



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-17-024B    **Version:** 1    **Name:** Zoning 17-10  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 3/20/2017    **In control:** City Council  
**On agenda:** 4/25/2017    **Final action:** 4/25/2017  
**Title:** HOLD a public hearing and consider an ordinance requested by M.A. Hoard Construction Co. II, LTD. (Case #Z17-10) to rezone Lot 41, Block 1, Grover Park, from "B-5" (Commercial District) to "R-3A" (Multifamily Apartment Residential District), for property being locally known as 6501 Vahrenkamp Drive, Killeen, Texas. (Tabled from April 11, 2017 Regular City Council Meeting.)  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**

**Attachments:** 1. Staff Report, 2. Aerial Map Exhibit, 3. Minutes, 4. Ordinance, 5. Application, 6. Location Map, 7. Buffer Map, 8. Opposition Map, 9. Considerations, 10. Response, 11. Presentation

Date	Ver.	Action By	Action	Result
4/25/2017	1	City Council	Approved	Pass
4/18/2017	1	City Council Workshop		
4/11/2017	1	City Council	Tabled	Pass
4/4/2017	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by M.A. Hoard Construction Co. II, LTD. (**Case #Z17-10**) to rezone Lot 41, Block 1, Grover Park, from "B-5" (Commercial District) to "R-3A" (Multifamily Apartment Residential District), for property being locally known as 6501 Vahrenkamp Drive, Killeen, Texas. (**Tabled from April 11, 2017 Regular City Council Meeting.**)

**DATE:** April 4, 2017

**TO:** Ronald L. Olson, City Manager

**FROM:** Ray Shanaa, Executive Director of Planning and Development Services

**SUBJECT: REZONING CASE #Z17-10 "B-5" (BUSINESS DISTRICT) TO "R-3A" (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) USES**

### **BACKGROUND AND FINDINGS:**

M.A. Hoard Construction Co. II, LTD. submits this request to rezone Lot 41, Block 1, Grover Park, from "B-5" (Business District) to "R-3A" (Multifamily Apartment Residential District). The property is locally known as 6501 Vahrenkamp Drive, Killeen, Texas.

### **District Descriptions:**

**A building or premises in an "R-3A" Multifamily Apartment Residential District shall be used only for the following purposes:**

- (a) Uses. A building or premises in an "R-3A" Multifamily Apartment Residential District shall be used only for the following purposes:
- (1) Any use permitted in the "R-1" or "R-2" districts
  - (2) Multifamily structures containing five (5) or more separate dwelling units, including large apartment complexes with high rise structures
  - (3) Boarding and lodging houses
  - (4) Fraternity or sorority houses
  - (5) Licensed group or community homes housing six (6) or more persons
  - (6) Dormitories for educational or employment purposes as a primary use
  - (7) Any group housing activity not otherwise identified in another multifamily or business district
  - (8) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business
- (b) Planned unit development required. Rezoning applications requesting zoning under this division shall be subject to the requirements of 31-256.9 of this division, if applicable.

The project area is undeveloped and sits between observed "R-1" zoned single-family homes to the west and "R-2" zoned duplex development to the north. There is a large commercial storage facility to the east and an undeveloped "R-3A" zoned tract of land along the south right-of-way of Vahrenkamp Drive.

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

**Plan Recommendation:** The 'General Commercial' character encourages a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

**Consistency:** The zoning request is not consistent with the intent of the Comprehensive Plan; therefore, the applicant has submitted a concurrent FLUM amendment request to 'General Residential' (GR) to align this project with the intended scope of development.

**THE ALTERNATIVES CONSIDERED:**

**Which alternative is recommended? Why?**

The City Council shall take the following Pharr v. Tippitt guidelines into consideration making a decision on a zoning request:

*Is the request in accordance with the comprehensive plan?*

*Is the request designed to lessen congestion in the streets; secure safety from fire, panic, or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements?*

*What if any, is the nature and degree of an adverse impact upon neighboring lands?*

*The suitability or unsuitability of the tract for use as presently zoned*

*Whether the amendment bears a substantial relationship to the public health, safety, morals, or general*

*welfare or protects and preserves historical and cultural places and areas*

*Whether there is a substantial public need or purpose for the new zoning*

*Whether there have been substantially changed conditions in the neighborhood*

*Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive)*

*The size of the tract in relation to the affected neighboring lands - is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?*

*Any other factors which will substantially affect the health, safety, morals, or general welfare*

### **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, the City will assume the maintenance of future publicly dedicated infrastructure.

#### **Is this a one-time or recurring expenditure?**

The maintenance of future publicly dedicated infrastructure will be on-going.

#### **Is this expenditure budgeted?**

Development of this property has not occurred; therefore, this discrete item is not currently budgeted.

#### **If not, where will the money come from?**

Various Public Works accounts

#### **Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable at this time.

### **RECOMMENDATION:**

The Planning and Zoning Commission recommended approval of the applicant's zoning request from "B-5" (Business District) to "R-2" (Two Family Residential District) by a vote of 3 to 2, with Commissioners McLaurin and Peters in opposition to the request. The dissenting Commissioners supported the residents' shared concerns regarding the potential for increased traffic as a result of the proposed residential project. The staff notified thirty-four (34) surrounding property owners regarding this request and received protests from the following individuals: James E. Skinner, 4605 Lauren Mackenzie Drive; Rick and Michaela Smith,

4608 Chelsea Drive; Chris Albright, 4701 Lauren Mackenzie Drive and Adalberto Ortiz, 4501 Chelsea Drive. The residents stated they had concerns about traffic and pedestrian safety in the neighborhood. Following the Planning and Zoning Commission meeting, staff received an opposition response from Phillip and Bridget Balque of 4401 Lauren Mackenzie Drive.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Legal Department.

**ATTACHED SUPPORTING DOCUMENTS:**

Aerial Map Exhibit  
Minutes  
Ordinance  
Application  
Location Map  
Buffer Map  
Opposition Map  
Considerations  
Response