



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-18-023    **Version:** 1    **Name:** Zoning 18-17  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 8/6/2018    **In control:** City Council  
**On agenda:** 8/28/2018    **Final action:** 8/28/2018  
**Title:** HOLD a public hearing and consider an ordinance requested by the City of Killeen (Case #Z18-17) to rezone Lots 1 through 14, Mesquite West Phase I from "M-1" (Manufacturing District) to "R-3F" (Multifamily Residential District) and Lots 2 through 15, Mesquite West Phase II from "B-3" (Local Business District) to "R-3F" (Multifamily Residential District). The properties are addressed as 1100-1113 Leslie Circle and 1100-1113 ShanaRae Circle, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Map, 3. Minutes, 4. Ordinance, 5. Pharr v. Tippitt Considerations, 6. Presentation

Date	Ver.	Action By	Action	Result
8/28/2018	1	City Council	Approved	Pass
8/21/2018	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by the City of Killeen (**Case #Z18-17**) to rezone Lots 1 through 14, Mesquite West Phase I from "M-1" (Manufacturing District) to "R-3F" (Multifamily Residential District) and Lots 2 through 15, Mesquite West Phase II from "B-3" (Local Business District) to "R-3F" (Multifamily Residential District). The properties are addressed as 1100-1113 Leslie Circle and 1100-1113 ShanaRae Circle, Killeen, Texas.

**DATE:** August 21, 2018

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

**FROM:** Dr. Ray Shanaa, AICP, Exec. Dir. of Planning and Development Services

**SUBJECT:** Zoning Case #Z18-17 "M-1" (Manufacturing District) and "B-3" (Local Business District) to "R-3F" (Multifamily Residential District)

### Background and Findings:

This request is submitted by the City of Killeen to rezone lots 1 through 14, Mesquite West Phase I from "M-1" (Manufacturing District) to "R-3F" (Multifamily Residential District) and lots 2 through 15, Mesquite West Phase II from "B-3" (Local Business District) to "R-3F" (Multifamily Residential District). The properties are addressed as 1100-1113 Leslie Circle and 1100-1113 ShanaRae Circle, Killeen, Texas and are generally located on the east side of Old F.M. 440, north of West Stan Schlueter Loop (FM 3470) and south of Elms Road.

This request was initiated by City staff following a call from a resident regarding the nonconforming nature of

the existing quad-plexes in this area. The buyer of the property located at 1104 ShanaRae Circle was having difficulty securing financing due to the fact that the property is zoned "B-3" (Local Business District) and is therefore considered a nonconforming use.

The area of the requested zoning change consists of twenty-eight (28) quad-plexes. Half of these are zoned "B-3" (Local Business District) and the other half are zoned "M-1" (Manufacturing District). Staff has initiated the request in an effort to bring the existing nonconforming residences into conformity with the City's zoning ordinance.

#### District Descriptions:

A building or premise in a district "B-3" Local Business District shall be used only for the following purposes:

- (1) Any use permitted in the "B-2" district.
- (2) Bakery or confectionery, wholesale.
- (3) Day camp.
- (4) Hospital, home or center for the acute or chronic ill.
- (5) Mortuary or funeral chapel excluding cremation services.
- (6) Appliance (household) sales and repair service.
- (7) Bakery or confectionery: engaged in preparation, baking, cooking and selling of products at retail on the premises, with six (6) or less employees.
- (8) Boat and accessory sales, rental and service.
- (9) Bowling alleys.
- (10) Cleaning or laundry (self-service).
- (11) Cleaning, pressing and dyeing: with six (6) or less employees.
- (12) Florist, garden shop, greenhouse or nursery office (retail): no growing of plants, shrubs or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater.
- (13) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales or health food sales.
- (14) Cafeteria or catering service.
- (15) Marine supplies, sales and service.
- (16) Lodges or fraternal organizations with greater than five thousand (5,000) square feet of leasable space.
- (17) Restaurant or café permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, all of which are adopted hereby and made a part hereof for all purposes. No restaurant will be permitted to dispense any type of alcoholic beverage through any "drive-through" facility or window.
- (18) Tennis or swim club.
- (19) Small animal clinic, pet grooming shop and/or inside kennel and boarding. No cremation or outside kennels.
- (20) Hotel or motel.
- (21) Retail uses and businesses of all sizes to include secondhand goods and antiques with no outside storage or display of second hand goods.
- (22) Gasoline service station, auto laundry or car wash.
- (23) Auto parts sales, new, at retail.
- (24) A customarily incidental use: sale of beer and/or wine only for off-premises consumption only shall be considered a customarily incidental use in this district, but not in any residential district or any more restrictive business district.
- (25) Theaters of general release.
- (26) Mini/self-storage facilities: a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares. No outside storage, sales, service, or repair activities, other than the

rental of storage units shall be permitted on-premises.

