



STAFF REPORT

DATE: December 10, 2019

TO: Kent Cagle, City Manager

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

SUBJECT: ZONING CASE #Z19-26: "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "SF-2" (Single-Family Residential District) and from "A" (Agricultural District) to "SF-2" (Single -Family Residential District)

Background and Findings:

This request is submitted on behalf of Leslie Shelley to rezone approximately 4.153 acres, out of the W. H. Cole Survey, Abstract No. 200, from "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "SF-2" (Single-Family Residential District) and from "A" (Agricultural District) to "SF-2" (Single -Family Residential District). The property is locally known as 211 Viola Drive, Killeen, Texas.

Conditional Use Permit

The City Council by an affirmative majority vote may by ordinance grant a Conditional Use Permit as provided in section 31-456 of the Code of Ordinances for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the Veterans Cemetery. Conditional Use Permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

"SF-2" Single-Family Residential District Description

A building or premises in a district "SF-2" single-family residential district shall be used only for the following purposes:

- (1) Single-family dwellings meeting the criteria of the garden home district, with a minimum floor area of one thousand one hundred (1,100) square feet.
- (2) All uses allowed in section 31-183(1-13(b)) ("R-1" Single-Family Residential district), including those defined as home occupation uses.

Property Specifics:

Applicant / Property Owner: Leslie Shelley

Property Location: The property is locally known as 211 Viola Drive, Killeen, Texas.

Legal Description: Approximately 4.153 acres, out of the W. H. Cole Survey, Abstract No. 200

Zoning/ Plat Case History:

- The property was rezoned to "CD" (Cemetery District) due to the establishment of the "CD" (Cemetery District) zoning on 9 May, 2006.
- The subject property is previously not platted and part of the W. H. Cole Survey, Abstract No. 200.

Character of the Area:

Existing Land Use(s) on the Property: The property is currently a single family agricultural parcel located within the Splawn Ranch subdivision. The surrounding community is made up of single-family residential dwelling units.

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 is situated between Viola, Zayden, Fred Patrick, and Cullen Drives with approximately 1,700' of combined frontage. Viola, Zayden, Fred Patrick, and Cullen Drives have been constructed as 60 ft. rights-of-way and are classified as local streets 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 project, as proposed, is expected to yield approximately 36 single-family lots and generate 343 total daily trips, with 27 A.M. peak hour trips and 36 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:

At the time of development, the current Drainage Design Manual (DDM) and Infrastructure Design and Development Standards Manual (IDDSM) 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 connectivity to all publicly dedicated infrastructure with the Public Works Department.

Land Use Analysis:

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

Plan Recommendation: 'General Residential' (GR) designation encourages detached residential dwellings, attached housing types subject to compatibility and open space standards, planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards, 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 ninety-one (91) 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 the applicant's zoning request; or
- approve a more restrictive zoning district than requested by the applicant.

Which alternative is recommended? Staff recommends that the City Council approve a more restrictive Conditional Use Permit (CUP) with "R-1" (Single-Family Residential District) zoning for residential use with the minimum area regulations as detailed in 31-188 of the Code of Ordinances; staff also recommends approval of the "A" (Agricultural District) zoning transitioning to "R-1" as well.

Why? Staff is of the determination that the proposed "SF-2" zoning would be incompatible with the surrounding residential community; the surrounding residential lots have been developed on 70 foot wide lots, which are greater than 9,000 square feet in area. The proposed "SF-2" single-family residential district zoning would allow smaller 5,000 square foot residential lots with a width of 50' and a depth of 100'.

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 request to rezone the subject property from "CD" (Cemetery District) to "CD" (Cemetery District) with a Conditional Use Permit (CUP) for "R-1" (Single-Family Residential District) and from "A" (Agricultural District) to "R-1" (Single -Family Residential District) by a vote of 3 to 2, with Commissioners Payton and O'Brien in opposition to the motion. Commissioner Alvarez recused himself from the vote and filed the required affidavit disclosing a conflict of interest.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

- Maps
- Minutes
- Ordinance
- Considerations