



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-19-014    **Version:** 1    **Name:** Zoning 19-07  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 4/15/2019    **In control:** City Council  
**On agenda:** 5/28/2019    **Final action:** 5/28/2019

**Title:** HOLD a public hearing and consider an ordinance requested by Turley Associates, Inc. on behalf of Central Christian Church of Killeen (Case #Z19-07) to rezone approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of Trimmier Road, Killeen, Texas.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Zoning and Notification Area Map, 3. Location Map, 4. Minutes, 5. Ordinance, 6. Site Plan, 7. Considerations, 8. Responses, 9. Presentation

Date	Ver.	Action By	Action	Result
5/28/2019	1	City Council	Approved	Pass
5/21/2019	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Turley Associates, Inc. on behalf of Central Christian Church of Killeen (**Case #Z19-07**) to rezone approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of Trimmier Road, Killeen, Texas.

**DATE:**        **May 21, 2019**

**TO:**            **Ronald L. Olson, City Manager**

**FROM:**        **Dr. Ray Shanaa, Exec. Dir. Of Planning and Development Services**

**SUBJECT:**    **ZONING CASE #Z19-07 "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District)**

**BACKGROUND AND FINDINGS:**

Turley Associates, Inc. on behalf of Central Christian Church of Killeen, has made a request to rezone approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of Trimmier Road, Killeen, Texas.

**Property Specifics:**

Applicant/Property Owner: Central Christian Church of Killeen

Property Location: The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of Trimmier Road, Killeen, Texas.

Legal Description: Approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389.

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

- There is no recent zoning activity for the property.
- The property is part of the Nathan Halbert Survey, Abstract No. 389. The property has not been platted.

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

Existing Land Use(s) on the Property: This parcel is a vacant lot consisting of 4.72 acres.

Historic Properties: There are no historic structures on this property.

### **INFRASTRUCTURE AND COMMUNITY FACILITIES:**

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Upon construction, the applicant shall be required to extend the necessary municipal infrastructure to the site.

#### **Transportation:**

Existing conditions: Ingress and Egress to the property are via E. Mary Jane Drive to the south and Prather Drive to the north. Both ingress and egress streets are classified as 60' wide local streets on the City's adopted Thoroughfare Plan. Primary access to this potential development is from Trimmier Road, which is classified as a 110' wide Minor Arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: If approved, a minimum of a local street will need to be constructed and tie into an adjacent right-of-way.

Projected Traffic Generation: One duplex or two-family residential unit typically generates 20 daily trips [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

#### **Environmental Assessment:**

The property does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). However, there is a FEMA recognized watercourse, locally known as Mary Jane Ditch, which runs from the southeastern property boundary through the parcel to the northern property boundary. Current City Codes require the establishment of a creek buffer zone (CBZ) that spans a distance of 25' beyond the top of each bank for the designated watercourse. Any proposed re-routing of the existing watercourse will require an additional 0.5 BMP credits to cover the disturbance of the CBZ. Sheet flow runoff from this development flows directly into an unnamed tributary to Fowler Ditch within the property. Runoff then flows north through Fowler Ditch into South Nolan Creek prior to leaving the City. South Nolan Creek is currently listed on the TCEQ's 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients. There are no known wetlands on this parcel.

The property will need to be platted prior to further development. As a result, the current drainage design manual (DDM) and post construction requirements will apply to future development on these parcels. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City

of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

**LAND USE ANALYSIS:**

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

**Plan Recommendation:** The 'General Residential' designation encourages a mix of single-family types, public and institutional uses, parks and public spaces.

**Consistency:** The zoning request is consistent with the FLUM.

**Public Notification:** The staff notified seventy-nine (79) surrounding property owners within a 400' notification boundary regarding this request. Staff received eight (8) responses in opposition to the "R-2" zoning request. Additionally, a petition was submitted to city staff containing the names of 98 different individuals who are opposed to the "R-2" zoning request.

**THE ALTERNATIVES CONSIDERED:**

The City Council may approve or disapprove the applicant's request, or approve a more restrictive zoning than requested by the applicant.

**Which alternative is recommended?** Staff recommends that the City Council approve the more restrictive "SF-2" (Single-Family Residential District) zoning district.

**Why?** Staff is of the determination that the current request for "R-2" zoning is not consistent with the historic development pattern of the adjacent Rolling Acres community. While the proposal will ultimately lead to infill development, the proposal is at odds with the current (and long-standing) character of single-family housing in the immediate area.

**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:**

The Planning and Zoning Commission recommended approval of "SF-2" (Single-Family Residential District), instead of the applicant's initial "R-2" request, by a vote of 5 to 1. The applicant is amenable to the more restrictive zoning district and intends to develop the site for garden home use.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Zoning and Notification Area Map  
Location Map  
Minutes  
Ordinance  
Site Plan  
Considerations  
Responses