transportation demand created by different land use categories within a particular development and allow different uses of land to more accurately bear the cost and expense of the impacts generated by such uses. The LUVMET expresses the number of service units consumed by each individual land use application as "vehicle miles (per development unit)."

New development means a project involving the subdivision of land and/or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land which has the effect of increasing the requirements for capital improvements, measured by an increase in the number of service units to be generated by such activity, and which requires either the approval and filing with the county of a plat pursuant to the city's subdivision ordinance or the issuance of a building permit.

Offset or *offsets* means the amount of the reduction of an impact fee designed to fairly reflect the value of any construction of, contributions to, or dedications of a system facility agreed to or required by the city as a condition of development approval, pursuant to rules herein established or pursuant to city council-approved administrative guidelines which

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value shall be credited against roadway facilities impact fees otherwise due from the development.

Recoup means to reimburse the city for capital improvements which the city has previously installed or caused to be installed.

Roadway means any freeway, expressway or arterial or collector streets or roads designated in the city's adopted master thoroughfare plan, as may be amended from time to time. The term includes the city's share of costs for roadways designated as a numbered highway on the official federal or state highway system.

Roadway facility means an improvement or appurtenance to a roadway which includes, but is not limited to, rights-of-way, whether conveyed by deed or easement; intersection improvements; traffic signals; turn lanes; drainage facilities associated with the roadway; street lighting or curbs. "Roadway facility" also includes any improvement or appurtenance to an intersection with a roadway officially enumerated in the federal or state highway system. "Roadway facility" includes the city's share of costs for roadways and associated improvements designated as a numbered highway on the official federal or state highway system, including local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, drainage appurtenances, and rights-of-way. "Roadway facility" excludes those improvements or appurtenances to a roadway which are site-related facilities.

Roadway improvements plan or *capital improvements plan for roadway impact fees* identifies the capital improvements or facility expansions and associated costs for each roadway service area that are necessitated by and which are attributable to new development within the service area, for a period not to exceed ten years, which capital improvements are to be financed in whole or in part through the imposition of roadway impact fees pursuant to this article. The roadway improvements plan or capital improvements plan for roadway impact fees land use assumptions is set out in the most recently updated roadway impact fee update ("roadway improvements plan") adopted by city council.

Roadway service area or *roadway benefits area* means the geographic area(s) within the city's corporate limits, which do not exceed six miles and within which geographic area(s) roadway impact fees for capital improvements will be collected for new development occurring within such area, and within which fees so collected will be expended for those capital improvements identified in the roadway capital improvements plan to be located within the roadway service area. "Roadway service area" does not include any land outside the city limits.

Service unit means the number of vehicle-miles of travel during the afternoon peak-hour. “Vehicle-miles” are based on national engineering standards for calculating traffic impacts.

Service unit equivalent means the amount of capacity created by contribution of a capital improvement on behalf of a new development, expressed in vehicle miles.

Single family residential lot means a lot platted to accommodate a single family or a duplex dwelling unit, as authorized under the city's zoning regulations.

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Site-related facility means an improvement or facility which is constructed for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of roadway facilities to serve the new development and which is not included in the roadway improvements plan and for which the developer or property owner is solely responsible under the subdivision, and/or other applicable, regulations.

System facility means a capital improvement which is designated in the roadway improvements plan and which is not a site-related facility. A system facility may include a capital improvement which is located off-site, within, or on and along the perimeter of the new development site.

Sec. 33-3. Applicability.

The provisions of this article apply to all new developments within the corporate boundaries of the city. The provisions of this article apply uniformly within each roadway benefit area.

Section 33-4. Impact Fees per Service Unit.

(a) The maximum impact fee per service unit that could be assessed for each roadway service area shall be:

SERVICE AREA:	**A**	**B**	**C**
MAX FEE PER SERVICE UNIT	$190	$127	$706

The geographic boundaries of the three (3) impact fee service areas for roadway facilities are shown in the adopted Roadway Impact Fee Study, as it may be updated from time to time.

The maximum assessable impact fee per service unit is declared to be the roughly proportionate measure of the impact(s) generated by a new unit of development on the city's transportation system. To the extent that the impact fee per service unit collected is less than the maximum assessable impact fee per service unit, such difference is hereby declared to be founded on policies unrelated to the measurement of the actual impacts of the development on the city's transportation system. The maximum assessable impact fee per service unit may be used in evaluating any claim by an applicant, developer, or property owner that the dedication, construction, or contribution of a capital improvement imposed as a condition of development approval pursuant to the city's regulations is not roughly proportionate to the impact(s) of the new development on the city's transportation system.

(b) The number of vehicle miles attributable to each land use category per development unit in each new development shall be as set forth in the adopted Roadway Impact Fee

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Study, Table 3.7 Land Use/Vehicle-Mile Equivalency Table (LUVMET) as it may be updated from time to time.

(c) The City will implement impact fees using a graduated five year process. Impact fees shall be assessed at the corresponding percentage below of the maximum assessable impact fee:

	December 17, 2019 – December 16, 2020	December 17, 2020 – December 16, 2021	December 17, 2021 – December 16, 2022	December 17, 2022 – December 16, 2023	December 17, 2023 – December 16, 2024
Roadway	20%	40%	60%	80%	100%

Section 33-5. Assessment of Impact Fees.

(a) Assessment of the impact fee per service unit for any new development shall be made as follows:

(1) For a new development for which recordation of the final plat occurred before December 17, 2019 and a building permit is issued within one year of said date, no impact fees shall be collected. If no building permit is issued by December 17, 2020, assessment of impact fees per development unit shall be at the time of application for a building permit and shall be as set forth in the Schedule of Impact Fees, Schedule 1, Table A for the applicable land use category.

(2) For a new development for which recordation of the final plat occurred on or after December 17, 2019 through December 16, 2020, assessment of impact fees per development unit shall be at the time of final plat recordation and shall be as set forth in the Schedule of Impact Fees, Schedule 1, Table A for the applicable land use category.

(3) For a new development for which recordation of the final plat occurred on or after December 17, 2020 through December 16, 2021, assessment of impact fees per development unit shall be at the time of final plat recordation and shall be as set forth in the Schedule of Impact Fees, Schedule 2, Table A for the applicable land use category.

(4) For a new development for which recordation of the final plat occurred on or after December 17, 2021 through December 16, 2022, assessment of impact fees per development unit shall be at the time of final plat recordation and shall be as set forth in the Schedule of Impact Fees, Schedule 3, Table A for the applicable land use category.

(5) For a new development for which recordation of the final plat occurred on or after December 17, 2022 through December 16, 2023, assessment of impact fees per development unit shall be at the time of final plat recordation and shall be as set

forth in the Schedule of Impact Fees, Schedule 4, Table A for the applicable land use category.

(6) For a new development for which recordation of the final plat occurred on or after December 17, 2023 through December 16, 2024, assessment of impact fees per development unit shall be at the time of final plat recordation and shall be as set forth in the Schedule of Impact Fees, Schedule 5, Table A for the applicable land use category.

(7) For land on which new development occurs or is proposed to occur without platting, assessment of impact fees per development unit shall occur at the time application is made for the building permit, and shall be as set forth in the applicable Schedule of Impact Fees, for the applicable land use category.

(b) The assessment of impact fees per development unit as shown on the applicable Schedule of Impact Fees is calculated by multiplying the maximum assessable impact fee per service unit as set forth in Sec. 33-4(a) for the particular roadway service area in which the development is situated as reflected in map A, attached to Ord. No. _____ and incorporated herein by reference, by the number of vehicle miles (per development unit) for each proposed land use category as set forth in Sec. 33-4(b), multiplied by the applicable percentage as set forth in Sec. 33-4(c).

(c) Following assessment of the impact fee pursuant to subsection (a), the amount of the impact fee assessed per service unit for that new development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval or replat approval, in which case new assessment shall occur.

(d) Following the vacating of any plat or submittal of any replat, a new assessment must be made in accordance with section 33-5(a)(2).

(e) Approval of an amending plat pursuant to Ch. 26 of the City of Killeen Code of Ordinances is not subject to reassessment of an Impact Fee hereunder provided that the use of the property remains the same.

Sec. 33-6. Payment and collection of impact fees.

(a) For all new developments, impact fees shall be collected at the time of application for and in conjunction with the issuance of a building permit. The city reserves the right to enter into an agreement with a developer for a different time and manner of payment of impact fees in which case the agreement shall determine the time and manner of payment.

(b) The city shall compute the impact fees to be paid and collected for the new development in the following manner:

(1) Determine the number of development units for each land use category in the new development using attached Schedule of Impact Fees.

(2) The amount of impact fees to be collected shall be determined by multiplying the number of development units by the impact fee per development unit assessed in the Schedule of Impact Fees for the applicable roadway service area and shall be calculated at the time of application for and in conjunction with the issuance of a building permit.

(3) If an offset agreement providing for offsets and credits against impact fees exists, the number of service units attributable to the new development shall be reduced accordingly.

(e) If the building permit for which an impact fee has been paid has expired, and a new application is thereafter filed, the impact fees shall be computed using the Schedule of Impact Fees with credits for previous payment of fees being applied against any new fees due.

(f) Whenever the property owner proposes to increase the number of service units for a development, the additional impact fees collected for such new service units shall be determined by using the Schedule of Impact Fees, and such additional fees shall be collected at the times prescribed by this section.

(g) No application for new development shall be approved within the city without assessment of an impact fee pursuant to this article, and no building permit shall be issued unless the applicant has paid the impact fee imposed and calculated herein.

Secs. 33-7 – 33-20. – Reserved.

ARTICLE II. – WATER AND WASTEWATER IMPACT FEES

Sec. 33-21. - Purpose.

This article is intended to ensure the provision of adequate water and wastewater facilities to serve new development in the city by requiring each development to pay its share of the costs of such improvements necessitated by and attributable to such new development.

Sec. 33-22. - Definitions.

Assessment means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this article. The amount of the impact fee per service unit is a measure of the impact on system facilities created by the new development.

Capital improvement means either a water facility or a wastewater facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the city. Capital improvement applies to a newly constructed water or wastewater facility or to the expansion of an existing water or wastewater facility necessary to serve new development.

Capital improvements advisory committee means a committee appointed by the City Council to oversee the adoption and implementation of Impact Fees.

City means the City of Killeen, Texas.

Credit means:

(1) When used in the context of determining the maximum assessable impact fee per service unit, an amount equal to: fifty (50) percent of the total projected cost of implementing the capital improvements plan.

(2) When used in the context of determining the offset for system facilities, the amount of the reduction of an impact fee designed to fairly reflect the value of any construction of, contributions to, or dedications of a system facility agreed to or required by the city as a condition of development approval, pursuant to rules herein established or pursuant to city council-approved administrative guidelines which value shall be credited against water and wastewater facilities impact fees otherwise due from the development and which credits are hereinafter referred to as an "offset" or "offsets" to avoid confusion.

Facilities expansion means either a water facility expansion or a wastewater facility expansion.

Final plat approval or *approval of a final plat* means the point at which the applicant has complied with all conditions of approval and the plat (minor plat or record plat) has been released for filing with the county.

Final plat recordation or *recordation of a final plat* means the point at which the applicant has complied with all conditions precedent to recording an approved final plat (minor plat or record plat) in the county, including the final completion of and acceptance by the city of any infrastructure or other improvements required by the subdivision ordinance or any other ordinance and the plat is filed for record with the county clerk's office.

Impact fee or *utility impact fee* means a charge or assessment imposed by the city, pursuant to this article, against new development in order to generate revenue for funding or recouping the costs of capital improvements or facilities expansions necessitated by and attributable to such new development. The term does not include dedication of land for public parks or payment in lieu of the dedication to serve park needs, dedication of rights-of-way or easements or construction or dedication of water distribution, wastewater collection or drainage facilities, streets, sidewalks, or curbs if the dedication or construction is required by ordinance and is necessitated by and attributable to the new development, lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines, or other pro rata fees for reimbursement of water or sewer mains or lines extended by the City.

Impact fee capital improvements plan or *capital improvements plans for utility impact fees* means the adopted capital improvements plan, as it may be amended from time to time, which identifies the capital improvements or facility expansions and associated costs for each service area that are necessitated by and which are attributable to new development within the service area, for a period not to exceed ten years, which capital improvements are to be financed in whole or in part through the imposition of utility impact fees pursuant to this article. "Impact fee capital improvements plan" may refer either to the plan for a particular service area or to the aggregation of capital improvements or facilities

expansions and the associated costs programmed for all service areas for a particular category of capital improvements or facilities expansions.

Land use assumptions means and includes a description of the service areas and the projections of population and employment growth and associated changes in land uses, densities and intensities adopted by the city, as may be amended from time to time, in the service area over a ten-year period upon which the impact fee capital improvements plans are based. The land use assumptions are set out in the most recently updated land use assumptions for utility impact fees adopted by resolution of the city council.

New development means a project involving the subdivision of land and/or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure, or any use or extension of the use of land, which has the effect of increasing the requirements for capital improvements or facility expansions, measured by an increase in the number of service units to be generated by such activity, and which requires either the approval and filing with the county of a plat pursuant to the city's subdivision ordinance, the issuance of a building permit, or connection to the city's water or wastewater system.

Offset or *offsets* means the amount of the reduction of an impact fee designed to fairly reflect the value of any construction of, contributions to, or dedications of a system facility agreed to or required by the city as a condition of development approval, pursuant to rules herein established or pursuant to council-approved administrative guidelines, which value shall be credited against utility impact fees otherwise due from the development.

Recoup means to reimburse the city for capital improvements which the city has previously installed or caused to be installed.

Service area means either a water benefit area or wastewater benefit area within the city's corporate boundaries and/or its extraterritorial jurisdiction in which impact fees for capital improvements or facilities expansions will be collected for new development occurring within such area and within which the fees so collected will be expended for the types of improvements or expansions identified in the impact fee capital improvements plan.

Service unit means the applicable standard unit of measure that serves as the standardized measure of consumption, use or generation attributable to the new unit of development. The service unit for water and wastewater is a ¾-inch water meter which is the typical water meter used for a single-family detached living unit and is commonly referred to as the single family living unit equivalent (SFLUE). The number of service units used for water and wastewater by a particular land use is determined by the water meter size employed by such land use.

Service unit equivalent is a multiplier based on the capacity of a development in comparison to the capacity of a ¾”-inch water meter.

Single family residential lot means a lot platted to accommodate a single family or a duplex dwelling unit, as authorized under the city's zoning regulations.

Site-related facility means an improvement or facility which is constructed for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water or wastewater facilities to serve the new development,

and which is not included in the impact fees capital improvements plan and for which the developer or property owner is solely responsible under the subdivision, and other applicable, regulations. For water and wastewater facilities, a site-related facility shall include those lines which are less than or equal to 12 inches in diameter. Site-related facilities also include water and wastewater lines between two or more developers where pro-rata reimbursement agreements are required to equitably allocate costs. Site-related facility cost means either the cost of a site-related facility or that portion of the cost of a system facility equivalent to the first 12 inches in diameter of the size of a water or wastewater main, and which has not been included in the costs used to compute the maximum impact fee per service unit.

System facility means a capital improvement or facility expansion which is designated in the impact fee capital improvements plan and which is not a site-related facility. System facility may include a capital improvement which is located off-site, within, or on and along the perimeter of the new development site. For water and wastewater facilities, a system facility shall include the oversized portion of those lines which are greater than 12 inches in diameter and which serve solely new development and which are on the impact fee capital improvements plan or the comprehensive water or wastewater improvements plan.

Wastewater facility means an improvement for providing wastewater service, including but not limited to, land or easements, treatment facilities, lift stations, collector mains or interceptor mains. "Wastewater facility" excludes wastewater facilities, lines, or mains which are constructed by developers, the costs of which are reimbursed through pro-rata or other development-related agreements paid by subsequent users of the facilities. Wastewater facilities exclude site-related facilities.

Wastewater facility expansion means the expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, but does not include the repair, maintenance, modernization, or expansion of an existing wastewater facility to serve existing development.

Wastewater improvements plan identifies the wastewater facilities or wastewater expansion and their associated costs that are necessitated by and which are attributable to new development, for a period not to exceed ten years, which capital improvements are to be financed in whole or in part through the imposition of wastewater impact fees pursuant to this article. The wastewater improvements plan is a part or component of the "Water, Wastewater, & Roadway Impact Fee Study" adopted by resolution of the city council, and amended from time to time.

Water facility means an improvement for providing water service, including, but not limited to, land or easements, water treatment facilities, water supply facilities, or water distribution lines. "Water facility" excludes site-related water facilities, lines, or mains which are constructed by developers, the costs of which are reimbursed through pro-rata or other development related agreements paid by subsequent users of the facilities. "Water facility" excludes site-related facilities.

Water facility expansion means the expansion of the capacity of any existing water facility for the purpose of serving new development, but does not include the repair,

maintenance, modernization, or expansion of an existing water facility to serve existing development.

Water improvements plan identifies the water facilities or water expansions and their associated costs that are necessitated by and which are attributable to new development, for a period not to exceed ten years, which capital improvements are to be financed in whole or in part through the imposition of water impact fees pursuant to this article. The water improvements plan is a part or component of the "Impact Fee Capital Improvements Plan or Capital Improvements Plans for Utility Impact Fees" ("Utility Improvements Plan") adopted City Council.

Water meter means a device for measuring the flow of water to a development, whether for domestic or for irrigation purposes.

Water meter size ("meter size") provides the expression of the magnitude of the water and wastewater demand created by each land use planned within a particular development based on the use of the ¾-inch water meter as the basic service unit. Other water meter sizes are compared to the ¾-inch water meter through a ratio of water flows. This same ratio is then used to determine the proportional impact fee amount for each meter size.

Sec. 33-23. - Applicability.

The provisions of this article concerning water and wastewater impact fees apply to all new development within the corporate boundaries of the city and within its extraterritorial jurisdiction. The provisions of this article apply uniformly within each service area.

Sec. 33-24. - Impact fees per service unit.

(a) The maximum assessable impact fee per service unit for wastewater and water facilities shall be:

Water	$1161
Wastewater	$418

The geographic boundaries of the impact fee service area for water and wastewater facilities is a single service area boundary as shown in the adopted Water and Wastewater Impact Fee Study, as it may be updated from time to time.

The maximum assessable impact fee per service unit (that is assessed to new development, as may be amended from time to time, is declared to be the roughly proportionate measure of the impact(s) generated by a new unit of development on the city's utility system. To the extent that the impact fee per service unit collected is less than the maximum assessable impact fee per service unit, such difference is hereby declared to be founded on policies unrelated to the measurement of the actual impacts of the development on the city's utility system. The maximum assessable impact fee per service unit may be used in evaluating any claim by an applicant, developer, or property owner that the dedication, construction, or contribution of a capital improvement imposed as a condition of development approval pursuant to the city's

regulations is not roughly proportionate to the impact(s) of the new development on the city's utility system.

(b) The service unit equivalent to ¾” meter for each such meter size shall be:

Meter Size	Service Unit Equivalent to ¾" Meter
¾"	1.0
1"	1.67
1½"	3.33
2"	5.33
3"	11.67
4"	20.00
6"	45.00
8"	60.00

(c) The City will implement impact fees using a graduated five year process. Impact fees shall be assessed at the corresponding percentage below of the maximum assessable impact fee:

	December 17, 2019 – December 16, 2020	December 17, 2020 – December 16, 2021	December 17, 2021 – December 16, 2022	December 17, 2022 – December 16, 2023	December 17, 2023 – December 16, 2024
Water	20%	40%	60%	80%	100%
Wastewater	20%	40%	60%	80%	100%

Sec. 33-25. - Assessment of impact fees.

(a) Assessment of the impact fee per service unit for any new development shall be made as follows:

(1) For a new development for which recordation of the final plat occurred before December 17, 2019 and a building permit is issued within one year of said date, no impact fees shall be collected. If no building permit is issued by December 16, 2020, assessment of impact fees shall be at the time of application for a building permit and shall be as set forth in the Schedule of Impact Fees.

(2) For a new development for which recordation of the final plat occurred on or after December 17, 2019 through December 16, 2020, assessment of impact fees shall occur at the time of final plat recordation and shall be as set forth in the Schedule of Impact Fees, Schedule 1, Table B.

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(3) For a new development for which recordation of the final plat occurred on or after December 17, 2020 through December 16, 2021, assessment of impact fees shall occur at the time of final plat recordation and shall be as set forth in the Schedule of Impact Fees, Schedule 2, Table B.

(4) For a new development for which recordation of the final plat occurred on or after December 17, 2021 through December 16, 2022, assessment of impact fees shall occur at the time of final plat recordation and shall be as set forth in the Schedule of Impact Fees, Schedule 3, Table B.

(5) For a new development for which recordation of the final plat occurred on or after December 17, 2022 through December 16, 2023, assessment of impact fees shall occur at the time of final plat recordation and shall be as set forth in the Schedule of Impact Fees, Schedule 4, Table B.

(6) For a new development for which recordation of the final plat occurred on or after December 17, 2023 through December 16, 2024, assessment of impact fees shall occur at the time of final plat recordation and shall be as set forth in the Schedule of Impact Fees, Schedule 5, Table B.

(7) For land on which new development occurs or is proposed to occur without platting, assessment of impact fees shall occur at the time application is made for the building permit, and shall be as set forth in the applicable Schedule of Impact Fees.

(b) The assessment of impact fees as shown on the applicable Schedule of Impact Fees is calculated by multiplying the amount of the maximum assessable water and wastewater impact fee per service unit by the service unit equivalent for each meter size as set forth in Sec. 33-24(b)multiplied by the applicable percentage as set forth in Sec. 33-24(c).

(c) Following assessment of the impact fee pursuant to subsection (a), the amount of the impact fee assessed per service unit for that development cannot be increased, unless the owner proposes to change the approved development by the submission of a new application for final plat approval or replat approval or proposes to increase the meter size for any use within that development, in which case new assessment shall occur.

(d) Following the vacating of any plat or submittal of any replat, a new assessment must be made in accordance with section 33-5(a)(2).

(e) Approval of an amending plat pursuant to Ch. 26 of the City of Killeen Code of Ordinances is not subject to reassessment of an Impact Fee hereunder provided that the use of the property remains the same and there is no increase in meter size.

Sec. 33-26. - Payment and collection of impact fees.

(a) For all new developments, impact fees shall be collected at the time of application for and in conjunction with the issuance of a building permit. The city reserves the right to enter into an agreement with a developer for a different time and manner of payment of impact fees, in which case the agreement shall determine the time and manner of payment.

(b) The city shall compute the impact fees for the new development in the following manner:

(1) Multiply the number of each meter size in the new development by the impact fee assessed in the Schedule of Impact Fees.

(2) The amount of each impact fee shall be reduced by any allowable offsets for that category of capital improvement.

(3) The total amount of the impact fees for the new development shall be calculated and attached to the development application or request for connection as a condition of approval.

(c) If the building permit for which an impact fee has been paid has expired, and a new application is thereafter filed, the impact fees shall be computed using the schedule then in effect, with credits for previous payment of fees being applied against the new fees due.

(d) Whenever the property owner proposes to increase the number of meters for a development or increase the meter size for any use within that development, the additional impact fees collected for such new service units shall be determined by using the formula above, and such additional fee shall be collected at the times prescribed by this section.

(e) No application for new development shall be approved within the city without assessment of an impact fee pursuant to this article, and no building permit shall be issued unless the applicant has paid the impact fee imposed by and calculated hereinunder.

Secs. 33-27 – 33-40. – Reserved.

ARTICLE III. – IN GENERAL

DIVISION 1. – ADMINISTRATION

Sec. 33-41. - Establishment of accounts.

(a) The city's finance department shall establish an account to which interest is allocated for each category of capital facility in each service area for which an impact fee is imposed pursuant to this chapter. Each impact fee collected within the service area shall be deposited in such account.

(b) Interest earned on the account into which the impact fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized.

(c) The city's finance department shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized. Disbursement of funds shall be authorized by the city at such times as are reasonably necessary to carry out the purposes and intent of this chapter; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten years from the date the fee is deposited into the account.

(d) The city's finance department shall maintain and keep financial records for impact fees, which shall show the source and disbursement of all fees collected in or expended

from each service area. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours. The city may establish a fee for copying services.

Sec. 33-42. - Use of proceeds of impact fee accounts.

(a) The impact fees collected for each service area pursuant to this chapter may be used to finance or to recoup the costs of any capital improvements or facilities expansions identified in the applicable capital improvements plan for impact fees for the service area, including the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan for impact fees who is not an employee of the political subdivision. Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the city to finance such capital improvements or facilities expansions.

(b) Impact fees collected pursuant to this chapter shall not be used to pay for any of the following expenses:

(1) Construction, acquisition or expansion of capital improvements or assets other than those identified in the applicable capital improvements plan for impact fees;

(2) Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;

(3) Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;

(4) Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided, however, that impact fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development;

(5) Administrative and operating costs of the city.

Sec. 33-43. - Use of other financing mechanisms.

(a) The city may finance capital improvements or facilities expansions designated in the capital improvements plan for impact fees through the issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

(b) Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

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(c) The city may pay all or part of impact fees due for a new development taking into account available offsets and credits pursuant to duly adopted criteria.

Sec. 33-44. - Impact fee as additional and supplemental regulation.

Impact fees established by this chapter are additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits or certificates of occupancy. Such fee is intended to be consistent with and to further the policies of city's comprehensive plan, the capital improvements plan for impact fees, the zoning ordinance, subdivision regulations and other city policies, ordinances and resolutions by which the city seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

Sec. 33-45. - Functions of advisory committee.

(a) The advisory committee shall perform the following functions:

(1) Advise and assist the city in adopting land use assumptions;

(2) Review the capital improvements plan for impact fees and file written comments thereon;

(3) Monitor and evaluate implementation of the capital improvements plan for impact fees;

(4) Advise the city of the need to update or revise the land use assumptions, capital improvements plan for impact fees and impact fees; and

(5) File a semiannual report evaluating the progress of the city in achieving the capital improvements plan for impact fees and identifying any problems in implementing the plans or administering the impact fees.

(b) The city council shall adopt, by resolution, procedural rules by which the advisory committee may carry out its duties.

Sec. 33-46. - Updates to plans and revision of fees.

(a) The city shall update its land use assumptions and capital improvements plan for impact fees and shall recalculate its impact fees not less than once every five years in accordance with the procedures set forth in chapter 395 of the Texas Local Government Code, or in any successor statute.

(b) The city may review its land use assumptions, capital improvements plan for impact fees, plans, and other factors such as market conditions more frequently than provided in subsection (a) to determine whether the land use assumptions and capital improvements plan for impact fees should be updated and the impact fee recalculated accordingly.

Secs. 33-47 – 33-50. – Reserved.

DIVISION 2. – OFFSETS, REFUNDS, APPEALS, AND OTHER RELIEF

Sec. 33-51 . - Offsets and credits against impact fees.

(a) The city shall offset the reasonable value of any system facility which is on the impact fee capital improvements plan and which has been dedicated to and has been accepted by the city on or after December 17, 2019, or credit the amount of any monetary contribution to such facility, against the amount of the impact fee for that category of capital improvement.

(b) All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this article and additional standards promulgated by the city council, which may be adopted as city council-approved administrative guidelines.

(1) No offset or credit shall be given for the dedication of land or easements for or the construction of site-related facilities.

(2) No offset or credit shall exceed the documented and city approved costs to the developer of the system facility which was dedicated to and accepted by the city, or the amount of the monetary contribution actually made.

(3) The costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvements plan for impact fees for the category of facilities within the service area for which the impact fee is imposed.

(4) Offsets or credits given for system facilities for a development which has received final plat approval prior to the effective date of this amendatory ordinance shall be discounted taking into consideration the number of existing service units within such development.

(5) An offset or credit created pursuant to prior impact fee ordinances for which a specific termination date was not established shall expire no later than ten years after the date the ordinance under which such offset or credit was created was amended, repealed or replaced. Offsets or credits created pursuant to this article shall expire within ten years from the date the offset or credit was created.

(6) In no event will the city reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this chapter or for any amount exceeding the total impact fees due for the development for that category of capital improvement, unless otherwise agreed to by the city.

(7) No offset shall be given for a site-related or system facility or any facility which is not identified within the applicable impact fees capital improvements plan, unless the city agrees that such improvement supplies capacity to new developments other than the development paying the impact fee and provisions for offsets are incorporated in an agreement for capital improvements and an amendment is adopted adding such improvement to the impact fees capital improvements plan.

