



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-17-019    **Version:** 1    **Name:** Zoning 17-06  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearings  
**File created:** 3/1/2017    **In control:** City Council  
**On agenda:** 3/28/2017    **Final action:**

**Title:** HOLD a public hearing and consider an ordinance requested by Gary W. Purser Sr. 1999 Trust and RSBP Developers, Inc. (Case #Z17-06) to rezone approximately 113 acres, being part of the W. E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-1" (Single-Family Residential District) uses to allow for varying lot sizes and 22 acres of green space and riparian buffer. The property is located along the north right-of-way of Chaparral Road, approximately .63 mile west of the Killeen/ Harker Heights city limits.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Council Memorandum, 2. Attachment to CCMO, 3. Minutes, 4. Ordinance, 5. Application, 6. Location Map, 7. Buffer Map, 8. Considerations, 9. Concept Plan

Date	Ver.	Action By	Action	Result
3/21/2017	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Gary W. Purser Sr. 1999 Trust and RSBP Developers, Inc. (**Case #Z17-06**) to rezone approximately 113 acres, being part of the W. E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-1" (Single-Family Residential District) uses to allow for varying lot sizes and 22 acres of green space and riparian buffer. The property is located along the north right-of-way of Chaparral Road, approximately .63 mile west of the Killeen/ Harker Heights city limits.

### AGENDA ITEM

### ZONING CASE #Z17-06 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT)

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

The Gary W. Purser Sr. 1999 Trust and RSBP Developers, Inc. submit this request to rezone to approximately 113 acres, being part of the W. E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-1" (Single-Family Residential District) to allow for varying lot sizes and 22 acres of green space and riparian buffer. The property is located along the north right-of-way of Chaparral Road, approximately .63 mile west of the Killeen/ Harker Heights city limits.

The applicant is proposing the following lot sizes within the Planned Unit Development:

Table. 1

Phase/ Lots	Dimensions	Area	Front setback	Side setback	Rear setback
Two/ 211 lots	60'x125'	7,500 sq. ft.	25'	5'	20'
Four/ 160 lots	55'x120'	6,600 sq. ft.	25'	5'	20'
Five/ 50 lots	60'x115'	6,900 sq. ft.	25'	5'	20'

**District Description:**

**Purpose**

A Planned Unit Development (PUD) is a land use design incorporating the concepts of density and common open space. Common open space shall include, but is not limited to, community amenities such as parks, gardens, pedestrian trails, recreation areas, and usable undisturbed, natural areas. The PUD designation serves as an "overlay zoning and development classification." In this capacity, the designation permits specific negotiated development regulations to be applied to the base land use zoning district(s) in which the property is located. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site. Such specific land use and development regulations shall not take effect until they are reviewed and public hearings held and approved by both the Planning and Zoning Commission and the City Council. The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

- (a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
- (b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and pedestrian circulation;
- (c) Allow developers greater freedom to be innovative in selecting means to provide access, light, open space, and amenities; and
- (d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

The regulatory provisions of this classification are intended to achieve the above purposes while maintaining the spirit of the current City of Killeen Development Regulations, as amended. As such, these provisions represent the governing body's minimum quality of life standard and no variance or exception shall be granted thereto.

**Property Specifics**

**Applicant/Property Owner:** Gary W. Purser Sr. 1999 Trust & RSBP Developers, Inc.

**Property Location:** The property is located along the north right-of-way of Chaparral Road, approximately .63 mile west of the Killeen/ Harker Heights border.

**Legal Description:** 113.77 acres of the A. H. Wood Survey, Abstract No. 886, the W.E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, Killeen, Texas

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

- The property was rezoned from "A" (Agricultural District) and "A-R1" (Agricultural Single-Family Residential District) to "R-1" (Single-Family Residential District) on November 14, 2006, per Ordinance No. 06-120.
- The subject property is not platted.

### **Character of the Area**

**Existing Land Use(s) on the Property:** The project area is undeveloped. The surrounding land uses are single-family in nature.

**Historic Properties:** None

### **Figure 1. Zoning Map**

See attachment.

