



CASE #Z22-37: “B-3” TO “R-3F”

PH-22-062

August 2, 2022

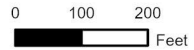
Case #Z22-37 – “B-3” to “R-3F”

- ❑ **HOLD** a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of BFF Construction, LLC (**Case #Z22-37**) to rezone approximately 0.16 acres out of the John R. Smith Survey Abstract No. 797 from “B-3” (Local Business District) to “R-3F” (Multifamily Residential District).
- ❑ The property is locally addressed as 1015 N. 10th Street, Killeen, Texas.



AERIAL MAP

Council District: 1



Subject Property Legal Description: COLE, BLOCK 003, LOT PT BLK, (N 64' OF E 100' OF BLK 3), 700-25

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Legend

-  Citylimits
-  Zoning Case

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- If approved, the applicant intends to develop a duplex on the property.
- In November 2021, the applicant submitted a request to rezone the subject property from “B-3” (Local Business District) to “R-2” (Two-Family Residential District) (**Case #Z21-39**). That request was subsequently disapproved by City Council on January 11, 2022.

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- Killeen Code of Ordinances Sec. 31-39(f) states the following:

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 is substantially changed from the original petition.

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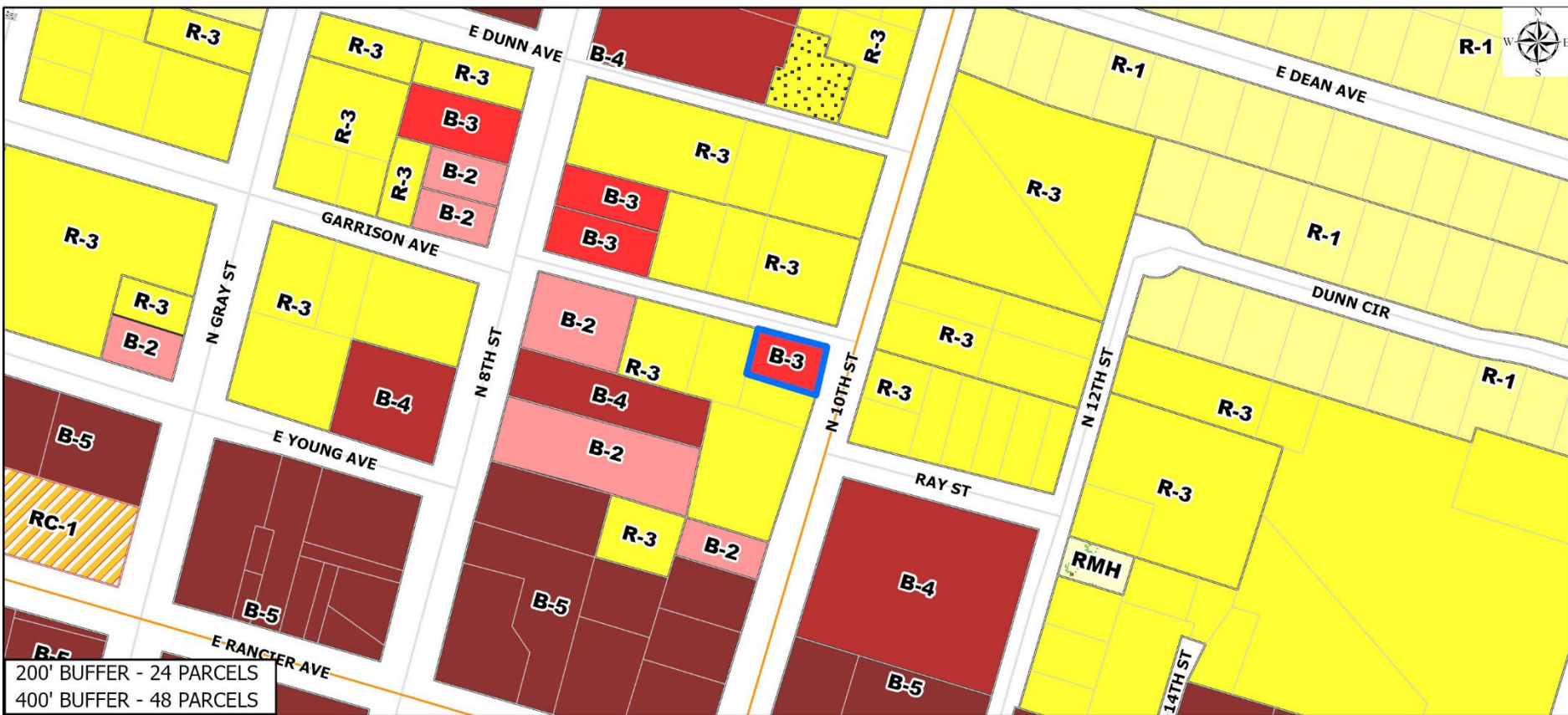
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- Sec. 31-39(f) further states that “a petition shall be considered substantially changed if a different zoning classification from that originally sought is requested.”
- Therefore, the applicant has submitted a request to rezone the subject property from “B-3” (Local Business District) to “R-3F” (Multifamily Residential District).

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- This property is designated as ‘Residential-Commercial Mix’ (RC-Mix) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

- The ‘Residential-Commercial Mix’ (RC-Mix) designation encourages the following development types:
 - ▣ Mix of residential types and densities; and
 - ▣ Variety of commercial and light industrial activities.