(8) A provision stating that in those instances where the city determines the projected cost to construct a system facility is not roughly proportionate to the dollar value of the impact fee credits which may be awarded for that system facility the city

may consider, upon request of the developer, awarding impact fee credits based on the lesser of a percentage of the city's projected costs for that system facility or a percentage of the documented and city-approved costs to the developer of the system facility which was dedicated to and accepted by the city with the city's projected costs or the documented and city-approved costs to the developer being reduced by the same percentage of reduction as applied to the maximum impact fee per service unit (pre-credit) to arrive at the maximum assessable impact fee per service unit (post-credit).

(c) An applicant for new development must apply for an offset or credit against impact fees due for the development either at the time of application for final plat approval or at the time of connection(s) to the utility system, unless the city otherwise agrees. The applicant shall file a petition for offsets or credits with the city on a form provided for such purpose. The city must provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision within ninety (90) days.

(d) The available offset or credit associated with the plat shall be applied against an impact fee in the following manner:

(1) For single family residential lots in a new development consisting only of single-family residential lots which have received final plat approval, such offset or credit shall be applied at the time of issuance of the building permit or connection to the city's utility system by the first lot and thereafter for each subsequent lot within the final plat at the time of plat recordation in the order in which building permits or utility connections are issued for such lots until the offset or credit has been exhausted, unless stipulated otherwise in a binding facilities agreement or a binding impact fee credit agreement.

(2) For all other types of new development, including those involving mixed uses, which have received final plat approval, the offset or credit applicable to the plat shall be applied to the impact fee due at the time of issuance of the first building permit or connection to which the offset or credit is applicable, and thereafter to all subsequently issued building permits or connections, until the offset or credit has been exhausted, unless stipulated otherwise in a binding facilities agreement or a binding impact fee credit agreement.

(3) At its sole discretion, the city may authorize alternative credit or offset agreements upon petition by the owner in accordance with guidelines promulgated by the city council.

(e) An owner of a new development may construct or finance a capital improvement or facility expansion designated in the capital improvements plan for impact fees, if required or authorized by the city, by entering into a facilities agreement with the city prior to the issuance of any building permit for the development. The agreement shall be on a form approved by the city, and shall identify the estimated cost of the improvement or expansion, the schedule for initiation and completion of the improvement or expansion, a requirement that the improvement be designed and completed to city standards and such other terms and conditions as deemed necessary by the city. The facility agreement shall provide for the method to be used to determine the amount of the offset to be given against impact fees due for the development.

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In the event that the cost of any improvements constructed pursuant to this section exceeds the impact fee to be collected for the new development, the city shall within ten years reimburse the owner for the dedication, construction or financing of a capital improvement or facility expansion designated in the capital improvements plan for impact fees. The terms of reimbursement shall be incorporated in the agreement. Such reimbursement agreements shall take into account the proximity of the new development to existing infrastructure and may require a repayment schedule which is based upon actual connections to the improvements constructed. Reimbursement agreements shall further be based on and made subject to the availability of city funds from all sources including current and projected impact fee fund accounts.

Sec. 33-52. Refunds.

(a) An impact fee collected pursuant to this article shall be considered expended and spent if the total expenditures for capital improvements authorized in the capital improvements plan within the ten years following the date of payment exceed the total fees collected for such improvements during that time period.

(b) On the request of an owner of the property on which an impact fee has been paid, the City shall refund the impact fee if existing facilities are available and service is denied or the City has, after collecting the fee when service was not available, failed to commence construction within two years or service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment.

(c) The City shall refund any impact fee or part of it that is not spent as authorized within 10 years after the date of payment.

(d) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Section 302.002, Finance Code, or its successor statute.

(e) All refunds shall be made to the record owner of the property at the time the refund is paid. However, if the impact fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

Sec. 33-53. Appeals.

(a) The property owner or applicant for a new development may appeal the following administrative decisions to the City Manager or designee:

(1) The applicability of an impact fee to the new development;

(2) The amount of the impact fee due;

(3) The availability of, the amount of, or the expiration of an offset or a credit;

(4) The application of an offset against an impact fee due;

(5) The amount of the impact fee in proportion to the benefit received by the new development; or

(6) The amount of a refund due, if any.

(b) The appellant shall state the basis for the appeal in writing with particularity. The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset was not calculated according to the rules set forth in this ordinance or by administrative guideline adopted by the city council. The appellant shall submit any traffic study or other documents upon which he relies to the city with the request for appeal.

(c) The appellant must file a notice of appeal with the City Manager or designee within 30 days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety with offices for local presentment in a form satisfactory to the city attorney in an amount equal to the original determination of the impact fee due, the development application may be processed while the appeal is pending.

(d) The appellant shall promptly pay to the city the full amount of the impact fee determined to be due by the City Manager regarding such appeal. Failure to promptly pay such impact fee within five business days after the City Manager's determination on the appeal shall serve as authority for the city to present the bond or other surety to the bonding company or financial institution for performance with no other or further notice or contact with the appellant.

Secs. 33-54 – 33-80. – Reserved.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

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SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this _____ day of _____, 2019, 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

_____
Jose L. Segarra, MAYOR

ATTEST:

_____
Lucy H. Aldrich, CITY SECRETARY

APPROVED AS TO FORM:

_____
Traci Briggs, INTERIM CITY ATTORNEY

ORD _____
Date: _____

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Schedule of Impact Fees

SCHEDULE 1

Effective December 17, 2019 to December 16, 2020

Schedule 1, Table A: Roadway Impact Fee Charged per Development Unit

Land Use Category	Development Unit	Roadway Impact Fee Per Development Unit		
		Service Area A	Service Area B	Service Area C
PORT AND TERMINAL				
Intermodal Truck Terminal	1,000 SF GFA	$356.06	$238.00	$1,323.04
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	$120.08	$80.26	$446.19
Industrial Park	1,000 SF GFA	$76.00	$50.80	$282.40
Manufacturing	1,000 SF GFA	$127.68	$85.34	$474.43
Warehousing	1,000 SF GFA	$36.10	$24.13	$134.14
Mini-Warehouse	1,000 SF GFA	$32.30	$21.59	$120.02
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	$154.28	$103.12	$573.27
Multi-Family Housing (Low-Rise)	Dwelling Unit	$87.40	$58.42	$324.76
Multi-Family Housing (Mid-Rise)	Dwelling Unit	$68.40	$45.72	$254.16
Mobile Home	Dwelling Unit	$71.82	$48.01	$266.87
Assisted Living	1,000 SF GFA	$74.86	$50.04	$278.16
LODGING				
Hotel	Room	$76.38	$51.05	$283.81
Motel / Other Lodging Facilities	Room	$48.26	$32.26	$179.32
RECREATIONAL				
Multipurpose Recreational Facility	1,000 SF GFA	$438.14	$292.86	$1,628.04
Bowling Alley	1,000 SF GFA	$142.12	$95.00	$528.09
Adult Cabaret	1,000 SF GFA	$358.34	$239.52	$1,331.52
Ice Skating Rink	1,000 SF GFA	$162.64	$108.71	$604.34
Health/Fitness Club	1,000 SF GFA	$422.18	$282.19	$1,568.73
Athletic Club	1,000 SF GFA	$769.50	$514.35	$2,859.30
Recreational Community Center	1,000 SF GFA	$282.72	$188.98	$1,050.53
INSTITUTIONAL				
Elementary School	1,000 SF GFA	$156.18	$104.39	$580.33
Middle School/Junior High School	1,000 SF GFA	$135.66	$90.68	$504.08
High School	1,000 SF GFA	$110.58	$73.91	$410.89
Private School (K-8)	1,000 SF GFA	$744.42	$497.59	$2,766.11
Junior / Community College	1,000 SF GFA	$212.04	$141.73	$787.90
Church/Religious	1,000 SF GFA	$37.24	$24.89	$138.38
Day Care Center	1,000 SF GFA	$710.22	$474.73	$2,639.03
Museum	1,000 SF GFA	$20.52	$13.72	$76.25
MEDICAL				

Nursing Home	1,000 SF GFA	$67.26	$44.96	$249.92
Clinic	1,000 SF GFA	$373.92	$249.94	$1,389.41
Animal Hospital/Veterinary Clinic	1,000 SF GFA	$281.58	$188.21	$1,046.29
OFFICE				
General Office Building	1,000 SF GFA	$131.10	$87.63	$487.14
Corporate Headquarters Building	1,000 SF GFA	$159.60	$106.68	$593.04
Single Tenant Office Building	1,000 SF GFA	$194.94	$130.30	$724.36
Medical-Dental Office Building	1,000 SF GFA	$394.44	$263.65	$1,465.66
Office Park	1,000 SF GFA	$151.62	$101.35	$563.39
COMMERCIAL				
Automobile Related				
New and Used Car Sales	1,000 SF GFA	$367.08	$245.36	$1,363.99
Recreational Vehicle Sales	1,000 SF GFA	$94.24	$62.99	$350.18
Automobile Parts Sales	1,000 SF GFA	$342.76	$229.11	$1,273.62
Tire Store	1,000 SF GFA	$351.12	$234.70	$1,304.69
Tire Superstore	1,000 SF GFA	$185.82	$124.21	$690.47
Quick Lubrication Vehicle Shop	1,000 SF GFA	$638.78	$426.97	$2,373.57
Automobile Care Center	1,000 SF GFA	$228.76	$152.91	$850.02
Automobile Parts & Service Center	1,000 SF GFA	$166.44	$111.25	$618.46
Self-Service Car Wash	Stall	$75.62	$50.55	$280.99
Automated Car Wash	1,000 SF GFA	$194.18	$129.79	$721.53
Dining				
Drinking Place	1,000 SF GFA	$590.90	$394.97	$2,195.66
Sit Down Restaurant	1,000 SF GFA	$398.62	$266.45	$1,481.19
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	$508.06	$339.60	$1,887.84
Fast Food Restaurant without Drive-Thru	1,000 SF GFA	$1,292.38	$863.85	$4,802.21
Fast Food Restaurant with Drive-Thru	1,000 SF GFA	$1,490.36	$996.19	$5,537.86
Coffee/Donut Shop without Drive-through	1,000 SF GFA	$364.04	$243.33	$1,352.70
Coffee/Donut Shop with Drive-Thru	1,000 SF GFA	$435.10	$290.83	$1,616.74
Other Retail				
Construction Equipment Rental Store	1,000 SF GFA	$126.16	$84.33	$468.78
Building Materials and Lumber Store	1,000 SF GFA	$262.20	$175.26	$974.28
Free-Standing Discount Superstore	1,000 SF GFA	$390.64	$261.11	$1,451.54
Variety Store	1,000 SF GFA	$574.18	$383.79	$2,133.53
Free-Standing Retail Store	1,000 SF GFA	$430.16	$287.53	$1,598.38
Hardware/Paint Store	1,000 SF GFA	$251.94	$168.40	$936.16
Nursery (Garden Center)	1,000 SF GFA	$618.64	$413.51	$2,298.74
Shopping Center	1,000 SF GLA	$319.58	$213.61	$1,187.49
Supermarket	1,000 SF GFA	$752.40	$502.92	$2,795.76
Convenience Market (Open 24 Hours)	1,000 SF GFA	$3,062.80	$2,047.24	$11,380.72
Convenience Market w/ Gasoline Pumps	1,000 SF GFA	$2,133.70	$1,426.21	$7,928.38
Discount Supermarket	1,000 SF GFA	$842.84	$563.37	$3,131.82
Home Improvement Superstore	1,000 SF GFA	$171.76	$114.81	$638.22
Office Supply Superstore	1,000 SF GFA	$352.64	$235.71	$1,310.34

Discount Home Furnishing Superstore	1,000 SF GFA	$199.88	$133.60	$742.71
Department Store	1,000 SF GFA	$174.42	$116.59	$648.11
Apparel Store	1,000 SF GFA	$524.40	$350.52	$1,948.56
Pharmacy/Drugstore w/o Drive-through	1,000 SF GFA	$509.20	$340.36	$1,892.08
Pharmacy/Drugstore w/ Drive-through	1,000 SF GFA	$668.42	$446.79	$2,483.71
Furniture Store	1,000 SF GFA	$30.40	$20.32	$112.96
SERVICES				
Walk-In Bank	1,000 SF GFA	$470.44	$314.45	$1,748.06
Drive-In Bank	1,000 SF GFA	$819.28	$547.62	$3,044.27
Hair Salon	1,000 SF GFA	$65.74	$43.94	$244.28

THE FOLLOWING EQUATION SHOULD BE USED TO DETERMINE ROADWAY IMPACT FEES:
(Roadway Impact Fee Charged per Development Unit) x (Number of Development Units)

Schedule 1, Table B: Water and Wastewater Impact Fee

Meter Size	Water	Wastewater
3/4"	$232.20	$83.60
1"	$387.80	$139.80
1-1/2"	$773.40	$278.40
2"	$1,237.80	$445.60
3"	$2,709.80	$975.80
4"	$4,644.00	$1,672.00
6"	$10,449.00	$3,762.00
8"	$13,932.00	$5,016.00

SCHEDULE 2

Effective December 17, 2020 to December 16, 2021

Schedule 2, Table A: Roadway Impact Fee Charged per Development Unit

Land Use Category	Development Unit	Roadway Impact Fee Per Development Unit		
		Service Area A	Service Area B	Service Area C
PORT AND TERMINAL				
Intermodal Truck Terminal	1,000 SF GFA	$712.12	$476.00	$2,646.09
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	$240.16	$160.53	$892.38
Industrial Park	1,000 SF GFA	$152.00	$101.60	$564.80
Manufacturing	1,000 SF GFA	$255.36	$170.69	$948.86
Warehousing	1,000 SF GFA	$72.20	$48.26	$268.28
Mini-Warehouse	1,000 SF GFA	$64.60	$43.18	$240.04
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	$308.56	$206.25	$1,146.54
Multi-Family Housing (Low-Rise)	Dwelling Unit	$174.80	$116.84	$649.52
Multi-Family Housing (Mid-Rise)	Dwelling Unit	$136.80	$91.44	$508.32
Mobile Home	Dwelling Unit	$143.64	$96.01	$533.74

Assisted Living	1,000 SF GFA	$149.72	$100.08	$556.33
LODGING				
Hotel	Room	$152.76	$102.11	$567.62
Motel / Other Lodging Facilities	Room	$96.52	$64.52	$358.65
RECREATIONAL				
Multipurpose Recreational Facility	1,000 SF GFA	$876.28	$585.72	$3,256.07
Bowling Alley	1,000 SF GFA	$284.24	$189.99	$1,056.18
Adult Cabaret	1,000 SF GFA	$716.68	$479.04	$2,663.03
Ice Skating Rink	1,000 SF GFA	$325.28	$217.42	$1,208.67
Health/Fitness Club	1,000 SF GFA	$844.36	$564.39	$3,137.46
Athletic Club	1,000 SF GFA	$1,539.00	$1,028.70	$5,718.60
Recreational Community Center	1,000 SF GFA	$565.44	$377.95	$2,101.06
INSTITUTIONAL				
Elementary School	1,000 SF GFA	$312.36	$208.79	$1,160.66
Middle School/Junior High School	1,000 SF GFA	$271.32	$181.36	$1,008.17
High School	1,000 SF GFA	$221.16	$147.83	$821.78
Private School (K-8)	1,000 SF GFA	$1,488.84	$995.17	$5,532.22
Junior / Community College	1,000 SF GFA	$424.08	$283.46	$1,575.79
Church/Religious	1,000 SF GFA	$74.48	$49.78	$276.75
Day Care Center	1,000 SF GFA	$1,420.44	$949.45	$5,278.06
Museum	1,000 SF GFA	$41.04	$27.43	$152.50
MEDICAL				
Nursing Home	1,000 SF GFA	$134.52	$89.92	$499.85
Clinic	1,000 SF GFA	$747.84	$499.87	$2,778.82
Animal Hospital/Veterinary Clinic	1,000 SF GFA	$563.16	$376.43	$2,092.58
OFFICE				
General Office Building	1,000 SF GFA	$262.20	$175.26	$974.28
Corporate Headquarters Building	1,000 SF GFA	$319.20	$213.36	$1,186.08
Single Tenant Office Building	1,000 SF GFA	$389.88	$260.60	$1,448.71
Medical-Dental Office Building	1,000 SF GFA	$788.88	$527.30	$2,931.31
Office Park	1,000 SF GFA	$303.24	$202.69	$1,126.78
COMMERCIAL				
Automobile Related				
New and Used Car Sales	1,000 SF GFA	$734.16	$490.73	$2,727.98
Recreational Vehicle Sales	1,000 SF GFA	$188.48	$125.98	$700.35
Automobile Parts Sales	1,000 SF GFA	$685.52	$458.22	$2,547.25
Tire Store	1,000 SF GFA	$702.24	$469.39	$2,609.38
Tire Superstore	1,000 SF GFA	$371.64	$248.41	$1,380.94
Quick Lubrication Vehicle Shop	1,000 SF GFA	$1,277.56	$853.95	$4,747.14
Automobile Care Center	1,000 SF GFA	$457.52	$305.82	$1,700.05
Automobile Parts & Service Center	1,000 SF GFA	$332.88	$222.50	$1,236.91
Self-Service Car Wash	Stall	$151.24	$101.09	$561.98
Automated Car Wash	1,000 SF GFA	$388.36	$259.59	$1,443.06
Dining				

Drinking Place	1,000 SF GFA	$1,181.80	$789.94	$4,391.32
Sit Down Restaurant	1,000 SF GFA	$797.24	$532.89	$2,962.38
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	$1,016.12	$679.20	$3,775.69
Fast Food Restaurant without Drive-Thru	1,000 SF GFA	$2,584.76	$1,727.71	$9,604.42
Fast Food Restaurant with Drive-Thru	1,000 SF GFA	$2,980.72	$1,992.38	$11,075.73
Coffee/Donut Shop without Drive-through	1,000 SF GFA	$728.08	$486.66	$2,705.39
Coffee/Donut Shop with Drive-Thru	1,000 SF GFA	$870.20	$581.66	$3,233.48
Other Retail				
Construction Equipment Rental Store	1,000 SF GFA	$252.32	$168.66	$937.57
Building Materials and Lumber Store	1,000 SF GFA	$524.40	$350.52	$1,948.56
Free-Standing Discount Superstore	1,000 SF GFA	$781.28	$522.22	$2,903.07
Variety Store	1,000 SF GFA	$1,148.36	$767.59	$4,267.06
Free-Standing Retail Store	1,000 SF GFA	$860.32	$575.06	$3,196.77
Hardware/Paint Store	1,000 SF GFA	$503.88	$336.80	$1,872.31
Nursery (Garden Center)	1,000 SF GFA	$1,237.28	$827.02	$4,597.47
Shopping Center	1,000 SF GLA	$639.16	$427.23	$2,374.98
Supermarket	1,000 SF GFA	$1,504.80	$1,005.84	$5,591.52
Convenience Market (Open 24 Hours)	1,000 SF GFA	$6,125.60	$4,094.48	$22,761.44
Convenience Market w/ Gasoline Pumps	1,000 SF GFA	$4,267.40	$2,852.42	$15,856.76
Discount Supermarket	1,000 SF GFA	$1,685.68	$1,126.74	$6,263.63
Home Improvement Superstore	1,000 SF GFA	$343.52	$229.62	$1,276.45
Office Supply Superstore	1,000 SF GFA	$705.28	$471.42	$2,620.67
Discount Home Furnishing Superstore	1,000 SF GFA	$399.76	$267.21	$1,485.42
Department Store	1,000 SF GFA	$348.84	$233.17	$1,296.22
Apparel Store	1,000 SF GFA	$1,048.80	$701.04	$3,897.12
Pharmacy/Drugstore w/o Drive-through	1,000 SF GFA	$1,018.40	$680.72	$3,784.16
Pharmacy/Drugstore w/ Drive-through	1,000 SF GFA	$1,336.84	$893.57	$4,967.42
Furniture Store	1,000 SF GFA	$60.80	$40.64	$225.92
SERVICES				
Walk-In Bank	1,000 SF GFA	$940.88	$628.90	$3,496.11
Drive-In Bank	1,000 SF GFA	$1,638.56	$1,095.25	$6,088.54
Hair Salon	1,000 SF GFA	$131.48	$87.88	$488.55

THE FOLLOWING EQUATION SHOULD BE USED TO DETERMINE ROADWAY IMPACT FEES:
(Roadway Impact Fee Charged per Development Unit) x (Number of Development Units)

Schedule 2, Table B: Water and Wastewater Impact Fee

Meter Size	Water	Wastewater
3/4"	$464.40	$167.20
1"	$775.60	$279.60
1-1/2"	$1,546.80	$556.80
2"	$2,475.60	$891.20
3"	$5,419.60	$1,951.60
4"	$9,288.00	$3,344.00
6"	$20,898.00	$7,524.00

8"	$27,864.00	$10,032.00

SCHEDULE 3

Effective December 17, 2021 to December 16, 2022

Schedule 3, Table A: Roadway Impact Fee Charged per Development Unit

Land Use Category	Development Unit	Roadway Impact Fee Per Development Unit		
		Service Area A	Service Area B	Service Area C
PORT AND TERMINAL				
Intermodal Truck Terminal	1,000 SF GFA	$1,068.18	$713.99	$3,969.13
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	$360.24	$240.79	$1,338.58
Industrial Park	1,000 SF GFA	$228.00	$152.40	$847.20
Manufacturing	1,000 SF GFA	$383.04	$256.03	$1,423.30
Warehousing	1,000 SF GFA	$108.30	$72.39	$402.42
Mini-Warehouse	1,000 SF GFA	$96.90	$64.77	$360.06
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	$462.84	$309.37	$1,719.82
Multi-Family Housing (Low-Rise)	Dwelling Unit	$262.20	$175.26	$974.28
Multi-Family Housing (Mid-Rise)	Dwelling Unit	$205.20	$137.16	$762.48
Mobile Home	Dwelling Unit	$215.46	$144.02	$800.60
Assisted Living	1,000 SF GFA	$224.58	$150.11	$834.49
LODGING				
Hotel	Room	$229.14	$153.16	$851.44
Motel / Other Lodging Facilities	Room	$144.78	$96.77	$537.97
RECREATIONAL				
Multipurpose Recreational Facility	1,000 SF GFA	$1,314.42	$878.59	$4,884.11
Bowling Alley	1,000 SF GFA	$426.36	$284.99	$1,584.26
Adult Cabaret	1,000 SF GFA	$1,075.02	$718.57	$3,994.55
Ice Skating Rink	1,000 SF GFA	$487.92	$326.14	$1,813.01
Health/Fitness Club	1,000 SF GFA	$1,266.54	$846.58	$4,706.20
Athletic Club	1,000 SF GFA	$2,308.50	$1,543.05	$8,577.90
Recreational Community Center	1,000 SF GFA	$848.16	$566.93	$3,151.58
INSTITUTIONAL				
Elementary School	1,000 SF GFA	$468.54	$313.18	$1,741.00
Middle School/Junior High School	1,000 SF GFA	$406.98	$272.03	$1,512.25
High School	1,000 SF GFA	$331.74	$221.74	$1,232.68
Private School (K-8)	1,000 SF GFA	$2,233.26	$1,492.76	$8,298.32
Junior / Community College	1,000 SF GFA	$636.12	$425.20	$2,363.69
Church/Religious	1,000 SF GFA	$111.72	$74.68	$415.13
Day Care Center	1,000 SF GFA	$2,130.66	$1,424.18	$7,917.08
Museum	1,000 SF GFA	$61.56	$41.15	$228.74
MEDICAL				

Nursing Home	1,000 SF GFA	$201.78	$134.87	$749.77
Clinic	1,000 SF GFA	$1,121.76	$749.81	$4,168.22
Animal Hospital/Veterinary Clinic	1,000 SF GFA	$844.74	$564.64	$3,138.88
OFFICE				
General Office Building	1,000 SF GFA	$393.30	$262.89	$1,461.42
Corporate Headquarters Building	1,000 SF GFA	$478.80	$320.04	$1,779.12
Single Tenant Office Building	1,000 SF GFA	$584.82	$390.91	$2,173.07
Medical-Dental Office Building	1,000 SF GFA	$1,183.32	$790.96	$4,396.97
Office Park	1,000 SF GFA	$454.86	$304.04	$1,690.16
COMMERCIAL				
Automobile Related				
New and Used Car Sales	1,000 SF GFA	$1,101.24	$736.09	$4,091.98
Recreational Vehicle Sales	1,000 SF GFA	$282.72	$188.98	$1,050.53
Automobile Parts Sales	1,000 SF GFA	$1,028.28	$687.32	$3,820.87
Tire Store	1,000 SF GFA	$1,053.36	$704.09	$3,914.06
Tire Superstore	1,000 SF GFA	$557.46	$372.62	$2,071.40
Quick Lubrication Vehicle Shop	1,000 SF GFA	$1,916.34	$1,280.92	$7,120.72
Automobile Care Center	1,000 SF GFA	$686.28	$458.72	$2,550.07
Automobile Parts & Service Center	1,000 SF GFA	$499.32	$333.76	$1,855.37
Self-Service Car Wash	Stall	$226.86	$151.64	$842.96
Automated Car Wash	1,000 SF GFA	$582.54	$389.38	$2,164.60
Dining				
Drinking Place	1,000 SF GFA	$1,772.70	$1,184.91	$6,586.98
Sit Down Restaurant	1,000 SF GFA	$1,195.86	$799.34	$4,443.56
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	$1,524.18	$1,018.79	$5,663.53
Fast Food Restaurant without Drive-Thru	1,000 SF GFA	$3,877.14	$2,591.56	$14,406.64
Fast Food Restaurant with Drive-Thru	1,000 SF GFA	$4,471.08	$2,988.56	$16,613.59
Coffee/Donut Shop without Drive-through	1,000 SF GFA	$1,092.12	$730.00	$4,058.09
Coffee/Donut Shop with Drive-Thru	1,000 SF GFA	$1,305.30	$872.49	$4,850.22
Other Retail				
Construction Equipment Rental Store	1,000 SF GFA	$378.48	$252.98	$1,406.35
Building Materials and Lumber Store	1,000 SF GFA	$786.60	$525.78	$2,922.84
Free-Standing Discount Superstore	1,000 SF GFA	$1,171.92	$783.34	$4,354.61
Variety Store	1,000 SF GFA	$1,722.54	$1,151.38	$6,400.60
Free-Standing Retail Store	1,000 SF GFA	$1,290.48	$862.58	$4,795.15
Hardware/Paint Store	1,000 SF GFA	$755.82	$505.21	$2,808.47
Nursery (Garden Center)	1,000 SF GFA	$1,855.92	$1,240.54	$6,896.21
Shopping Center	1,000 SF GLA	$958.74	$640.84	$3,562.48
Supermarket	1,000 SF GFA	$2,257.20	$1,508.76	$8,387.28
Convenience Market (Open 24 Hours)	1,000 SF GFA	$9,188.40	$6,141.72	$34,142.16
Convenience Market w/ Gasoline Pumps	1,000 SF GFA	$6,401.10	$4,278.63	$23,785.14
Discount Supermarket	1,000 SF GFA	$2,528.52	$1,690.12	$9,395.45
Home Improvement Superstore	1,000 SF GFA	$515.28	$344.42	$1,914.67
Office Supply Superstore	1,000 SF GFA	$1,057.92	$707.14	$3,931.01

Discount Home Furnishing Superstore	1,000 SF GFA	$599.64	$400.81	$2,228.14
Department Store	1,000 SF GFA	$523.26	$349.76	$1,944.32
Apparel Store	1,000 SF GFA	$1,573.20	$1,051.56	$5,845.68
Pharmacy/Drugstore w/o Drive-through	1,000 SF GFA	$1,527.60	$1,021.08	$5,676.24
Pharmacy/Drugstore w/ Drive-through	1,000 SF GFA	$2,005.26	$1,340.36	$7,451.12
Furniture Store	1,000 SF GFA	$91.20	$60.96	$338.88
SERVICES				
Walk-In Bank	1,000 SF GFA	$1,411.32	$943.36	$5,244.17
Drive-In Bank	1,000 SF GFA	$2,457.84	$1,642.87	$9,132.82
Hair Salon	1,000 SF GFA	$197.22	$131.83	$732.83

THE FOLLOWING EQUATION SHOULD BE USED TO DETERMINE ROADWAY IMPACT FEES:
(Roadway Impact Fee Charged per Development Unit) x (Number of Development Units)

