



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-22-045    **Version:** 1    **Name:** Zoning 22-25  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 4/28/2022    **In control:** City Council  
**On agenda:** 6/14/2022    **Final action:** 6/14/2022  
**Title:** HOLD a public hearing and consider an ordinance requested by Lawrence Passariello, on behalf of PCW Investments LLC (Case #Z22-25), to rezone approximately 0.71 acres out of the Norman's Addition Survey, Block 9, Lots 5 and 6 from "B-5"(Local Business District) to "R-3F" (Multifamily Residential District). The property is locally addressed as 72 Arlee Street, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
6/14/2022	1	City Council	Approved	Pass
6/7/2022	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Lawrence Passariello, on behalf of PCW Investments LLC (**Case #Z22-25**), to rezone approximately 0.71 acres out of the Norman's Addition Survey, Block 9, Lots 5 and 6 from "B-5"(Local Business District) to "R-3F" (Multifamily Residential District). The property is locally addressed as 72 Arlee Street, Killeen, Texas.

**DATE:**        **June 7, 2022.**

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

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

**SUBJECT:**    **ZONING CASE #Z22-25: "B-5"(Local Business District) to "R-3F" (Multifamily Residential District) .**

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** PCW Investments, LLC  
**Agent:** Lawrence Passariello  
**Current Zoning:** "B-5"(Local Business District)  
**Requested Zoning:** "R-3F" (Multifamily Residential District)  
**Current FLUM Designation:** 'General Commercial' (GC)  
**Requested FLUM Designation:** 'Residential-Commercial Mix' (RC-MIX)

**Summary of Request:**

Lawrence Passariello, on behalf of PCW Investments LLC, has submitted a request to rezone approximately 0.71 acres out of the Norman's Addition Survey, Block 9, Lots 5 and 6 from "B-5"(Local Business District) to "R-3F" (Multifamily Residential District).

Based on utility account records, residential use of the property was discontinued in 2018. Therefore, residential use of the property is considered nonconforming in accordance with Killeen Code of Ordinances Sec. 31-52(e). Amending the FLUM and subsequently rezoning the property for residential use is necessary to bring the property into conformance with Chapter 31. If approved, the applicant intends to make the single-family and two-family dwellings located on the property available for lease.

**Zoning/Plat Case History:**

The subject property is currently zoned "B-5" (Business District). Staff is unable to determine the exact date of zoning. The property was platted as Norman's Addition, Block 9, Lots 5 and 6 on January 9, 1942.

**Character of the Area:**

**North:** Single-family homes across railroad tracks zoned "R-3" (Multifamily Residential District)

**East:** Vacant property zoned "B-5" (Business District)

**South:** Vacant property zoned "B-5" (Business District)

**West:** Vacant property zoned "B-5" (Business District)

**Future Land Use Map Analysis:**

This property is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'General Commercial' (GC) designation encourages the following development types:

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

If approved, the 'Residential-Commercial Mix' (RC-MIX) designation encourages the following development types:

- Mix of residential types and densities
- Variety of commercial and light industrial activities

The request to rezone the property from "B-5"(Local Business District) to "R-3F" (Multifamily Residential District) is not consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent FLUM amendment request from 'General Commercial' (GC) to 'Residential-Commercial Mix' (RC-MIX).

**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 via Arlee Street and Wilmer Street, which are classified as 60' wide Local Streets 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 fifty (50) surrounding property owners regarding this request. Of those property owners notified, twenty-eight (28) resides outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and nineteen (19) reside outside the city limits of Killeen. As of the date of this staff report, two (2) written responses have been received in opposition to this request.

### **Staff Findings:**

The 'General Commercial' (GC) characteristic is typically auto-oriented, which can be offset by enhanced building design, landscaping, reduced site coverage, well-designed signage, etc.

The 'Residential-Commercial Mix' (RC-MIX) characteristic is typically areas that were allowed to develop in the past with non-residential uses (including uses with a heavy commercial and/or industrial intensity) intermixed amid a variety of residential uses, often with minimal screening and/or buffering. It has an auto-oriented character and should address compatibility and screening/buffering, where possible, as redevelopment occurs.

The current zoning of the subject property is "B-5" (Business District). The surrounding area includes existing single-family homes across the railroad track and vacant properties.

### **THE ALTERNATIVES CONSIDERED:**

The Planning and Zoning Commission has four (4) alternatives. The Commission may:

- Recommend disapproval of the applicant's request;
- Recommend approval of a more restrictive zoning district than requested by the applicant;
- Recommend approval of a the request as recommended by staff; or
- Recommend approval of the request as presented.

### **Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request for "R-3F" Multifamily Residential District) for the portion of the property located west of the unimproved alley, only. Staff recommends that the portion east of the unimproved alley (facing Wilmer Street) remain zoned "B-5" (Business District).

### **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 May 2, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 3 to 1 with Commissioner Gukeisen in opposition. Commissioner Gukeisen stated his support of staff's recommendation.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

- Maps
- Site photos
- Minutes
- Ordinance
- Considerations
- Responses