



City of Killeen

Legislation Details (With Text)

File #: PH-16-006 **Version:** 1 **Name:** Zoning 15-36
Type: Ordinance/Public Hearing **Status:** Passed
File created: 1/4/2016 **In control:** City Council
On agenda: 1/26/2016 **Final action:** 1/26/2016

Title: HOLD a public hearing and consider an ordinance requested by twenty-nine (29) property owners requesting a change of zoning from "R-1" (Single-Family Residential District) to "SR-2" (Suburban Residential Single-Family District) for the following properties located in the Wagon Wheel Estates subdivision, Killeen, Texas: Lots 2, 10 & 12, Block 1; Lots 4-8, 11-13, 15-18, Block 2; Lots 3-4, 7-10, 13-14, Block 3; Lots 1, 3, 7, 10-12, Block 4, Wagon Wheel Subdivision. The properties are locally known as 601, 603, 604 Double Tree Drive; 6414, 6511, 6602, 6603, 6606 and 6609 Wagon Wheel Drive; 601, 602, 603, 604, 6501, 6503, 6505, 6506, 6508, 6510, 6511, 6513, 6515, 6603, 6605, 6606, 6607, 6608, 6609, and 6610 Rein Drive. (601, 6501, 6503, 6505, 6511, 6513, 6515, 6603, 6605, 6607, 6608, 6609, and 6610 Rein Drive require a 3/4 majority vote for approval)

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. Council Memorandum, 2. Attachment to Council Memorandum, 3. Minutes, 4. Ordinance, 5. Applications, 6. Location map, 7. Buffer map, 8. Considerations, 9. Opposition map, 10. Response in support, 11. Responses in opposition

Date	Ver.	Action By	Action	Result
1/26/2016	1	City Council	Approved	Pass
1/19/2016	1	City Council Workshop		

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AGENDA ITEM

ZONING CASE #Z15-36 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "SR-2" (SUBURBAN RESIDENTIAL SINGLE-FAMILY DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

These twenty-nine (29) properties were zoned "R-1" upon being annexed into the City of Killeen in 2008. All properties listed above meet the area regulations for "SR-2" zoning and have requested to be rezoned to "SR-2" to better reflect the existing lot size of the development in the Wagon Wheel Estates Subdivision.

Use Regulations:

A building or premises in a "SR-2" (Suburban Residential Single-Family District) shall be used only for the following purpose:

- (1) Single-family detached dwellings.
- (2) Any use permitted in section 31-186(1-13(b)).

Area Regulations:

Size of yards.

- (1) Front yards. There shall be a front yard having a depth of not less than thirty-five (35) feet.
- (2) Side yards. There shall be a minimum side yard of ten feet (10) feet. A side yard adjacent to a side street shall not be less than twenty (20) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet.
- (3) Rear yards. There shall be a rear yard having a depth of not less than ten (10) feet.

Size of lot.

- (4) Lot area. No building or structure shall be erected on any lot having less than fifteen thousand (15,000) square feet.
- (5) Lot width. The width of the lot shall not be less than ninety (90) feet at the front building line.

Architectural and landscaping regulations.

Architectural design. Single family detached homes must have a minimum of eighty-five percent (85%) brick, stone or stucco for all exterior walls, excluding doors, windows and gables. All attached garages in this district shall be constructed as side or rear entry. Detached front loading garages in this district shall be constructed at a minimum depth of forty-five (45) feet as measured from the front property line.

Landscaping required. For residential uses, 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.

(1) Trees. The following requirements shall apply to tree landscaping:

(a) Newly planted trees shall measure at least two (2) inch caliper and six (6) feet high at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter.

(b) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least two (2) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.

(c) Should an existing or newly planted tree used for landscape credit die, it shall be replaced with new landscaping according to the requirements of this section.

(d) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorative planting materials shall reduce the number of shrubs required by one (1).

(e) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

(2) Ground cover. The following requirements shall apply to ground cover landscaping:

(a) Ground cover or grass shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, or covered by structures, pavement or other impervious surfaces.

(b) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.

(c) Irrigation. All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other provisions of this code. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used. Xeriscaping shall be in accordance with the applicable guidelines as specified in the city of Killeen drainage design manual and infrastructure design and development standards manual as amended.