Schedule 3, Table B: Water and Wastewater Impact Fee

Meter Size	Water	Wastewater
3/4"	$696.60	$250.80
1"	$1,163.40	$419.40
1-1/2"	$2,320.20	$835.20
2"	$3,713.40	$1,336.80
3"	$8,129.40	$2,927.40
4"	$13,932.00	$5,016.00
6"	$31,347.00	$11,286.00
8"	$41,796.00	$15,048.00

SCHEDULE 4

Effective December 17, 2022 to December 16, 2023

Schedule 4, Table A: Roadway Impact Fee Charged per Development Unit

Land Use Category	Development Unit	Roadway Impact Fee Per Development Unit		
		Service Area A	Service Area B	Service Area C
PORT AND TERMINAL				
Intermodal Truck Terminal	1,000 SF GFA	$1,424.24	$951.99	$5,292.18
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	$480.32	$321.06	$1,784.77
Industrial Park	1,000 SF GFA	$304.00	$203.20	$1,129.60
Manufacturing	1,000 SF GFA	$510.72	$341.38	$1,897.73
Warehousing	1,000 SF GFA	$144.40	$96.52	$536.56
Mini-Warehouse	1,000 SF GFA	$129.20	$86.36	$480.08
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	$617.12	$412.50	$2,293.09
Multi-Family Housing (Low-Rise)	Dwelling Unit	$349.60	$233.68	$1,299.04
Multi-Family Housing (Mid-Rise)	Dwelling Unit	$273.60	$182.88	$1,016.64

Mobile Home	Dwelling Unit	$287.28	$192.02	$1,067.47
Assisted Living	1,000 SF GFA	$299.44	$200.15	$1,112.66
LODGING				
Hotel	Room	$305.52	$204.22	$1,135.25
Motel / Other Lodging Facilities	Room	$193.04	$129.03	$717.30
RECREATIONAL				
Multipurpose Recreational Facility	1,000 SF GFA	$1,752.56	$1,171.45	$6,512.14
Bowling Alley	1,000 SF GFA	$568.48	$379.98	$2,112.35
Adult Cabaret	1,000 SF GFA	$1,433.36	$958.09	$5,326.06
Ice Skating Rink	1,000 SF GFA	$650.56	$434.85	$2,417.34
Health/Fitness Club	1,000 SF GFA	$1,688.72	$1,128.78	$6,274.93
Athletic Club	1,000 SF GFA	$3,078.00	$2,057.40	$11,437.20
Recreational Community Center	1,000 SF GFA	$1,130.88	$755.90	$4,202.11
INSTITUTIONAL				
Elementary School	1,000 SF GFA	$624.72	$417.58	$2,321.33
Middle School/Junior High School	1,000 SF GFA	$542.64	$362.71	$2,016.34
High School	1,000 SF GFA	$442.32	$295.66	$1,643.57
Private School (K-8)	1,000 SF GFA	$2,977.68	$1,990.34	$11,064.43
Junior / Community College	1,000 SF GFA	$848.16	$566.93	$3,151.58
Church/Religious	1,000 SF GFA	$148.96	$99.57	$553.50
Day Care Center	1,000 SF GFA	$2,840.88	$1,898.90	$10,556.11
Museum	1,000 SF GFA	$82.08	$54.86	$304.99
MEDICAL				
Nursing Home	1,000 SF GFA	$269.04	$179.83	$999.70
Clinic	1,000 SF GFA	$1,495.68	$999.74	$5,557.63
Animal Hospital/Veterinary Clinic	1,000 SF GFA	$1,126.32	$752.86	$4,185.17
OFFICE				
General Office Building	1,000 SF GFA	$524.40	$350.52	$1,948.56
Corporate Headquarters Building	1,000 SF GFA	$638.40	$426.72	$2,372.16
Single Tenant Office Building	1,000 SF GFA	$779.76	$521.21	$2,897.42
Medical-Dental Office Building	1,000 SF GFA	$1,577.76	$1,054.61	$5,862.62
Office Park	1,000 SF GFA	$606.48	$405.38	$2,253.55
COMMERCIAL				
Automobile Related				
New and Used Car Sales	1,000 SF GFA	$1,468.32	$981.46	$5,455.97
Recreational Vehicle Sales	1,000 SF GFA	$376.96	$251.97	$1,400.70
Automobile Parts Sales	1,000 SF GFA	$1,371.04	$916.43	$5,094.50
Tire Store	1,000 SF GFA	$1,404.48	$938.78	$5,218.75
Tire Superstore	1,000 SF GFA	$743.28	$496.82	$2,761.87
Quick Lubrication Vehicle Shop	1,000 SF GFA	$2,555.12	$1,707.90	$9,494.29
Automobile Care Center	1,000 SF GFA	$915.04	$611.63	$3,400.10
Automobile Parts & Service Center	1,000 SF GFA	$665.76	$445.01	$2,473.82
Self-Service Car Wash	Stall	$302.48	$202.18	$1,123.95
Automated Car Wash	1,000 SF GFA	$776.72	$519.18	$2,886.13

Dining				
Drinking Place	1,000 SF GFA	$2,363.60	$1,579.88	$8,782.64
Sit Down Restaurant	1,000 SF GFA	$1,594.48	$1,065.78	$5,924.75
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	$2,032.24	$1,358.39	$7,551.38
Fast Food Restaurant without Drive-Thru	1,000 SF GFA	$5,169.52	$3,455.42	$19,208.85
Fast Food Restaurant with Drive-Thru	1,000 SF GFA	$5,961.44	$3,984.75	$22,151.46
Coffee/Donut Shop without Drive-through	1,000 SF GFA	$1,456.16	$973.33	$5,410.78
Coffee/Donut Shop with Drive-Thru	1,000 SF GFA	$1,740.40	$1,163.32	$6,466.96
Other Retail				
Construction Equipment Rental Store	1,000 SF GFA	$504.64	$337.31	$1,875.14
Building Materials and Lumber Store	1,000 SF GFA	$1,048.80	$701.04	$3,897.12
Free-Standing Discount Superstore	1,000 SF GFA	$1,562.56	$1,044.45	$5,806.14
Variety Store	1,000 SF GFA	$2,296.72	$1,535.18	$8,534.13
Free-Standing Retail Store	1,000 SF GFA	$1,720.64	$1,150.11	$6,393.54
Hardware/Paint Store	1,000 SF GFA	$1,007.76	$673.61	$3,744.62
Nursery (Garden Center)	1,000 SF GFA	$2,474.56	$1,654.05	$9,194.94
Shopping Center	1,000 SF GLA	$1,278.32	$854.46	$4,749.97
Supermarket	1,000 SF GFA	$3,009.60	$2,011.68	$11,183.04
Convenience Market (Open 24 Hours)	1,000 SF GFA	$12,251.20	$8,188.96	$45,522.88
Convenience Market w/ Gasoline Pumps	1,000 SF GFA	$8,534.80	$5,704.84	$31,713.52
Discount Supermarket	1,000 SF GFA	$3,371.36	$2,253.49	$12,527.26
Home Improvement Superstore	1,000 SF GFA	$687.04	$459.23	$2,552.90
Office Supply Superstore	1,000 SF GFA	$1,410.56	$942.85	$5,241.34
Discount Home Furnishing Superstore	1,000 SF GFA	$799.52	$534.42	$2,970.85
Department Store	1,000 SF GFA	$697.68	$466.34	$2,592.43
Apparel Store	1,000 SF GFA	$2,097.60	$1,402.08	$7,794.24
Pharmacy/Drugstore w/o Drive-through	1,000 SF GFA	$2,036.80	$1,361.44	$7,568.32
Pharmacy/Drugstore w/ Drive-through	1,000 SF GFA	$2,673.68	$1,787.14	$9,934.83
Furniture Store	1,000 SF GFA	$121.60	$81.28	$451.84
SERVICES				
Walk-In Bank	1,000 SF GFA	$1,881.76	$1,257.81	$6,992.22
Drive-In Bank	1,000 SF GFA	$3,277.12	$2,190.50	$12,177.09
Hair Salon	1,000 SF GFA	$262.96	$175.77	$977.10

THE FOLLOWING EQUATION SHOULD BE USED TO DETERMINE ROADWAY IMPACT FEES:
(Roadway Impact Fee Charged per Development Unit) x (Number of Development Units)

Schedule 4, Table B: Water and Wastewater Impact Fee

Meter Size	Water	Wastewater
3/4"	$928.80	$334.40
1"	$1,551.20	$559.20
1-1/2"	$3,093.60	$1,113.60
2"	$4,951.20	$1,782.40
3"	$10,839.20	$3,903.20
4"	$18,576.00	$6,688.00

6"	$41,796.00	$15,048.00
8"	$55,728.00	$20,064.00

SCHEDULE 5

Effective December 17, 2023 to December 16, 2024

Schedule 5, Table A: Roadway Impact Fee Charged per Development Unit

Land Use Category	Development Unit	Roadway Impact Fee Per Development Unit		
		Service Area A	Service Area B	Service Area C
PORT AND TERMINAL				
Intermodal Truck Terminal	1,000 SF GFA	$1,780.30	$1,189.99	$6,615.22
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	$600.40	$401.32	$2,230.96
Industrial Park	1,000 SF GFA	$380.00	$254.00	$1,412.00
Manufacturing	1,000 SF GFA	$638.40	$426.72	$2,372.16
Warehousing	1,000 SF GFA	$180.50	$120.65	$670.70
Mini-Warehouse	1,000 SF GFA	$161.50	$107.95	$600.10
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	$771.40	$515.62	$2,866.36
Multi-Family Housing (Low-Rise)	Dwelling Unit	$437.00	$292.10	$1,623.80
Multi-Family Housing (Mid-Rise)	Dwelling Unit	$342.00	$228.60	$1,270.80
Mobile Home	Dwelling Unit	$359.10	$240.03	$1,334.34
Assisted Living	1,000 SF GFA	$374.30	$250.19	$1,390.82
LODGING				
Hotel	Room	$381.90	$255.27	$1,419.06
Motel / Other Lodging Facilities	Room	$241.30	$161.29	$896.62
RECREATIONAL				
Multipurpose Recreational Facility	1,000 SF GFA	$2,190.70	$1,464.31	$8,140.18
Bowling Alley	1,000 SF GFA	$710.60	$474.98	$2,640.44
Adult Cabaret	1,000 SF GFA	$1,791.70	$1,197.61	$6,657.58
Ice Skating Rink	1,000 SF GFA	$813.20	$543.56	$3,021.68
Health/Fitness Club	1,000 SF GFA	$2,110.90	$1,410.97	$7,843.66
Athletic Club	1,000 SF GFA	$3,847.50	$2,571.75	$14,296.50
Recreational Community Center	1,000 SF GFA	$1,413.60	$944.88	$5,252.64
INSTITUTIONAL				
Elementary School	1,000 SF GFA	$780.90	$521.97	$2,901.66
Middle School/Junior High School	1,000 SF GFA	$678.30	$453.39	$2,520.42
High School	1,000 SF GFA	$552.90	$369.57	$2,054.46
Private School (K-8)	1,000 SF GFA	$3,722.10	$2,487.93	$13,830.54
Junior / Community College	1,000 SF GFA	$1,060.20	$708.66	$3,939.48
Church/Religious	1,000 SF GFA	$186.20	$124.46	$691.88
Day Care Center	1,000 SF GFA	$3,551.10	$2,373.63	$13,195.14
Museum	1,000 SF GFA	$102.60	$68.58	$381.24

MEDICAL				
Nursing Home	1,000 SF GFA	$336.30	$224.79	$1,249.62
Clinic	1,000 SF GFA	$1,869.60	$1,249.68	$6,947.04
Animal Hospital/Veterinary Clinic	1,000 SF GFA	$1,407.90	$941.07	$5,231.46
OFFICE				
General Office Building	1,000 SF GFA	$655.50	$438.15	$2,435.70
Corporate Headquarters Building	1,000 SF GFA	$798.00	$533.40	$2,965.20
Single Tenant Office Building	1,000 SF GFA	$974.70	$651.51	$3,621.78
Medical-Dental Office Building	1,000 SF GFA	$1,972.20	$1,318.26	$7,328.28
Office Park	1,000 SF GFA	$758.10	$506.73	$2,816.94
COMMERCIAL				
Automobile Related				
New and Used Car Sales	1,000 SF GFA	$1,835.40	$1,226.82	$6,819.96
Recreational Vehicle Sales	1,000 SF GFA	$471.20	$314.96	$1,750.88
Automobile Parts Sales	1,000 SF GFA	$1,713.80	$1,145.54	$6,368.12
Tire Store	1,000 SF GFA	$1,755.60	$1,173.48	$6,523.44
Tire Superstore	1,000 SF GFA	$929.10	$621.03	$3,452.34
Quick Lubrication Vehicle Shop	1,000 SF GFA	$3,193.90	$2,134.87	$11,867.86
Automobile Care Center	1,000 SF GFA	$1,143.80	$764.54	$4,250.12
Automobile Parts & Service Center	1,000 SF GFA	$832.20	$556.26	$3,092.28
Self-Service Car Wash	Stall	$378.10	$252.73	$1,404.94
Automated Car Wash	1,000 SF GFA	$970.90	$648.97	$3,607.66
Dining				
Drinking Place	1,000 SF GFA	$2,954.50	$1,974.85	$10,978.30
Sit Down Restaurant	1,000 SF GFA	$1,993.10	$1,332.23	$7,405.94
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	$2,540.30	$1,697.99	$9,439.22
Fast Food Restaurant without Drive-Thru	1,000 SF GFA	$6,461.90	$4,319.27	$24,011.06
Fast Food Restaurant with Drive-Thru	1,000 SF GFA	$7,451.80	$4,980.94	$27,689.32
Coffee/Donut Shop without Drive-through	1,000 SF GFA	$1,820.20	$1,216.66	$6,763.48
Coffee/Donut Shop with Drive-Thru	1,000 SF GFA	$2,175.50	$1,454.15	$8,083.70
Other Retail				
Construction Equipment Rental Store	1,000 SF GFA	$630.80	$421.64	$2,343.92
Building Materials and Lumber Store	1,000 SF GFA	$1,311.00	$876.30	$4,871.40
Free-Standing Discount Superstore	1,000 SF GFA	$1,953.20	$1,305.56	$7,257.68
Variety Store	1,000 SF GFA	$2,870.90	$1,918.97	$10,667.66
Free-Standing Retail Store	1,000 SF GFA	$2,150.80	$1,437.64	$7,991.92
Hardware/Paint Store	1,000 SF GFA	$1,259.70	$842.01	$4,680.78
Nursery (Garden Center)	1,000 SF GFA	$3,093.20	$2,067.56	$11,493.68
Shopping Center	1,000 SF GLA	$1,597.90	$1,068.07	$5,937.46
Supermarket	1,000 SF GFA	$3,762.00	$2,514.60	$13,978.80
Convenience Market (Open 24 Hours)	1,000 SF GFA	$15,314.00	$10,236.20	$56,903.60
Convenience Market w/ Gasoline Pumps	1,000 SF GFA	$10,668.50	$7,131.05	$39,641.90
Discount Supermarket	1,000 SF GFA	$4,214.20	$2,816.86	$15,659.08
Home Improvement Superstore	1,000 SF GFA	$858.80	$574.04	$3,191.12

Office Supply Superstore	1,000 SF GFA	$1,763.20	$1,178.56	$6,551.68
Discount Home Furnishing Superstore	1,000 SF GFA	$999.40	$668.02	$3,713.56
Department Store	1,000 SF GFA	$872.10	$582.93	$3,240.54
Apparel Store	1,000 SF GFA	$2,622.00	$1,752.60	$9,742.80
Pharmacy/Drugstore w/o Drive-through	1,000 SF GFA	$2,546.00	$1,701.80	$9,460.40
Pharmacy/Drugstore w/ Drive-through	1,000 SF GFA	$3,342.10	$2,233.93	$12,418.54
Furniture Store	1,000 SF GFA	$152.00	$101.60	$564.80
SERVICES				
Walk-In Bank	1,000 SF GFA	$2,352.20	$1,572.26	$8,740.28
Drive-In Bank	1,000 SF GFA	$4,096.40	$2,738.12	$15,221.36
Hair Salon	1,000 SF GFA	$328.70	$219.71	$1,221.38

THE FOLLOWING EQUATION SHOULD BE USED TO DETERMINE ROADWAY IMPACT FEES:
(Roadway Impact Fee Charged per Development Unit) x (Number of Development Units)

Schedule 5, Table B: Water and Wastewater Impact Fee

Meter Size	Water	Wastewater
3/4"	$1,161.00	$418.00
1"	$1,939.00	$699.00
1-1/2"	$3,867.00	$1,392.00
2"	$6,189.00	$2,228.00
3"	$13,549.00	$4,879.00
4"	$23,220.00	$8,360.00
6"	$52,245.00	$18,810.00
8"	$69,660.00	$25,080.00

IMPACT FEE ORDINANCE

OR-19-028

December 10, 2019

Required Process

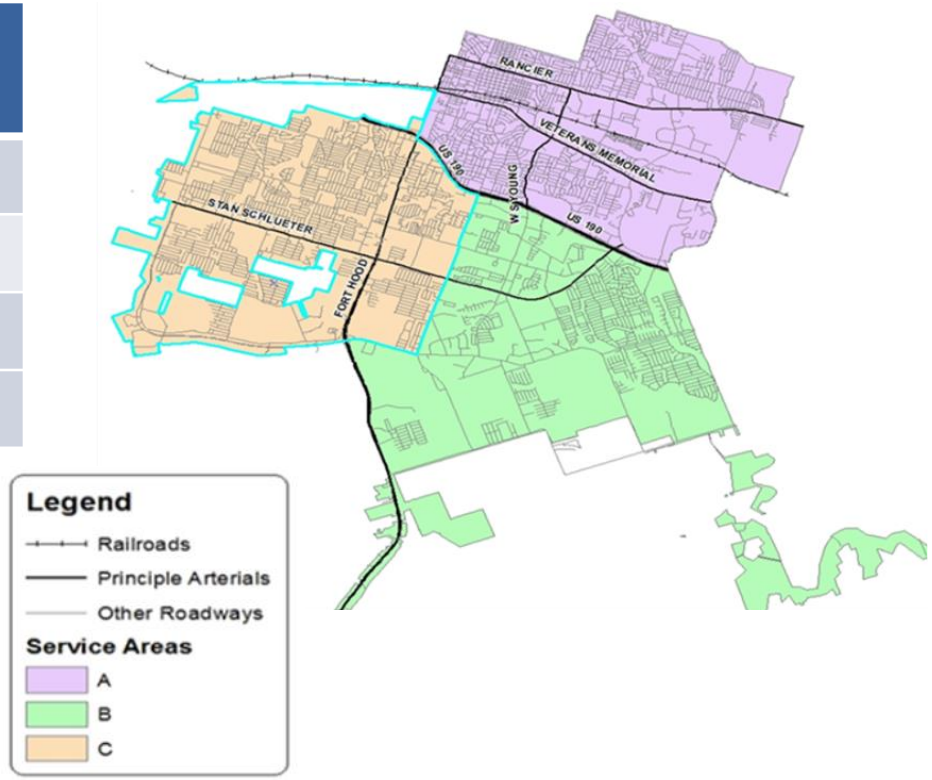
1. Appoint a CIAC committee with specific membership to ensure input from affected parties. Complete
2. Receive CIAC recommendations regarding the land-use assumptions, growth projections, and potential projects that could apply to future impact fees. Complete
3. Hold a public hearing on CIAC recommendations. Complete
4. City Council approves, rejects or amends CIAC recommendations on land use assumptions and capital improvement plan. Complete
5. CIAC receives engineering report regarding infrastructure costs and maximum allowable fees. Complete

Required Process (Next Steps)

6. CIAC makes a recommendation on the engineering study. Complete
7. Hold a second public hearing on the CIAC recommendations regarding infrastructure costs and maximum allowable fees. Complete
8. City Council approves, rejects, or amends CIAC recommendations. Complete
9. Consider adopting the Impact Fee Ordinance. December 17, 2019

Maximum Assessable Impact Fees

	Maximum Assessable Fee per Service Unit		
Water	$1,161		
Wastewater	$418		
Roadway	A	B	C
	$190	$127	$706



CIAC Recommendations (W&WW)

- Implement impact fees in increasing intervals
  - 20% for Year 1
  - Increase by 20% each year until Year 5

	Impact Fee per Service Unit				
	Year 1 20%	**Year 2** 40%	**Year 3** 60%	**Year 4** 80%	**Year 5** 100%
Water	$232	$464	$697	$929	$1,161
Wastewater	$84	$167	$251	$334	$418

CIAC Recommendations (Roadway)

- Implement impact fees in increasing intervals
  - 20% for Year 1
  - Increase by 20% each year until Year 5

	Impact Fee per Service Unit				
Roadway Service Area	**Year 1** 20%	**Year 2** 40%	**Year 3** 60%	**Year 4** 80%	**Year 5** 100%
A	$38	$76	$114	$152	$190
B	$25	$51	$76	$102	$127
C	$141	$282	$424	$565	$706

Alternatives

- Do not adopt the ordinance implementing water, wastewater, and roadway impact fees
- Adopt the ordinance implementing water, wastewater, and roadway impact fees as recommended by the CIAC

Recommendation

- Adopt the ordinance implementing water, wastewater, and roadway impact fees as recommended by the Capital Improvement Advisory Committee

City of Killeen

Legislation Details

File #:	PH-19-044	**Version:**	1	**Name:**	Dual Street Name-Bishop Nate Holcomb
Type:	Resolution/Public Hearing			**Status:**	Public Hearings
File created:	11/25/2019			**In control:**	City Council
On agenda:	12/17/2019			**Final action:**	
Title:	HOLD a public hearing and consider a memorandum/resolution approving the addition of an honorary street designation of “Bishop Nate Holcomb Mem. Blvd.” to Cunningham Road signs.				
Sponsors:	Planning & Development Dept				
Indexes:					
Code sections:					
Attachments:	Staff Report Request Map Proposed Sign & Locations Responses Presentation				

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council Workshop		

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STAFF REPORT

DATE: **December 10, 2019**

TO: **Kent Cagle, City Manager**

FROM: **Tony McIlwain, Interim Exec. Dir. of Planning and Dev. Services**

SUBJECT: **HOLD A PUBLIC HEARING AND CONSIDER A REQUEST TO ADD AN HONORARY DESIGNATION OF BISHOP NATE HOLCOMB MEM. BLVD. TO CUNNINGHAM ROAD SIGNS**

Background and Findings:

City staff has received an application for a dual street name of "Bishop Nate Holcomb Mem. Blvd." to be added to all existing Cunningham Road signs located between Little Nolan Road and Stagecoach Road. The purpose of the honorary street name is to pay homage to a long standing community and religious leader, the late Bishop Nathaniel Holcomb, of Christian House of Prayer. Currently, Cunningham Road is an existing public road that runs north from its intersection with Little Nolan Road, south to Stagecoach Road. Cunningham Road is classified as a minor arterial on the City's adopted Thoroughfare Plan. The Texas Department of Transportation (TXDOT) has chosen to not approve the addition of the honorary street name to the signs within the state controlled rights-of-way at the intersection of W. Stan Schlueter Loop and Cunningham Roads. They have authorized the change to the existing shoulder mounted route signs. The staff has provided public notification in accordance with the processing requirements of Killeen Code of Ordinances Section 25-121.

DISCUSSION/CONCLUSION

Article IV, Chapter 25 of the Killeen Code of Ordinances provides a process for street name changes. Section 25-118 of this Chapter specifies that "Applications for a street name change may be considered for any one (1) of the following reasons, which must be specified in the application:

(1) To establish continuity of the street's name;
(2) To eliminate name spelling duplication, phonetic duplication, or misspelling;
(3) To bring coherence to the street numbering designation (east, west, north, south);
(4) To provide necessary roadway designation (Street, Road, Lane, Circle, Drive, Boulevard, and similar designations);
(5) To honor a person, place, institution, group, entity, event or similar subject;
(6) To enhance a neighborhood through association of the street name with its location, area characteristics, history and similar factors.

Killeen Code of Ordinances Section 25-119, Application for Petition, lists the following criteria:

(a) An application for a change of the name of a street may be filed by any person, group, firm or agency with the department of planning and economic development in the form of a petition signed by not fewer than fifty (50) percent of all owners, or owner's attorney-in-fact of property abutting the subject street. "Owners" of such abutting property shall be determined by the then current city real property ad valorem tax roll.

(b) The application shall state the present official name of the city street, the proposed new name, and the name and address of each person, group, agency or entity requesting the street name change; a statement of reason or reasons from among those listed above, claimed for such a name change; and the person, group, agency or entity responsible for payment of the city's costs for installing standard city street name signs.

The street name petition is not signed by at least fifty (50) percent of all owners of property abutting the subject street, and therefore, does not meet the code requirements for a street name change. The City could approve the addition of an honorary designation to certain street signs without changing the actual street name. Since approval of the addition of an honorary designation would not change the street name, local mailing addresses would not be affected.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?
The City Council may:

- disapprove the dual street name change petition;
- approve of the dual street name change petition; or
- approve the addition of an honorary designation of "Bishop Nate Holcomb Mem. Blvd." to certain shoulder mounted route signs on Cunningham Road.

Staff recommends that the City Council approve the addition of an honorary designation of "Bishop Nate Holcomb Mem. Blvd." to certain signs on Cunningham Road.

CONFORMITY TO CITY POLICY:

This request for a street name change does not conform to the City's policy and procedures as detailed in Chapter 25 of the Killeen Code of Ordinances, in that it is not signed by fifty (50) percent of all property owners abutting Cunningham Road. However, addition of an honorary designation without changing the street name would not require a petition signed by fifty (50) percent of all abutting owners.

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; however the applicant will be responsible for all costs associated with the replacement and installation of new street signs for the sixteen (16) existing locations. The City of Killeen Public Works Department- Streets Division estimates that the total project will cost approximately $3,869. The applicant has accepted financial responsibility of the project should the City Council approve the honorary designation of "Bishop Nate Holcomb Mem. Blvd." to the Cunningham Road signs.

Is this a one-time or recurring expenditure?

This will be a one-time expenditure by the applicant.

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:

Staff recommends that the City Council approve the addition of an honorary designation of "Bishop Nate Holcomb Mem. Blvd." to certain signs on Cunningham Road. Planning staff notified multiple City departments and other governmental entities. To date, staff has received no protests with the exception of the Texas Department of Transportation.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Request
Map
Proposed Sign and Locations
Responses

Christian House of Prayer
Pastor Valerie Holcomb

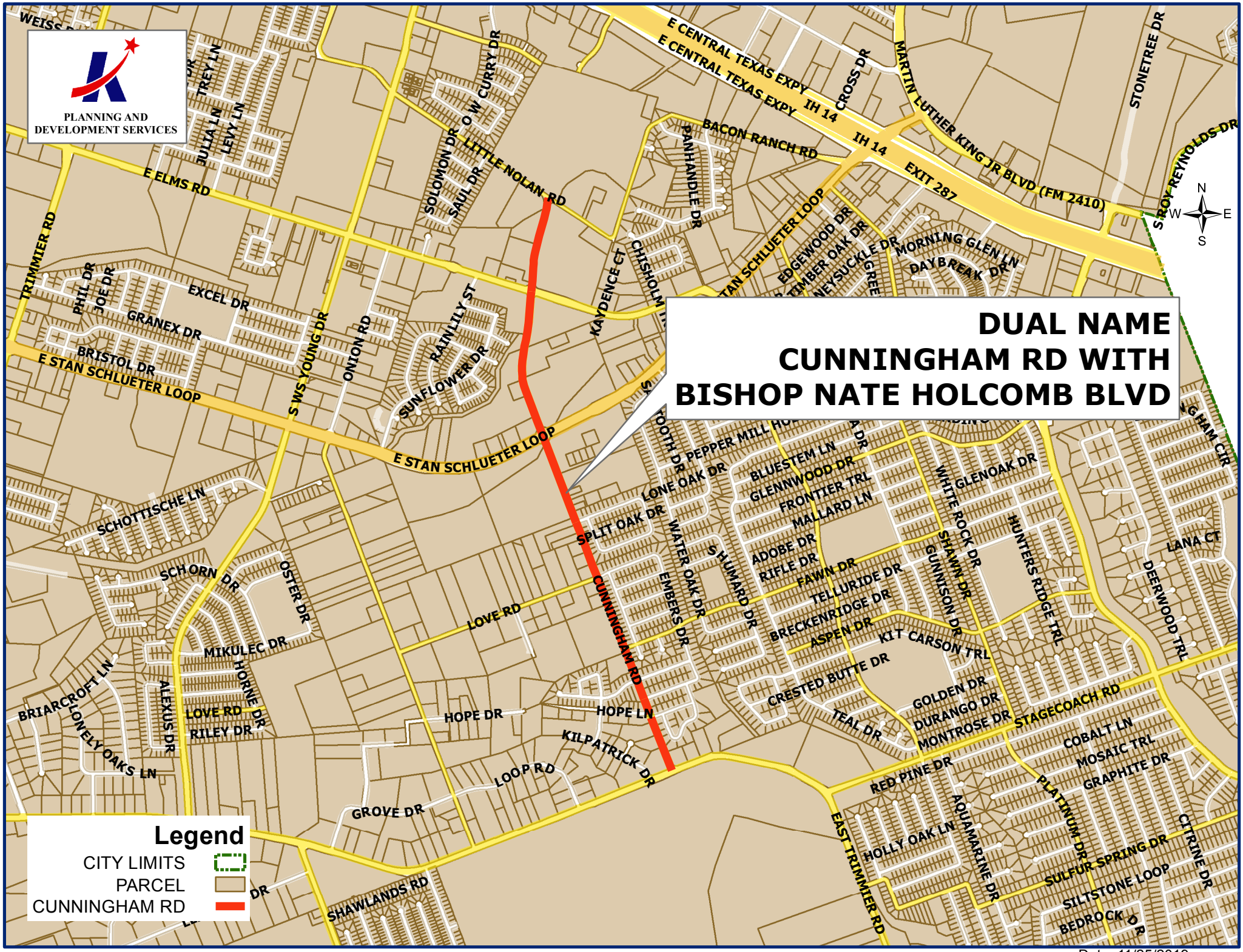
DUAL STREET NAME CHANGE REQUEST
CHRISTIAN HOUSE OF PRAYER, INC.

