



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-22-018    **Version:** 1    **Name:** Zoning 22-07  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 1/18/2022    **In control:** City Council  
**On agenda:** 3/8/2022    **Final action:** 3/8/2022  
**Title:** HOLD a public hearing and consider an ordinance requested by Russell and Oteeka Davis, (Case #Z22-07), to rezone approximately 0.22 acres out of the Spofford Addition, Block D, part of Lot 8, from "R-3" (Multifamily Residential District) to "B-5" (Business District). The property is addressed as 409 761st Tank Battalion Avenue, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Maps, 3. Minutes, 4. Site Photos, 5. Ordinance, 6. Considerations, 7. Presentation

Date	Ver.	Action By	Action	Result
3/8/2022	1	City Council	Approved	Pass
3/1/2022	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Russell and Oteeka Davis, (Case #Z22-07), to rezone approximately 0.22 acres out of the Spofford Addition, Block D, part of Lot 8, from "R-3" (Multifamily Residential District) to "B-5" (Business District). The property is addressed as 409 761st Tank Battalion Avenue, Killeen, Texas.

**DATE:**        **March 1, 2022**

**TO:**         **Kent Cagle, City Manager**

**FROM:**      **Wallis Meshier, CNU-A, Director of Planning**

**SUBJECT:    ZONING CASE #22-07: "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT) TO "B-5" (BUSINESS DISTRICT)**

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** Russell and Oteeka Davis  
**Current Zoning:** "R-3" (Multifamily Residential District)  
**Requested Zoning:** "B-5" (Business District)  
**Current FLUM Designation:** 'Residential Mix' (R-MIX)  
**Requested FLUM Designation:** 'General Commercial' (GC)

**Summary of Request:**

Russell and Oteeka Davis have submitted a request to rezone approximately 0.22 acres out of the Spofford, Block D, part of Lot 8, from "R-3" (Multifamily Residential District) to "B-5" (Business District). If approved, the applicant intends to use the property for additional parking and vehicle storage for their existing towing and automotive business.

**Zoning/Plat Case History:**

The subject property was zoned "R-3" (Multi-family) on March 8, 1977 via Ordinance No. 77-13. The property was platted as part of Spofford subdivision, Block D, Lot 8 on April 26, 1951.

**Character of the Area:**

	Current Land Use	Zoning District	Future Land Use
North	Vacant residential lot	R-3 (Multifamily Residential)	Residential Mix (R-MIX)
East	Existing single-family home and four-plex residential	R-2 (Two-Family Residential)	Residential Mix (R-MIX)
South	Existing hotel-motel property	B-5 (Business)	General Commercial (GC)
West	Vacant commercial lot	B-5 (Business)	Residential Mix (R-MIX)

**Future Land Use Map Analysis:**

This property is designated as 'Residential Mix' (R-MIX) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Residential Mix' (R-MIX) designation includes areas that were allowed to develop in the past with various housing types and densities intermixed, both on the same block and across streets, often with minimal screening and/or buffering between differing residential intensities. These are auto-oriented areas and should address compatibility and screening/buffering, where possible, as redevelopment occurs.

The 'Residential Mix' (R-MIX) designation encourages the following development types:

- Mix of residential types and densities;
- Public/institutional; and
- Parks and public spaces.

Staff finds that the request is inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent request to amend the FLUM from a 'Residential Mix' (R-MIX) designation to a 'General Commercial' (GC) designation.

If approved, the 'General Commercial' (GC) designation encourages the following development types:

- Wide range of commercial retail and service uses at varying scales and intensities depending on the site;
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
- Public/institutional; and
- Parks and public spaces.

**Water, Sewer and Drainage Services:**

Provider: City of Killeen  
Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

**Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from 761<sup>st</sup> Tank Battalion Ave., which is classified as a 60' wide Local Street on the City of Killeen Thoroughfare Plan.

**Environmental Assessment:**

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

**Public Notification:**

Staff notified thirty-six (36) surrounding property owners regarding this request. Of those property owners notified, twenty-one (21) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and fourteen (14) reside outside the city limits of Killeen. As of the date of this staff report, no written responses have been received regarding this request.

**Staff Findings:**

The current zoning of the subject property is "R-3" (Multifamily Residential District). The surrounding area includes commercial and residential uses. The area to the north and west are vacant properties. To the east are existing single-family and multifamily homes. To the south, across 761<sup>st</sup> Tank Battalion Ave. and the railroad tracks is an existing hotel-motel commercial property.

**THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's request;
- Approve a more restrictive zoning designation; or
- Approve the applicant's request.

**Which alternative is recommended? Why?**

Staff recommends disapproval of the applicant's request to rezone the property from "R-3" (Multifamily Residential District) to "B-5" (Business District).

Staff finds that the applicant's request for "B-5" (Business District) is incompatible with the predominantly residential character of the area. Further, staff finds that the existing "R-3" (Multifamily Residential District) is appropriate in this location.

**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.

**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:**

At their regular meeting on February 7, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Site Photos  
Ordinance  
Considerations