



City of Killeen

Legislation Details (With Text)

File #: PH-19-015B **Version:** 1 **Name:** Zoning 19-08
Type: Ordinance/Public Hearing **Status:** Public Hearings
File created: 5/6/2019 **In control:** City Council
On agenda: 5/28/2019 **Final action:** 5/28/2019
Title: HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (Case #Z19-08) to rezone approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.
Sponsors: Development Services
Indexes:
Code sections:

Attachments: 1. Staff Report, 2. Zoning and Notification Area Map, 3. Location Map, 4. Minutes, 5. Ordinance, 6. Considerations, 7. Response, 8. Presentation

Date	Ver.	Action By	Action	Result
5/28/2019	1	City Council	Withdrawn	
5/21/2019	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (**Case #Z19-08**) to rezone approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.

DATE: May 21, 2019

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, Exec. Dir. Of Planning and Development Services

SUBJECT: ZONING CASE #Z19-08 "B-3" (Local Business District) to "R-2" (Two-Family Residential District)

Background and Findings:

This request is submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (**Case #Z19-08**) to rezone approximately five (5) acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.

"R-2" District Descriptions

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"
(2) Two-Family dwellings.

Property Specifics:

Applicant / Property Owner: Andrea Weinstein

Property Location: 4402 Old FM 440, Killeen, Texas.

Legal Description: Approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794

Zoning/ Plat Case History:

- The property was rezoned from "R-1" (Single-Family Residential District) to "B-3" on May 8, 1990, per ordinance #90-24.
- The property is part of the S.P.R.R. Co. Survey, Abstract No. 794. The property is not platted.

Character of the Area:

Existing Land Use(s) on the Property: The property is 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: Water, sanitary sewer and drainage utility services are located within the City of Killeen municipal utility service area and available to the subject tract. However, 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 lot is accessed via Old FM 440, which has been constructed as a 70' right-of-way collector.

Proposed Improvements: None

Projected Traffic Generation: A typical single-family home will generate ten (10) vehicle trips per day, so duplex units will effectively double that generation rate. Therefore, each lot, if constructed with a duplex, will generate twenty (20) vehicle trips per day [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

Environmental Assessment:

The tract is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on-or-adjacent to the parcel. The terrain of the property slopes down in a north-eastwardly orientation with an observed elevation change from 990' to 980'.

Land Use Analysis:

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

Plan Recommendation: The Comprehensive Plan calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

Consistency: The applicant's request is not consistent with the FLUM of the Comprehensive Plan.

Public Notification:

Staff notified fifty-eight (58) surrounding property owners regarding this request and received one response of opposition from Douglas Aldrich, the owner of 904 Leifester Circle, Killeen, Texas.

THE ALTERNATIVES CONSIDERED:

The City Council may approve or disapprove the applicant's zoning request, or approve a more restrictive zoning district than initially requested.

Which alternative is recommended? Staff recommends that the City Council disapprove the applicant's "R-2" zoning request.

Why? The request is not consistent with the FLUM of the Comprehensive Plan. Additionally, staff does not see long-term planning value in forgoing future economic (i.e. commercial) development of the site for additional rental housing that is already available within the surrounding community.

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 applicant's "R-2" zoning request by a vote of 3 to 2 (Commissioner Alvarez recused himself).

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Zoning and notification area map
Location map
Minutes
Ordinance
Pharr vs. Tippitt
Response