Existing Name of Road: Cunningham Road
Proposed Dual Name of Street: **Cunningham Road/Bishop Nate Holcomb Blvd**
Beginning at (cross street): Intersection of Stagecoach
Ending at (cross street): Intersection of Little Nolan Road

In honor of Bishop Nathaniel Holcomb, we the congregants of the Christian House of Prayer are requesting that Cunningham Road be a dual named street; the second name would be Bishop Nate Holcomb Blvd. The late Bishop Nate Holcomb was the founder of the Christian House of Prayer in Killeen, Texas. This church is one of largest and most influential places of worship in the Central Texas area. Bishop Nate Holcomb was a pastor that loved the city of Killeen and was a key component for the growth and stability of the city. Bishop Nate Holcomb was given keys to the city of Killeen and has a resolution on record which recognizes Bishop Nate Holcomb Day. We believe that this dual name change would honor his memory and legacy. Thank you in advance for your consideration in this matter.

Applicant's Name: Joseph Solomon (Christian House of Prayer/Elder)
Address: 3300 East Stan Schlueter Loop Killeen, TX 76522
Mailing Address: P O Box 960 Copperas Cove, TX 76522
Telephone: (254) 547-3348
Fax; (254) 547-0741
Cell Phone: (254) 394-5673

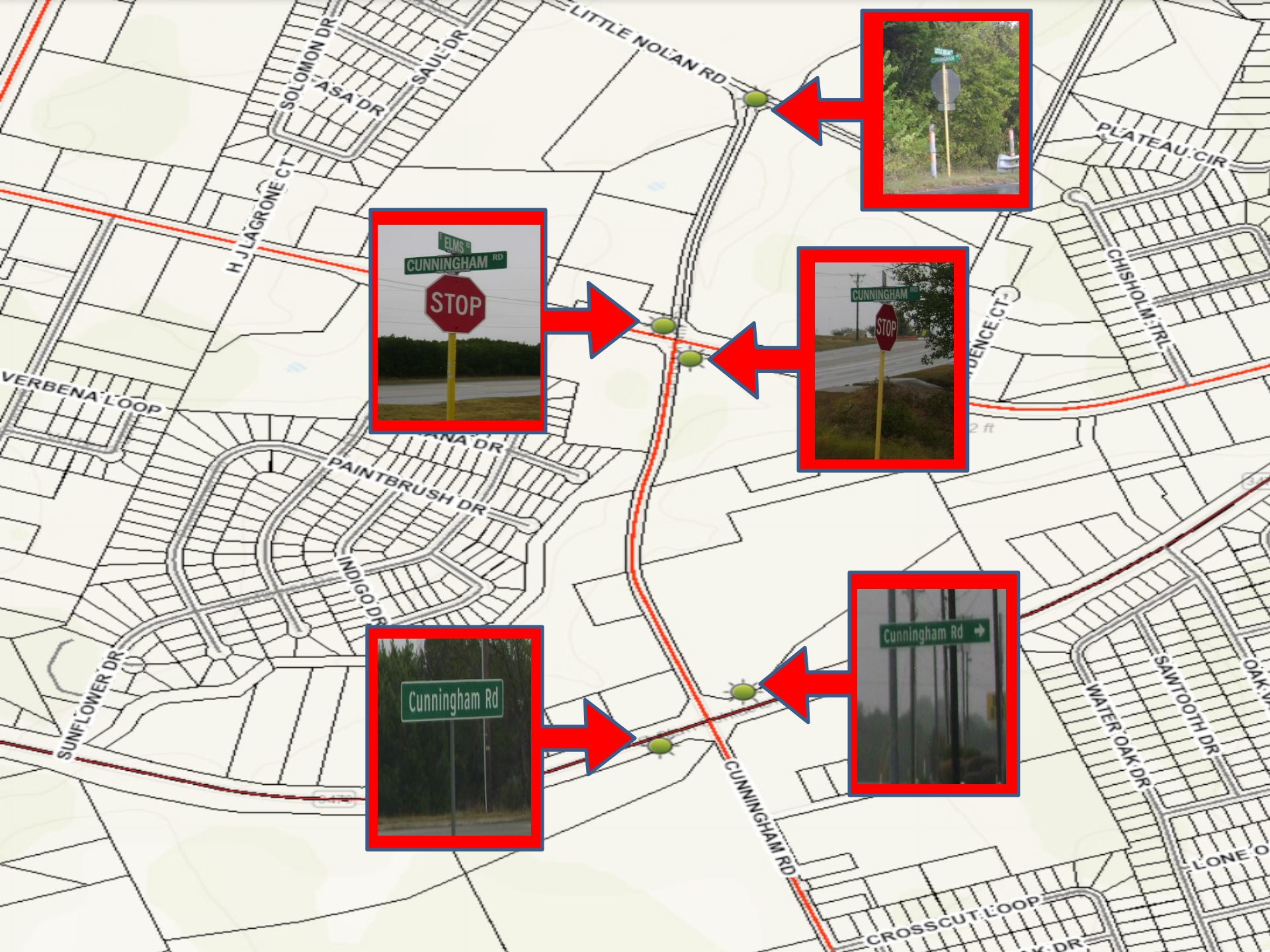
Pastor Valerie Holcomb
Pastor Valerie Holcomb
Christian House of Prayer, Inc.

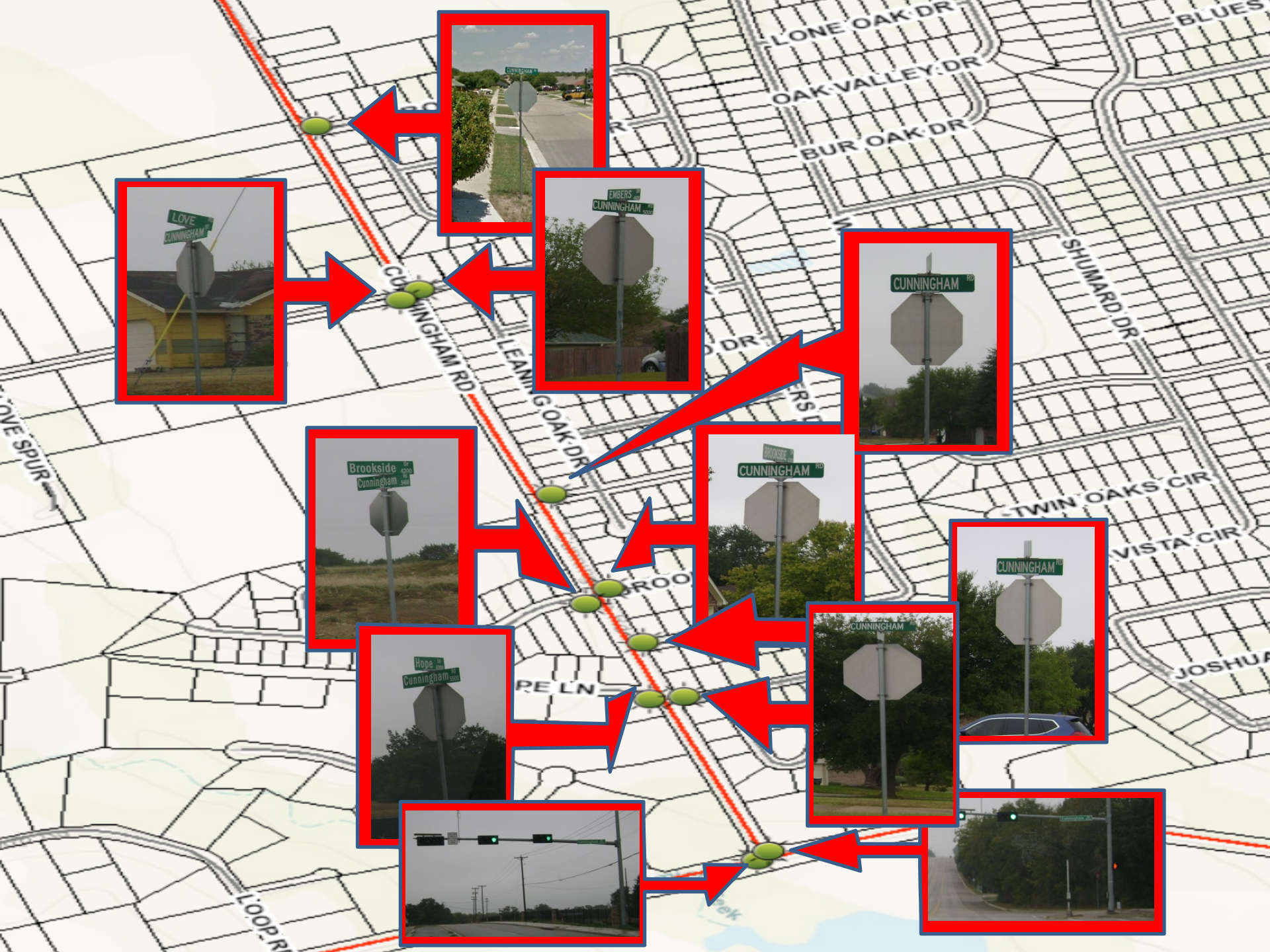


Date: 11/25/2019

Cunningham

Bishop Nate Holcomb Mem. BLVD


LITTLE NOLAN RD
SOLOMON DR
ASA DR
SAUL DR
PLATEAU CIR
H J LAGRONE CT
ELMS
CUNNINGHAM RD
STOP
CUNNINGHAM
STOP
CHISHOLM TRL
VERBENA LOOP
PAINTBRUSH DR
INDIGO DR
Cunningham Rd
Cunningham Rd
SUNFLOWER DR
CUNNINGHAM RD
SAWTOOTH DR
WATER OAK DR
CROSSCUT LOOP


LONE OAK DR
OAK VALLEY DR
BUR OAK DR
SHUMARD DR
TWIN OAKS CIR
VISTA CIR
JOSHUA
LEANING OAK DR
CUNNINGHAM RD
LOVE SPUR
LOOP R
LOVE
CUNNINGHAM
EMBERS
CUNNINGHAM
CUNNINGHAM
Brookside
Cunningham
CUNNINGHAM
CUNNINGHAM
CUNNINGHAM
Hope
Cunningham

CUT HERE

YOUR NAME: Anthony Cooper PHONE NUMBER: (254) 458 1885
CURRENT ADDRESS: 2406 Felix Rd Killeen Texas 76543
ADDRESS OF PROPERTY OWNED: Property Address 5001 Cunningham
COMMENTS:
I am the custodian of this property and I support the honorary name change

RECEIVED
DEC 11 2019

YOUR NAME: Anthony Cooper PHONE NUMBER: (254) 458 1885
CURRENT ADDRESS: 2406 Felix Rd Killeen Tx 76543
ADDRESS OF PROPERTY OWNED: Property ID (4823) Lone Rd
COMMENTS: I support the ~~Honorary~~ honorary name change.

CUT HERE

YOUR NAME: Anthony Cooper PHONE NUMBER: (254) 458 1885
CURRENT ADDRESS: 2406 Felix Rd Killeen Texas 76543
ADDRESS OF PROPERTY OWNED: Property I.D. 4825 Cunningham
COMMENTS:
I support the honorary name change

RECEIVED
DEC 11 2019
PLANNING

SIGNATURE:

YOUR NAME: Anthony Cooper PHONE NUMBER: (254) 458 1885
CURRENT ADDRESS: 2406 Felix Rd Killeen Texas 76543
ADDRESS OF PROPERTY OWNED: 4803 Cunningham Rd
COMMENTS: I support the honorary name change

RECEIVED
DEC 11 2019
PLANNING

SIGNATURE:

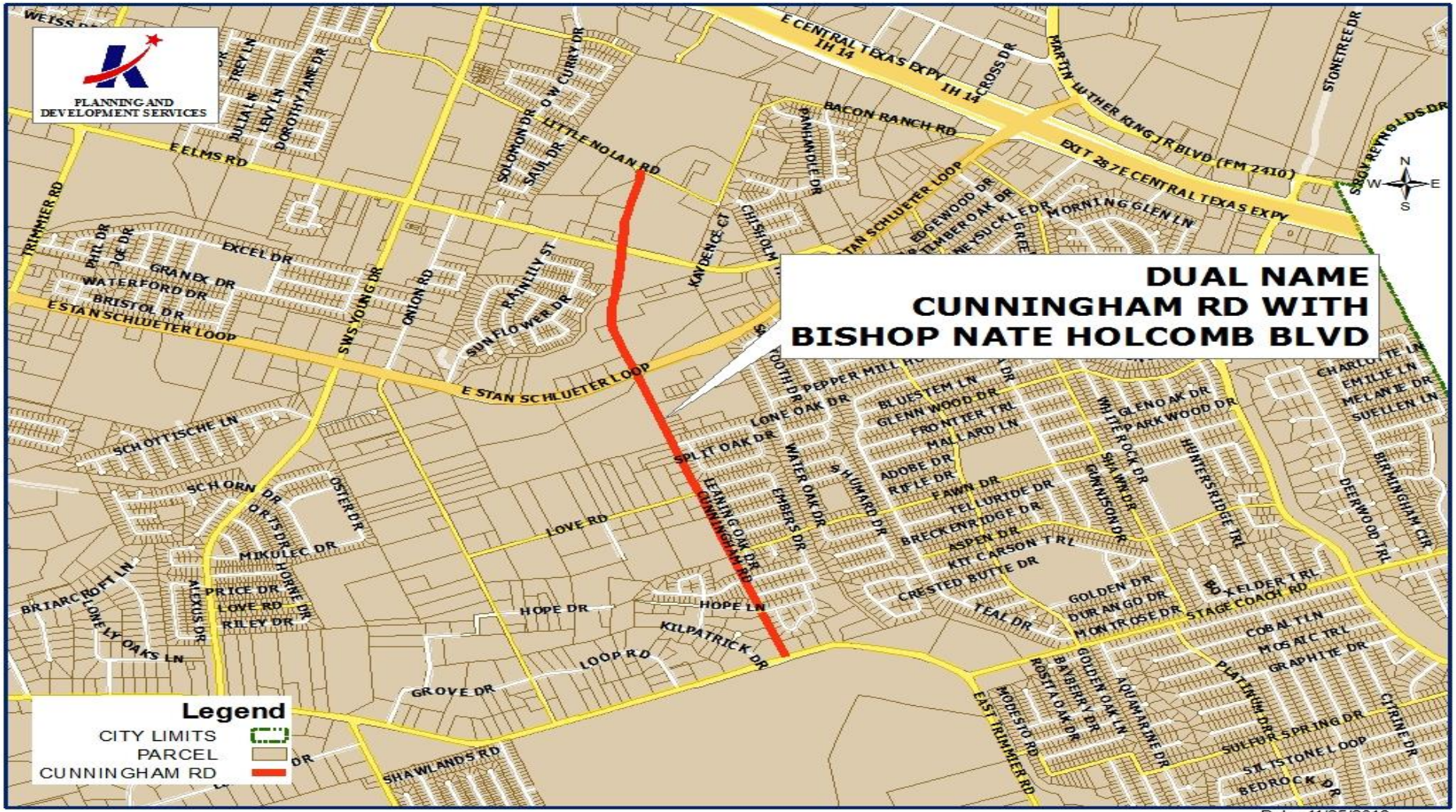
ADDING HONORARY STREET NAME OF “BISHOP NATE HOLCOMB MEM. BLVD” TO CUNNINGHAM ROAD

PH-19-044

December 10, 2019

ADDING HONORARY STREET NAME OF "BISHOP NATE HOLCOMB MEM. BLVD" TO CUNNINGHAM ROAD

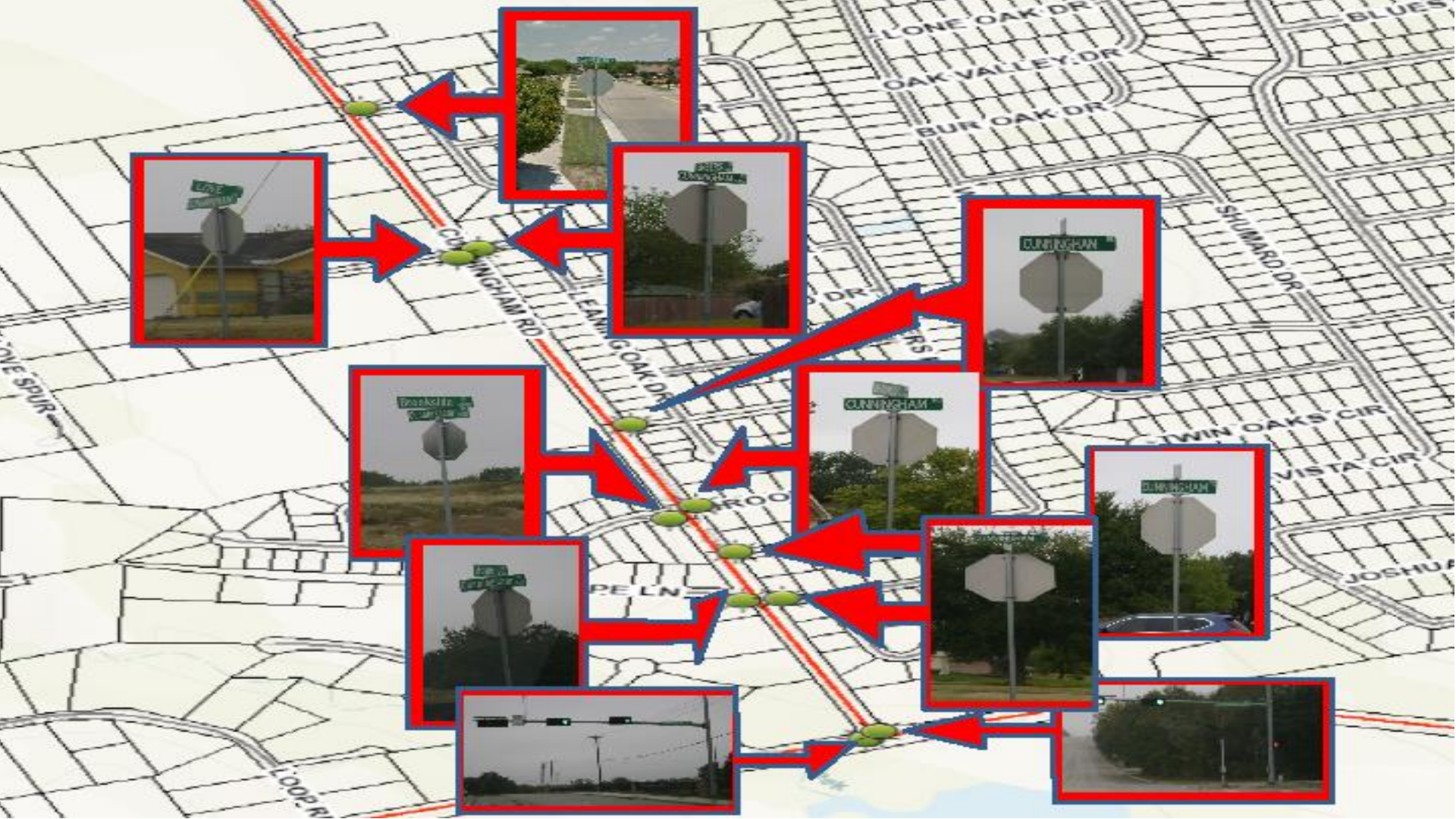
- Christian House of Prayer has requested to add the honorary street name of "Bishop Nate Holcomb Mem. Blvd." to road signs along Cunningham Road.
- The purpose of the honorary street name is to pay homage to a long standing community and religious leader, the late Bishop Nathanial Holcomb, of Christian House of Prayer.



Date: 11/25/2019

Cunningham
Bishop Nate Holcomb Mem. BLVD

LITTLE NOLAN RD
SOLOMON DR
ASA DR
SAUL DR
H J LAGRONE CT
PLATEAU CIR
CHISHOLM TRL
VERBENA LOOP
PAINTBRUSH DR
INDIGO DR
SUNFLOWER DR
CUNNINGHAM RD
CUNNINGHAM RD
STOP
Cunningham Rd
Cunningham Rd
SAWTOOTH DR
WATER OAK DR
CROSSCUT LOOP


LONE OAK DR
OAK VALLEY DR
BUR OAK DR
SHUMARD DR
CUNNINGHAM RD
LEANING OAK DR
TWIN OAKS CIR
VISTA CIR
JOSHUA
LOOP R
CUNNINGHAM

ADDING HONORARY STREET NAME CHANGE OF "BISHOP NATE HOLCOMB MEM. BLVD" TO CUNNINGHAM ROAD

- The Public Works-Streets Division estimates that the total project will cost approximately $3,869.
- The applicant will be responsible for the costs associated with the installation of the new city street signs.
- Sign(s) replacement will be implemented upon receipt of payment for the costs associated with the installation of the new street signs.

Alternatives

- The City Council has two (2) alternatives. The City Council may:
  - Disapprove the applicant's request; or
  - Approve the applicant's request.

Recommendation

- Staff recommends that the City Council approve the addition of the honorary street name of "Bishop Nate Holcomb Mem. Blvd." to the sixteen (16) existing road signs along Cunningham Road.
- If approved, it will not be necessary for any local street addresses to change.

City of Killeen

Legislation Details

File #:	PH-19-045	**Version:** 1	**Name:**	FLUM 19-12	
Type:	Ordinance/Public Hearing		**Status:**	Public Hearings	
File created:	11/22/2019		**In control:**	City Council	
On agenda:	12/17/2019		**Final action:**		

Title: HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf of JOF Developers, Inc. (Case #FLUM 19-12) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' designation to a 'General Residential' designation for approximately 2.90 acres out of the James Cook Survey, Abstract No. 161. The property is located on the west right-of-way of Clear Creek Road, approximately 350 ft. north of the proposed Golden Gate Drive, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments:
- Staff Report
- Maps
- Minutes
- Ordinance
- Considerations
- Presentation

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council Workshop		

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STAFF REPORT

DATE: **December 10, 2019**

TO: **Kent Cagle, City Manager**

FROM: **Tony McIlwain, Interim Exec. Dir. of Planning and Dev. Services**

SUBJECT: **Comprehensive Plan Future Land Use Map (FLUM) Amendment: 'Suburban Commercial' ('SC') to 'General Residential' ('GR')**

BACKGROUND AND FINDINGS:

Killeen Engineering & Surveying, Ltd. on behalf of JOF Developers, Inc. submits this request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' ('SC') designation to a 'General Residential ('GR') designation for approximately 2.90 acres, out of the James Cook Survey, Abstract No. 161. The property is located on the west right-of-way of Clear Creek Road, approximately 350 ft. north of the proposed Golden Gate Drive, Killeen, Texas.

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

The 'Suburban Commercial' ('SC') designation encourages the following development types:

- Range of commercial retail and service uses, at varying scales and intensities depending on the site
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site)
- Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting
- Public/institutional
- Parks and public spaces

'Suburban Commercial' ('SC') characteristics:

- Suburban character primarily from reduced site coverage relative to most commercial development
- Especially at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design
- May exclude some auto-oriented uses that, by their very nature, cannot achieve a Suburban character
- Near residential properties and areas, the permitted scale and intensity of non-residential uses should be limited to ensure compatibilty (including adequate buffering/screening, criteria for placement and orientation of buildings and parking areas, height limits, and residential-in-appearance architectural standards)

- More opportunity for natural and/or swale drainage (and storm water retention/absorption) versus concentrated storm water runoff and conveyance in auto-oriented areas

If approved, the 'General Residential' ('GR') designation encourages the following development types:

- Detached residential dwellings the primary focus
- Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes)
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
- Public/institutional
- Parks and public spaces

'General Residential' ('GR') characteristics:

- Encompasses most existing residential areas within Killeen (and the 6,000 square foot minimum lot size in the predominant R-1 zoning district results in less openness and separation between dwellings compared to Suburban residential areas)
- Auto-oriented character (especially where driveways and front-loading garages dominate the front yard and building facades of home), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement
- Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses

<u>THE ALTERNATIVES CONSIDERED:</u>

The City Council may:

- approve the applicant's FLUM amendment request; or
- disapprove the applicant's FLUM amendment request.

Which alternative is recommended? Staff recommends that the City Council disapprove the applicant's FLUM amendment request.

Why? Staff's recommendation is based on the following determinations:

- **Scope of Amendment:** Is the proposed map change limited to one or a few parcels, or would it affect a much larger area? ***The amendment request would affect approximately 2.90 acres, and is considered a small-scale amendment.***

- **Change in Circumstances:** What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date*?* ***Staff is not aware of any specific conditions that render the current map inappropriate or out-of-date. The 'Suburban Commercial' ('SC') designation is appropriate for this tract and the***

immediate abutting properties that are also designated as 'SC'. There are no other residential encroachments within the 'SC' designation along the western side of S.H. 201 and staff does not support residential development this close to the highway.

- **Consistency with Other Plans:** In addition to the Comprehensive Plan, is the proposed map change consistent with the intent and policy direction of any applicable small area plans, utility or drainage plans, or other City plans? ***The proposed map change is not inconsistent with other City planning efforts (Water and Wastewater Master Plan, Thoroughfare Plan, Parks Master Plan).***

- **Adequate Information:** Do City staff, the Planning and Zoning Commission, and/or City Council have enough and appropriate information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)? ***Staff has sufficient information regarding existing utility capacity and roadway level of service for this area.***

- **Stakeholder Input:** What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? ***None.***

CONFORMITY TO CITY POLICY:

This FLUM amendment request conforms to the City's policy as detailed in the Comprehensive Plan.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year?

This is not applicable at this time.

For future years?

The proposed FLUM amendment does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable at this time.

Is this expenditure budgeted?

This is not applicable at this time.

If not, where will the money come from?

This is not applicable at this time.

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

This is not applicable at this time.

