

MINUTES
PLANNING AND ZONING COMMISSION MEETING
October 14, 2024
Case # Z24-29
“A” to “R-1”

HOLD a public hearing and consider a request submitted by TCG Engineering on behalf of McLean Commercial Ltd. (**Case #Z24-29**) to rezone approximately 87.44 acres out of the W. H. Cole Survey, Abstract No. 200 from “A” (Agricultural District) to “R-1” (Single-Family Residential District). The subject property is generally located on the west side of Featherline Drive, west of the intersection of Malmaison Road, Killeen, Texas.

Mr. Millard presented the staff report for this item. He stated that, if approved, the applicant intends to develop the property into single-family lots.

Mr. Millard explained that the applicant originally submitted a request to rezone this property to “R-1” (Single-Family Residential District), which was denied by City Council on April 23, 2024. In accordance with Sec. 31-39(g), when a zoning petition fails to be approved by 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 has substantially changed from the original petition.

He further explained that the code states that a petition is substantially changed if “the area petitioned to be rezoned is reduced in size by at least twenty (20) percent from the area in the original petition.” The applicant’s previous request consisted of 195.04 acres, whereas this request consists only of 87.44 acres, which is equivalent to a 55% reduction in the area of the original requirements, which meets the requirements of Sec. 31-39(g)(3). Therefore, the applicant is allowed to submit this request without waiting one year.

The subject property is located within the ‘Controlled Growth sector on the Growth Sector Map of the Comprehensive Plan and is designated as ‘Residential Mix’ (RM) on the Future Land Use Map (FLUM). This ‘Controlled Growth’ sector includes areas in the city limits and approved Municipal Utility Districts (MUDs) that have access to city infrastructure in close proximity. Staff finds that the applicant’s request is consistent with the 2040 Comprehensive Plan.

Mr. Millard stated that staff notified one hundred and seventeen (117) surrounding property owners regarding this request. As of the date of the meeting, staff has received seventeen (17) written responses in opposition to the request.

Mr. Millard stated that staff recommends approval of the applicant’s request to rezone the property from “A” (Agricultural District) to “R-1” (Single-Family Residential District).

The applicant, Mr. Garret Nordyke, was present to represent the request. He provided a summary of the request and reiterated that all concerns related to traffic, drainage, and water and wastewater availability will be addressed during the platting phase of development. He stated that a Traffic Impact Analysis (TIA) will be conducted during the platting process, which will determine what improvements are needed to mitigate the impact of additional traffic. He also stated that the development will fully comply with all City of Killeen drainage requirements and subdivision regulations for the development, and no variances will be requested. Mr. Nordyke stated that the request complies with the Future Land Use Map (FLUM).

Chairman Minor stated that, if the request is approved, he hopes the development will provide a park instead of paying the fees in-lieu-of parkland dedication.

Chairman Minor opened the public hearing at 5:48 p.m.

Ms. Heather McNealy spoke in opposition to the request. Ms. McNealy stated that she would prefer a mixed-use development, such as a PUD (Planned Unit Development) with different residential types and some commercial uses.

Mr. James Sills spoke in opposition to the request. Mr. Sills stated that this request does not adhere to the Comprehensive Plan and will not create a complete neighborhood. He also stated that the Comprehensive Plan does not consider any recent developments that have already been approved since implementation. He expressed further concerns with traffic and safety.

Mr. Jayson Shatto spoke in support of the request. Mr. Shatto stated that the water pressure has been tested and the developers have taken steps to address the issues that the neighboring citizens had. He believes there is still a demand for single-family homes in this area and that this will benefit the City of Killeen.

With no one else wishing else to speak, the public hearing was closed at 5:58 p.m.

Commissioner Wilson moved to recommend disapproval of the request. Commissioner Pineda seconded.

Commissioner Wilson stated that he did not believe the request conforms to the Pharr vs. Tippitt considerations, and that he did not believe there is a substantial public need for the proposed project at this time. He further expressed concern regarding the lack of sidewalks along Featherline Road.

The motion to recommend disapproval passed by a vote of 3 to 2 with Commissioners Giacomozzi and Ellis voting in opposition to the motion.