



# City of Killeen

## Legislation Text

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File #: PH-22-064, Version: 1

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HOLD a public hearing and consider an ordinance requested by Quintero Engineering on behalf of BFF Construction, LLC (**Case #Z22-36**) to rezone approximately 0.432 acres out of the John R. Smith Survey Abstract No. 797 from "B-3" (Local Business District) to "R-3F" (Multifamily Residential District). The property is locally addressed as 1200 and 1204 N. 8th Street, Killeen, Texas.

**DATE:** August 2, 2022

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE: CASE #Z22-36: "B-3" TO "R-3F"

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** BFF Construction, LLC

**Agent:** Quintero Engineering, LLC

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

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

**Current FLUM Designation:** 'Residential-Commercial Mix' (RC-MIX)

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

Quintero Engineering, LLC, on behalf of BFF Construction, LLC, has submitted a request to rezone approximately 0.432 acres out of the John R. Smith Survey Abstract No. 797 from "B-3" (Local Business District) to "R-3F" (Multifamily Residential District). If approved, the applicant intends to develop a duplex property on the property.

In November 2021, the applicant submitted a request to rezone the subject property from "B-3" (Local Business District) to "R-2" (Two-Family Residential District) (**Case #Z21-40**). That request was subsequently disapproved by City Council on January 11, 2022. Killeen Code of Ordinances Sec. 31-39(f) states the following:

When a zoning petition fails to be approved by City Council, the same petition shall not be resubmitted to either the city council or the planning and zoning commission for a period of twelve (12) months from the date of such failure, unless the petition is substantially changed from the original petition.

This section further states that "a petition shall be considered substantially changed if a different zoning

classification from that originally sought is requested.” Therefore, the applicant has submitted a request to rezone the subject property from “B-3” (Local Business District) to “R-3F” (Multifamily Residential District).

**Zoning/Plat Case History:**

1204 N. 8<sup>th</sup> St. was rezoned via Ordinance No. 95-60 and 1200 N. 8<sup>th</sup> St. was rezoned via Ordinance No. 96-61 from “R-3” (Multifamily Residential District) to “B-3” (Local Business District) on August 8, 1995. The property is part of Cole (Unrecorded), Block 4.

The applicant previously submitted a request from “B-3” (Local Business District) to “R-2” (Two-Family Residential District) which was disapproved by City Council on January 11, 2022.

**Character of the Area:**

**Surrounding Land Use and Zoning:**

- North:** Existing multifamily homes zoned “R-3” (Multi-family Residential District)
- East:** Existing two-family homes zoned “R-3” (Multifamily Residential District)
- South:** Existing nonconforming residential homes zoned “B-2” (Local Retail District)
- West:** Undeveloped commercial property zoned “B-2” (Local Retail District)

**Future Land Use Map Analysis:**

This property is designated as ‘Residential-Commercial Mix’ (RC-MIX) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The ‘Residential-Commercial Mix’ (RC-MIX) future land use designation encourages the following development types:

- Mix of residential types and densities; and
- A variety of commercial and light industrial activities.

The request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Water, Sewer and Drainage Services:**

Provider: City of Killeen  
Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and utility services are 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 from N. 8<sup>th</sup> Street, which is classified as a 60’ wide Local Street on the City of Killeen Thoroughfare Plan. 1200 N. 8<sup>th</sup> Street is a corner lot and has access to Garrison Ave., which is classified as a 60’ wide Local Street. Staff estimates that there will be an increase of twenty-nine (29) trips per day and has determined that a Traffic Impact Analysis is not required for the proposed land use.

**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-three (53) surrounding property owners regarding this request. Of those property owners notified, thirty (30) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twenty-three (23) reside outside of Killeen.

As of the date of this staff report, staff has received no written responses regarding this request.

**Staff Findings:**

The 'Residential-Commercial Mix' (RC-Mix) designation encompasses 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.

The current zoning of the subject property is "B-3" (Local Business District). The surrounding area includes predominantly residential uses.

In accordance with Killeen Code of Ordinances Sec. 31-255.1(b) and 31-256.9(a), a Planned Unit Development (PUD) "shall be required for any request for an R-3F and/or R-3A district when the total acreage of the request alone, or when the total acreage of the request combined with all adjacent areas zoned R-2, R-3, R-3F, and R-3A, and/or areas within a two-thousand feet radius of any of the property seeking to be rezoned, consist of twenty-five (25) acres or more." Staff finds that there are approximately 91 acres of areas zoned for multifamily use within 2,000 feet of the subject property. Therefore, a PUD is required in order to rezone the subject property to "R-3F" (Multifamily Residential District).

**THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's zoning request;
- Approve a more restrictive zoning district than requested; or
- Approve the applicant's zoning request as presented.

**Which alternative is recommended? Why?**

Staff recommends approval of "R-2" (Two-Family Residential District), which is a more restrictive zoning district than requested by the applicant.

Staff finds that the request does not meet the requirements set forth in Killeen Code of Ordinances Sec. 31-255.1(b) and 31-256.9(a). Therefore, staff is unable to recommend approval of the request for "R-3F" (Multifamily Residential District).

However, staff is of the determination that approval of "R-2" (Two-Family Residential District) would be appropriate in this location. Approval of "R-2" (Two-Family Residential District) would allow for a mix of residential types and densities, which is consistent with the current 'RC-MIX' FLUM designation. In addition, staff is of the determination that rezoning the property from commercial to residential will encourage infill development in North Killeen, which is consistent with the policies and principles discussed during the ongoing Comprehensive Plan process.

**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 Special Meeting on July 11, 2022, the Planning and Zoning Commission recommended approval of "R-2" (Two Family Residential) by a vote of 6 to 1 with Commissioner Gukeisen in opposition. Commissioner Gukeisen stated that he felt the property owner was exploiting a loophole to have their request heard again.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

- Maps
- Site Photos
- Minutes
- Ordinance
- Considerations
- Letter of Request