RECOMMENDATION:

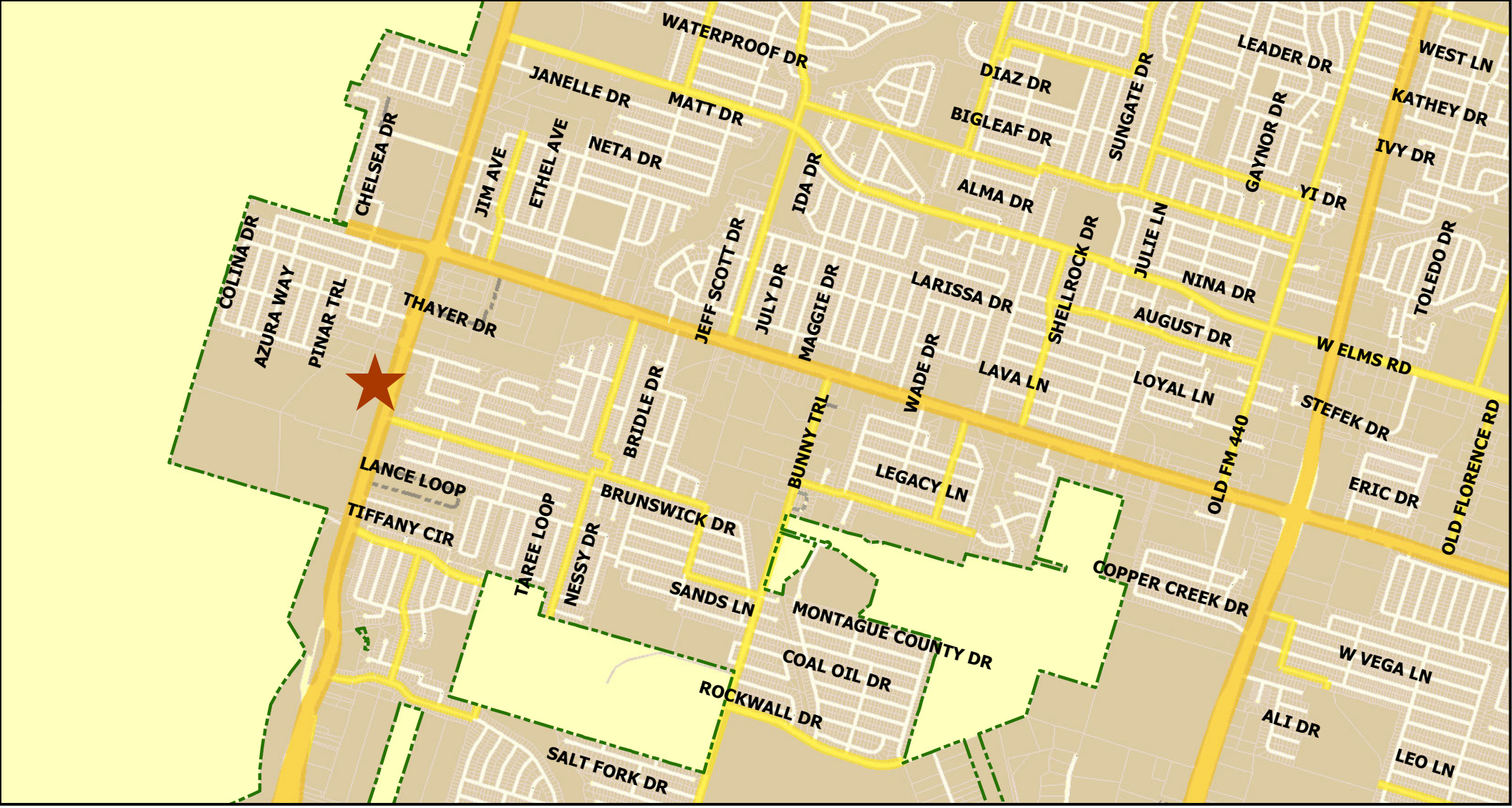
The Planning and Zoning Commission recommended disapproval of the applicant's request by a vote of 5 to 1, with Commissioner Holly in opposition to the motion.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

Minutes
Maps
Considerations



FLUM LOCATION MAP

Case: FLUM AMENDMENT 2019-12

Council District: 4

SUBURBAN COMMERCIAL TO GENERAL RESIDENTIAL

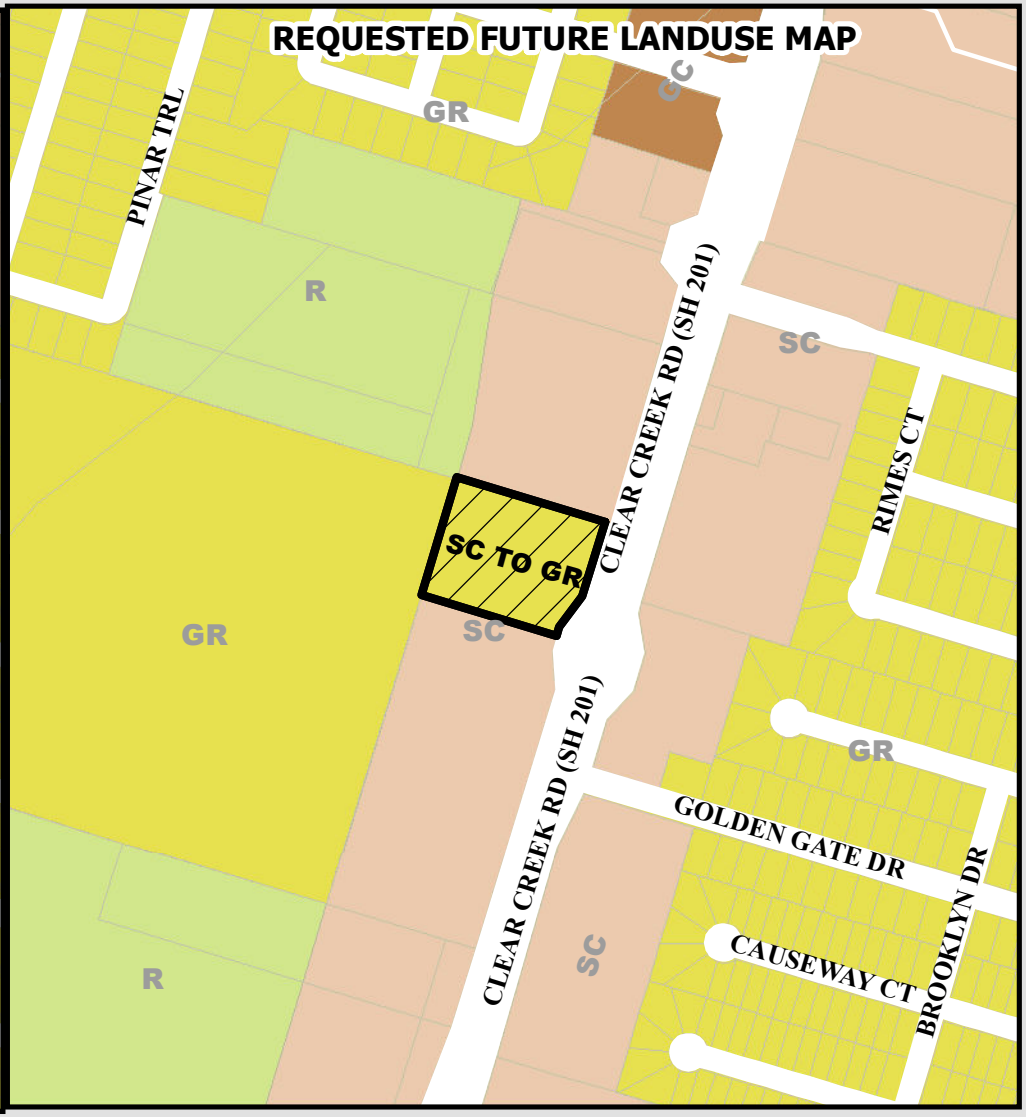
Subject Property Legal Description: 2.90 ACRES OF A0161BC J COOK, 2, (PT 86.998AC TRACT), ACRES 10.574

FUTURE LANDUSE LOCATION MAP

FLUM LOCATION

N W E S

1 inch = 2,500 feet



FLUM Notification Plan

Case: FLUM AMENDMENT 2019-12

Council District: 4

FROM: SC TO GR

1 inch = 500 feet

Subject Property Legal Description: 2.90 ACRES OF A0161BC J COOK, 2, (PT 86.998AC TRACT), ACRES 10.574

N W E S

Legend

- Killeen City Limits
- Bell County Area
- FLUM Case Location

Existing Future Land Use Legend

- General Residential (GR)
- General Commercial (GC)
- Suburban Residential (SR)
- Suburban Commercial (SC)
- Rural (R)

Date: 11/4/2019

MINUTES
PLANNING AND ZONING COMMISSION MEETING
DECEMBER 2, 2019

FLUM #19-12
'SC' to 'GR'

HOLD a public hearing and consider a request submitted by Killeen Engineering & Surveying, Ltd. on behalf of JOF Developers, Inc. to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' designation to a 'General Residential' designation for approximately 2.90 acres out of the James Cook Survey, Abstract No. 161. The property is located on the west right-of-way of Clear Creek Road, approximately 350 ft. north of the proposed Golden Gate Drive, Killeen, Texas.

Vice Chairman Latham requested staff comments.

Wallis Meshier, Senior Planner stated that this is a request to change the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' designation to a 'General Residential' designation for approximately 2.90 acres.

Ms. Meshier stated that staff recommended disapproval of the applicant's request. Staff is of the determination that this tract is appropriately designated as 'Suburban Commercial' ('SC') and this request would result in a residential encroachment within the 'SC' area.

No one was present to represent this request.

Vice Chairman Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Ploeckelmann motioned to recommend disapproval of the FLUM amendment. Commissioner Gukeisen seconded, and the motion passed by a vote of 5 to 1. Commissioner Holly voted in opposition.

Vice Chairman Latham stated that the FLUM amendment will be forwarded to City Council with a recommendation for disapproval.

ORDINANCE_____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'SUBURBAN COMMERCIAL' TO 'GENERAL RESIDENTIAL' FOR 2.90 ACRES LOCATED ON THE WEST RIGHT-OF-WAY OF CLEAR CREEK ROAD, APPROXIMATELY 350 FT. NORTH OF THE PROPOSED GOLDEN GATE DRIVE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen finds that Chapter 213.003 of the Local Government Code enables municipalities to adopt and amend comprehensive plans in the interest of coordinating long-range development of the municipality.

WHEREAS, the Planning and Zoning Commission has received a request from Killeen Engineering & Surveying, Ltd. for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan, to change a 'Suburban Commercial' designation to a 'General Residential' designation for 2.90 acres of property being located on the west right-of-way of Clear Creek Road, approximately 350 ft. north of the proposed Golden Gate Drive, Killeen, Texas, said revision having been duly presented and recommended for disapproval of 'General Residential' by the Planning and Zoning Commission of the City of Killeen on the 2nd day of December 2019, and due notice of the filing of said revision and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 17th day of December 2019, 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 amendment should be approved;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I: That the future land use designation of 2.90 acres of land located on the west right-of-way of Clear Creek Road, approximately 350 ft. north of the proposed Golden Gate Drive, Killeen, Texas, be amended from 'Suburban Commercial' to 'General Residential'.

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 17th day of December 2019, 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:

_____

Jose L. Segarra
MAYOR

ATTEST:

_____

Lucy C. Aldrich
CITY SECRETARY

APPROVED AS TO FORM

_____

Traci S. Briggs
INTERIM CITY ATTORNEY
Case #: FLUM #19-12
Ord#:19-___

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

CASE #FLUM19-12 ‘SC’ TO ‘GR’

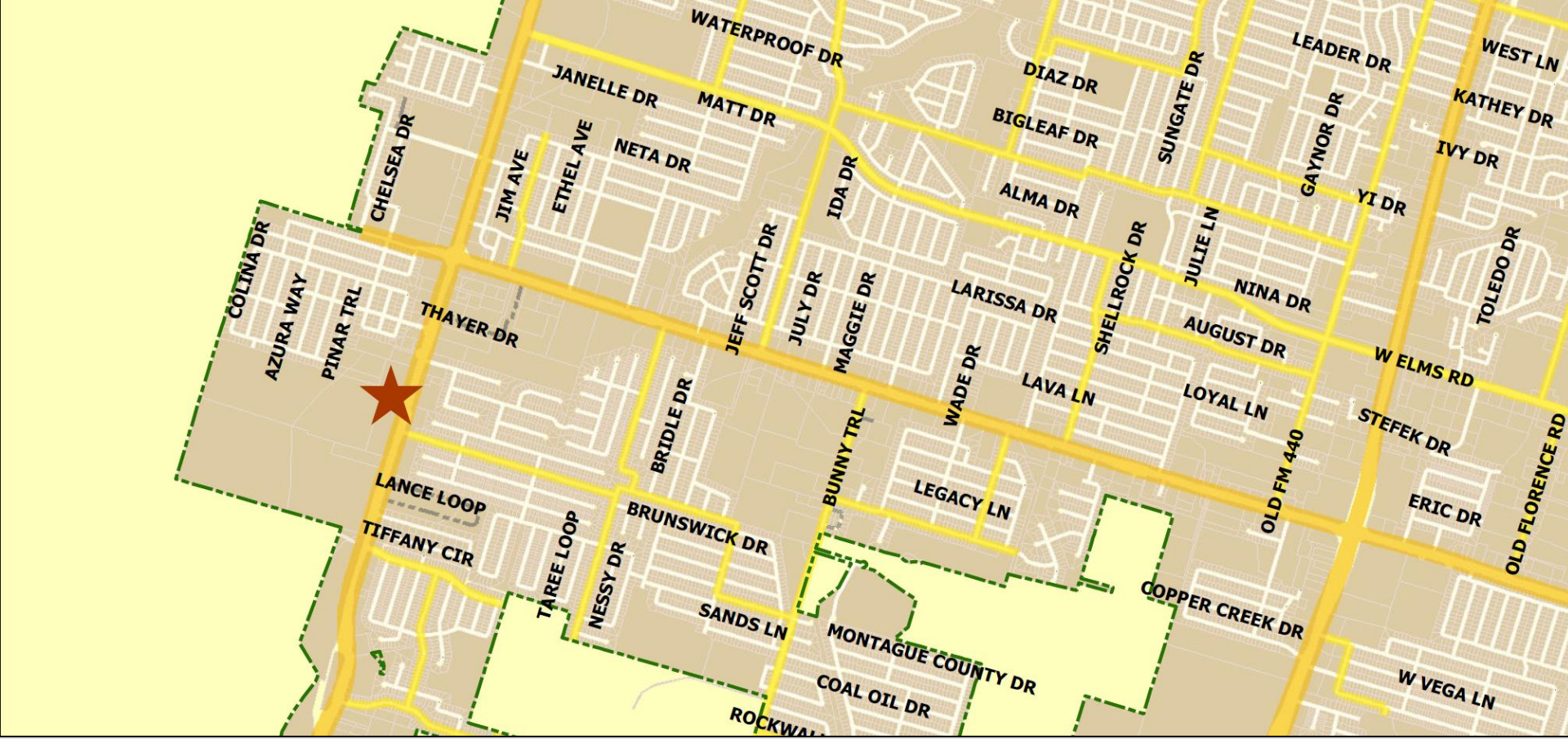
PH-19-045

December 10, 2019

CASE #: FLUM19-12 'SC' to 'GR'

- Killeen Engineering & Surveying, Ltd. submits this request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' ('SC') designation to a 'General Residential' ('GR') designation for approximately 2.90 acres.

- The property is located on the west right-of-way of Clear Creek Road, approximately 350 ft. north of the proposed Golden Gate Drive, Killeen, Texas.



FLUM LOCATION MAP

Case: FLUM AMENDMENT 2019-12

Council District: 4

SUBURBAN COMMERCIAL TO GENERAL RESIDENTIAL

Subject Property Legal Description: 2.90 ACRES OF A0161BC J COOK, 2, (PT 86.998AC TRACT), ACRES 10.574

FUTURE LANDUSE LOCATION MAP

FLUM LOCATION

N W E S

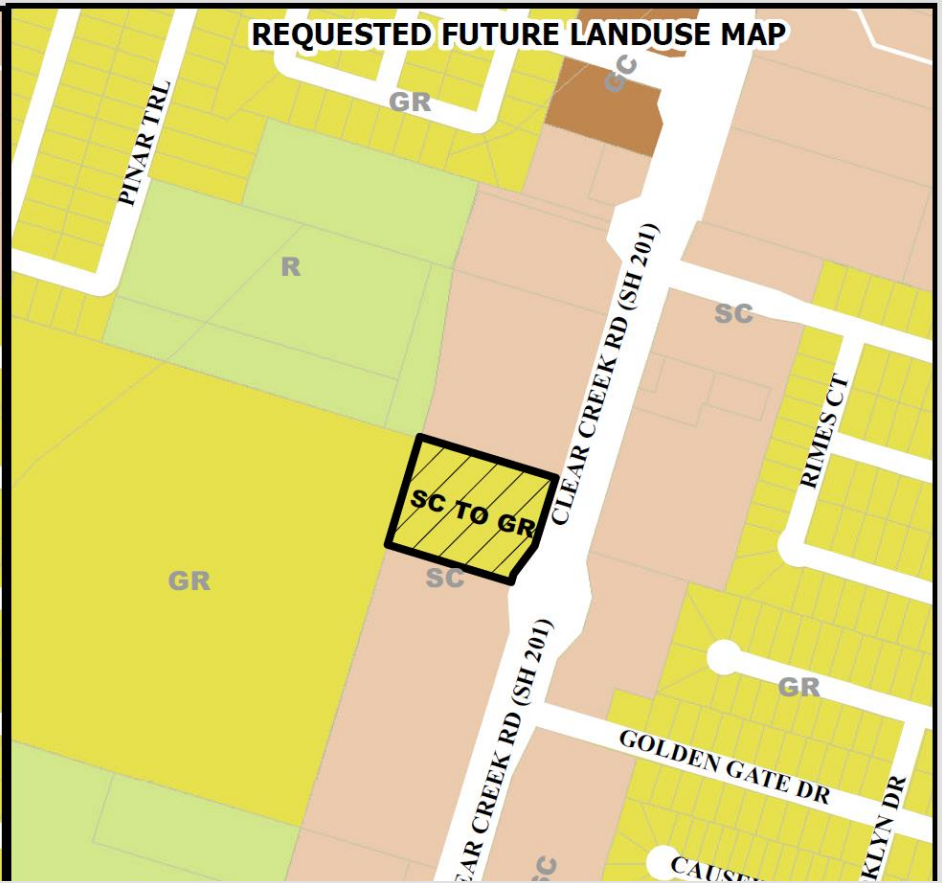
1 inch = 2,500 feet

CASE #: FLUM19-12 'SC' to 'GR'

- The 'Suburban Commercial' ('SC') designation encourages the following development types:
  - Range of commercial retail and service uses, at varying scales and intensities depending on the site
  - Office (both large and/or multi-story buildings and small-scale office uses depending on the site)
  - Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting
  - Public/institutional
  - Parks and public spaces

CASE #: FLUM19-12 'SC' to 'GR'

- If approved, the 'General Residential' ('GR') designation encourages the following development types:
  - Detached residential dwellings the primary focus
  - Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes)
  - Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
  - Public/institutional
  - Parks and public spaces



FLUM Notification Plan

Case: FLUM AMENDMENT 2019-12

Council District: 4

FROM: SC TO GR

1 inch = 500 feet

Subject Property Legal Description: 2.90 ACRES OF A0161BC J COOK, 2, (PT 86.998AC TRACT), ACRES 10.574

N W E S

Legend

- Killeen City Limits
- Bell County Area
- FLUM Case Location

Existing Future Land Use Legend

- General Residential (GR)
- General Commercial (GC)
- Suburban Residential (SR)
- Suburban Commercial (SC)
- Rural (R)

Date: 11/4/2019

Alternatives

- The City Council has two (2) alternatives. The City Council may:
  - approve the 'General Residential' FLUM amendment request; or
  - disapprove the 'General Residential' FLUM amendment request.

Recommendations

- Staff recommends disapproval of the applicant's request to change the FLUM from ‘Suburban Commercial’ to ‘General Residential’.

- The Planning and Zoning Commission recommended disapproval of the applicant’s FLUM request by a vote of 5 to 1, with Commissioner Holly opposed to the motion.

City of Killeen

Legislation Details

File #:	PH-19-046	**Version:** 1	**Name:**	Zoning 19-16	
Type:	Ordinance/Public Hearing		**Status:**	Public Hearings	
File created:	11/22/2019		**In control:**	City Council	
On agenda:	12/17/2019		**Final action:**		

Title: HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Mesa Verde Developers, L.P. and Tara Campbell (Case #Z19-16) to rezone approximately 24.9 acres, out the W. L. Harris Survey, Abstract No. 1155, from “B-3” (Local Business District) and “A” (Agricultural District) to “R-1” (Single-Family Residential District). The property is located south of the Renick Ranch Subdivision, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments:
- Staff Report
- Maps
- Minutes
- Ordinance
- Responses
- Considerations
- Presentation

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council Workshop		

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STAFF REPORT

DATE: **December 10, 2019**

TO: **Kent Cagle, City Manager**

FROM: **Tony McIlwain, Interim Exec. Dir. of Planning and Dev. Services**

SUBJECT: **ZONING CASE #Z19-16: "B-3" (Local Business District) and "A" (Agricultural District) to "R-1" (Single-Family Residential District)**

Background and Findings:

This request is submitted on behalf of Mesa Verde Developers, L.P. and Tara Campbell (**Case #Z19-16**) to rezone approximately 24.9 acres, out of the W. L. Harris Survey, Abstract No. 1155, from "B-3" (Local Business District) and "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is located south of the Renick Ranch Subdivision, Killeen, Texas.

"R-1" Single-Family Residential District Description
If approved as proposed, 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. Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
(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, which buildings shall be removed upon the completion or abandonment of construction work.
(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

Property Specifics:
Applicant / Property Owner: Mesa Verde Developers, L.P. & Tara Campbell

Property Location: The property is located south of the Renick Ranch Subdivision, Killeen, Texas

Legal Description: Approximately 24.9 acres, out of the W. L. Harris Survey, Abstract No. 1155

Zoning/ Plat Case History:

- A portion of this property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on December 14, 2004, per ordinance no. 04-96. This is the first rezoning request for the "A" (Agricultural District) portion of the property.
- The subject property is not platted.

Character of the Area:
Existing Land Use(s) on the Property: The property is vacant and undeveloped. The surrounding community is made up of a mix single-family residential dwelling units, commercial uses, and a mobile home park.
Historic Properties: None

<u>Community Infrastructure and Environmental Assessment:</u>

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 construction purposes.

Transportation:
Existing Conditions: The property does not have direct roadway frontage. It will be necessary for the developer to construct the required streets for any proposed development.

Proposed Improvements: Development of this property will require the construction and acceptance of public rights-of-way.

Projected Traffic Generation: A single-family home will generate roughly 10 vehicle trips per day. This portion of the project will yield 94 single-family lots and generate 895 total daily trips, with 71 A.M. peak hour trips and 94 P.M. peak hour [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-10th Edition, provided through Spack Consulting].

Environmental Assessment:
At the time of development, the current drainage design manual (DDM) and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate connectivity to all publicly dedicated infrastructure with the Public Works Department.

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 zoning request is consistent with 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-nine (29) surrounding property owners that own land within 400' of the subject site regarding this request. Staff received one response from Ms. Phyllis G. Ferguson, who owns 2002 W. Stan Schlueter Loop, Killeen, Texas. This response has been included for consideration.

THE ALTERNATIVES CONSIDERED:

The Council may:

- Recommend disapproval of the applicant's zoning request;
- Recommend approval of a more restrictive zoning district than requested by the applicant; or
- Recommend approval of 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) zoning request.

Why? The applicant's zoning request is consistent with the Comprehensive Plan's FLUM and is compatible with the surrounding residential 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; however, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

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:

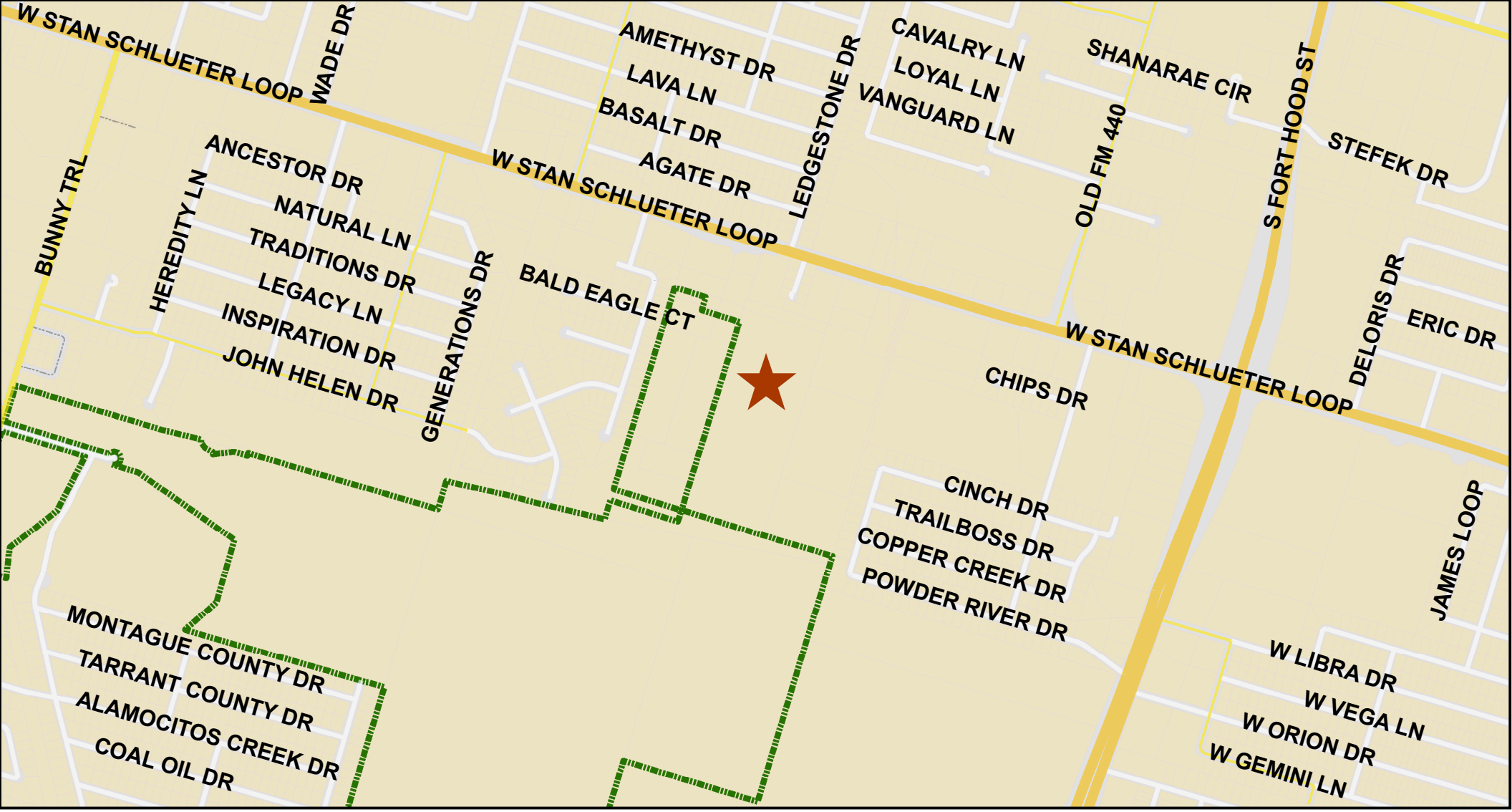
The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 4 to 1, with Commissioner Gukeisen in opposition to the motion. Commissioner Alvarez recused himself from the vote and filed the required affidavit disclosing a conflict of interest.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Considerations
Response



Zoning Location Map

Case: Z2019-16

Council District: 4

FROM: B-3 & A TO R-1

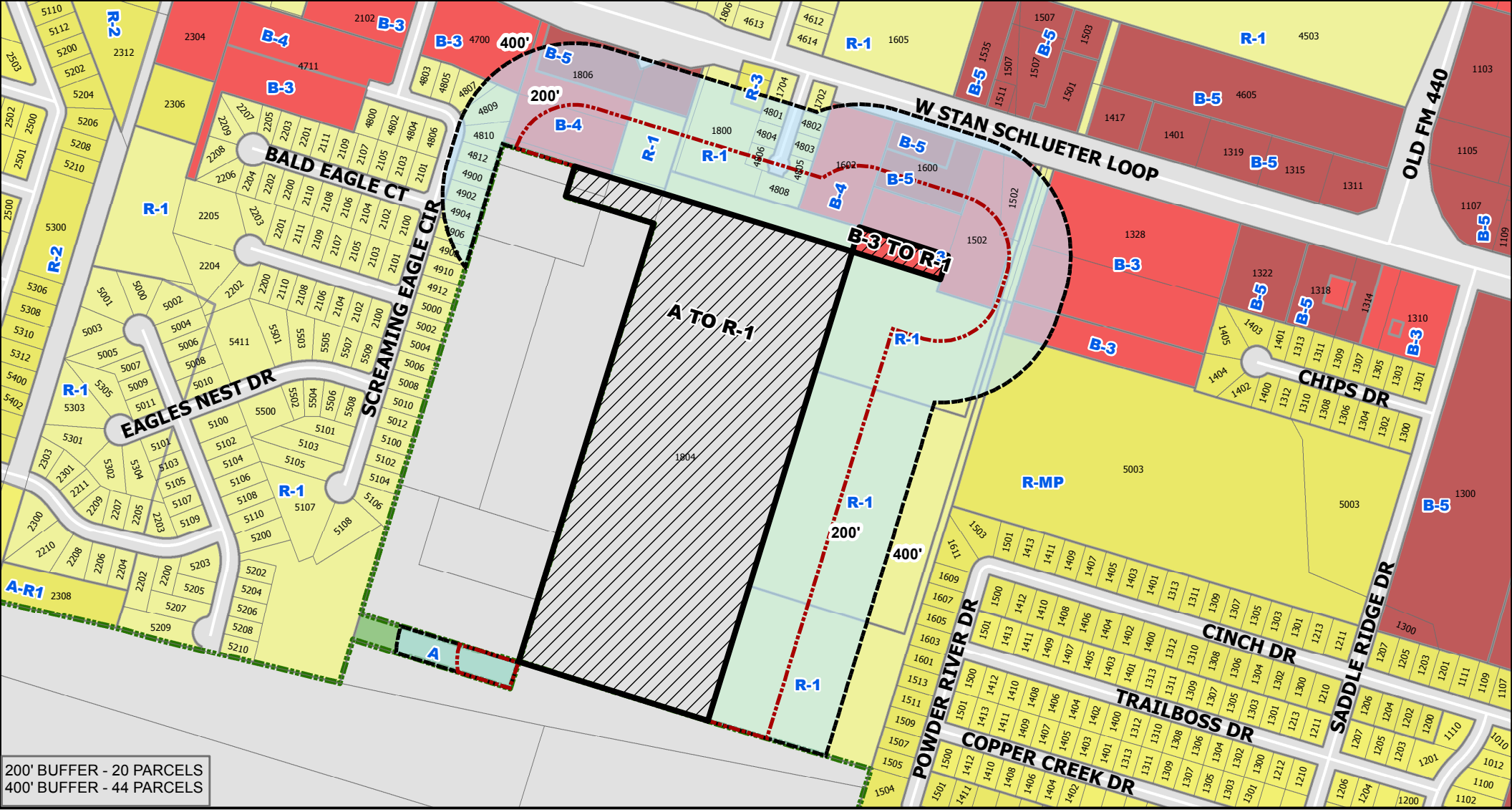
1 inch = 1,042 feet

Subject Property Legal Description: A1155BC W L HARRIS, 3, (PT OF 24.960AC TR), ACRES 23.855

LOCATION MAP

★ **Zoning Case Location**

N W E S



Zoning Notification Plan

Case: Z2019-16

Council District: 4

FROM: B-3 & A TO R-1

1 inch = 447 feet

Subject Property Legal Description: A1155BC W L HARRIS, 3, (PT OF 24.960AC TR), ACRES 23.855

ZONING CHANGE MAP

Legend

- ZONING CASE LOCATION
- 19_16_200
- NOTIFICATION AREA

N W E S

MINUTES
PLANNING AND ZONING COMMISSION MEETING
DECEMBER 2, 2019

CASE #Z19-16
"B-3" AND "A" to "R-1"

HOLD a public hearing and consider a request submitted by Quintero Engineering, L.L.C. on behalf of Mesa Verde Developers, L.P. and Tara Campbell to rezone approximately 24.9 acres, out the W. L. Harris Survey, Abstract No. 1155, from "B-3" (Local Business District) and "A" (Agricultural) to "R-1" (Single-Family Residential District). The properties are located south of Renick Ranch Subdivision, Killeen, Texas.

