



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-22-084    **Version:** 1    **Name:** Zoning 22-49  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 10/13/2022    **In control:** City Council  
**On agenda:** 12/6/2022    **Final action:** 12/6/2022

**Title:** HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc., on behalf of Jerome & Rachel Gomer and Killeen Heating & Air Conditioning Inc. (Case #Z22-49), to rezone approximately 11.64 acres, being Pt. Lot 3, Lot 4 & Pt. Lot 5, Block 1, Cosper Creek Addition, from "A-R1" (Agricultural Single-Family Residential District) to "R-2" (Two-Family Residential District). The properties are locally addressed as 10225, 10335, & 10395 Trimmier Road, Killeen, Texas.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit, 2. Maps, 3. Site Photos, 4. Minutes, 5. Ordinance, 6. Considerations, 7. Responses, 8. Presentation

Date	Ver.	Action By	Action	Result
12/6/2022	1	City Council	Approved	Pass
11/29/2022	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc., on behalf of Jerome & Rachel Gomer and Killeen Heating & Air Conditioning Inc. (**Case #Z22-49**), to rezone approximately 11.64 acres, being Pt. Lot 3, Lot 4 & Pt. Lot 5, Block 1, Cosper Creek Addition, from "A-R1" (Agricultural Single-Family Residential District) to "R-2" (Two-Family Residential District). The properties are locally addressed as 10225, 10335, & 10395 Trimmier Road, Killeen, Texas.

**DATE:** **November 29, 2022.**

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

**FROM:** **Edwin Revell, Executive Director of Development Services.**

**SUBJECT:** **ZONING CASE #Z22-49 "A-R1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT).**

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** Jerome & Rachel Gomer and Killeen Heating & Air Conditioning, Inc  
**Agent:** Mitchell & Associates, Inc  
**Current Zoning:** "A-R1" (Agricultural Single-Family Residential District)  
**Proposed Zoning:** "R-2" (Two-Family Residential District)  
**Current FLUM Designation:** 'Residential Mix'

### **Summary of Request:**

Mitchell & Associates, Inc, on behalf of Jerome & Rachel Gomer and Killeen Heating & Air Conditioning, Inc, has submitted a request to rezone approximately 11.64 acres, being Pt. Lot 3, Lot 4 & Pt. Lot 5, Block 1, Cosper Creek Addition, from "A-R1" (Agricultural Single-Family Residential District) to "R-2" (Two-Family Residential District). If approved, the applicant intends to develop two-family homes on the property.

### **Killeen Code of Ordinances Chapter 31 Compliance:**

Killeen Code of Ordinances Sec. 31-231 allows two-family dwellings and any other uses permitted in the "R-1" zoning district.

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

The subject property was annexed into the City limits on March 16, 2004 via Ordinance No. 04-12. The property was subsequently zoned from "A" (Agricultural District) to "AR-1" (Agricultural Single-Family Residential District) on April 26, 2005 via Ordinance No. 05-31. The property was platted as Cosper Creek Addition Block 1, Lots PT 3, 4, and PT 5 on March 28, 1994.

On April 4, 2022, the applicant submitted a concurrent request to amend the 2010 Future Land Use Map (Case #FLUM 22-15) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation. In addition, the applicant requested to rezone 9.386 acres from "A-R1" (Agricultural Single-Family Residential) to "R-2" (Two-Family Residential District) (Case #Z22-20). Staff and the Commission recommended approval of the FLUM amendment and the rezoning request. However, the applicant withdrew both the FLUM amendment and the associated rezoning request during the May 10th City Council meeting.

Since that time, the 2022 Comprehensive Plan was adopted, which identifies this area as 'Residential Mix'. Therefore, a FLUM amendment is no longer needed. The applicant has resubmitted a standalone request to rezone the property.

### **Character of the Area:**

**North:** Vacant commercial property zoned "B-3" (Local Business District) w/ a Conditional Use Permit (CUP)

**South:** Existing two-family homes zoned "A-R1" (Agricultural Single-Family Residential District)

**East:** Vacant commercial property and existing single-family homes and auto salvage business zoned "R-1" (Single-Family Residential District) and "B-3" (Local Business District)

**West:** Vacant commercial property and existing single-family home zoned "AR-1" (Agricultural Single-Family Residential District) and "B-3" (Local Business District) w/ a Conditional Use Permit (CUP)

### **Future Land Use Map Analysis:**

This property is located within the 'Controlled Growth' area on the Growth Sector Map and designated as 'Residential Mix' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

This 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Aside from large multiplex garden apartments, most housing types should be allowed here. This place type encourages most residential uses such as single-family detached, townhouses, small-plex (2-4 units), etc.

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. Development proposed in this sector will be evaluated for adherence to the Big Ideas and Recommendations of the plan, particularly those related to housing and neighborhood options and improve the fiscal health and sustainability of Killeen.

The request supports or furthers the following Comprehensive Plan recommendations:

- LU1 - Use place types and complete neighborhoods as building blocks
- NH3 - Diversifying housing mix (types and price points)
- NH4 - Build complete neighborhoods

The proposed use is an example of providing for missing middle housing other than detached single-family homes and apartment complexes which will contribute to diversifying the housing mix in Killeen. The Comprehensive Plan explains that "allowing for more diverse housing, such as duplexes [...] would provide a major increase in tax revenue while also increasing the number of available housing units, which in turn serves to help the city remain as an affordable place to live" (pg. 51). The Comprehensive Plan highlights that housing types like duplexes have added benefit such as affordability and fiscal sustainability for the community.

### **Neighborhood Analysis:**

This property is located within Killeen Development Zone #8 (Exhibit A). The current land use mix (Exhibit B) within this area comprises approximately 2% non-residential uses and 98% residential uses. The zoning districts within the area includes approximately 21% agricultural uses, 21% non-residential zoning districts and 58% residential zoning districts; this number excludes special districts such as conditional or special use permits and planned unit developments. 'Residential Mix' promotes a use mix of up to 25% non-residential and 95% residential uses.

### **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 lots is from Trimmier Rd which is classified as a 100'-110' wide minor arterial street on the City of Killeen adopted Thoroughfare Plan. Staff estimates that there will be 681 trips per day with 52 peak hour trips generated and has determined that a Traffic Impact Analysis is not required for the proposed land use.

### **Environmental Assessment:**

A small portion of the northwest corner of this property is within a FEMA regulatory Special Flood Hazard Area (SFHA) associated with the Rock Creek floodplain. This a freshwater emergent wetland habitat on the property as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified twenty-one (21) surrounding property owners regarding this request. Of those surrounding properties notified, three (3) are located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and ten (10) reside outside of Killeen.

As of the date of this staff report, staff has received no written responses regarding this request.

**Staff Findings:**

Please see Future Land Use and Neighborhood Analysis section.

**THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Disapprove the applicant’s request;
- Approve a more restrictive zoning district; or
- Approve the applicant’s request as presented.

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant’s zoning change request for “R-2” (Two-Family Residential District).

Staff finds that the request is consistent with the policies and principles of the 2022 Comprehensive Plan as indicated in the Comprehensive Plan Analysis.

**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 October 17, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Exhibit  
Maps  
Site Photos  
Minutes  
Ordinance  
Considerations  
Responses