



# City of Killeen

## Legislation Text

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File #: PH-20-002, Version: 1

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Consider an ordinance requested by Dusty Inc. c/o Rick Morris (**Case #Z19-29**) to rezone part of Lot 3, Block 1, Morris Subdivision Phase One, from "B-3" (Local Business District) to "R-2" (Two Family Residential District) for duplex development. The property is addressed as 1011 Anna Lee Drive, Killeen, Texas. (**Tabled from January 14, 2020 City Council Meeting**)

**DATE:** January 7, 2020

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Int. Exec. Dir. of Planning and Development Services

**SUBJECT:** ZONING CASE #Z19-29: "B-3" (Local Business District) to "R-2" (Two Family Residential District)

### **Background and Findings:**

This request, submitted by Dusty Inc. c/o Rick Morris, is to rezone part of Lot 3, Block 1, Morris Subdivision Phase One, from "B-3" (Local Business District) to "R-2" (Two Family Residential District). The property is addressed as 1011 Anna Lee Drive, Killeen, Texas.

### **"R-2" Two Family Residential District Description**

A building or premise in a district "R-2" Two-family Residential District shall be used only for the following purposes:

- (1) Any use permitted in district "R-1" (Single-family Residential District)
- (2) Two-Family dwellings.

### **Property Specifics:**

Applicant / Property Owner: Dusty, Inc.

Property Location: 1011 Anna Lee Drive, Killeen, Texas

Legal Description: Lot 3, Block 1, Morris Subdivision Phase One

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

- The property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on June 8, 1976, per ordinance #76-28.
- The subject property is part of the Morris Subdivision, which was filed for record on February 3, 1976, in Plat Book 1366, Page 772, Deed Records of Bell County, Texas.

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

Existing Land Use(s) on the Property: The property is currently vacant. The current block is comprised of single family residential development (north and west) and there is a Chevron's service station immediately east of the subject site. The block to the south is zoned "RM-1" (Residential Modular Home Single-Family District), "R-3" (Multifamily Residential District) and "B-3" (Local Business District). The "R-3" and "B-3" parcels are undeveloped.

Historic Properties: None

### **Community Infrastructure and Environmental Assessment:**

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: There are 8" water and sewer lines located south of the property, within the Anna Lee Dive right-of-way. This is the closest connection point to city sewer. It will be necessary to extend public utility infrastructure to each lot, prior to the release of the lot(s) for residential construction purposes.

#### **Transportation:**

Existing Conditions: The property has approximately 243' of frontage along Anna Lee Drive, which is classified as a local street on the City's adopted Thoroughfare Plan. Anna Lee Drive is 60' wide.

Proposed Improvements: Development of this property will require discrete driveway curb cuts onto Anna Lee Drive.

Projected Traffic Generation: The property is expected to develop as four lots containing eight (8) duplex units. The project is expected to yield approximately 76 total daily trips, with 6 A.M. peak hour trips and 8 P.M. peak hour [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-10th Edition, provided through Spack Consulting].

#### **Environmental Assessment:**

The property does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). At the time of development the current Drainage Design Manual (DDM) and Infrastructure Design and Development Standards Manual (IDDSM) will be applicable to this site. 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 infrastructures with the Public Works Department.

#### **Land Use Analysis:**

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

Comprehensive Plan Recommendation: The 'General Residential' ('GR') designation encourages the following development types:

- Detached residential dwellings the primary focus

- Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes)
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
- Public/institutional
- Parks and public spaces

'General Residential' ('GR') characteristics:

- Encompasses most existing residential areas within Killeen (and the 6,000 square foot minimum lot size in the predominant R-1 zoning district results in less open space and separation between dwellings compared to Suburban residential areas).
- Auto-oriented character (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement.
- Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

Consistency: The applicant's zoning request is consistent with the Comprehensive Plan's FLUM.

### **Fort Hood Joint Land Use Study (JLUS) Analysis**

JLUS Plan: The property is not located in an "Encroachment Awareness Area" as identified within the JLUS.

Section 4.3 of the JLUS describes an "Encroachment Awareness Area" as intending "to serve the purpose of establishing the *current* area in which the partners in this study should maintain heightened vigilance with regard to potentially incompatible civilian land uses encroaching into critical areas that may experience the effects of military training, such as high noise levels."

### **Public Notification:**

Staff notified fifty-seven (57) surrounding property owners that own land within 400' of the subject site regarding this request. As of the date of this staff report, four responses have been received in regard to this submission. Three responses were received in support of this proposal from Mr. Jim Wright, the owner of 2908 Graystone Drive and 1002 Edgefield Street, and from Robert and Bonnie Herrings of 1104 Anna Lee Drive. One response was received in opposition of the proposed change by Mr. Joshua Hurst of 1014 Edgefield Street, with no specific reason for opposition mentioned. During the course of the Planning and Zoning Commission meeting, Mr. Charles McVey and Mr. Moshe Schrauth, both of 2906 Lawndale Street, spoke in opposition of the zoning proposal. Both gentlemen cited a rise in crime and property values potentially decreasing as their primary points in opposition.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Recommend disapproval of the applicant's "R-2" zoning request;
- Recommend approval of a more restrictive zoning district than requested by the applicant; or
- Recommend approval of the applicant's "R-2" zoning request.

**Which alternative is recommended?** Staff is recommending approval of the applicant's "R-2" zoning request.

**Why?** The applicant's "R-2" zoning request is consistent with the Comprehensive Plan's FLUM and is more restrictive than the observed "R-3" and "B-3" zoning within the surrounding neighborhood. The duplex development is a compatible land use type to buffer the existing single-family homes located west of the Chevron service station.

**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, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future 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:**

The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 5 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Ordinance

Considerations  
Responses