Commissioner Alvarez stepped away from the dais due to a potential conflict of interest.

Vice Chairman Latham requested staff comments.

Jerry Millard, Senior Planner, stated that the applicant is requesting to rezone property from "B-3" (Local Business District) and "A" (Agricultural) to "R-1" (Single-Family Residential District). The property was recently annexed, staff notified ten (10) surrounding property owners regarding this request and one response was received from Ms. Phyllis Ferguson. Staff recommended that the Commission recommend approval of the request as submitted.

Mr. Pedro Quintero, Quintero Engineering, L.L.C., 1501 W. Stan Schlueter Loop, Killeen, Texas, was present to represent this request.

Vice Chairman Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Holly motioned to recommend approval of the request. Commissioner Ploeckelmann seconded, and the motion passed by a vote of 4 to 1. Commissioner Gukeisen voted in opposition.

Vice Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

Commissioner Alvarez returned to the dais.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF 24.9 ACRES, OUT THE W. L. HARRIS SURVEY, ABSTRACT NO. 1155, FROM "B-3" (LOCAL BUSINESS DISTRICT) AND "A" (AGRICULTURAL) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Quintero Engineering, L.L.C., on behalf of Mesa Verde Developers, L.P. and Tara Campbell, 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 24.9 acres, out the W. L. Harris Survey, Abstract No. 1155, from "B-3" (Local Business District) and "A" (Agricultural) to "R-1" (Single-Family Residential District), said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 2nd day of December 2019, 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 5:00 P.M., on the 17th day of December 2019, 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 majority opinion that the applicant's zoning request should be approved as recommended by the Planning and Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the zoning classification of 24.9 acres, out the W. L. Harris Survey, Abstract No. 1155, be changed from "B-3" (Local Business District) and "A" (Agricultural) to "R-1" (Single-Family Residential District), for the property south of Renick Ranch Subdivision, 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 17th day of December 2019, 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:

_____
Jose L. Segarra, MAYOR

ATTEST:

_____
Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

_____
Traci S. Briggs, INTERIM CITY ATTORNEY
Ord. #19-___

----------CUT HERE----------

YOUR NAME: Phyllis G. Ferguson **PHONE NUMBER:** 254-213-8518

CURRENT ADDRESS: 2002 W. Stan Schlueter Lp.

ADDRESS OF PROPERTY OWNED: 2002 W. Stan Schlueter Lp.

COMMENTS: We have no objection to the rezoning. This is our concern: My mother owns land to the south that has a series of pools. We as a family, want assurance that the planning for drainage + infrastructure not adversely affect + impact the structural + chemical integrity of the pools or environmental conditions of the surrounding lands. We request contact numbers of the engineers and developers for this project.

Phyllis G. Ferguson

SIGNATURE: **REQUEST: "B-3" & "A" to "R-1"** **SPO #Z19-16/** 34, 38

RECEIVED DEC 02 2019 PLANNING

----------CUT HERE----------

YOUR NAME: Roger Segal	PHONE NUMBER: 254-634-2992
CURRENT ADDRESS:	
ADDRESS OF PROPERTY OWNED:	
COMMENTS:	
015	
SIGNATURE:	REQUEST: "B-3" & "A" to "R-1" SPO #Z19-16/ 26

RECEIVED
DEC 05 2019
PLANNING

P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX
WWW.KILLEENTEXAS.GOV

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

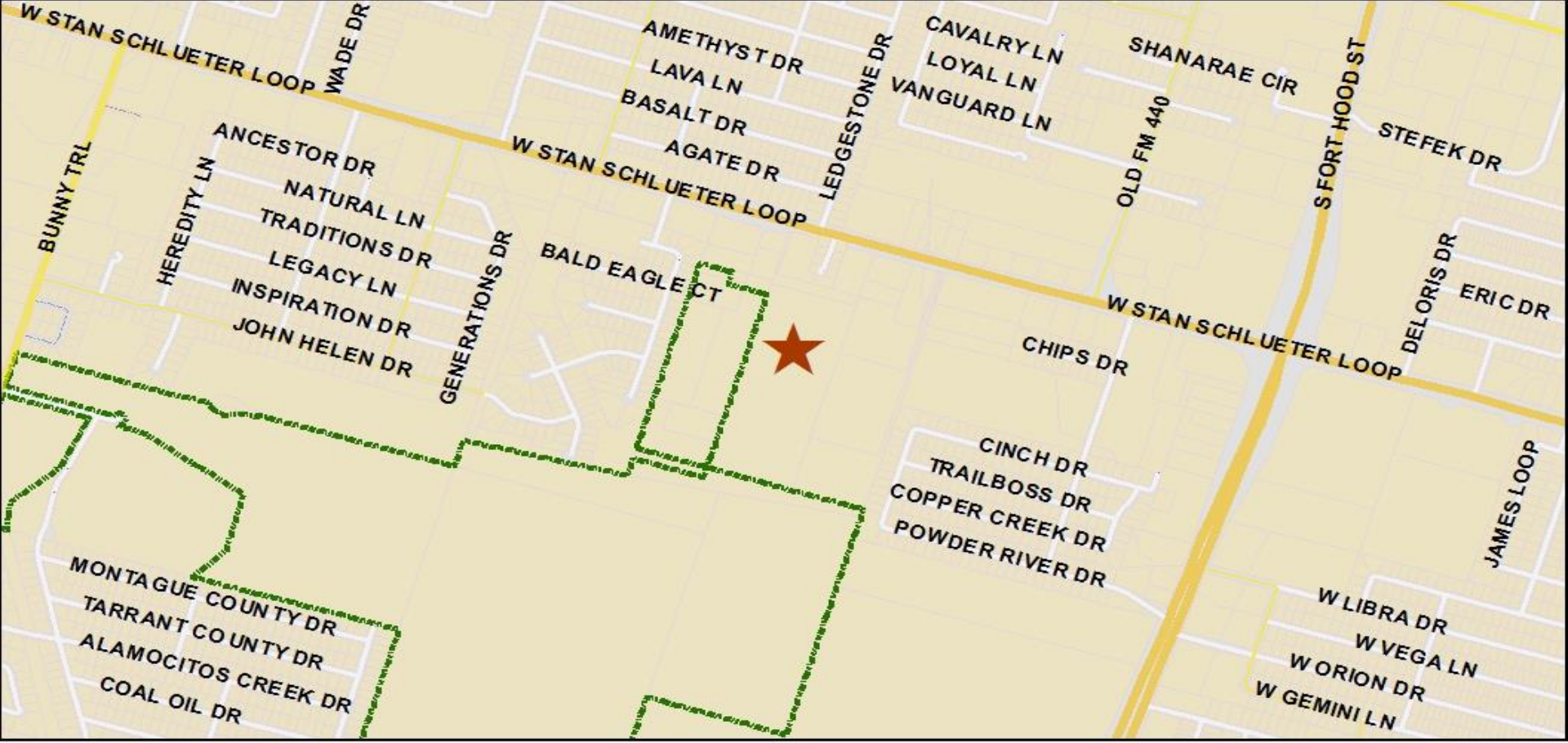
ZONING CASE #Z19-16: “B-3” & “A” TO “R-1”

PH-19-046

December 10, 2019

Case #Z19-16: “B-3” & “A” to “R-1”

- Quintero Engineering, L.L.C., on behalf of Mesa Verde Developers, L.P. and Tara Campbell, (**Case #Z19-16**) submits this request to rezone 24.9 acres, from “B-3” (Local Business District) and “A” (Agricultural) to “R-1” (Single-Family Residential District).
- The property is located south of Renick Ranch Subdivision, Killeen, Texas.



Zoning Location Map
Case: Z2019-16
Council District: 4
FROM: B-3 & A TO R-1
1 inch = 1,042 feet
Subject Property Legal Description: A1155BC W L HARRIS, 3, (PT OF 24.960AC TR), ACRES 23.855

LOCATION MAP

★ **Zoning Case Location**

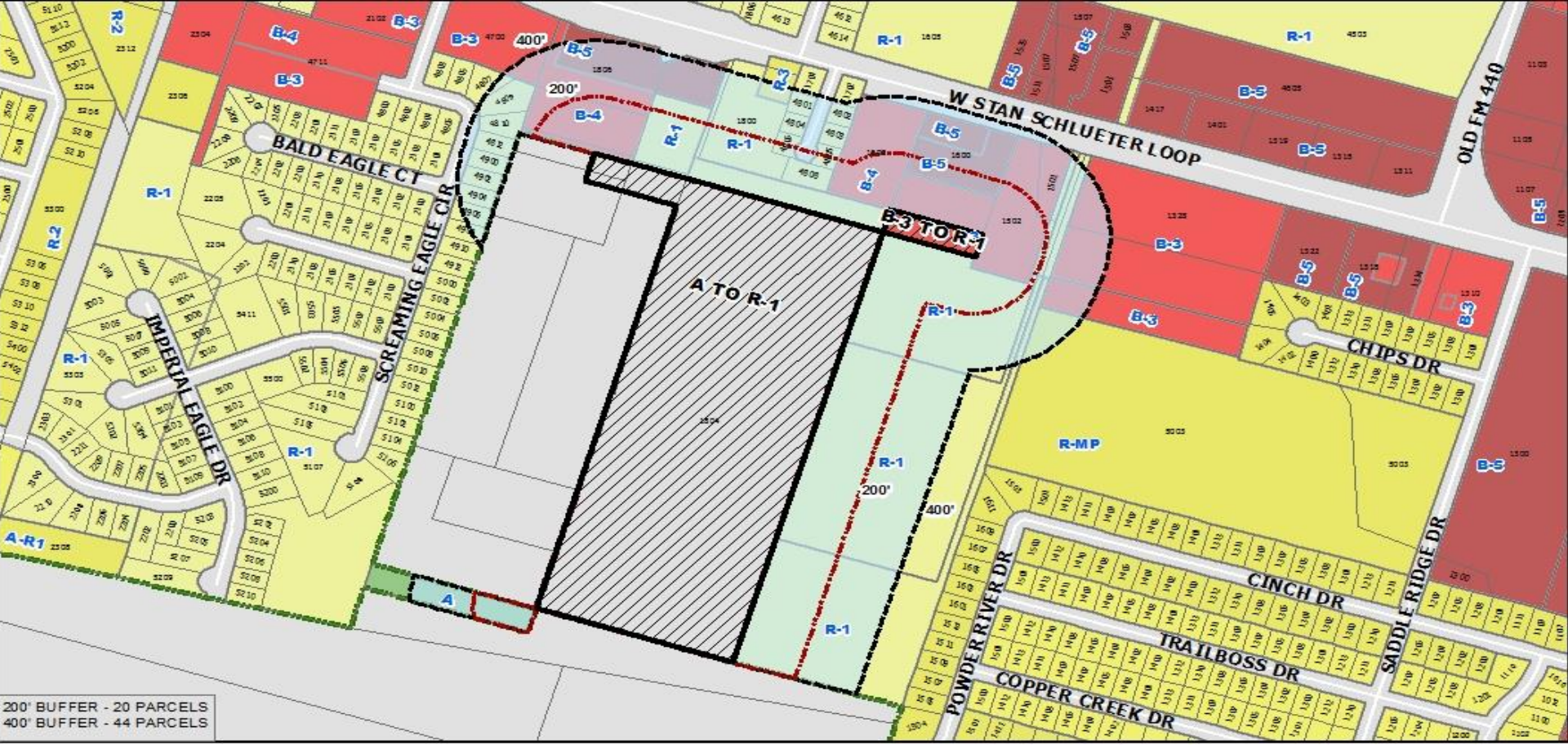
N
W E
S

Case #Z19-16: “B-3” & “A” to “R-1”

- The property is designated as ‘General Residential’ (‘GR’) on the City’s Future Land Use Map (FLUM).
- The ‘General Residential’ designation encourages a mix of single-family types, public and institutional uses, parks and public spaces.
- The applicant’s request is consistent with the FLUM.

Case #Z19-16: “B-3” & “A” to “R-1”

- Staff notified twenty-nine (29) surrounding property owners that own land within 400’ of the subject site regarding this request.
- Staff received a response from Phyllis Ferguson, the owner of 2002 W. Stan Schlueter Loop.



Zoning Notification Plan

Case: Z2019-16

Council District: 4

FROM: B-3 & A TO R-1

1 inch = 447 feet

Subject Property Legal Description: A1155BC W L HARRIS, 3, (PT OF 24.960AC TR), ACRES 23.855

ZONING CHANGE MAP

Legend

ZONING CASE LOCATION

19_16_200

NOTIFICATION AREA

N W E S

Alternatives

- The City Council has three (3) alternatives. The City Council may:
  - Disapprove the applicant's zoning request;
  - Approve a more restrictive zoning designation; or
  - Approve the applicant's zoning request.

Recommendations

- Staff recommends that the City Council approve the applicant's "R-1" zoning request.
- The Planning and Zoning Commission recommended approval of the applicant's "R-1" zoning request by a vote of 4 to 1 with Commissioner Gukeisen opposed to the motion. Commissioner Alvarez recused himself from the vote.

City of Killeen

Legislation Details

File #:	PH-19-047	**Version:** 1	**Name:**	Zoning 19-24	
Type:	Ordinance/Public Hearing		**Status:**	Public Hearings	
File created:	11/22/2019		**In control:**	City Council	
On agenda:	12/17/2019		**Final action:**		

Title: HOLD a public hearing and consider an ordinance requested by Allen Cloud on behalf of the Killeen Church of Christ (Case #Z19-24) to rezone approximately 5.8 acres, being part of Lot 1, Block 1, Church of Christ Addition, from “R-1” (Single-Family Residential District) to “B-5” (Business District). The property is addressed as 400 N. W.S. Young Drive, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments:
- Staff Report
- Maps
- Minutes
- Ordinance
- Considerations
- Presentation

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council Workshop		

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STAFF REPORT

DATE: **December 10, 2019**

TO: **Kent Cagle, City Manager**

FROM: **Tony McIlwain, Interim Exec. Dir. of Planning and Dev. Services**

SUBJECT: **ZONING CASE #Z19-24 "R-1" (Single-Family Residential District) to "B-5" (Business District)**

Background and Findings:

This request is submitted by Allen Cloud on behalf of the Killeen Church of Christ (**Case #Z19-24**) to rezone approximately 5.8 acres, being part of Lot 1, Block 1, Church of Christ Addition, from "R-1" (Single-Family Residential District) to "B-5" (Business District). The property is addressed as 400 N. W.S. Young Drive, Killeen, Texas.

"R-1" District Descriptions
A building or premise in a 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. Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
(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, which buildings shall be removed upon the completion or abandonment of construction work.
(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.

"B-5" District Descriptions
A building or premise in a district "B-5" business district residential district shall be used only for the following purposes:

(1) Any use permitted in the "B-4" district.
(2) Building material and lumber sales (outside storage permitted).
(3) Storage warehouse, greater than twenty-five thousand (25,000) square feet.
(4) Veterinarian clinic or pet kennel with outside pens.
(5) Railroad or bus passenger terminal.
(6) Tire recapping or retreading.
(7) Impound yards provided no salvaging or dismantling is allowed on the premises and site is properly screened.
(8) Any commercial use not included in any other district, provided such use does not involve salvaging, manufacturing or industrial type storage or dismantling, and is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
(9) Mobile home sales.
(10) Tattooing (as licensed per V.T.C.A., Health and Safety Code ch. 146, as amended).

Property Specifics:
Applicant / Property Owner: Allen Cloud / Killeen Church of Christ
Property Location: 400 N. W.S. Young Drive, Killeen, Texas.
Legal Description: Approximately 5.8 acres, being part of Lot 1, Block 1, Church of Christ Addition

Zoning/ Plat Case History:
- There have been no recent rezoning requests for this property.
- The property is platted as the Church of Christ Addition, which was filed for record on November 22, 1991, in Cabinet B, Slide 216-B, Plat Records of Bell County, Texas.

Character of the Area:

Existing Land Use(s) on the Property: The property being proposed for rezoning is the undeveloped eastern portion of the church site.
Historic Properties: None

<u>Community Infrastructure and Environmental Assessment:</u>

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 construction purposes.

Transportation:
Existing conditions: The parcel will be accessed via Atkinson Ave., which has been constructed as a 70' collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: None at this time.

Projected Traffic Generation: The applicant has not identified a proposed use for the property, so staff is unable to determine the projected traffic generation.

Environmental Assessment:
This northeast property boundary abuts the Liberty Ditch. Runoff exits this parcel in a sheet flow manner into Liberty Ditch. At the time of development the current drainage design manual (DDM) and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

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

Plan Recommendation: The Comprehensive Plan calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

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 seventeen (17) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received.

THE ALTERNATIVES CONSIDERED:

The City Council may:

- Recommend disapproval of the applicant's zoning request;

- Recommend approval of a more restrictive zoning district than requested by the applicant; or
- Recommend approval of the applicant's zoning request.

Which alternative is recommended? Staff recommends that the City Council approve the applicant's "B-5" (Business District) zoning request as submitted.
Why? The request is consistent with the FLUM and does not abut any residential uses.

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:

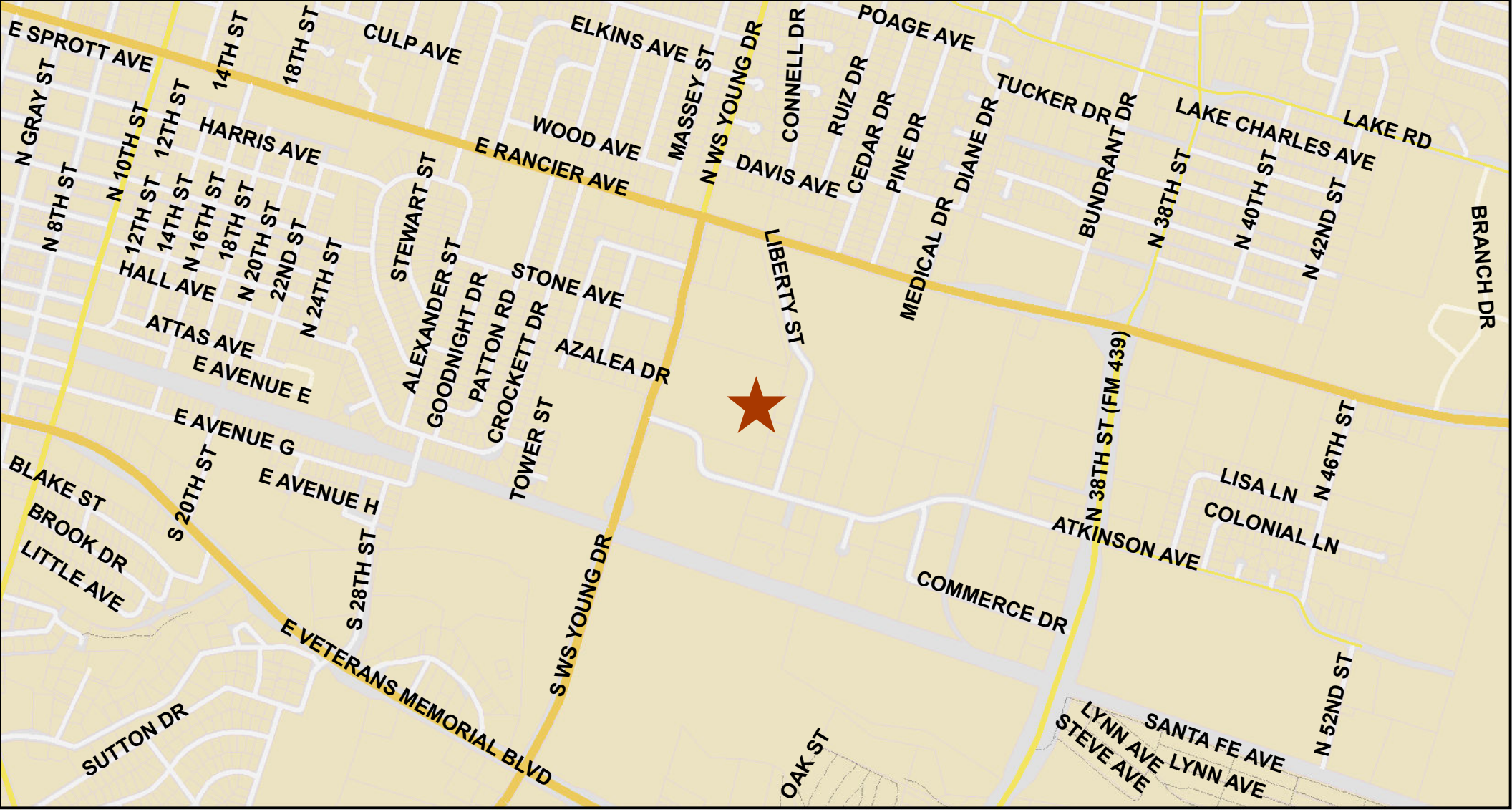
The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 5 to 0. Commissioner Alvarez recused himself from the vote and filed the required affidavit disclosing a conflict of interest.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Considerations



Zoning Location Map

Case: Z2019-24

Council District: 1

FROM: R-1 TO B-5

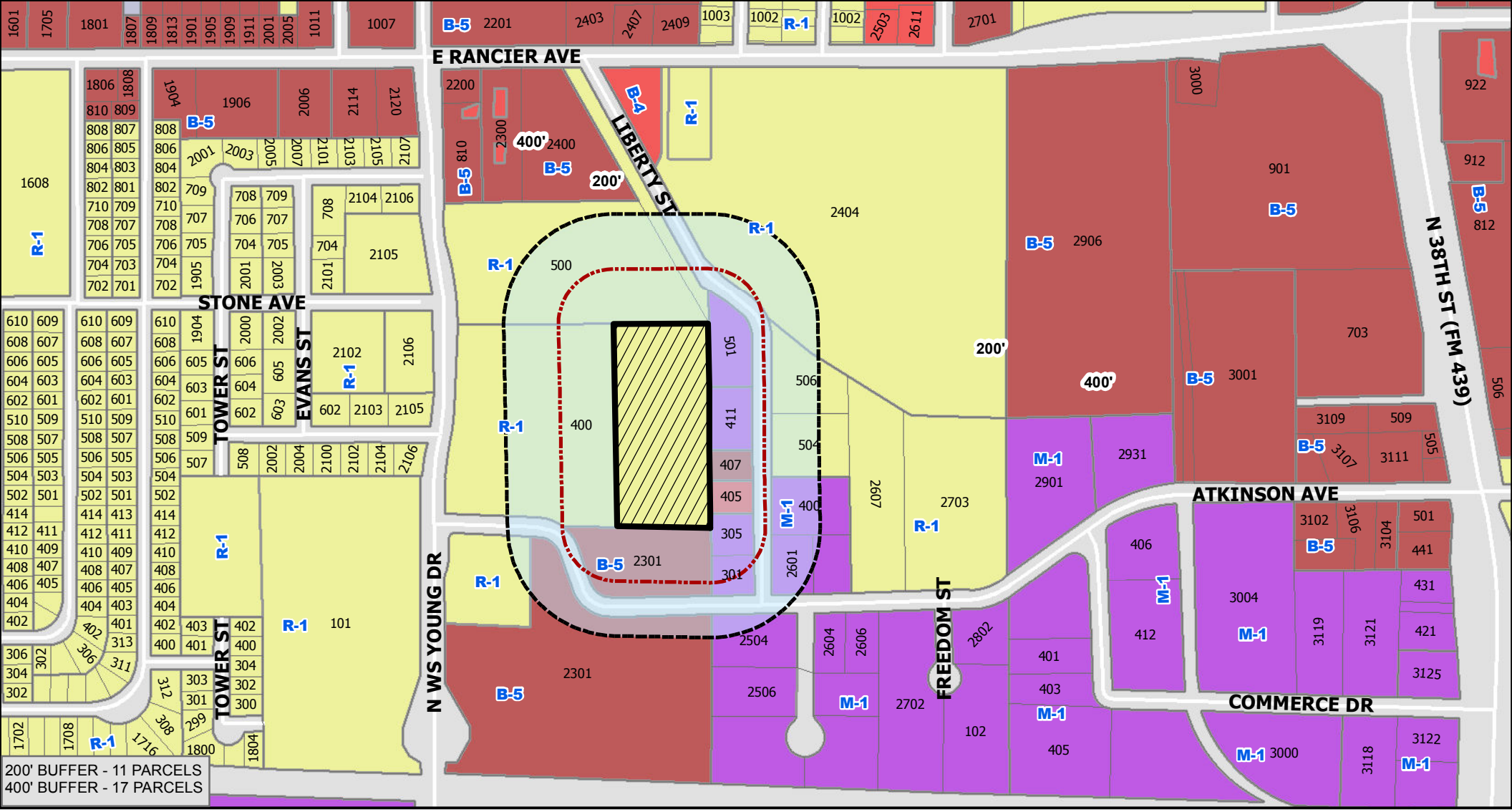
1 inch = 1,125 feet

LOCATION MAP

Zoning Case Location

N W E S

Subject Property Legal Description: 5.8 ACRES OF CHURCH OF CHRIST ADDITION, BLOCK 001, LOT PT 1, (LT 1 LESS W 10'), ACRES 15.36



Zoning Notification Plan

Case: Z2019-24

Council District: 1

FROM: R-1 TO B-5

1 inch = 501 feet

Subject Property Legal Description: 5.8 ACRES OF CHURCH OF CHRIST ADDITION, BLOCK 001, LOT PT 1, (LT 1 LESS W 10'), ACRES 15.36

ZONING CHANGE MAP

Legend

- ZONING CASE LOCATION
- Z19-24 200' BUFFER
- NOTIFICATION AREA

N E S W

MINUTES
PLANNING AND ZONING COMMISSION MEETING
DECEMBER 2, 2019

CASE #Z19-24
"R-1" to "B-5"

HOLD a public hearing and consider a request submitted by Allen Cloud on behalf of The Killeen Church of Christ to rezone approximately 5.8 acres, being part of Lot 1, Block 1, Church of Christ Addition, from "R-1" (Single-Family Residential District) to "B-5" (Business District). The property is addressed as 400 N. W.S. Young Drive, Killeen, Texas.