200' BUFFER - 24 PARCELS
 400' BUFFER - 48 PARCELS

ZONING MAP
 Council District: 1
 0 100 200
 Feet

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View of the subject property from Garrison Avenue:



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Surrounding property to the north:



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Surrounding property to the west:



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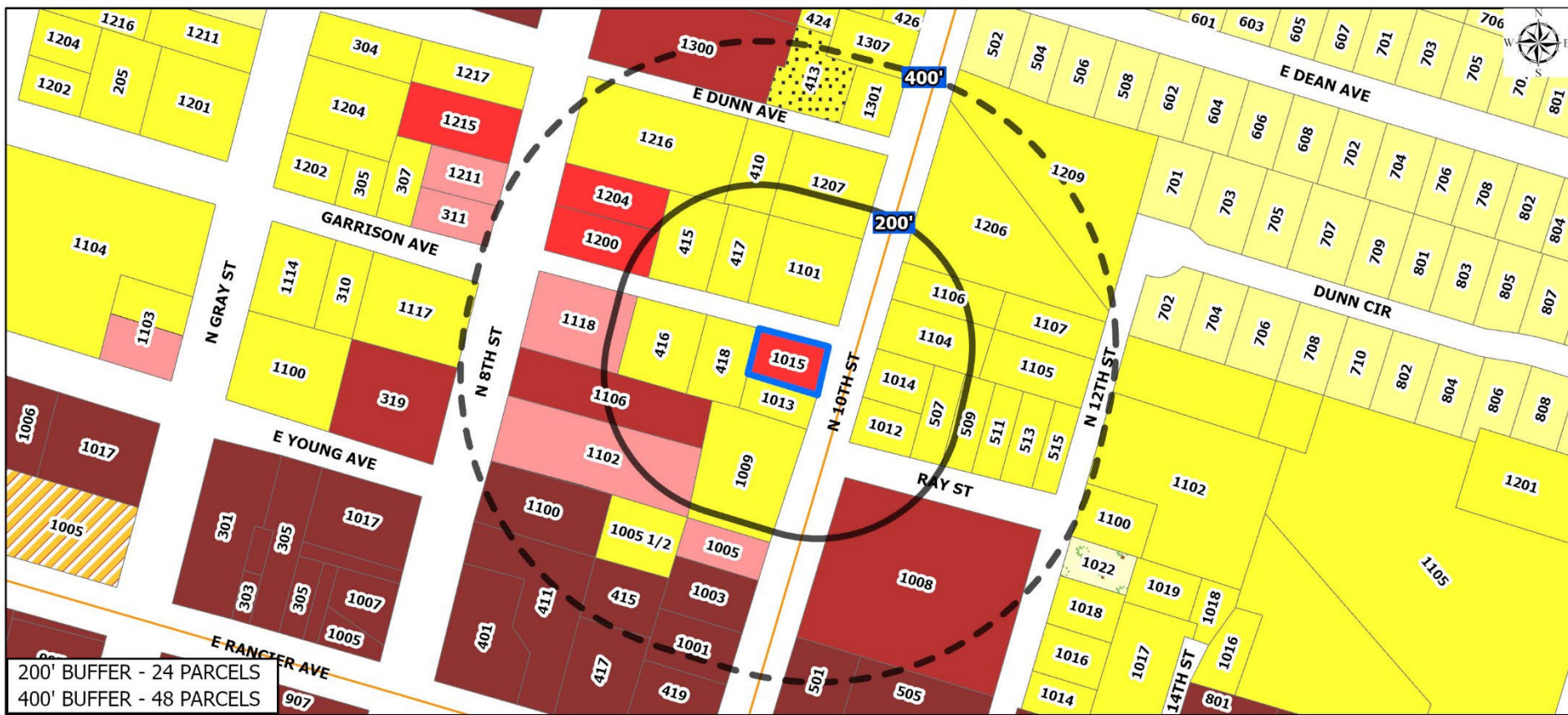
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Adjacent property to the south:



Public Notification

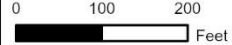
- Staff notified forty-seven (47) surrounding property owners regarding this request.
- Of those property owners notified, twenty-four (24) properties are located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twenty (20) reside outside of Killeen.
- To date, staff has received no written responses regarding this request.



200' BUFFER - 24 PARCELS
 400' BUFFER - 48 PARCELS

NOTIFICATION MAP

Council District: 1



Subject Property Legal Description: COLE, BLOCK 003, LOT PT BLK, (N 64' OF E 100' OF BLK 3), 700-25

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Legend	CurrentZoning	 B-5	 R-3
	 B-2	 RC-1	 RMH
	 B-3	 R-1	 R-2
	 B-4		

Alternatives

- ❑ The City Council has three (3) alternatives. The 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.

Staff Recommendation

- Staff finds that the request does not meet the requirements set forth in Killeen Code of Ordinances Sec. 31-255.1(b) and 31-256.9(a). Therefore, staff is unable to recommend approval of the request for “R-3F” (Multifamily Residential District).
- Staff recommends approval of “R-2” (Two-Family Residential District), which is a more restrictive zoning district than requested by the applicant.

Staff Findings

- Staff is of the determination that approval of “R-2” (Two-Family Residential District) would be appropriate in this location. Approval of “R-2” (Two-Family Residential District) would allow for a mix of residential types and densities, which is consistent with the current ‘RC-MIX’ FLUM designation.
- In addition, staff is of the determination that rezoning the property from commercial to residential will encourage infill development in North Killeen, which is consistent with the policies and principles discussed during the ongoing Comprehensive Plan process.

Commission Recommendation

- At their special meeting on July 11, 2022, the Planning and Zoning Commission recommended approval of “R-2” (Two Family Residential) by a vote of 6 to 1 with commissioner Gukeisen in opposition.
- Commissioner Gukeisen stated that he felt the property owner was exploiting a loophole to have their request heard again.