



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-17-023B    **Version:** 1    **Name:** Zoning 17-08  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 3/13/2017    **In control:** City Council  
**On agenda:** 4/11/2017    **Final action:** 4/11/2017

**Title:** HOLD a public hearing and consider an ordinance requested by Mark Dewayne Stanford (Case #Z17-08) to rezone 6.34 acres out of the G. W. Farris Survey, Abstract No. 306, from "R-1" (Single-Family Residential District) to "R-3A" (Multifamily Apartment Residential District), for properties locally known as 901 E. Stan Schlueter Loop (FM 3470) and 4611 Trimmier Road, Killeen, Texas. (Requires a three-fourths (3/4) majority vote.)

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Aerial Map Exhibit, 3. Minutes, 4. Ordinance, 5. Application, 6. Location Map, 7. Buffer Map, 8. Considerations, 9. Responses, 10. Presentation

Date	Ver.	Action By	Action	Result
4/11/2017	1	City Council	Approved	Pass
4/4/2017	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Mark Dewayne Stanford (**Case #Z17-08**) to rezone 6.34 acres out of the G. W. Farris Survey, Abstract No. 306, from "R-1" (Single-Family Residential District) to "R-3A" (Multifamily Apartment Residential District), for properties locally known as 901 E. Stan Schlueter Loop (FM 3470) and 4611 Trimmier Road, Killeen, Texas. (**Requires a three-fourths (3/4) majority vote.**)

**DATE:** April 4, 2017

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

**FROM:** Ray Shanaa, Executive Director of Planning and Development Services

**SUBJECT:** REZONING CASE #Z17-08 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-3A" (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) USES

**BACKGROUND AND FINDINGS:**

Mark Dewayne Stanford submits this request to rezone 6.34 acres out of the G. W. Farris Survey, Abstract No. 306, from "R-1" (Single-Family Residential District) to "R-3A" (Multifamily Apartment Residential District) for a project named *Westwind Apartments*. The project site is located on two undeveloped tracts of land, northwest of the intersection of Trimmier Road and Stan Schlueter Loop (FM 3470) and are addressed as 901 E. Stan Schlueter Loop (FM 3470) and 4611 Trimmier Road, Killeen, Texas. The developer for the project is proposing to construct a 110 unit, tax-credit eligible apartment project. The project area is undeveloped. The surrounding land uses are single-family to the south; institutional to the north (Maranatha Baptist Church);

commercial to the east (Shelley's Day Spa and Salon); and institutional further west (Iglesia Cristiana Monte Sinai).

**District Descriptions:**

**A building or premises in an "R-3A" Multifamily Apartment Residential District shall be used only for the following purposes:**

- (a) Uses. A building or premises in an "R-3A" Multifamily Apartment Residential District shall be used only for the following purposes:
  - (1) Any use permitted in the "R-1" or "R-2" districts
  - (2) Multifamily structures containing five (5) or more separate dwelling units, including large apartment complexes with high rise structures
  - (3) Boarding and lodging houses
  - (4) Fraternity or sorority houses
  - (5) Licensed group or community homes housing six (6) or more persons
  - (6) Dormitories for educational or employment purposes as a primary use
  - (7) Any group housing activity not otherwise identified in another multifamily or business district
  - (8) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business
- (b) Planned unit development required. Rezoning applications requesting zoning under this division shall be subject to the requirements of 31-256.9 of this division, if applicable

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

**Plan Recommendation:** The 'General Commercial' character encourages a wide range of commercial, retail, and service uses, at varying scales and intensities depending on the site.

**Consistency:** The zoning request is not consistent with the intent of the Comprehensive Plan; therefore, the applicant has submitted a concurrent FLUM amendment request to 'Multi-Family Residential' (MFR) to align this project with the intended scope of development.

**THE ALTERNATIVES CONSIDERED:**

**Which alternative is recommended? Why?**

The City Council shall take the following Pharr v. Tippitt guidelines into consideration making a decision on a zoning request:

*Is the request in accordance with the comprehensive plan?*

*Is the request designed to lessen congestion in the streets; secure safety from fire, panic, or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements?*

*What, if any, is the nature and degree of an adverse impact upon neighboring lands?*

*The suitability or unsuitability of the tract for use as presently zoned*

*Whether the amendment bears a substantial relationship to the public health, safety, morals, or general welfare or protects and preserves historical and cultural places and areas*

*Whether there is a substantial public need or purpose for the new zoning*

*Whether there have been substantially changed conditions in the neighborhood*

*Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive)*

*The size of the tract in relation to the affected neighboring lands - is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?*

*Any other factors which will substantially affect the health, safety, morals, or general welfare*

**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. However, there will be a future fiscal impact for the maintenance of publicly-dedicated infrastructure.

**Is this a one-time or recurring expenditure?**

The maintenance of publicly dedicated infrastructure will be on-going.

**Is this expenditure budgeted?**

This specific item is not discretely budgeted.

**If not, where will the money come from?**

Various Public Works accounts

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Staff has not yet determined the true future life cycle costs for the maintenance of all publicly dedicated infrastructure associated with this development.

**RECOMMENDATION:**

The Planning and Zoning Commission recommended disapproval of the applicant's zoning request from "R-1" (Single-Family Residential District) to "R-3A" (Multifamily Apartment Residential District) by a vote of 4 to 1, with Commissioners Dorroh, Latham, McLaurin and Peters in opposition to the request; Commissioner Purser was in support of the applicant's request. The four Commissioners shared concerns regarding the potential for

increased traffic as a result of the proposed multifamily residential project. The staff notified ten (10) surrounding property owners regarding this request and received protest from Mr. James E. Woodul Jr. of 4505 Trimmier Road. Since the zoning request was recommended for disapproval, it will require a favorable vote of three-fourths (3/4) of all the members of the City Council for approval.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Legal Department.

**ATTACHED SUPPORTING DOCUMENTS:**

Aerial Map Exhibit  
Minutes  
Ordinance  
Application  
Location Map  
Buffer Map  
Considerations  
Responses