(27) Storage warehouse with leasable space of less than twenty-five thousand (25,000) square feet.

District Descriptions:

A building or premises in the district "M-1" Manufacturing District shall be used only for the following purposes:

- (1) Any use permitted in the "B-5" Business District.
- (2) Paper products manufacture.
- (3) Wood, paper, plastic container manufacture.
- (4) Stone monument works.
- (5) Petroleum products wholesale storage.
- (6) Processing of chemicals or mineral extractions, not elsewhere classified.
- (7) Food processing.
- (8) Foundry, forge plant, rolling mill, metal fabrication plant.
- (9) Feed mill.
- (10) Petroleum or chemical products manufacture (indoors).
- (11) Planing mill.
- (12) Railroad yard, roundhouse, shop.
- (13) Textile or garment manufacture.
- (14) Automobile, mobile home, heavy equipment manufacture.
- (15) Electroplating.
- (16) Sewage treatment plant.
- (17) Electrical equipment or appliance manufacture (large).
- (18) Furniture, cabinet, kitchen equipment manufacture.
- (19) Oil well tools, oil well equipment manufacture.
- (20) Aircraft, aircraft hardware or parts manufacture.
- (21) Crematoriums.

District Descriptions:

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

- (1) All uses allowed in the "R-1" Single Family Residential District.
- (2) Multifamily structures containing three (3) or four (4) separate dwelling units.
- (3) Institutions of a religious, educational, charitable or philanthropic nature, but not a penal or mental institution.
- (4) Licensed group or community home housing five (5) or fewer persons.
- (5) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business.

Property Specifics:

Applicant / Property Owner: Various Property Owners

Property Location: The properties are addressed as 1100-1113 Leslie Circle and 1100-1113 ShanaRae Circle, Killeen, Texas and are generally located on the east side of Old F.M. 440, north of West Stan Schlueter Loop (FM 3470) and south of Elms Road.

Legal Description: Lots 1 through 14, Mesquite West Phase I, and Lots 2 through 15, Mesquite West Phase II.

Zoning/ Plat Case History:

- There have been no recent zoning change requests for these properties.
- The area was platted in 1996.

Character of the Area: The property south of the subject area is undeveloped and zoned "B-3" (Local Business District) and the property to the north is undeveloped and zoned "B-5" (Business District). The property to the east is zoned "M-1" (Manufacturing District) and "R-3" (Multifamily Residential District).

Existing Land Use(s) on the Property: The property contains twenty-eight (28) existing quad-plexes.

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: Water, sanitary sewer and drainage utility services are located within the City of Killeen municipal utility service area and available to the subject tract.

Transportation:

Existing conditions: The property is located off of Old F.M. 440, which is designated as a Collector Street on the City's adopted Thoroughfare Plan.

Proposed Improvements: None are proposed at this time.

Environmental Assessment:

Not applicable. The property is already developed, and the existing uses will not change.

#### Land Use Analysis:

Future Land Use Map: This area is designated as 'Four-Plex Residential' (RQ) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The Comprehensive Plan calls for "Clusters of this unique housing type, with four units typically in two-story buildings" on the site.

Consistency: This request is consistent with the FLUM of the Comprehensive Plan.

Public Notification: Staff notified fifty-three (53) surrounding property owners regarding this request. As of the date of this report staff has received no responses.

#### **THE ALTERNATIVES CONSIDERED:**

**Which alternative is recommended?** Staff is not recommending any alternatives.

**Why?** Staff supports the request to rezone the properties.

#### **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:**

The Planning and Zoning Commission recommends approval of the request to rezone the subject area to "R-3F" (Multifamily Residential District). The requested zoning will serve to bring the existing quad-plexes into conformity, and it is consistent with the Future Land Use Map of the Comprehensive Plan.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Pharr vs. Tippitt Considerations