### **Infrastructure and Community Facilities**

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

Provider: City of Killeen

Within Service Area: The existing potable water main serving the property is a looped 16-in diameter transmission main running along the Chaparral Road frontage. When the property is platted for the purpose of a development permit, the developer would be required to extend public water mains to the property that provides adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of, all required testing of the public water mains to confirm adequate flow and pressure exists to support any code-mandated fire protection measures. Additionally, City of Killeen development criteria will require the extension of public sanitary sewer utility service throughout the property when the property is platted for the purpose of a development permit.

According to section 31-804 of the Killeen Code of Ordinances, the PUD concept plan shall be accompanied with existing drainage patterns, existing drainage areas,, and special flood hazard areas. The submitted PUD application does not contain these items. The illustrated creek buffer zone, riparian buffer, and green space areas are approximations and will be verified during the plat and construction plan permitting processes. In addition, a FEMA compliant drainage study for the altered point discharges in to Trimmier Creek will be required during the plat and construction plan permitting processes.

#### **Transportation:**

Existing Conditions: Ingress/egress to and from Chaparral Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is platted for the purpose of a development permit. Chaparral Road is a rural section with a bar ditch profile. It is not at the desired level of service (LOS) for a minor arterial street classification.

Proposed Improvements: Development of additional streets will occur during the subdivision process.

Projected Traffic Generation: Significant upon build out

### **Environmental Assessment**

**Topography/Regulated Floodplain/Floodway/Creek:** The property is undulating, with significant elevation changes. The site contains a substantial mesh of Oak and other tree species. Trimmier Creek runs along the northern portion of the subject site. The proposed PUD area directly discharges into Trimmier Creek. Trimmier Creek and all of its tributaries are currently listed on the TCEQ's 303(d) water quality list for concerns for near-nonattainment of the Water Quality Standards for the macrobenthic community. The TCEQ listed Post-development Erosion and Sedimentation as the potential source for the impaired macrobenthic community in this basin.

### **Land Use Analysis**

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

**Plan Recommendation:** The 'Suburban Residential' character encourages detached residential dwellings, planned developments to provide for other housing types (e.g., townhouse, patio) in a suburban character setting, public/institutional, parks, and public spaces. The characteristics of this designation include:

- Larger baseline minimum lot sizes to allow for larger front yards, building setbacks, and side yard separation
- Less noticeable accommodation of vehicles
- Encourages smaller lot sizes in exchange for greater open space set asides
- Encourages conservation design or cluster development

**Consistency:** Overall, the PUD's residential density (3.72 residential lots per **gross** acre) is greater than what is prescribed in the "SR-1" zoning district, which is 4 residential lots per **net** acre. However, staff is not recommending a change to the FLUM designation of this property since the PUD concept is essentially a carryover from the previously-approved Heritage Oaks development. Staff will support the negotiated PUD standards and current FLUM designation.

### **Public Notification**

The staff notified seven (7) surrounding property owners within a 200' notification boundary regarding this request. Staff received no responses.

### **Recommendation**

The Planning and Zoning Commission recommended approval of the applicant's PUD request by a vote of 4 to 2, with Commissioners Harkin and Dehart in opposition. Their opposition was based on the applicant's plan for a 5' side yard; Commissioner Purser abstained from voting on this case. The Commission's recommendation for approval is based on the applicant's adherence to the submitted site plan and submitted typical lot layout of 20' front and rear building lines and a 5' side building line, along with the following conditions:

- Residential density shall not exceed 3.72 dwelling units per gross acre;
- Residential development shall not exceed 421 lots;
- Perpetual continuation of the proposed 22 acres of green space/ riparian buffer as well as continuation of the hike and bike trail through these areas; and
- Inclusion of the current "SR-1" architectural and landscaping regulations.

*Note: these regulations require that single family detached homes must have a minimum of 75% brick, stucco, or stone for front exterior walls and 50% brick, stucco, or stone veneer for side exterior walls, excluding doors, windows and gables. The minimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard and eight (8) 3-gallon shrubs in the front yard.*