



# City of Killeen

## Legislation Text

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File #: PH-24-004, Version: 1

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**HOLD** a public hearing and consider an ordinance requested by Quintero Engineering, on behalf of A&T Construction, LLC (**Case #Z23-30**) to rezone approximately 7.4 acres, being part of the W. L. Harris Survey, Abstract No. 1155 from "R-1" (Single-Family Residential District) to "R-2" (Two-Family District). The property is generally located south of the intersection of Mesa Verde Drive and Alfredo Guerrero Avenue, Killeen, Texas.

**DATE:** February 06, 2023

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** Zoning Case #23-30: "R-1" (Single-Family Residential District) to "R-2" (Two-Family District)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** A & T Construction, LLC

**Agent:** Quintero Engineering, LLC

**Current Zoning:** "R-1" (Single-Family Residential District)

**Proposed Zoning:** "R-2" (Two-Family Residential District)

**Current FLUM Designation:** 'Traditional Neighborhood' (TN)

#### **Summary of Request:**

Quintero Engineering, LLC, on behalf of A & T Construction, LLC, has submitted a request to rezone approximately 7.4 acres out of the W. L. Harris Survey, Abstract No. 1155, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). If approved, the applicant intends to develop two-family residential homes on the property.

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

The subject property was annexed into the City limits on August 24, 2021, via Ordinance No. 20-050. The property was subsequently zoned to "R-1" (Single-Family Residential District) on November 9, 2021, via Ordinance No. 21-063. The property is currently not platted.

In May 2022, the applicant submitted a rezoning request to rezone this property from "R-1" (Single Family Residential) to "R-2" (Two-Family Residential District). The requested zoning was disapproved by the City Council on July 11, 2022. Per Killeen Code of Ordinances Sec. 31-39(g), "when a zoning petition fails to be approved by the City Council, the same petition shall not be resubmitted to either the City Council or the

Planning and Zoning commission for a period of twelve (12) months from the date of such failure, unless the petition is substantially changed from the original petition.” The applicant has waited the requisite twelve (12) months and is now making the same request again.

**Character of the Area:**

**North:** “R-1” (Single-Family Residential District)

**South:** Existing residential property in the ETJ

**East:** Existing residential properties zoned “R-1” (Single-Family Residential District), currently under development.

**West:** Undeveloped “A” (Agricultural District).

**Future Land Use Map Analysis:**

The subject property is located within the ‘Controlled Growth’ area on the Growth Sector Map. The property is designated as ‘Traditional Neighborhood’ on the Future Land Use Map (FLUM) of the Killeen 2040 Comprehensive Plan.

The ‘Traditional Neighborhood’ place type recreates the pre-suburban development patterns with smaller lots and setbacks, diverse housing typologies, and a mix of uses, which include residential uses such as townhouses and small plex (2-6 units), non-residential uses such as small-scale and neighborhood scale commercial development, and mixed-use such as live-work or few overs.

The ‘Controlled Growth’ sector includes areas in the city limits and approved Municipal Utility Districts (MUDs) with close access to city infrastructure in close proximity. Development proposed in this sector will be evaluated for adherence to the Big Ideas and recommendations of the plan, particularly those related to housing and neighborhood options, and improve Killeen’s fiscal health and sustainability.

**Development Zone Analysis:**

- This property is located within Killeen Development Zone #5.
- Current land use mix within this area comprises approximately:
  - 17.10% agricultural
  - 3.15% A-R1
  - 9.76% non-residential
  - 64.33% Special District

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract. Water is located to the north on the south side of Mesa Verde Dr. and to the east on the south side of Lyla Dr. Sanitary sewer is located to the north on the north side of Mesa Verde Dr. and to the east on the north Side of Lyla Dr.

**Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from Mesa Verde Drive and Layla Drive, which are classified as a 60' wide Local Streets on the City of Killeen Comprehensive Plan. Staff has determined that a Traffic Impact Analysis is not required for the proposed land use.

### **PARKS AND PROPOSED TRAIL PLAN:**

If the zoning request is approved, the development will be required to comply with the requirements of the City's parkland dedication and development ordinance. For a development of sixty (60) duplex units, parkland dedication fees would be as follows:

- Fees-in-lieu of parkland dedication: \$39,000
- Park development fees: \$15,000
- Total parks fees: \$54,000 .

### **Environmental Assessment:**

The property is not within a FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified one hundred and six (106) surrounding property owners regarding this request. Of those property owners notified, fifty-eight (58) reside outside the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by the Council, and thirty-three (33) live outside Killeen.

As of the date of this staff report, Staff has received three (3) written responses in opposition to this request. Of the three (3), one (1) is outside of the notification boundary.

### **Staff Findings:**

The current zoning of the subject property is "R-1" (Single-Family Residential District). The surrounding area includes predominantly single-family residential uses. Staff finds that the applicant's request is consistent with the policies and principles of the Killeen 2040 Comprehensive Plan. However, Staff is of the determination that the applicant's request is not consistent with the prevailing single-family character of the adjacent neighborhoods. Staff finds that the subject property would be better suited for single-family residential use.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Disapprove the applicant's zoning request;
- Approve a more restrictive zoning district; or
- Approve the applicant's request as presented.

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

Staff recommends disapproval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District).

Staff finds that the applicant's request is not consistent with the single-family land uses to the east and west of the subject property.

**CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures, as detailed in Chapter 31 of the City of Killeen Code of Ordinances. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

**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:**

At their regular meeting on December 18, 2023, the Planning and Zoning Commission recommended approval of the applicant's request to rezone the subject property from "R-1" (Single-Family District) to "R-2" (Two-Family District) by a vote of 7 to 1, with Commissioner Sabree in opposition.

Commissioner Sabree stated that she agreed with the staff's recommendation to disapprove the request.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Letter of Request  
Minutes  
Ordinance  
Responses  
Considerations  
Presentation