



# City of Killeen

## Legislation Text

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File #: PH-24-013, Version: 1

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**HOLD** a public hearing and consider an ordinance submitted by Karen Doerbaum on behalf of Jay C. Franklin (**Case #224-07**) to rezone Lot 7, Block 1, Sunrise Vista from "B-3" (Local Business District) to "R-3F" (Multifamily Residential District). The subject property is locally addressed as 1103 Horizon Drive, Killeen, Texas.

**DATE:** May 7, 2024

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** Zoning Case # 24-07: "B-3" (Local Business District) to "R-3F" (Multifamily Residential District)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Jay C. Franklin

**Agent:** Karen Doerbaum

**Current Zoning:** "B-3" (Local Business District)

**Proposed Zoning:** "R-3F" (Multifamily Residential District)

**FLUM Designation:** 'Residential Mix' (RM)

**Growth Sector Designation:** 'Neighborhood Infill'

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

Karen Doerbaum, on behalf of Jay C. Franklin, has submitted a request to rezone the property at 1103 Horizon Drive from "B-3" (Local Business District) to "R-3F" (Multifamily Residential District). The purpose of this request is to change the zoning of the property to make it consistent with the current multifamily land use. There is an existing fourplex on the property, which is considered legal non-conforming, and is subject to the Killeen Code of Ordinances Sec. 31-51. The purpose of this request is to bring the current use of the property into conformance with the zoning ordinance.

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

The subject property was annexed into the City limits on December 22, 1986, via Ordinance No. 86-87. The property was rezoned from "R-1" (Single-Family District) to "B-3" (Local Business District) on June 12, 1990, via Ordinance No. 90-52. The property was platted as Lot 7, Block 1, Sunrise Vista Addition and recorded on August 11, 1997.

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

**North:** Two-family residential development zoned "R-2" (Two-Family Residential District)

**South:** Existing fourplex zoned "B-3" (Local Business District) (Legal nonconforming)

**East:** Existing fourplex zoned "B-3" (Local Business District) (Legal nonconforming)

**West:** Existing fourplex zoned "B-3" (Local Business District) (Legal nonconforming)

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

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and designated as 'Residential Mix' on the Future Land Use Map (FLUM) of the 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 place type encourages a twenty-five percent (25%) nonresidential and ninety-five percent (95%) residential use mix.

The request supports or furthers the following Comprehensive Plan recommendations:

- **LU3** - Encourage incremental evolution of neighborhoods
- **NH6** - Shift the market to include existing housing

The Comprehensive Plan promotes incremental redevelopment of properties in Killeen that can add to a widespread improvement. Additionally, staff finds the proposed rezoning is consistent with the surrounding area, which consists of a mix of housing types.

### **Development Zone Analysis:**

This property is located within the City of Killeen Development Zone #4. This development zone is north of Stan Schlueter Loop and west of State Highway 195.

Current land use mix within this area comprises approximately:

16.63% non-residential uses

83.36% residential uses

The current zoning mix within this area comprises of the following acreages and percentages approximately:

<b><u>District</u></b>	<b><u>Acres</u></b>	<b><u>Percentage</u></b>
Special Districts	107.15	1.87%
Residential	2457.49	42.94%
Industrial	11.37	0.20%
Commercial	2937.38	51.33%
Agricultural	209.35	3.66%
<b>Totals</b>	<b>5722.74</b>	<b>100.00%</b>

### **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. There is water available on the south side of Horizon Dr. and sanitary sewer is available on the north side of Horizon Dr.

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

Ingress and egress to the property is via Horizon Drive, which is classified as a 60' wide Local Street on the Thoroughfare Plan. There is no TIA required, as there is no change of use for the subject property.

### **PARKS AND PROPOSED TRAIL PLAN:**

There are no proposed parks or trails located on this site. Parkland dedication, fees in lieu of, and parkland development fees will not be required, as the property is already developed and no increase in residential density will take place.

### **Environmental Assessment:**

The property is within Zone X a FEMA-regulatory Special Flood Hazard Area (SFHA). There are no known wetland areas on the property as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified thirty-nine (39) surrounding property owners regarding this request. Of those property owners notified, twenty-three (23) reside outside the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by the Council, and twenty-four (24) live outside Killeen. As of the date of this staff report, staff has received no written responses regarding this request.

### **Staff Findings:**

The subject property is an existing fourplex, which is zoned "B-3" (Local Business District) and is considered legal nonconforming. The surrounding area includes a mix of developed fourplexes, two-family residential neighborhoods, and commercial uses. Staff finds that the applicant's request is consistent with the recommendations of the Killeen Comprehensive Plan.

### **THE ALTERNATIVES CONSIDERED:**

N/A

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

N/A

### **CONFORMITY TO CITY POLICY:**

### **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. Public infrastructure is already in place for this property and maintained by the City. Maintenance cost will continue for the life of the development.

**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:**

Staff recommends approval of the applicant's request to rezone the property from "B-3" (Local Business District) to "R-3F" (Multifamily Residential District).

Staff supports the applicant's intent to rezone to "R-3F" (Multifamily Residential District). The existing structure is considered a legal non-conforming use, which is subject to Killeen Code of Ordinances Sec. 31-51. The intent of this request is to bring the existing use into conformance with the zoning ordinance. Staff finds that the applicant's request is consistent with the Future Land Use Map (FLUM).

At their regular meeting on April 1, 2024, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Letters of Request  
Minutes  
Ordinance  
Considerations  
Presentation