Property Specifics

Applicant/Property Owner: Multiple. See attached rezoning applications.

Property Location: The 29 properties are located in the Wagon Wheel Estates subdivision, located northwest of the intersection of Trimmier Road and Stagecoach Road, Killeen, Texas.

Legal Description: Lots 10 & 12, Block 1; Lots 4-8, 10-13, 15-17, Block 2; Lots 3-4, 7-10, 13-14, Block 3; Lots 1, 3, 7, 10-12, Block 4, Wagon Wheel Subdivision.

Zoning/ Plat Case History:

These properties were zoned "R-1" following their January 22, 2008 annexation into the city limits. This is the first rezoning request by the 29 property owners.

These properties have been platted as part of the Wagon Wheel subdivision and are all fully developed as single-family residential dwellings.

Character of the Area

Existing Land Use(s) on the Property: The subject properties are fully developed with single-family residential dwellings. The surrounding properties are mostly single-family residential uses on large lots with some vacant, undeveloped lots. The properties located east of the Wagon Wheel subdivision are zoned "R-1A" (Garden Home Single-family Residential District). The adjacent property located west of the Wagon Wheel subdivision is zoned both "SR-1" (Suburban Residential Single-family District) and "A-R1" (Agricultural Single-family Residential District). The southern portion of the Wagon Wheel subdivision is made up of smaller "R-1" zoned lots. This area is primarily located along Hub Drive, Spoke Drive and Rim Drive.

Figure 1. Zoning Map

See Attachment

Historic Properties: None

Infrastructure and Community Facilities

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 readily available to the above subject property proposed to be rezoned within the City of Killeen municipal utility service area. All property lies entirely within a previously platted and fully built-out subdivision - Wagon Wheel Subdivision. All supporting public utilities and public streets have been accepted and dedicated to the City for maintenance. All streets within the subdivision are at the desired level of service. The property owners and their 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.

Transportation:

Existing conditions: Stagecoach is classified as a 90' minor arterial on the City's Thoroughfare Plan.

Proposed Improvements: Improvements to Stagecoach Road will occur as part of the Stagecoach Road Improvements Phase 2 CIP project currently under construction.

Projected Traffic Generation: No new development is proposed with these rezoning requests; therefore no change in traffic generation is expected.

Environmental Assessment

Topography: The property ranges in elevation from 940' to 948'.

Regulated Floodplain/Floodway/Creek: The proposed development is not within any regulatory FEMA Special Flood Hazard Area (SFHA).

Land Use Analysis

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

Plan Recommendation: The Comprehensive Plan recommends:

- Detached residential dwellings;
- Planned development to provide for other housing types (e.g., duplexes, townhomes, patio homes);
- Public/institutional; and
- Parks and public spaces.

Consistency: The zoning request is consistent with the Comprehensive Plan with the adopted Future Land Use Map.

Public Notification

Staff notified 145 (one hundred forty-five) surrounding property owners within the 200' notification area. Staff received one statement of support and two statements of opposition for these 29 properties.

Recommendation

The Planning and Zoning Commission recommended approval of "SR-2" (Suburban Residential Single-Family

District) zoning for all 29 rezoning requests with a vote of 5 to 1 with Commissioner Tad Dorroh in opposition and Commissioner Kathy Harkin abstaining from this case.

According to Sec.31-39(d) in the Killeen Code of Ordinances, in case of protest: Unless such proposed amendment, supplement, or change has been recommended for approval by the planning commission, or in case of a protest by the owners of twenty (20) percent or more of either the area of the lots included in such proposed change, or the area of those lots or land immediately adjacent thereto and extending two hundred (200) feet from that area, then such change shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the city council.

WBW Land Investments, L. P., has submitted an official protest for all 29 properties requesting to be rezoned to "SR-2" (Suburban Residential Single-Family District). However, WBW Land Investments, L.P., owns property within 200' of only 13 of the properties requesting rezoning. WBW Land Investments, L.P., makes up 32% of the 200' buffer area around these 13 properties and as such shall require a favorable vote of three-fourths (3/4) of all the members of the City Council for 601, 6501, 6503, 6505, 6511, 6513, 6515, 6603, 6605, 6607, 6608, 6609, and 6610 Rein Drive.