



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-19-048    **Version:** 1    **Name:** Zoning 19-25  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 11/22/2019    **In control:** City Council  
**On agenda:** 12/17/2019    **Final action:** 12/17/2019  
**Title:** HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Herring Legacy Estates, L.L.C. (Case #Z19-25) to rezone approximately 75.9 acres, being out of the W. E. Hall Survey, Abstract No. 1116, from "A-R1" (Agricultural Single-Family Residential District) and "A" (Agricultural District) to "SR-1" (Suburban Residential Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, 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
12/17/2019	1	City Council	Approved	Pass
12/10/2019	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Herring Legacy Estates, L.L.C. (**Case #Z19-25**) to rezone approximately 75.9 acres, being out of the W. E. Hall Survey, Abstract No. 1116, from "A-R1" (Agricultural Single-Family Residential District) and "A" (Agricultural District) to "SR-1" (Suburban Residential Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, Killeen, Texas.

**DATE:**        **December 10, 2019**

**TO:**        **Kent Cagle, City Manager**

**FROM:**        **Tony McIlwain, Interim Exec. Dir. of Planning and Dev. Services**

**SUBJECT:**        **ZONING CASE #Z19-25: "A-R1" (Agricultural Single-Family Residential District) and "A" (Agricultural District) to "SR-1" (Suburban Residential Single-Family Residential District)**

### **Background and Findings:**

This request submitted on behalf of Herring Legacy Estates, L.L.C. is to rezone approximately 75.9 acres, out of the W. E. Hall Survey, Abstract No. 1116 from "A-R1" (Agricultural Single-Family Residential District) and "A" (Agricultural District) to "SR-1" (Suburban Residential Single-Family Residential District). The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, Killeen, Texas.

### **"SR-1" Suburban Residential Single-Family Residential District Description**

If approved as proposed, a building or premises in the district "SR-1" Suburban Residential Single-Family Residential district shall be used only for the following purposes:

- (1) Single-family detached dwellings.
- (2) Any uses permitted in section 31-183(1-13(b)) ("R-1" Single-Family Residential district)

### **Property Specifics:**

Applicant / Property Owner: Herring Legacy Estates, L.L.C.

Property Location: The property is located on the north right-of-way of Chaparral Road, west of Heritage Oaks Phase Two, Killeen, Texas.

Legal Description: W. E. Hall Survey, Abstract No. 1116

### **Zoning/ Plat Case History:**

- The property has maintained its current agricultural related zoning since its annexation on March 16, 2004.
- The subject property is not platted.

### **Character of the Area:**

Existing Land Use(s) on the Property: The property is vacant and undeveloped. The surrounding community is made up of a mix single-family residential dwelling units and undeveloped land.

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 construction purposes.

### **Transportation:**

Existing Conditions: The property has approximately 685' of frontage along Chaparral Road which is classified as a minor arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: Development of this property will require the construction and acceptance of public rights-of-way.

Projected Traffic Generation: A single-family home will generate roughly 10 vehicle trips per day. This phase of the project is expected to yield approximately 158 single-family lots and generate 1504 total daily trips, with 119 A.M. peak hour trips and 158 P.M. peak hour [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-10th Edition, provided through Spack Consulting].

## **Environmental Assessment:**

The property does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). However, there is a FEMA recognized watercourse, locally known as NP creek, which runs from the northeastern property boundary through the parcel to the norther property boundary. Current City Codes require the establishment of a creek buffer zone (CBZ) that spans a distance of 25' beyond the top of each bank for the designated watercourse. Any proposed re-routing of the existing watercourse will require an additional 0.5 BMP credits to cover the disturbance of the CBZ.

At the time of development the current drainage design manual (DDM) and infrastructure design and development standards will be applicable to this site. The property owner and his 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 infrastructures with the Public Works Department.

## **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' designation encourages a mix of detached single-family residential dwellings, planned developments to provide for other housing types in a Suburban character setting, public and institutional uses, and parks and public spaces.

Consistency: The applicant's zoning request is consistent with 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 eight (8) surrounding property owners that own land within 400' of the subject site 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 than requested by the applicant; or
- approve the applicant's zoning request.

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

**Why?** The applicant's zoning request is consistent with the Comprehensive Plan's FLUM and is compatible with the

surrounding residential community.

**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; however, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

**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 by a vote of 5 to 1, with Commissioner Gukeisen in opposition to the motion.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations