



# City of Killeen

## Legislation Text

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File #: PH-23-053, Version: 1

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**HOLD** a public hearing and consider an ordinance submitted by Bianca Hall, on behalf of Rebecca Tinkshell, who is deceased (**Case #Z23-19**) to rezone Lot 1, Block 2, out of the Morris & Goode Survey, from "B-5" (Business District) to "R-1" (Single-Family Residential District). The property is locally addressed as 801 E. Avenue G, Killeen, Texas.

**DATE:** September 19, 2023.

**TO:** Kent Cagle, City Manager.

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

**SUBJECT:** Zoning Case #23-19: "B-5" (Business District) to "R-1" (Single-Family Residential District).

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Rebecca Tinkshell (Deceased)

**Agent:** Bianca Hall

**Current Zoning:** "B-5"

**Proposed Zoning:** "R-1"

**Current FLUM Designation:** 'Residential Mix'

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

Bianca Hall, on behalf of Rebecca Tinkshell (Deceased), has submitted a request to rezone Lot 1, Block 1, Morris & Goode, from "B-5" (Business District) to "R-1" (Single-Family Residential District). The purpose of the request is to change the zoning of the subject property to make it consistent with the actual land use of "R-1" (Single-Family Residential District) zoning. The property owner's intent is to bring the property into conformance with the current district regulations.

#### **Killeen Code of Ordinances Chapter 31 Compliance:**

In accordance with Killeen Code of Ordinances Sec. 31-168(1), one-family dwellings, including site-built and modular construction, are allowed by right in the "R-1" (Single-Family Residential) zoning district. The current structure is currently 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 structure into conformance.

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

Staff was unable to determine the date of the zoning. The property was platted as part of the Morris Goode Subdivision Pre-1950.

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

**North:** Existing commercial businesses zoned "B-5" (Business District)

**South:** Existing commercial businesses zoned "B-5" (Business District)

**West:** Existing Single-Family Residences zoned "B-5" (Business District) and "R-2" (Two-Family Residential District)

**East:** Existing Single-Family Residences zoned "B-5" (Business District)

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

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and is designated as 'Residential Mix' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Neighborhood Infill' growth sector includes areas of the city that are already developed and have access to city services and infrastructure, but have vacant, underutilized, or poorly developed properties. Growth policies for this sector should encourage development or redevelopment of these properties with accessory dwelling units, small-plexes (2-4 units), and micro commercial that provides incremental increases in density. Development should match the existing character and improve walkable access to businesses and amenities for people living and working in the vicinity.

The request supports or furthers the following 2022 Comprehensive Plan recommendations:

- LU3 - Encourage incremental evolution of neighborhoods
- LU3.2 Recommends rezoning properties in areas which need revitalization in Traditional Neighborhoods.
- LU4 - Prioritize infill and revitalization in north Killeen
- 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.

### **Neighborhood Analysis:**

#### **Land use:**

- This property is located within Killeen Development Zone #1
- Current land use mix within this area comprises approximately:
  - 16% non-residential zoning districts
  - 84% residential uses

#### **Zoning district breakdown in DZ2:**

- 33% non-residential zoning districts
- 66% residential zoning districts
- 1% Special Districts\*

\*These numbers exclude a detailed breakdown of special districts such as conditional or special use permits and planned unit developments.

### **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 available to the subject tract.

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

Ingress and egress to the property is from E. Avenue G and S. 16<sup>th</sup> St., which are classified as a 60 ft. wide Local Streets on the City of Killeen Comprehensive Plan. Staff estimates that there will be 9.44 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 thirty-nine (39) surrounding property owners regarding this request. Of those property owners notified, twenty-four (24) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eleven (11) reside outside of Killeen. As of date of this staff report, staff has received zero (0) written responses regarding the request.

### **Staff Findings:**

Please see the Future Land Use Map Analysis and Neighborhood Analysis sections.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may:

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

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

Staff recommends approval of the applicant's request to rezone the subject property from "B-5" (Business District) to "R-1" (Single-Family Residential District) as presented.

Staff supports the applicant's intent to rezone to "R-1" (Single-Family Residential District). The current structure is currently 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 structure into conformance with the zoning ordinance.

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

**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 regular meeting on August 21, 2023, the Planning and Zoning Commission recommended approval of the applicant's request to rezone the subject property from "B-5" (Business District) to "R-1" (Single-Family Residential District) 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