



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-14-027B    **Version:** 1    **Name:** Zoning 14-08  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 3/3/2014    **In control:** City Council  
**On agenda:** 3/25/2014    **Final action:** 3/25/2014

**Title:** HOLD a public hearing and consider an ordinance requested by Carol Daude, Trustee of the Margaret Dorothy Stefek Marital Trust, (Case #Z14-08) to rezone 4.261 acres, out of the A. Webb Survey, Abstract No. 857, from R-1 (Single-Family Residential District) to R-2 (Two-Family Residential District) and approximately 5.634 acres from R-1 to B-5 (Business District). The property is located approximately 1,100 feet south of E. Elms Road on the west right-of-way of Old Florence Road, Killeen, Texas.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Council Memorandum, 2. Attachment to Council Memorandum, 3. Ordinance, 4. Minutes, 5. Application, 6. Location Map, 7. Buffer Map, 8. Opposition, 9. Considerations

Date	Ver.	Action By	Action	Result
3/25/2014	1	City Council	Approved	Pass
3/18/2014	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Carol Daude, Trustee of the Margaret Dorothy Stefek Marital Trust, (Case #Z14-08) to rezone 4.261 acres, out of the A. Webb Survey, Abstract No. 857, from R-1 (Single-Family Residential District) to R-2 (Two-Family Residential District) and approximately 5.634 acres from R-1 to B-5 (Business District). The property is located approximately 1,100 feet south of E. Elms Road on the west right-of-way of Old Florence Road, Killeen, Texas.

### AGENDA ITEM

### ZONING CASE #Z14-08 FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT) AND B-5 (BUSINESS DISTRICT)

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

#### Nature of the Request

Carol Daude, Trustee of the Margaret Dorothy Stefek Marital Trust, submits this request to rezone approximately 4.261 acres out of A. Webb Survey, Abstract Number 857, from R-1 (Single-Family Residential District) to R-2 (Two-Family Residential District) and approximately 5.364 acres from R-1 (Single-Family Residential District) to B-5 (Business District).

District Descriptions:

A building or premises in a district R-2 (Two-Family Residential District) shall be used only for the following purposes:

- (1) Any use permitted in district R-1.
- (2) Two-family dwellings.

A building or premises in the district B-5 (Business District) shall be used only for the following purposes:

- (1) Any use permitted in the B-4 district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse. Less than one hundred thousand (100,000) square feet.
- (4) Newspaper or job printing.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.
- (7) Trailer rental or sales.
- (8) Wholesale house.
- (9) Auto parts sales, used. No outside storage, display or dismantling.
- (10) A customarily incidental use.
- (11) Any commercial use not included in any other district, provided such use is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (12) Mobile home sales.
- (13) Sale of beer and/or wine for off-premises consumption only.
- (14) Tattooing (as licensed per Texas Health and Safety Code, chapter 146, as amended).

### **Property Specifics**

**Applicant/Property Owner:** Carol Daude, Trustee of the Margaret Dorothy Stefek Marital Trust.

**Property Location:** The property is located approximately 1,100 feet south of the E. Elms Road on the west right-of-way Old Florence Road.

**Legal Description:** Approximately 9.62 acres out of A. Webb Survey, Abstract Number 857.

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

- There has been no previous rezoning activity for this property recently.
- This property is not platted.

### **Character of the Area**

**Existing Land Uses(s) on the Property:** The subject property is undeveloped and vacant. There are existing commercial uses and residential uses in the vicinity which have created a mixture of various land uses.

### **Figure 1. Zoning Map**

See Attachment

**Historic Properties:** None

### **Infrastructure and Community Facilities**

#### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: The installation of a potable water main and gravity sanitary sewer main will be required (to be extended across the tract from the existing mains abutting the property) at the time of platting.

### **Transportation:**

Existing Conditions: Old Florence Road is classified as a 70' collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: Undetermined.

Projected Traffic Generation: There will be a moderate increase in traffic as a result of this zoning action.

### **Environmental Assessment**

**Topography:** The property ranges in elevation from 950' to 960'.

**Regulated Floodplain/Floodway/Creek:** This lot is not within any FEMA regulatory Special Flood Hazard Area.

### **Land Use Analysis**

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

**Plan Recommendation:** The 'General Residential' character encourages detached residential dwellings as the primary focus, attached housing types subject to compatibility and open space standards (e.g. duplexes), planned developments with a mix of housing types subject to compatibility and open space standards, public/institutional, parks, and other public spaces. The characteristics of this designation include:

- Predominantly R-1 zoning district with less openness and separation between dwellings compared to Suburban Residential areas.
- Auto-oriented character that can be offset with architectural standards, landscaping, and limited uniform subdivision designs.
- Neighborhood-scale commercial emerging over time for well-suited areas.

**Consistency:** The request to change the zoning of 4.261 acres from R-1 (Single-Family Residential District) to R-2 (Two-Family Residential District) is consistent with the Future Land Use Map. However, the request to change the zoning of 5.364 acres from R-1 (Single-Family Residential District) to B-5 (Business District) is not consistent with the Future Land Use Map.

### **Public Notification**

The staff notified 47 surrounding property owners regarding this request. Staff received three protests. These have been included for consideration.

### **Recommendation**

The Planning and Zoning Commission recommends approval of the request to change the zoning of the 4.261 acres from R-1 (Single-Family Residential District) to R-2 (Two-Family Residential District) since the request is consistent with the adopted Future Land Use Map, a component of the Comprehensive Plan.

The Planning and Zoning Commission recommends approval of a zoning change to B-3 (Local Business District) for the subject property consisting of 5.364 acres, instead of the requested B-5 Business District designation. As referenced earlier, Chapter 2, page 2.15 of the Comprehensive Plan speaks to neighborhood-scale commercial uses being encouraged on sites and in locations within or near 'General Residential' areas. The applicant's agent stated that his client was agreeable to the B-3 recommendation from the Planning and Zoning Commission.