

MINUTES
PLANNING AND ZONING COMMISSION MEETING
August 26, 2024
Case # Z24-19
“R-1” to “R-2”

Consider a request submitted by Suk Baldwin on behalf of True Fountain, LLC (**Case #Z24-19**) to rezone approximately 0.3 acre out of Lot 2, Block 1 of the Bunny Trail Village Replat No. 1 from “R-1” (Single Family Residential District) to “R-2” (Two-Family Residential District). The subject property is locally addressed as 3413 Abraham Drive, Killeen, Texas.

Chairman Minor stated that the Commission has already held a public hearing for this item previously, so there will be no public hearing for the item.

Commissioner Gukeisen requested a point of order and asked that the item be read into the record. Chairman Minor stated that the item needed a motion to allow for any discussion to be held, including any presentations for the item.

Chairman Minor opened the item for a vote. Commissioner Wilson moved to recommend approval of the request as presented. Commissioner Gukeisen restated his point of order regarding reading the item into record. Chairman Minor declined the point of order and reopened the item for motions. Commissioner Ploeckelmann seconded, and the item was opened for discussion.

Commissioner Gukeisen stated that the item should be briefed and that the item was improperly conducted during the meeting. Following a brief discussion regarding meeting procedures, Commissioner Gukeisen made a motion to have staff present item O-1.

Mr. Hermosillo presented the staff report for the item. He stated that, if approved, the applicant intends to develop a two-family residential home on the property. Mr. Hermosillo stated that this request was brought before the Planning and Zoning Commission on August 12, 2024, and the Commission tabled the item until the issue regarding ownership was resolved, which should not exceed a period of six (6) months. The item was thoroughly reviewed by the City Attorney’s Office and based on the available property records, city staff is under the opinion that True Fountain, LLC is the legal property owner of subject property.

Mr. Hermosillo stated that Texas Local Government Code Section 211.007 requires that the Commission hold at least one public hearing before submitting a final report to the governing body, and the Commission may postpone an item to a future meeting in order to obtain additional information needed to make a decision. However, the Commission may not table an item in order to delay taking action on the item. In accordance with the Planning and Zoning Commissions Rules and Procedures, the Commission shall advise the City Council on those matters falling within its charged responsibilities as defined by State Law.

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 2022 Comprehensive Plan.

Mr. Hermosillo stated that staff is of the determination that at this time no other additional information required to determine ownership to make a recommendation regarding this request. The Commission must make a recommendation to the City Council to approve or disapprove the request. Mr. Hermosillo stated that staff recommends approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District).

Commissioner Ploeckelmann stated that, since the request has been through a thorough review by the City Attorney's Office, and based on the available property records, the Commission should not delay taking action on this item.

Chairman Minor opened the item for voting on the motion to recommend approval of item O-1. The motion passed by a vote of 7 to 1 with Commissioner Gukeisen in opposition.

Commissioner Gukeisen expressed concerns regarding the Commission taking action on the request due to the dispute between the applicant and the adjacent property owner regarding ownership of the subject property.