



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-17-053    **Version:** 1    **Name:** Zoning 17-28  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 11/20/2017    **In control:** City Council  
**On agenda:** 12/12/2017    **Final action:** 12/12/2017  
**Title:** HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf RSBP Developers, Inc. (Case #Z17-28) to rezone approximately 1.738 acres being part of the W. E. Hall Survey, Abstract No. 1116 from "B-3" (Local Business District) to "R-1" (Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road 3,200 feet east of East Trimmier Road, Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Staff Report, 2. Exhibits, 3. Minutes, 4. Ordinance, 5. Location and Notification Map, 6. Presentation

Date	Ver.	Action By	Action	Result
12/12/2017	1	City Council	Approved	Pass
12/5/2017	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, Ltd. on behalf RSBP Developers, Inc. (**Case #Z17-28**) to rezone approximately 1.738 acres being part of the W. E. Hall Survey, Abstract No. 1116 from "B-3" (Local Business District) to "R-1" (Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road 3,200 feet east of East Trimmier Road, Killeen, Texas.

**DATE:** December 5, 2017

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

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

**SUBJECT: ZONING CASE #Z17-28: "B-3" (LOCAL BUSINESS DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT)**

### **BACKGROUND AND FINDINGS:**

This request, submitted by Killeen Engineering & Surveying, Ltd. on behalf RSBP Developers, Inc., is to rezone approximately 1.738 acres, being part of the W. E. Hall Survey, Abstract No. 1116, from "B-3" (Local Business District) to "R-1" (Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road 3,200 feet east of East Trimmier Road, Killeen, Texas.

### **District Descriptions:**

A building or premises in the "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.

Property Specifics:

Applicant / Property Owner: John Helen Purser, 1999 Trust & RSBP Developers, Inc.

Property Location: The property is located along the north right-of-way of Chaparral Road, 3,200 feet east of East Trimmier Road.

Legal Description: The property is part of the W.E. Hall Survey, Abstract No.1116.

Zoning/ Plat Case History:

- This property was rezoned from "R-1" to "B-3" in July 2014 at the property owner's request.
- The subject property is part of the proposed Heritage Oaks Phase Two final plat, which was approved by the Planning and Zoning Commission on August 21, 2017, but is not yet recorded.

Character of the Area:

Existing Land Use(s) on the Property: Vacant; proposed single-family housing subdivision

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 supply and sewer facilities will need to be extended to the site as part of the development process.

### **Transportation:**

Existing conditions: This property is projected to become a corner lot with frontage on Platinum Drive and Chaparral Road. Chaparral Road is classified as a Minor Arterial and Platinum Drive as a Collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: The developer will extend Platinum Drive as part of the Heritage Oaks P.U.D. Additionally the property owner will have to dedicate the necessary right-of-way for Chaparral Road once the property is platted.

Projected Traffic Generation: The proposed downzoning from B-3 to R-1 will result in less traffic being generated.

### Environmental Assessment:

Topography/Regulated Floodplain/Floodway/Creek: The property is undulating, with elevation changes of approximately 788' to 804'. Property is not within any FEMA regulatory Special Flood Hazard Area (SFHA).

### Land Use Analysis:

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

**Plan Recommendation:** The 'Suburban Residential' character encourages detached residential dwellings, public/institutional uses, parks, and public spaces. The characteristics of this designation include:

- Suburban character from balance between buildings and other site improvements relative to degree of open space maintained on the site.
- Larger baseline minimum lot size allows for larger front yards and building setbacks and greater side separation between homes.

**Consistency:** This zoning request is not consistent with the Comprehensive Plan. However, staff is of the determination that approval of the request will not significantly impact the character of the area due to its relatively small size. In addition, this request serves to reverse the rezoning request that was made by the applicant in 2014. The property to the north and east of the subject parcel is currently zoned "R-1"; so this request is in keeping with the adjacent zoning.

### Public Notification:

Staff notified property owners of the three (3) surrounding properties that are within 200 feet of the subject site regarding this request. As of the date of this report, no responses have been received.

### **THE ALTERNATIVES CONSIDERED:**

**Which alternative is recommended?** Staff is not recommending any alternative.

**Why?** The applicant would like to pursue the zoning request as submitted.

### **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:**

Staff recommends approval of the request to rezone from "B-3" (Local Business District) to "R-1" (Residential Single-Family District). Although the proposed "R-1" zoning district is not consistent with the 'Suburban Residential' classification on the City's Future Land Use Map, the proposed zoning is consistent with the adjacent "R-1" district to the north and east. Staff finds that reverting back to "R-1" will be in keeping with the character of the approved Heritage Oaks Phase Two plat and will not substantially impact the character of the area.

By a vote of 6 to 0 (Commissioner Harkin abstained), the Planning and Zoning Commission recommended approval of "R-1" zoning.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning staff.

**ATTACHED SUPPORTING DOCUMENTS:**

1. Exhibits
2. Minutes
3. Ordinance
4. Location/Notification Map