



# City of Killeen

## Legislation Text

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File #: PH-17-028, Version: 1

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**HOLD** a public hearing and consider an ordinance requested by the Central Texas Youth Services Bureau (**Case #Z17-12**) to rezone Lot 56, Block 3, Copper Mountain One, Phase II, from "R-1" (Single-family Residential District) to "R-1" (Single-family Residential District) with a Conditional Use Permit (CUP) for continued use of a private residential pocket park on this site. The property is addressed as 2812 Bacon Ranch Road, Killeen, Texas.

**DATE:** May 16, 2017

**TO:** Ronald L. Olson, City Manager

**FROM:** Ray Shanaa, Executive Director of Planning and Development Services

**SUBJECT: ZONING CASE #Z17-12 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP)**

### **BACKGROUND AND FINDINGS:**

This request is submitted by the Central Texas Youth Services Bureau to rezone Lot 56, Block 3, Copper Mountain One, Phase II, from "R-1" (Single-family Residential District) to "R-1" (Single-family Residential District) with a Conditional Use Permit (CUP) for continued use of a private residential pocket park on this site. The property is addressed as 2812 Bacon Ranch Road, Killeen, Texas.

#### District Descriptions:

A building or premises 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, and 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

#### Conditions of approval:

The City Council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety, and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers, fences, walls, or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements; regulation of vehicular ingress or egress and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary.

#### Property Specifics

Applicant/Property Owner: Central Texas Youth Services Bureau

Property Location: The subject property is addressed as 2812 Bacon Ranch Road, Killeen, Texas.

Legal Description: Lot 56, Block 3, Copper Mountain One, Phase II

#### Zoning/ Plat Case History:

- This property was zoned from "R-3" Multifamily Residential District and "B-3" Local Business District to "R-1" on June 8, 1993, per Ordinance #93-43.
- The subject lot is platted as Lot 56, Block 3, Copper Mountain One, Phase II, which was filed for record on July 26, 1993, in Cabinet B, Slide 288-A, Plat Records of Bell County, Texas.

#### Character of the Area

Existing Land Use(s) on the Property: This is an existing, well-established single-family residential neighborhood.

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 and sewer infrastructure is immediately available to the property.

#### Transportation

Existing conditions: Bacon Ranch Road is classified as a 70' collector street on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no proposed roadway infrastructure improvements for this site.

Projected Traffic Generation: The service area for this pocket park is the immediate neighborhood. It is anticipated that the park will receive pedestrian foot traffic.

#### Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). The property ranges in elevation from 840 to 844 feet. The subject property was also included in a 2015 FEMA Letter of Map Revision (LOMR), which removed it from the floodplain.

#### Land Use Analysis

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

Plan Recommendation: The 'General Residential' designation encompasses detached, residential dwelling units; attached housing types; planned developments; as well as parks and public/ institutional places.

Consistency: This request is consistent with the Comprehensive Plan.

#### Public Notification

The staff notified thirteen (13) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received.

#### **THE ALTERNATIVES CONSIDERED:**

##### **Which alternative is recommended?**

Staff is not recommending any alternative.

##### **Why?**

The CUP zoning request is consistent with the FLUM.

#### **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 CUP request by a vote of 6 to 0 with the following conditions:

The approval period is for five years;

The applicant shall maintain a sign prominently denoting the contact information for the park ownership group;

Within 60 days of approval of the CUP, the applicant shall install a perimeter safety fence along the park's eastern boundary, adjacent to the drainage feature;

At the time Bacon Ranch Road is extended, the applicant shall provide safety fencing along the right-of-way;

The property shall remain fully insured and a monthly inspection report shall be provided to the Planning staff;

The park shall be open to the public from daylight to dusk

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Legal Department.

**ATTACHED SUPPORTING DOCUMENTS:**

Aerial Map Exhibit

Mainutes

Ordinance

Application

Location Map

Buffer Map

Considerations