Commissioner Alvarez stepped away from the dais due to a potential conflict of interest.

Vice Chairman Latham requested staff comments.

Wallis Meshier, Senior Planner, stated that the applicant is requesting to rezone property from "R-1" (Single-Family Residential District) to "B-5" (Business District). Staff notified seventeen (17) surrounding property owners regarding this request and no responses were received.

Mr. Allen Cloud, 1703 S. W.S. Young Drive, Killeen, Texas, was present to represent this request.

Vice Chairman Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Payton motioned to recommend approval of the request. Commissioner Holly seconded, and the motion passed by a vote of 5 to 0.

Vice Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

Commissioner Alvarez returned to the dais.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF 5.80 ACRES, BEING PART OF LOT 1, BLOCK 1, CHURCH OF CHRIST ADDITION, FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-5" (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Allen Cloud, on behalf of the Killeen Church of Christ, 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 approximately 5.80 acres, being part of Lot 1, Block 1, Church of Christ Addition, from "R-1" (Single-Family Residential District) to "B-5" (Business District), said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 2nd day of December 2019, 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 5:00 P.M., on the 17th day of December 2019, 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 majority opinion that the applicant's zoning request should be approved as recommended by the Planning and Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the zoning classification of approximately 5.80 acres, being part of Lot 1, Block 1, Church of Christ Addition, from "R-1" (Single-Family Residential

District) to “B-5” (Business District), for the property addressed as 400 North W. S. Young Drive, 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 17th day of December 2019, 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:

_____

Jose L. Segarra, MAYOR

ATTEST:

_____

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

_____

Traci S. Briggs, INTERIM CITY ATTORNEY

Ord. #19-___

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

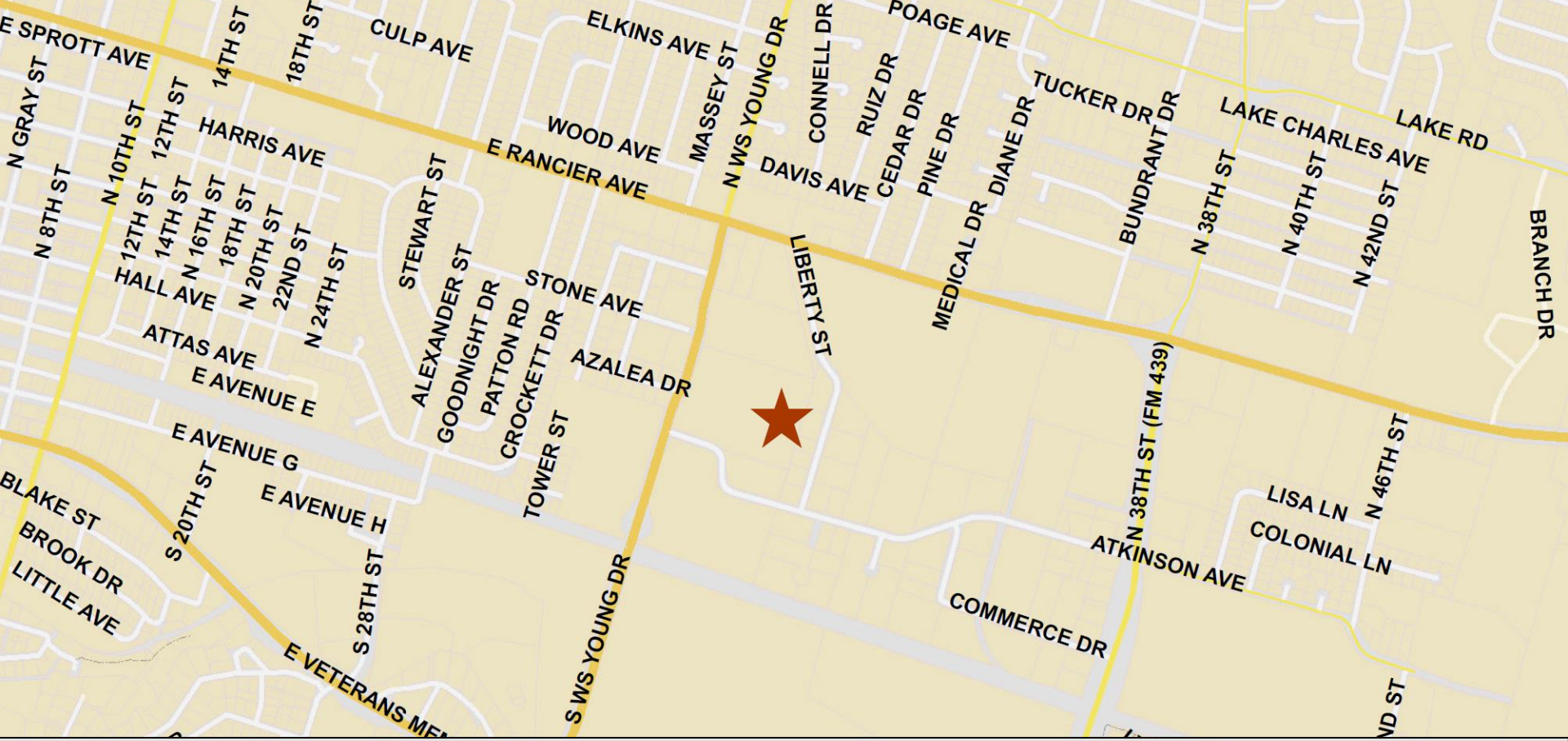
ZONING CASE #Z19-24: “R-1” TO “B-5”

PH-19-047

December 10, 2019

Case #Z19-24: “R-1” to “B-5”

- Allen Cloud, on behalf of the Killeen Church of Christ (**Case #Z19-24**), has submitted this request to rezone approximately 5.80 acres, being part of Lot 1, Block 1, Church of Christ Addition, from “R-1” (Single-Family Residential District) to “B-5” (Business District).
- The property is addressed as 400 North W. S. Young Drive, Killeen, Texas.



Zoning Location Map

Case: Z2019-24

Council District: 1

FROM: R-1 TO B-5

1 inch = 1,125 feet

LOCATION MAP

★ **Zoning Case Location**

N W E S

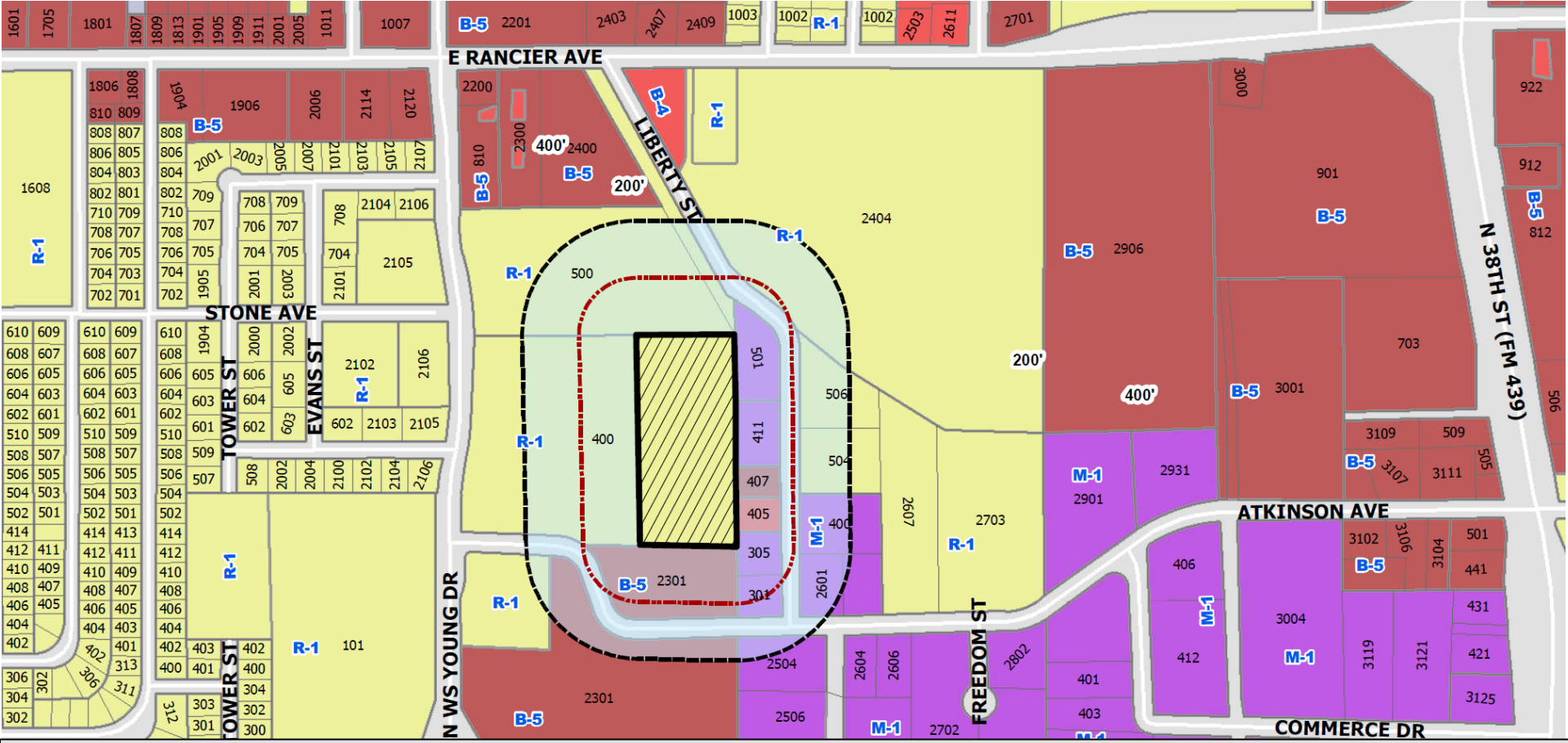
Subject Property Legal Description: 5.8 ACRES OF CHURCH OF CHRIST ADDITION, BLOCK 001, LOT PT 1, (LT 1 LESS W 10'), ACRES 15.36

Case #Z19-24: “R-1” to “B-5”

- This area is designated as ‘General Commercial’ (‘GC’) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- ‘General Commercial’ (‘GC’) designation encourages the following development types:
  - Wide range of commercial retail and service uses, at varying scales and intensities depending on the site;
  - Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
  - Public/institutional; and
  - Parks and public spaces.

Case #Z19-24: “R-1” to “B-5”

- Staff notified seventeen (17) surrounding property owners within a four hundred feet (400’) notification boundary.
- Staff has received no responses from surrounding property owners.



Zoning Notification Plan

Case: Z2019-24

Council District: 1

FROM: R-1 TO B-5

1 inch = 501 feet

Subject Property Legal Description: 5.8 ACRES OF CHURCH OF CHRIST ADDITION, BLOCK 001, LOT PT 1, (LT 1 LESS W 10'), ACRES 15.36

ZONING CHANGE MAP

Legend

- ZONING CASE LOCATION
- Z19-24 200' BUFFER
- NOTIFICATION AREA

Alternatives

- The City Council has three (3) alternatives. The City Council may:
  - Disapprove the applicant's zoning request;
  - Approve a more restrictive zoning designation; or
  - Approve the applicant's zoning request.

Recommendations

- Staff recommends that the City Council approve the applicant's "B-5" zoning request.
- The Planning and Zoning Commission recommended approval of the applicant's "B-5" zoning request by a vote of 5 to 0. Commissioner Alvarez recused himself from the vote.

City of Killeen

Legislation Details

File #:	PH-19-048	**Version:** 1	**Name:**	Zoning 19-25	
Type:	Ordinance/Public Hearing		**Status:**	Public Hearings	
File created:	11/22/2019		**In control:**	City Council	
On agenda:	12/17/2019		**Final action:**		

Title: HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Herring Legacy Estates, L.L.C. (Case #Z19-25) to rezone approximately 75.9 acres, being out of the W. E. Hall Survey, Abstract No. 1116, from “A-R1” (Agricultural Single-Family Residential District) and “A” (Agricultural District) to “SR-1” (Suburban Residential Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments:
- Staff Report
- Maps
- Minutes
- Ordinance
- Considerations
- Presentation

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council Workshop		

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STAFF REPORT

DATE: **December 10, 2019**

TO: **Kent Cagle, City Manager**

FROM: **Tony McIlwain, Interim Exec. Dir. of Planning and Dev. Services**

SUBJECT: **ZONING CASE #Z19-25: "A-R1" (Agricultural Single-Family Residential District) and "A" (Agricultural District) to "SR-1" (Suburban Residential Single-Family Residential District)**

Background and Findings:

This request submitted on behalf of Herring Legacy Estates, L.L.C. is to rezone approximately 75.9 acres, out of the W. E. Hall Survey, Abstract No. 1116 from "A-R1" (Agricultural Single-Family Residential District) and "A" (Agricultural District) to "SR-1" (Suburban Residential Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, Killeen, Texas.

"SR-1" Suburban Residential Single-Family Residential District Description
If approved as proposed, a building or premises in the district "SR-1" Suburban Residential Single-Family Residential district shall be used only for the following purposes:

(1) Single-family detached dwellings.
(2) Any uses permitted in section 31-183(1-13(b)) ("R-1" Single-Family Residential district)

Property Specifics:

Applicant / Property Owner: Herring Legacy Estates, L.L.C.

Property Location: The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, Killeen, Texas.

Legal Description: W. E. Hall Survey, Abstract No. 1116

Zoning/ Plat Case History:

- The property has maintained its current agricultural related zoning since its annexation on March 16, 2004.
- The subject property is not platted.

Character of the Area:

Existing Land Use(s) on the Property: The property is vacant and undeveloped. The

surrounding community is made up of a mix single-family residential dwelling units and undeveloped land.

Historic Properties: None

<u>Community Infrastructure and Environmental Assessment:</u>

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 construction purposes.

Transportation:

Existing Conditions: The property has approximately 685' of frontage along Chaparral Road which is classified as a minor arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: Development of this property will require the construction and acceptance of public rights-of-way.

Projected Traffic Generation: A single-family home will generate roughly 10 vehicle trips per day. This phase of the project is expected to yield approximately 158 single-family lots and generate 1504 total daily trips, with 119 A.M. peak hour trips and 158 P.M. peak hour [note- this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates- 10th Edition, provided through Spack Consulting].

Environmental Assessment:

The property does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). However, there is a FEMA recognized watercourse, locally known as NP creek, which runs from the northeastern property boundary through the parcel to the norther property boundary. Current City Codes require the establishment of a creek buffer zone (CBZ) that spans a distance of 25' beyond the top of each bank for the designated watercourse. Any proposed re-routing of the existing watercourse will require an additional 0.5 BMP credits to cover the disturbance of the CBZ.

At the time of development the current drainage design manual (DDM) and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructures with the Public Works Department.

Land Use Analysis:

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

Plan Recommendation: The 'Suburban Residential' designation encourages a mix of detached single-family residential dwellings, planned developments to provide for other housing types in a Suburban character setting, public and institutional uses, and parks and public spaces.

Consistency: The applicant's zoning request is consistent with 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 eight (8) surrounding property owners that own land within 400' of the subject site regarding this request. As of the date of this staff report, no responses have been received.

THE ALTERNATIVES CONSIDERED:

The City Council may:

- disapprove the applicant's zoning request;
- approve a more restrictive zoning district than requested by the applicant; or
- approve the applicant's zoning request.

Which alternative is recommended? Staff recommends that the City Council approve the applicant's "SR-1" (Suburban Residential Single-Family Residential District) zoning request.

Why? The applicant's zoning request is consistent with the Comprehensive Plan's FLUM and is compatible with the surrounding residential 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; however, subsequent

development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

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:

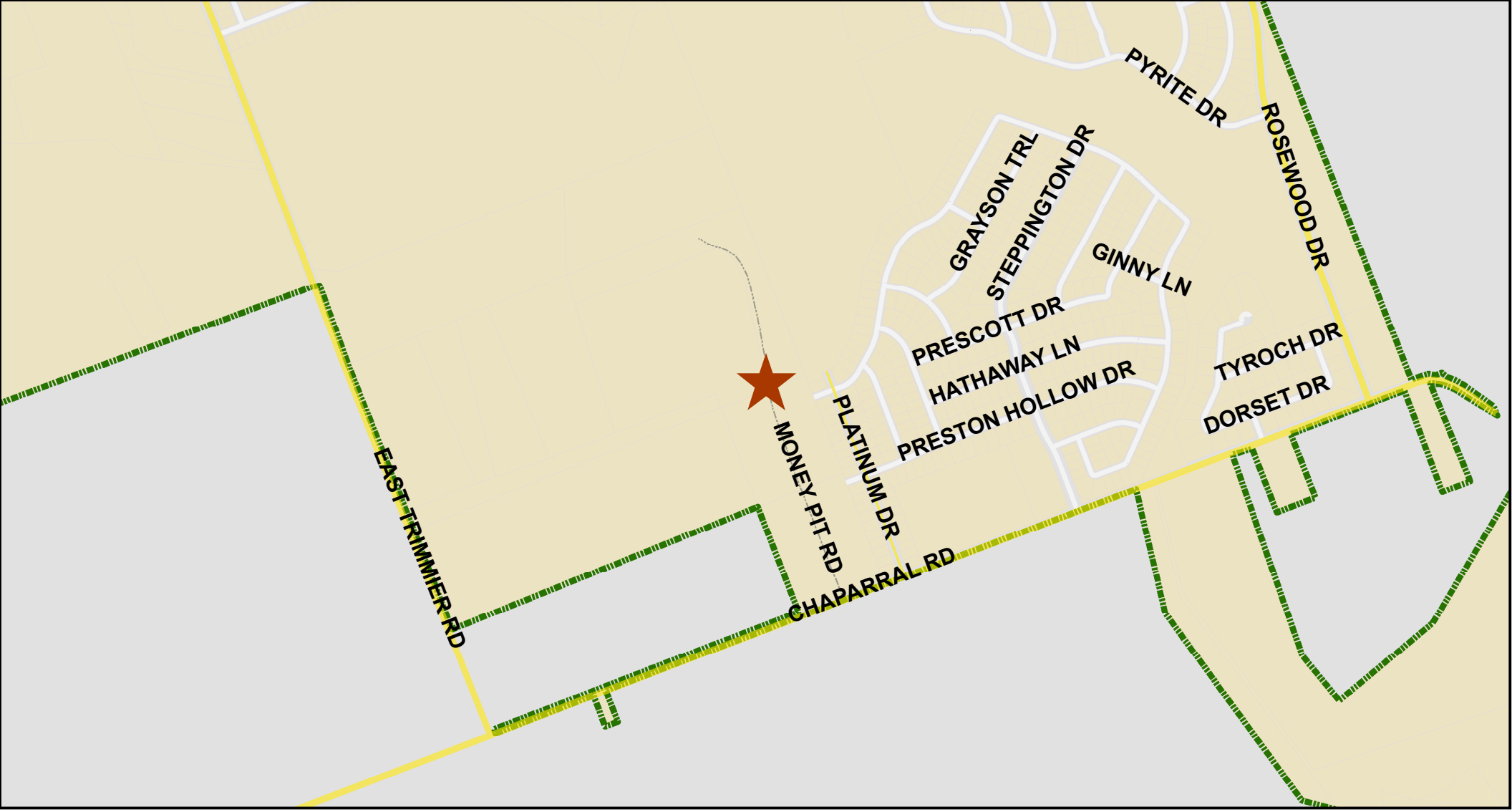
The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 5 to 1, with Commissioner Gukeisen in opposition to the motion.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Considerations



Zoning Location Map

Case: Z2019-25

Council District: 2

FROM: A-R1, A TO SR-1

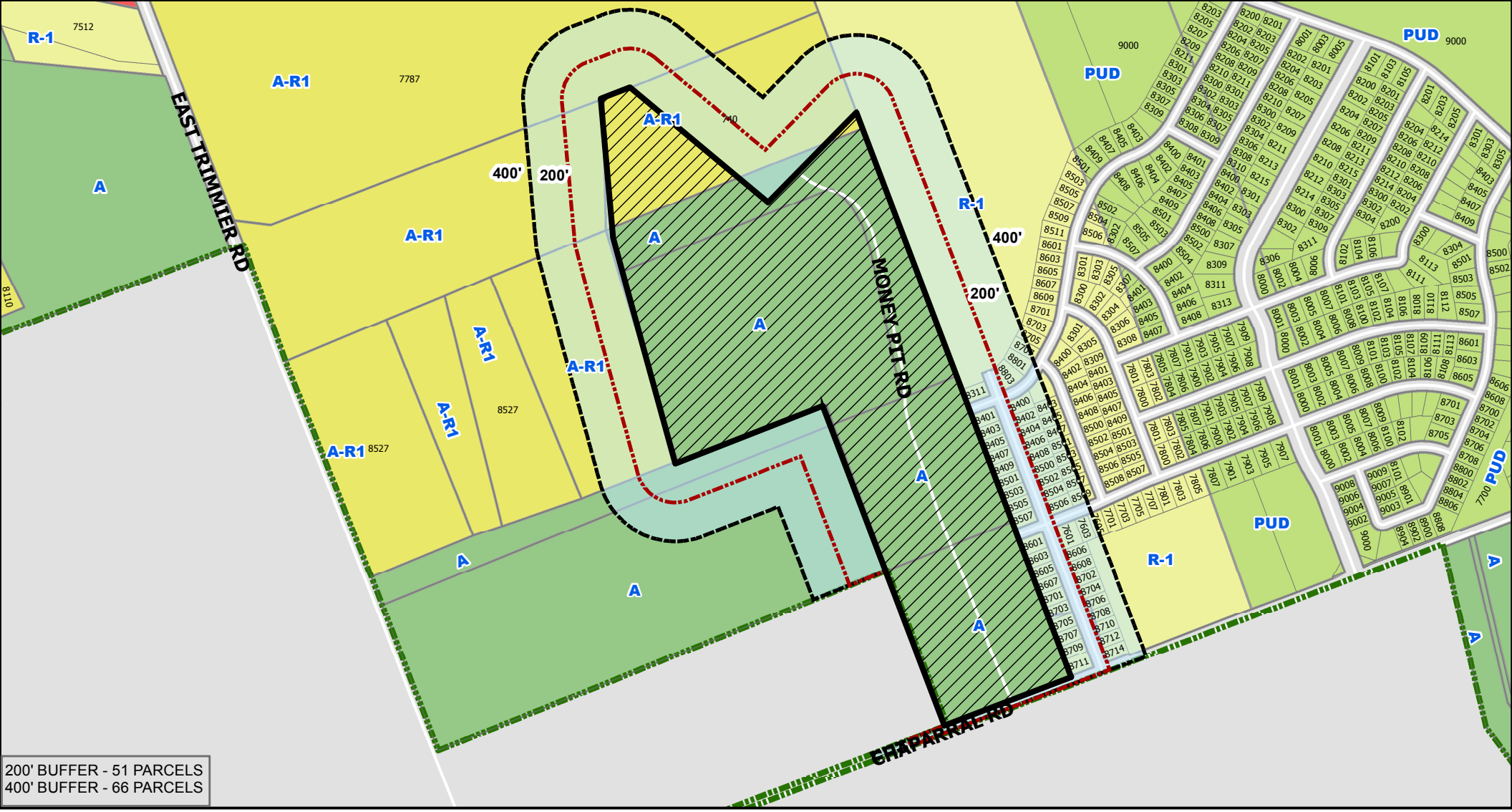
1 inch = 1,042 feet

Subject Property Legal Description: APPROX. 75.9 ACRES OF THE W. E. HALL ABSTRACT NO. 1116

LOCATION MAP

Zoning Case Location

N
W E
S



Zoning Notification Plan

Case: Z2019-25

Council District: 2

FROM: A-R1, A TO SR-1

1 inch = 709 feet

Subject Property Legal Description: APPROX. 75.9 ACRES OF THE W. E. HALL ABSTRACT NO. 1116

ZONING CHANGE MAP

Legend

ZONING CASE LOCATION

19_25_200

NOTIFICATION AREA

N W E S

MINUTES
PLANNING AND ZONING COMMISSION MEETING
DECEMBER 2, 2019

CASE #Z19-25
"AR-1"AND "A" to "SR-1"

HOLD a public hearing and consider a request submitted by Mitchell & Associates, Inc. on behalf of Herring Legacy Estates, L.L.C., to rezone approximately 75.9 acres, being out of the W. E. Hall Survey, Abstract No. 1116 from "AR-1" (Agricultural Single-Family Residential District) and "A" (Agricultural District) to "SR-1" (Suburban Residential Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, Killeen, Texas.

Vice Chairman Latham requested staff comments.

Jerry Millard, Senior Planner stated that the applicant is requesting to rezone property from "AR-1" (Agricultural Single-Family Residential District) and "A" (Agricultural District) to "SR-1" (Suburban Residential Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, Killeen, Texas. Staff recommended approval of the applicant's "SR-1" (Suburban Residential Single-Family Residential District) zoning request. The applicant's zoning request is consistent with the Comprehensive Plan's FLUM and is compatible with the surrounding residential community.

Mr. Millard also stated that eight (8) surrounding property owners that own land within 400' of the subject site were notified regarding this request. No responses were received.

Mr. Ace Reneau, Mitchell & Associates, Inc., 102 N. College Street, Killeen, Texas, was present to represent this request.

Vice Chairman Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Alvarez motioned to recommend approval of the request. Commissioner Payton seconded, and the motion passed by a vote of 5 to 1. Commissioner Gukeisen voted in opposition.

