



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-19-046    **Version:** 1    **Name:** Zoning 19-16  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 11/22/2019    **In control:** City Council  
**On agenda:** 12/17/2019    **Final action:** 12/17/2019  
**Title:** HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Mesa Verde Developers, L.P. and Tara Campbell (Case #Z19-16) to rezone approximately 24.9 acres, out the W. L. Harris Survey, Abstract No. 1155, from "B-3" (Local Business District) and "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is located south of the Renick Ranch Subdivision, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Maps, 3. Minutes, 4. Ordinance, 5. Responses, 6. Considerations, 7. Presentation

| Date       | Ver. | Action By             | Action   | Result |
|------------|------|-----------------------|----------|--------|
| 12/17/2019 | 1    | City Council          | Approved | Pass   |
| 12/10/2019 | 1    | City Council Workshop |          |        |

**HOLD** a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Mesa Verde Developers, L.P. and Tara Campbell (**Case #Z19-16**) to rezone approximately 24.9 acres, out the W. L. Harris Survey, Abstract No. 1155, from "B-3" (Local Business District) and "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is located south of the Renick Ranch Subdivision, Killeen, Texas.

**DATE:** December 10, 2019

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Interim Exec. Dir. of Planning and Dev. Services

**SUBJECT:** ZONING CASE #Z19-16: "B-3" (Local Business District) and "A" (Agricultural District) to "R-1" (Single-Family Residential District)

### **Background and Findings:**

This request is submitted on behalf of Mesa Verde Developers, L.P. and Tara Campbell (**Case #Z19-16**) to rezone approximately 24.9 acres, out of the W. L. Harris Survey, Abstract No. 1155, from "B-3" (Local Business District) and "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is located south of the Renick Ranch Subdivision, Killeen, Texas.

### **"R-1" Single-Family Residential District Description**

If approved as proposed, a building or premises in the district "R-1" Single-Family Residential district shall be used only for the following purposes:

- (1) One-family dwellings.
- (2) Churches or other places of worship.
- (3) Colleges, universities or other institutions of higher learning.
- (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (5) Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- (7) Public buildings, including libraries, museums, police and fire stations.
- (8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years. Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
- (9) Schools, public elementary or high.
- (10) Schools, private with curriculum equivalent to that of a public elementary or high school.
- (11) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (12) Water supply reservoirs, pumping plants and towers.
- (13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building.
- (14) A subdivision entry sign, when such sign is located on a lot that abuts a subdivision boundary and fronts on a street entering the subdivision.
- (15) Cemetery

**Property Specifics:**

Applicant / Property Owner: Mesa Verde Developers, L.P. & Tara Campbell

Property Location: The property is located south of the Renick Ranch Subdivision, Killeen, Texas

Legal Description: Approximately 24.9 acres, out of the W. L. Harris Survey, Abstract No. 1155

**Zoning/ Plat Case History:**

- A portion of this property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on December 14, 2004, per ordinance no. 04-96. This is the first rezoning request for the "A" (Agricultural District) portion of the property.
- The subject property is not platted.

**Character of the Area:**

Existing Land Use(s) on the Property: The property is vacant and undeveloped. The surrounding community is made up of a mix single-family residential dwelling units, commercial uses, and a mobile home park.

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 property does not have direct roadway frontage. It will be necessary for the developer to construct the required streets for any proposed development.

**Proposed Improvements:** Development of this property will require the construction and acceptance of public rights-of-way.

**Projected Traffic Generation:** A single-family home will generate roughly 10 vehicle trips per day. This portion of the project will yield 94 single-family lots and generate 895 total daily trips, with 71 A.M. peak hour trips and 94 P.M. peak hour [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-10th Edition, provided through Spack Consulting].

**Environmental Assessment:**

At the time of development, the current drainage design manual (DDM) and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate connectivity to all publicly dedicated infrastructure with the Public Works Department.

**Land Use Analysis:**

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

**Plan Recommendation:** The 'General Residential' designation encourages a mix of single-family types, public and institutional uses, parks and public spaces.

**Consistency:** The applicant's zoning request is consistent with the Comprehensive Plan.

**Fort Hood Joint Land Use Study (JLUS) Analysis**

**JLUS Plan:** The property is not located in an "Encroachment Awareness Area" as identified within the JLUS.

Section 4.3 of the JLUS describes an "Encroachment Awareness Area" as intending "to serve the purpose of establishing the *current* area in which the partners in this study should maintain heightened vigilance with regard to potentially incompatible civilian land uses encroaching into critical areas that may experience the effects of military training, such as high noise levels."

**Public Notification:**

Staff notified twenty-nine (29) surrounding property owners that own land within 400' of the subject site regarding this request. Staff received one response from Ms. Phyllis G. Ferguson, who owns 2002 W. Stan Schlueter Loop, Killeen, Texas. This response has been included for consideration.

**THE ALTERNATIVES CONSIDERED:**

The Council may:

- Recommend disapproval of the applicant's zoning request;
- Recommend approval of a more restrictive zoning district than requested by the applicant; or
- Recommend approval of the applicant's zoning request.

**Which alternative is recommended?** Staff recommends that the City Council approve the applicant's "R-1" (Single-Family Residential District) zoning request.

**Why?** The applicant's zoning request is consistent with the Comprehensive Plan's FLUM and is compatible with the surrounding residential 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; however, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future 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:**

The Planning and Zoning Commission recommended approval of the applicant's zoning request by a vote of 4 to 1, with Commissioner Gukeisen in opposition to the motion. Commissioner Alvarez recused himself from the vote and filed the required affidavit disclosing a conflict of interest.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations  
Response