



City of Killeen

Legislation Text

File #: RS-24-110, **Version:** 1

Consider a memorandum/resolution granting an appeal to waive the parkland dedication requirements submitted by Killeen Engineering & Surveying on behalf of RSBP, Inc. and CTDC, LLC, for the proposed Final Plat of Heritage Oaks, Phase 7, in accordance with Killeen Code of Ordinances Section 26-162.

DATE: June 18, 2024

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Appeal to the Parkland Dedication Requirements for Heritage Oaks, Phase 7

BACKGROUND AND FINDINGS:

Property Owner: RSBP Developers, Inc & CTDC LLC

Agent: Killeen Engineering & Surveying, Ltd.

Current Zoning: "R-1" (Single-Family Residential District) & "PUD" (Planned Unit Development)

Summary of Request:

On May 6, 2024, Killeen Engineering & Surveying, on behalf of RSBP, Inc. and CTDC, LLC, submitted a Final Plat application for Heritage Oaks, Phase VII. The proposed Final Plat consists of forty-one (41) single-family lots.

In accordance with Killeen Code of Ordinances, Chapter 26, Article IV, Division 5, the proposed final plat must comply with the requirements of the Parkland Dedication and Development Ordinance. Based on the proposed number of lots, parkland dedication is required in the amount of 0.613 acres. Alternatively, the ordinance provides for a fee-in-lieu of parkland dedication in the amount of \$750 per lot. The fee-in-lieu of parkland dedication required for this development would be \$30,750.

Killeen Code of Ordinances Sec. 26-162(A) provides that "a property owner/developer may appeal the decisions related to the enforcement of these provisions to the City Council." Accordingly, the applicant is appealing the requirement for parkland dedication or payment of the fee-in-lieu of parkland dedication to the City Council. The basis for the applicant's appeal is that the existing Purser Heritage Hike & Bike Trail, consisting of approximately 90.477 acres, was donated to the City in conjunction with the approval of the Heritage Oaks PUD prior to adoption of the Parkland Dedication and Development Ordinance.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

This request complies with all applicable City requirements.

FINANCIAL IMPACT:

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

This is not applicable.

Is this a one-time or recurring revenue/expenditure?

This is not applicable.

Is this revenue/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 revenue/expenditure?

This is not applicable.

RECOMMENDATION:

Staff recommends granting the applicant's request to waive the parkland dedication requirements as required by Killeen Code of Ordinances, Chapter 26, Article IV, Division 5, for the proposed Final Plat of Heritage Oaks, Phase 7 pursuant to Section 26-162. Staff finds that the applicant's request conforms to the provisions outlined in the Killeen Code of Ordinances Sec. 26-135(A) and that in granting the appeal, the spirit of the ordinance is observed, and substantial justice is done.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Map

Letter of Request

Presentation