



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-19-036    **Version:** 1    **Name:** Zoning 19-20  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 9/17/2019    **In control:** City Council  
**On agenda:** 10/8/2019    **Final action:** 10/8/2019

**Title:** HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf of the Gary W. Purser Jr. 2000 Trust (Case #Z19-20) to rezone approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is addressed as 5601 Clear Creek Road, Killeen, Texas.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Maps, 3. Minutes, 4. Ordinance, 5. Considerations, 6. Presentation

Date	Ver.	Action By	Action	Result
10/8/2019	1	City Council	Approved	Pass
10/1/2019	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf of the Gary W. Purser Jr. 2000 Trust (**Case #Z19-20**) to rezone approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is addressed as 5601 Clear Creek Road, Killeen, Texas.

**DATE:**        **October 1, 2019**

**TO:**            **David L. Ellison, Interim City Manager**

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

**SUBJECT: ZONING CASE #Z19-20 "A" (Agricultural District) to "R-1" (Single-Family Residential District)**

**Background and Findings:**

This request is submitted by Killeen Engineering & Surveying, Ltd. on behalf of the Gary W. Purser Jr. 2000 Trust is to rezone approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is addressed as 5601 Clear Creek Road, Killeen, Texas.

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

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

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

**Property Specifics:**

Applicant / Property Owner: Gary W. Purser Jr. 2000 Trust

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

Legal Description: Approximately 0.996 acre, out of the James Cook Survey, Abstract No. 161.

**Zoning / Plat Case History:**

- The property was designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan per ordinance no. 19-13, on March 26<sup>th</sup>, 2019.
- There is no recent zoning activity for this portion of the property. This is a remainder tract of a parcel that was considered with zoning case #Z19-15, which changed the zoning of the parent parcel from "B-3" (Local Business District) and "A" (Agricultural) to "R-1" (Single-Family Residential District), "SF-2" (Single-family Residential District) and "R-2" (Two-Family Residential District).
- The property is not platted.

**Character of the Area:**

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

Historic Properties: None

**Community Infrastructure and Environmental Assessment:**

**Water, Sewer and Drainage Services**

Provider: City of Killeen

Within Service Area: Yes

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

**Transportation:**

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

Proposed Improvements: The applicant is not proposing additional improvements in this portion of the development.

Projected Traffic Generation: A typical single-family home will generate ten (10) vehicle trips per day. This project will not yield any additional vehicle trips per day. [This data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

**Environmental Assessment:**

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

**Land Use Analysis:**

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

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

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

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

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

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

**Public Notification:**

Staff notified one (1) surrounding property owner 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; or
- approve the applicant's zoning request.

**Which alternative is recommended?** Staff recommends that the City Council approve the applicant's zoning request of "R-1" (Single-Family Residential District) as submitted.

**Why?** Staff supports the applicant's request to pursue the zoning request as submitted. Staff is of the determination that the current request for "R-1" zoning is consistent with the Comprehensive Plan and the historic residential development pattern of the adjacent community. Approval of this request will ensure the entire parcel is zoned in accordance with local ordinances.

**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 of "R-1" (Single-Family Residential District) as submitted by a vote of 4 to 1 with Commissioner Gukeisen in opposition.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations