



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-23-018    **Version:** 1    **Name:** Zoning 23-04  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 3/10/2023    **In control:** City Council  
**On agenda:** 4/11/2023    **Final action:** 4/11/2023  
**Title:** HOLD a public hearing and consider an ordinance requested by Vernon Hood (Case #Z23-04), to the rezone Lots 24-29, Block 3, Western Oaks, from "UD" (University District) to "UD" (University District) with a Conditional Use Permit (CUP) to allow single-family residential use on six (6) existing lots. The property is locally addressed as 505 Reese Creek, Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**

**Attachments:** 1. Exhibits, 2. Maps, 3. Site Photos, 4. Site Plan / Survey, 5. Minutes, 6. Ordinance, 7. Considerations, 8. Presentation

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 4/11/2023 | 1    | City Council          | Approved | Pass   |
| 4/4/2023  | 1    | City Council Workshop |          |        |

**HOLD** a public hearing and consider an ordinance requested by Vernon Hood (**Case #Z23-04**), to the rezone Lots 24-29, Block 3, Western Oaks, from "UD" (University District) to "UD" (University District) with a Conditional Use Permit (CUP) to allow single-family residential use on six (6) existing lots. The property is locally addressed as 505 Reese Creek, Killeen, Texas.

**DATE:** April 4, 2023

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

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

**SUBJECT:** Zoning Case #23-04: "UD" (University District) to "UD" (University District) with a Conditional Use Permit (CUP).

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Vernon Hood

**Current Zoning:** "UD" (University District)

**Proposed Zoning:** "UD" (University District) with Conditional Use Permit (CUP) to allow a single-family residential use on six (6) existing lots.

**Current FLUM Designation:** 'Residential Mix'

#### **Summary of Request:**

Vernon Hood has submitted a request to rezone Lots 24-29, Block 3, Western Oaks from "UD" (University District) to "UD" (University District) with a Conditional Use Permit (CUP) to allow a single-family dwelling as a permitted use. If approved, the applicant intends to build an approximate 1,400 square foot single-family home on the property.

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

The subject property is currently zoned "UD" (University District). In accordance with Killeen Code of Ordinances Sec. 31-440, single-family dwellings are not permitted by-right in the "UD" district. However, Sec. 31-441 provides that: "The City Council by an affirmative majority vote may by ordinance grant a Conditional Use Permit as provided in Section 31-456 of this chapter for any residential or business land use for a specific parcel in the [University District] overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the future four-year university. Conditional use permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed."

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

On January 27, 2008, (Ordinance# 07-110) the City annexed 1,195 acres of land encompassing the existing Western Oaks subdivision (filed for record August 8, 1972).

On June 28, 2016, City Council approved the "UD" (University District) (Ordinance #16-028).

In December of 2021, the applicant purchased the property legally known as Western Oaks Subdivision, Lots 24-29. The property was used as a single-family residence with a mobile home that was deemed unlivable prior to purchase. There is currently City water, sewer, and trash available on the property. The applicant's intent is to build one single-family dwelling on the subject property.

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

**North:** Residential lot zoned "UD" (University District)

**South:** Vacant lot zoned "A" (Agricultural District)

**West:** Residential lot zoned "UD" (University District)

**East:** Vacant residential lots zoned "CUP" (Conditional Use Permit)

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

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

'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.

In the 'Controlled Growth' growth sector proposed development will be evaluated for adherence to the Big Ideas and Recommendations of the plan, particularly those related to housing and neighborhood options and improvement of the fiscal health and sustainability of Killeen.

The request supports or furthers the following 2022 Comprehensive Plan recommendations:

- NH3 - Diversify housing mix (types and price points)
- NH4 - Build complete neighborhoods

The Comprehensive Plan emphasizes place-based economic development and an increase in demand for “complete” neighborhoods which may include large lot rural estate development that provides more “move-up” opportunities for those who can afford this option.

#### **Neighborhood Analysis:**

- This property is located within Killeen Development Zone #5 (Exhibit A).
- Current land use mix within this area comprises approximately:
  - 3% non-residential
  - 97% residential

#### **Zoning district breakdown in Development Zone 5:**

- 20% agricultural,
- 18% non-residential zoning districts
- 62% residential zoning districts.

\*These numbers exclude a breakdown of special districts such as conditional or special use permits and planned unit developments.

The ‘**Residential Mix**’ land use designation promotes:

**Use Mix:** up to 25% non-residential, 95% residential uses

**Primary Uses:** Single-Family, Accessory Dwelling Unit (ADU), Townhouses, Smallplex (2-4 Units), Live-work

**Secondary Uses:** Small Office, Small Retail, Restaurant, Accessory Commercial Unit (ACU), School, House of Worship

#### **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 is available to the subject tract

#### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from Reese Creek Rd., which is classified as a 70’ wide Collector on the City of Killeen Comprehensive Plan. Staff estimates that there will be 9 trips per day with 1 peak hour trip generated and has determined that a Traffic Impact Analysis is not required for the proposed land use.

#### **Environmental Assessment:**

The property is within Zone AE, a FEMA regulatory Special Flood Hazard Area (SFHA). There are other known wetland areas (PFO1A), (PUBFh), (R5UBH), (R45SBC), and (R4SBC) on or adjacent to the property as identified on the National Wetlands Inventory.

#### **Public Notification:**

Staff notified twenty-seven (27) surrounding property owners regarding this request. Of those property owners notified, thirteen (13) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and four (4) reside outside of Killeen.

As of date of this staff report, staff has received zero (0) written responses regarding the request.

**Staff Findings:**

Please see the Future Land Use Map Analysis and Neighborhood Analysis sections.

**THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Disapprove the applicant's CUP request; or
- Approve the applicant' CUP request as presented.

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request for Conditional Use Permit (CUP) to allow single-family residential use with the condition that the six (6) existing lots shall not be further subdivided.

This recommendation will allow the applicant to develop up to six (6) single-family dwellings - one on each of the six (6) existing platted lots. Staff finds that this recommendation is necessary in order to maintain the existing character of the area. Further, staff is of the determination that approval of a Conditional Use Permit for residential use on the existing lots is consistent with the policies and principles of the 2022 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis. Staff finds that the request is compatible with the existing land uses and prevailing community character. Further, staff finds that approval of this request would not negatively affect the surrounding community.

**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 March 6, 2023, the Planning and Zoning Commission recommended approval of the request, as recommended by staff, by a vote of 7 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Exhibits  
Maps  
Site Photos  
Site Plan / Survey  
Minutes  
Ordinance  
Considerations