



# City of Killeen

## Legislation Text

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File #: PH-24-018, Version: 1

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**HOLD** a public hearing and consider an ordinance submitted by Lincoln Horse Properties TX, LLC (**Case #224-09**) to rezone Lot 11, Block 5, Marlboro Heights Revised from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The subject property is locally addressed as 905 Highland Avenue, Killeen, Texas.

**DATE:** June 4, 2024

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** Zoning Case # 24-09: "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Lincoln Horse Properties TX LLC

**Agent:** N/A

**Current Zoning:** "R-1" (Single-Family Residential District)

**Proposed Zoning:** "R-2" (Two-Family Residential District)

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

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

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

Lincoln Horse Properties TX, LLC submitted a request to rezone Lot 11, Block 5, Marlboro Heights Revised from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The purpose of this request is to change the zoning of the property to make it consistent with the current two-family residential land use. There is an existing duplex on the property, which is considered legal non-conforming, and is therefore subject to 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 September 13, 1954. The property was subsequently rezoned from "A" (Agricultural) to "R-1" (Single-Family Residential District). The property is currently platted as Lot 11, Block 5, Marlboro Heights Revised.

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

**North:** Existing single-family home zoned "R-1" (Single-Family Residential District)

**South:** Existing single-family home zoned "R-1" (Single-Family Residential District)

**East:** Existing single-family home zoned "R-1" (Single-Family Residential District)

**West:** Existing single-family home zoned "R-1" (Single-Family Residential District)

### **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.

Properties in the 'Neighborhood Infill' sector have existing development and full service, but are located in areas where additional population, higher development intensities, and integration of uses is desired. This sector is primarily located downtown and the neighborhoods immediately around it. Growth policies for this area should support infill, redevelopment, and infrastructure projects. These projects should accommodate more residents and small businesses while improving walkability.

The '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 widespread improvement. The Comprehensive Plan explains that "allowing for more diverse housing, such as duplexes, would provide a major increase in tax revenue while also increasing the number of available housing units, which in turn serves to help the City remain as an affordable place to live" (pg. 51). The Comprehensive Plan highlights that housing types like duplexes have added benefits, such as affordability and fiscal sustainability for the community. 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 #3. This development zone is south of Veterans Memorial Boulevard and north of Central Texas Expressway.

The current land use 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	81.61	2.74%
Residential	1779.03	59.66%
Industrial	273.37	9.17%
Commercial	847.76	28.43%
Agricultural	0.00	00.00%
<b>Totals</b>	<b>2981.78</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 Highland Ave. and sanitary sewer is available at the rear of the subject lot or the east side of Highland Ave. This property is currently connected to the City's utility infrastructure.

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

Ingress and egress to the property is via Highland Avenue, which is classified as a 60' wide Local Street in the Killeen Comprehensive Plan. There is no proposed change of use, so a Traffic Impact Analysis (TIA) will not be required.

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

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

### **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 sixty-five (65) surrounding property owners regarding this request. Of those property owners notified, forty-one (41) are outside the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by the Council, and fourteen (14) live outside Killeen. As of the date of this staff report, staff has received no written responses regarding this request.

### **Staff Findings:**

There is an existing two-family home located on the property. The surrounding area includes a mix of single- and two-family residential properties. 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:**

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. 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 "R-1" (Single-Family Residential) to "R-2" (Two-family Residential District). The existing structure is considered a non-conforming use, which is subject to Killeen Code of Ordinances Sec. 31-51. The purpose 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) and with the recommendations in the Killeen Comprehensive Plan.

At their regular meeting on May 6, 2024, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Letter of Request  
Minutes  
Ordinance

Considerations  
Presentation