Vice Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 75.9 ACRES, BEING OUT OF THE W. E. HALL SURVEY, ABSTRACT NO. 1116 FROM "A-R1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) AND "A" (AGRICULTURAL DISTRICT) TO "SR-1" (SUBURBAN RESIDENTIAL SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mitchell & Associates, Inc., on behalf of Herring Legacy Developers, Inc., 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 approximately 75.9 acres, being out of the W. E. Hall Survey, Abstract No. 1116 from "A-R1" (Agricultural Single-Family Residential District) and "A" (Agricultural District) to "SR-1" (Suburban Residential Single-Family Residential District), said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 2nd day of December 2019, 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 5:00 P.M., on the 17th day of December 2019, 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 majority opinion that the applicant's zoning request should be approved as recommended by the Planning and Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the zoning classification of approximately 75.9 acres, being out of the W. E. Hall Survey, Abstract No. 1116, be changed from "A-R1" (Agricultural Single-Family Residential District) and "A" (Agricultural District) to "SR-1" (Suburban Residential Single-

Family Residential District, for the property north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, 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 17th day of December 2019, 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:

_____

Jose L. Segarra, MAYOR

ATTEST:

_____

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

_____

Traci S. Briggs, INTERIM CITY ATTORNEY

Ord. #19-___

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

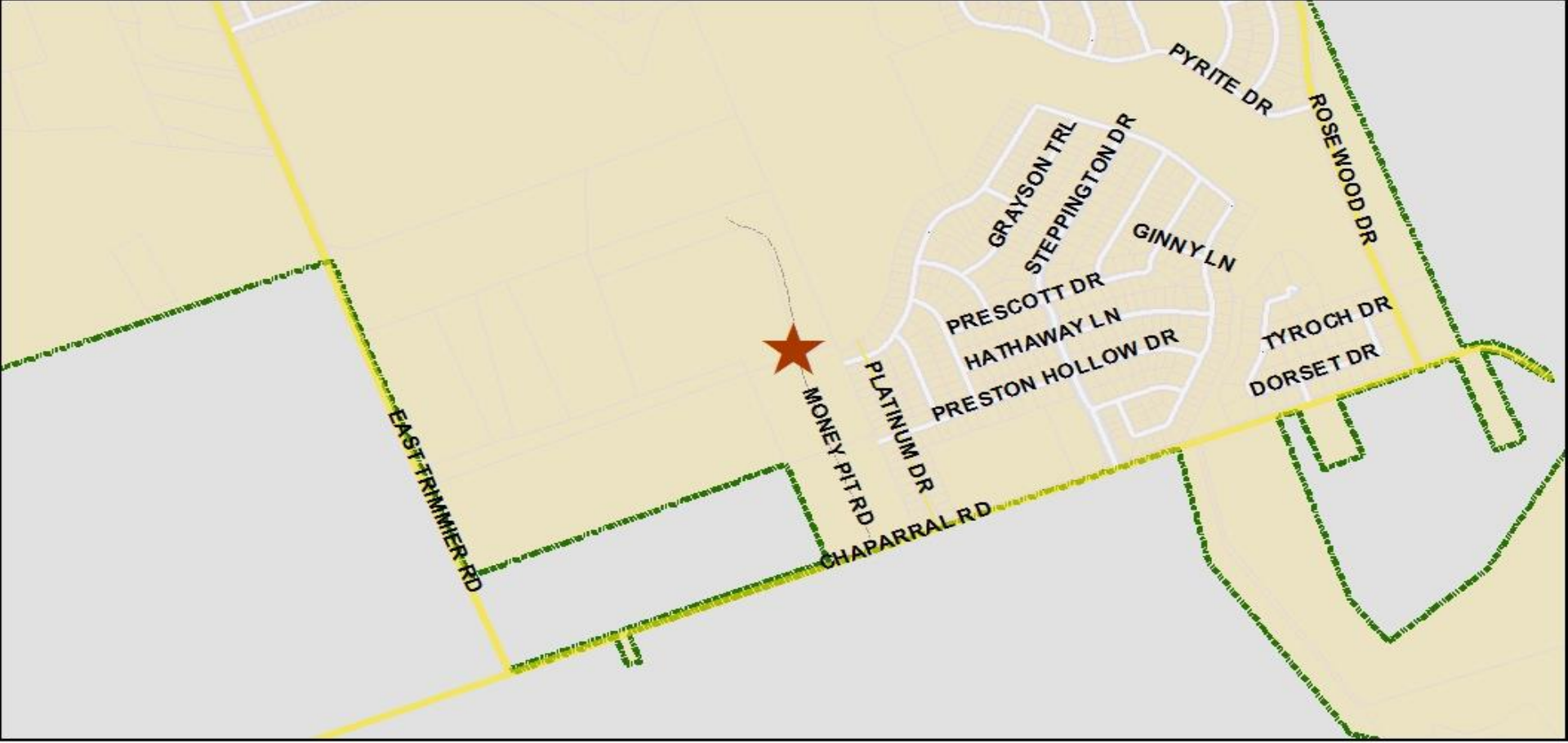
ZONING CASE #Z19-25: “AR-1” & “A” TO “SR-1”

PH-19-048

December 10, 2019

Case #Z19-25: “AR-1” & “A” to “SR-1”

- Mitchell & Associates, Inc. on behalf of Herring Legacy Developers, Inc. (**Case #Z19-25**), has submitted this request to rezone approximately 75.9 acres, from “AR-1” (Agricultural Single-Family Residential District) and “A” (Agricultural District) to “SR-1” (Suburban Residential Single-Family Residential District).
- The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, Killeen, Texas.



Zoning Location Map
Case: Z2019-25
Council District: 2
FROM: A-R1, A TO SR-1
1 inch = 1,042 feet
Subject Property Legal Description: APPROX. 75.9 ACRES OF THE W. E. HALL ABSTRACT NO. 1116

LOCATION MAP

★ **Zoning Case Location**

N
W E
S

Case #Z19-25: “AR-1” & “A” to “SR-1”

- This area is designated as ‘Suburban Residential’ (‘SR’) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- The ‘Suburban Residential’ (‘SR’) designation encourages a mix of detached single-family residential dwellings, planned developments to provide for other housing types in a suburban character setting, public and institutional uses, and parks and public spaces.
- The applicant’s request is consistent with the FLUM.

Case #Z19-25: “AR-1” & “A” to “SR-1”

- Staff notified eight (8) surrounding property owners within 400’ of the subject site regarding this request.
- As of the date of this staff report, no responses have been received.

Zoning Notification Plan

Case: Z2019-25

Council District: 2
FROM: A-R1, A TO SR-1
1 inch = 709 feet
Subject Property Legal Description: APPROX. 75.9 ACRES OF THE W. E. HALL ABSTRACT NO. 1116

ZONING CHANGE MAP

Legend

ZONING CASE LOCATION
19_25_200
NOTIFICATION AREA

N
W E
S

Alternatives

- The City Council has three (3) alternatives. The City Council may:
  - Disapprove the applicant's zoning request;
  - Approve a more restrictive zoning designation; or
  - Approve the applicant's zoning request.

Recommendations

- Staff recommends that the City Council approve the applicant's "SR-1" zoning request.
- The Planning and Zoning Commission recommended approval of the applicant's "SR-1" zoning request by a vote of 5 to 1, with Commissioner Gukeisen opposed to the motion.

City of Killeen

Legislation Details

File #:	PH-19-049	**Version:** 1	**Name:**	Zoning 19-26	
Type:	Ordinance/Public Hearing		**Status:**	Public Hearings	
File created:	11/22/2019		**In control:**	City Council	
On agenda:	12/17/2019		**Final action:**		

Title: HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Leslie Shelley (Case #Z19-26) to rezone approximately 4.153 acres, being out of the W. H. Cole Survey, Abstract No. 200, from “CD” (Cemetery District) to “CD” (Cemetery District) with a Conditional Use Permit (CUP) for “SF-2” (Single-Family Residential District) and from “A” (Agricultural District) to “SF-2” (Single -Family Residential District). The property is locally known as 211 Viola Drive, Killeen, Texas.

Sponsors: Planning & Development Dept

Indexes:

Code sections:

Attachments:
- Staff Report
- Maps
- Minutes
- Ordinance
- Considerations
- Presentation

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council Workshop		

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STAFF REPORT

DATE: **December 10, 2019**

TO: **Kent Cagle, City Manager**

FROM: **Tony McIlwain, Interim Exec. Dir. of Planning and Dev. Services**

SUBJECT: **ZONING CASE #Z19-26: "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "SF-2" (Single-Family Residential District) and from "A" (Agricultural District) to "SF-2" (Single -Family Residential District)**

Background and Findings:

This request is submitted on behalf of Leslie Shelley to rezone approximately 4.153 acres, out of the W. H. Cole Survey, Abstract No. 200, from "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "SF-2" (Single-Family Residential District) and from "A" (Agricultural District) to "SF-2" (Single -Family Residential District). The property is locally known as 211 Viola Drive, Killeen, Texas.

Conditional Use Permit

The City Council by an affirmative majority vote may by ordinance grant a Conditional Use Permit as provided in section 31-456 of the Code of Ordinances for any residential or business land use for a specific parcel in the overlay dstrict and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the Veterans Cemetery. Conditional Use Permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

"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 31-183(1-13(b)) ("R-1" Single-Family Residential district), including those defined as home occupation uses.

Property Specifics:

Applicant / Property Owner: Leslie Shelley

Property Location: The property is locally known as 211 Viola Drive, Killeen, Texas.

Legal Description: Approximately 4.153 acres, out of the W. H. Cole Survey, Abstract No. 200

Zoning/ Plat Case History:

- The property was rezoned to "CD" (Cemetery District) due to the establishment of the "CD" (Cemetery District) zoning on 9 May, 2006.
- The subject property is previously not platted and part of the W. H. Cole Survey, Abstract No. 200.

Character of the Area:

Existing Land Use(s) on the Property: The property is currently a single family agricultural parcel located within the Splawn Ranch subdivision. The surrounding community is made up of single-family residential dwelling units.

Historic Properties: None

<u>Community Infrastructure and Environmental Assessment:</u>

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 construction purposes.

Transportation:

Existing Conditions: The property is situated between Viola, Zayden, Fred Patrick, and Cullen Drives with approximately 1,700' of combined frontage. Viola, Zayden, Fred Patrick, and Cullen Drives have been constructed as 60 ft. rights-of-way and are classified as local streets on the City's adopted Thoroughfare Plan.

Proposed Improvements: Development of this property will require the construction and acceptance of public rights-of-way.

Projected Traffic Generation: A single-family home will generate roughly 10 vehicle trips per day. This project, as proposed, is expected to yield approximately 36 single-family lots and generate 343 total daily trips, with 27 A.M. peak hour trips and 36 P.M. peak hour [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-10th Edition, provided through Spack Consulting].

Environmental Assessment:
At the time of development, the current Drainage Design Manual (DDM) and Infrastructure Design and Development Standards Manual (IDDSM) will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or

his agents, acting as the permit applicant for the subject property, shall coordinate connectivity to all publicly dedicated infrastructure with the Public Works Department.

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: 'General Residential' (GR) designation encourages detached residential dwellings, attached housing types subject to compatibility and open space standards, planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards, public and institutional uses, and parks and public spaces.

Consistency: The applicant's zoning request is consistent with 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 ninety-one (91) surrounding property owners that own land within 400' of the subject site regarding this request. As of the date of this staff report, no responses have been received.

THE ALTERNATIVES CONSIDERED:

The City Council may:

- disapprove the applicant's zoning request;
- approve the applicant's zoning request; or
- approve a more restrictive zoning district than requested by the applicant.

Which alternative is recommended? Staff recommends that the City Council approve a more restrictive Conditional Use Permit (CUP) with "R-1" (Single-Family Residential District) zoning for residential use with the minimum area regulations as detailed in 31-188 of the Code of Ordinances; staff also recommends approval of the "A" (Agricultural District) zoning transitioning to "R-1" as well.

Why? Staff is of the determination that the proposed "SF-2" zoning would be incompatible with the surrounding residential community; the surrounding residential lots have been developed on 70 foot wide lots, which are greater than 9,000 square feet in area. The proposed "SF-2" single-family residential district zoning would allow smaller 5,000 square foot residential lots with a width of 50' and a depth of 100'.

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; however, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

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:

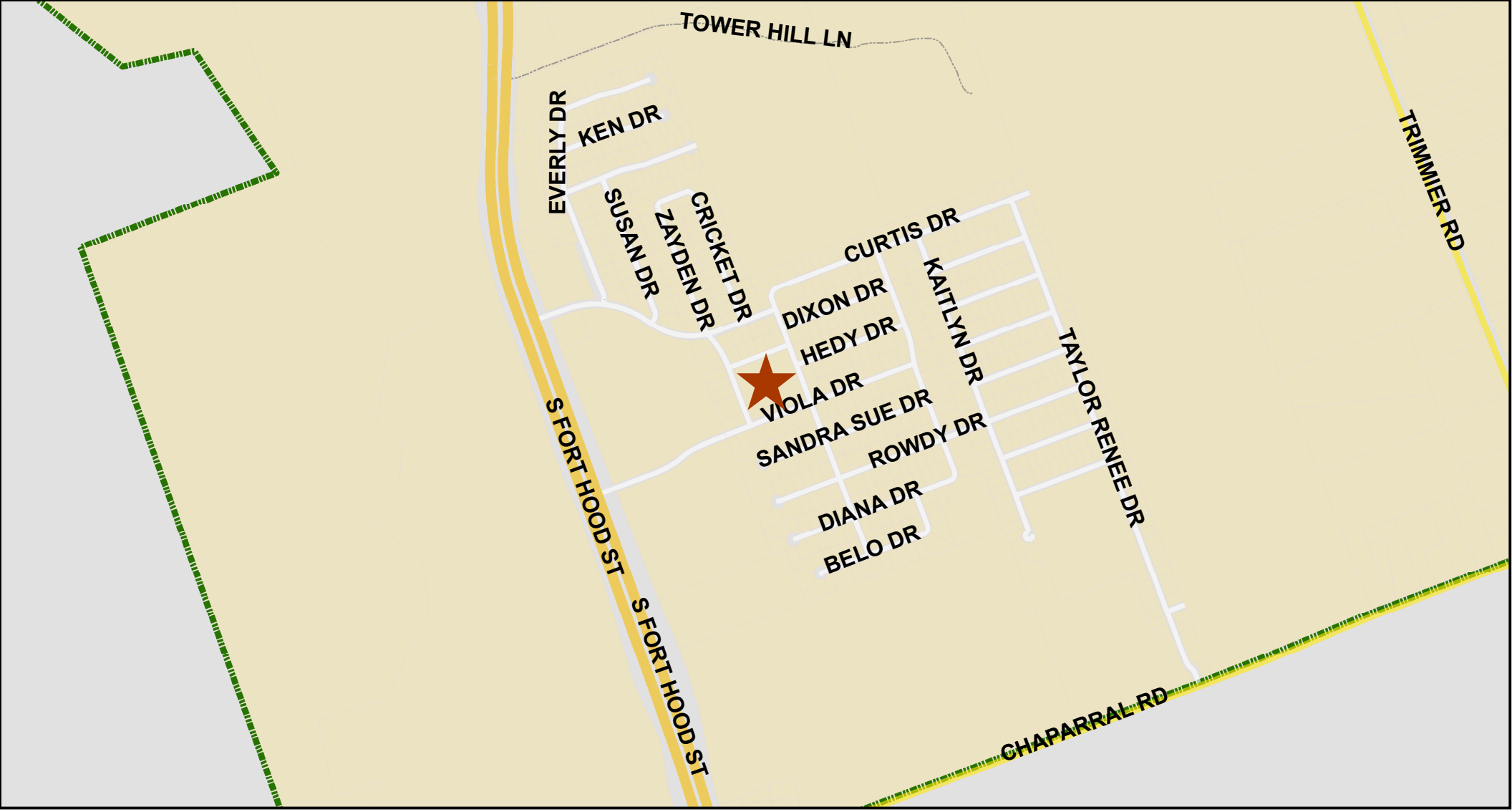
The Planning and Zoning Commission recommended approval of the applicant's request to rezone the subject property from "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential District) and from "A" (Agricultural District) to "R-1" (Single -Family Residential District) by a vote of 3 to 2, with Commissioners Payton and O'Brien in opposition to the motion. Commissioner Alvarez recused himself from the vote and filed the required affidavit disclosing a conflict of interest.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Considerations



Zoning Location Map

Case: Z2019-26

Council District: 3

FROM: CD TO CD W/ CUP SF-2 & A TO SF-2

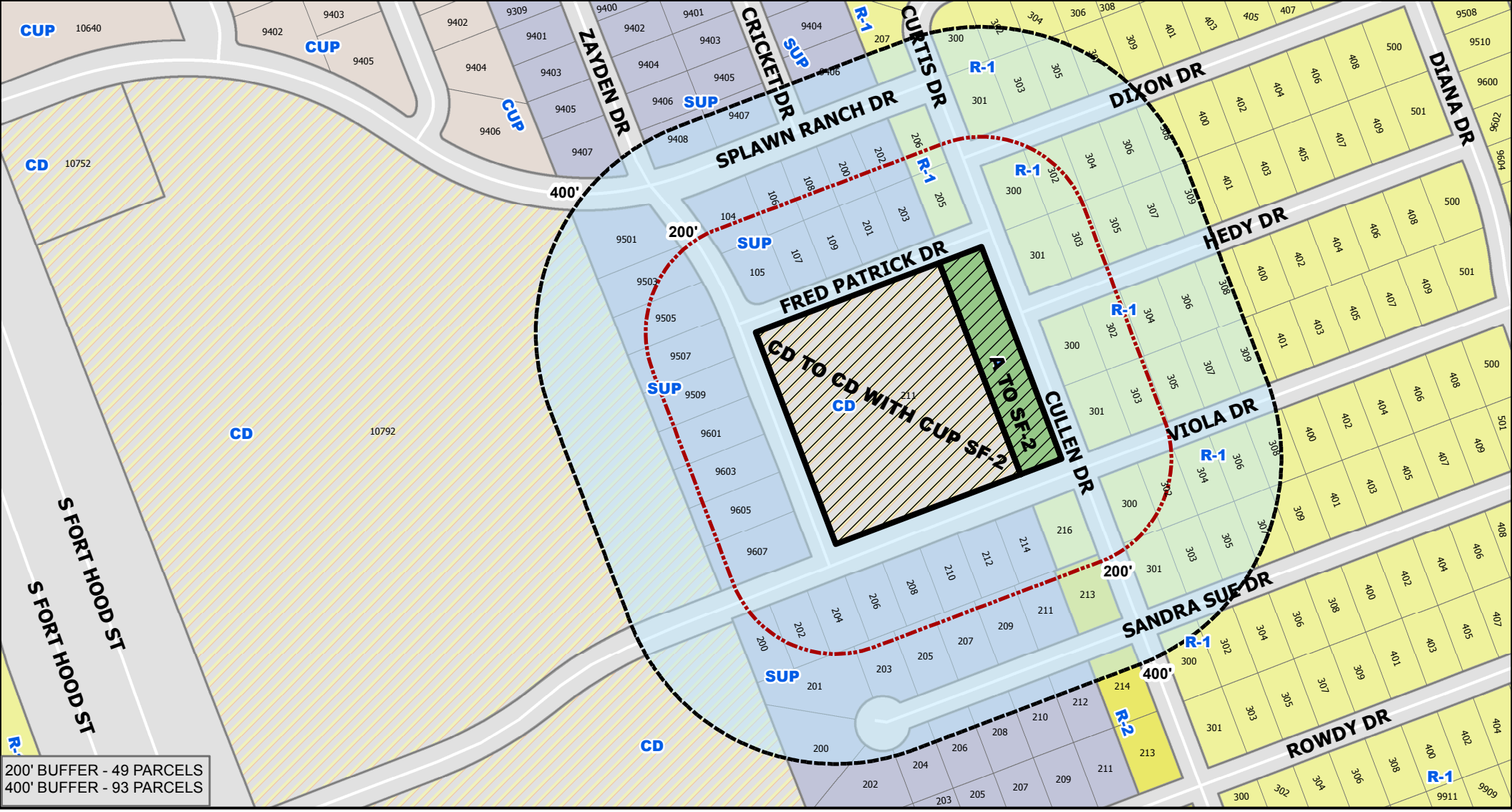
1 inch = 1,042 feet

Subject Property Legal Description: A0200BC W H COLE, 12, ACRES 4.153

LOCATION MAP

Zoning Case Location

N W E S



Zoning Notification Plan

Case: Z2019-26

Council District: 3

FROM: CD TO CD W/ CUP SF-2 & A TO SF-2

1 inch = 250 feet

Subject Property Legal Description: A0200BC W H COLE, 12, ACRES 4.153

ZONING CHANGE MAP

Legend

ZONING CASE LOCATION

19_26_200

NOTIFICATION AREA

N W E S

MINUTES
PLANNING AND ZONING COMMISSION MEETING
DECEMBER 2, 2019

CASE #Z19-26
"CD" to "CD" w/CUP for "SF-2" AND "A" to "SF-2"

HOLD a public hearing and consider a request submitted by Quintero Engineering, L.L.C on behalf of Leslie Shelley to rezone approximately 4.153 acres, being out of the W. H. Cole Survey, Abstract No. 200 from "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "SF-2" (Single-Family Residential District) and from "A" (Agricultural District) to "SF-2" (Single -Family Residential District). The property is locally known as 211 Viola Drive, Killeen, Texas.

Commissioner Alvarez stepped away from the dais due to a potential conflict of interest.

Vice Chairman Latham requested staff comments.

Jerry Millard, Senior Planner, stated that this request was submitted to rezone property from "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "SF-2" (Single-Family Residential District) and from "A" (Agricultural District) to "SF-2" (Single -Family Residential District). The property is locally known as 211 Viola Drive, Killeen, Texas.

Mr. Pedro Quintero, Quintero Engineering, L.L.C., 1501 W. Stan Schlueter Loop, Killeen, Texas, was present to represent this request.

Vice Chairman Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Ploeckelmann motioned to recommend approval for "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential District) and approval of Agricultural to "R-1" (Single-Family Residential District). Commissioner Gukeisen seconded, and the motion passed by a vote of 3 to 2. Commissioners O'Brien and Payton voted in opposition.

Vice Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

Commissioner Alvarez returned to the dais.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 4.153 ACRES, BEING OUT OF THE W. H. COLE SURVEY, ABSTRACT NO. 200 FROM "CD" (CEMETERY DISTRICT) TO "CD" (CEMETERY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND FROM "A" (AGRICULTURAL DISTRICT) TO "SF-2" (SINGLE - FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Quintero Engineering, L.L.C., on behalf of Leslie Shelley 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 approximately 4.153 acres, out of the W. H. Cole Survey, Abstract No. 200 from "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "SF-2" (Single-Family Residential District) and from "A" (Agricultural District) to "SF-2" (Single -Family Residential District), said request having been duly recommended for approval of "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential District) and from "A" (Agricultural District) to "R-1" zoning by the Planning and Zoning Commission of the City of Killeen on the 2nd day of December 2019, 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 5:00 P.M., on the 17th day of December 2019, 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 majority opinion that the applicant's zoning request should be approved as recommended by the Planning and Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE

CITY OF KILLEEN:

SECTION I. That the zoning classification of approximately 4.153 acres, out of the W. H. Cole Survey, Abstract No. 200 be changed from "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential District) and from "A" (Agricultural District) to "R-1" (Single-Family Residential District), for the property addressed as 211 Viola Drive, 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 17th day of December 2019, 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:

_____

Jose L. Segarra, MAYOR

ATTEST:

_____

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

_____

Traci S. Briggs, INTERIM CITY ATTORNEY

Ord. #19-___

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use in harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

ZONING CASE #Z19-26: “CD” TO “CD” WITH A CUP FOR “SF-2” AND FROM “A” TO “SF-2”

PH-19-049

December 10, 2019

ZONING Case #Z19-26: “CD” to “CD” with a CUP for “SF-2” and from “A” to “SF-2”

- Quintero Engineering, L.L.C. on behalf of Leslie Shelley (**Case #Z19-26**), has submitted this request to rezone approximately 4.153 acres, from “CD” (Cemetery District) to “CD” (Cemetery District) with a Conditional Use Permit (CUP) for “SF-2” (Single-Family Residential District) and from “A” (Agricultural District) to “SF-2” (Single -Family Residential District).
- The property is locally known as 211 Viola Drive, Killeen, Texas.

Zoning Location Map
Case: Z2019-26
Council District: 3
FROM: CD TO CD W/ CUP SF-2 & A TO SF-2
1 inch = 1,042 feet
Subject Property Legal Description: A0200BC W H COLE, 12, ACRES 4.153

LOCATION MAP

★ **Zoning Case Location**

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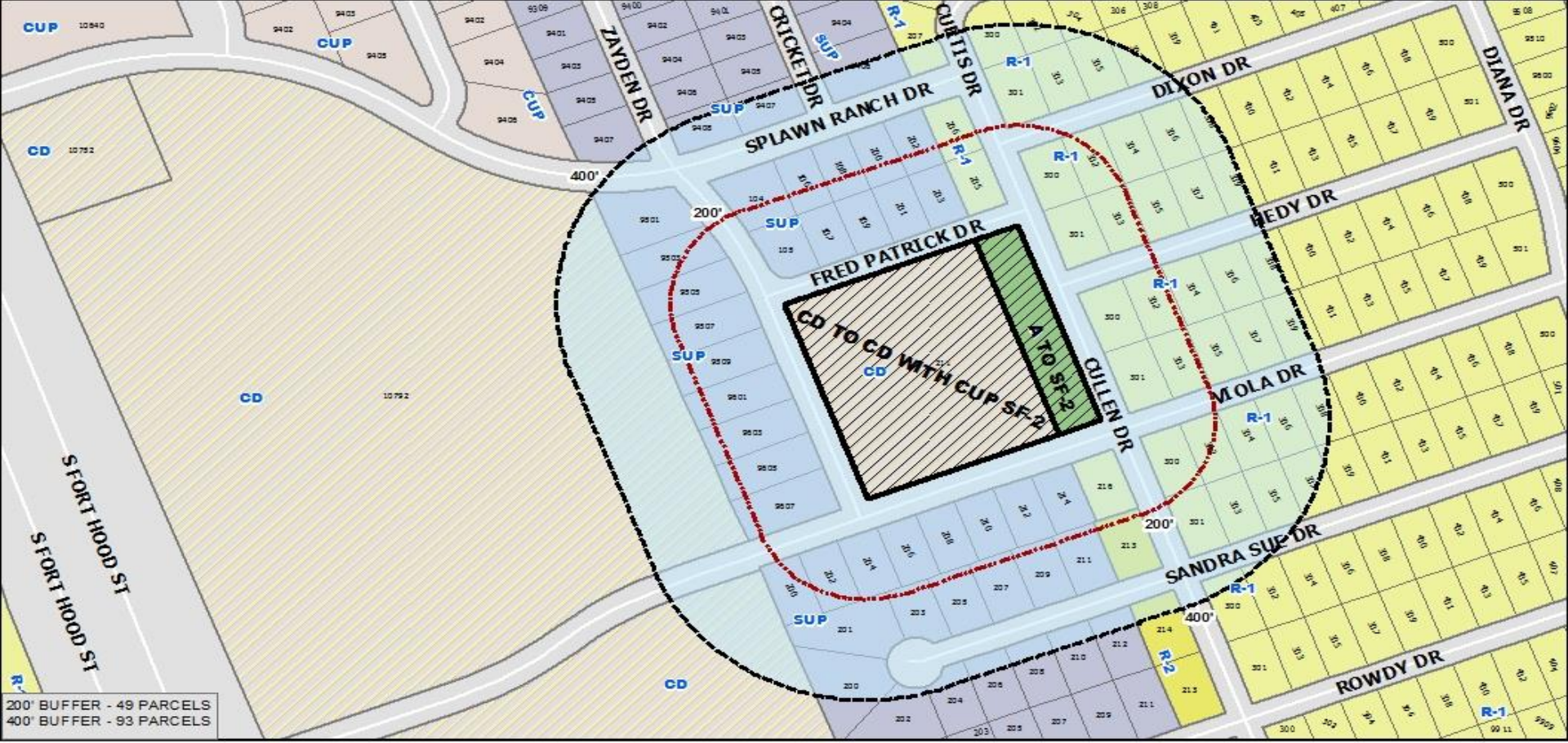
ZONING Case #Z19-26: “CD” to “CD” with a CUP for “SF-2” and from “A” to “SF-2”

- The property is designated as ‘General Residential’ (‘GR’) on the City’s Future Land Use Map (FLUM).
- The ‘General Residential’ (‘GR’) designation encourages a mix of single-family types, public and institutional uses, parks and public spaces.
- The applicant’s request is consistent with the FLUM.

ZONING Case #Z19-26: “CD” to “CD” with a CUP for “SF-2” and from “A” to “SF-2”

- Staff notified ninety-one (91) surrounding property owners that own land within 400’ of the subject site regarding this request.
- As of the date of this staff report, no responses have been received.



Zoning Notification Plan

Case: Z2019-26

Council District: 3

FROM: CD TO CD W/ CUP SF-2 & A TO SF-2

1 inch = 250 feet

Subject Property Legal Description: A0200BC W H COLE, 12, ACRES 4.153

ZONING CHANGE MAP

Legend

- ZONING CASE LOCATION
- 19_26_200
- NOTIFICATION AREA

N W E S

Alternatives

- The City Council has three (3) alternatives. The City Council may:
  - Disapprove the applicant's zoning request;
  - Approve the applicant's zoning request; or
  - Approve a more restrictive zoning designation.

Recommendations

- Staff recommends that the City Council approve “CD” to “CD” with a CUP for the more restrictive “R-1” minimum lot size and residential setbacks and for a rezone from “A” to “R-1”.
- The Planning and Zoning Commission recommended approval of the applicant’s zoning request (based on staff’s “R-1” recommendation) by a vote of 3 to 2 with Commissioners O’Brien and Payton opposed to the motion. Commissioner Alvarez recused himself from the vote.