



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-21-023    **Version:** 1    **Name:** Zoning 21-08  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 4/22/2021    **In control:** City Council  
**On agenda:** 5/25/2021    **Final action:** 5/25/2021  
**Title:** HOLD a public hearing and consider an ordinance requested by True Fountain LLC (Case #Z21-08) to rezone approximately 5.15 acres out of the J. E. Maddera survey, Abstract 600, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-3" (Local Business District). The property is addressed as 5603 Bunny Trail, Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Staff Report, 2. Maps, 3. Minutes, 4. Ordinance, 5. Considerations, 6. Presentation

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 5/25/2021 | 1    | City Council          | Approved | Pass   |
| 5/18/2021 | 1    | City Council Workshop |          |        |

**HOLD** a public hearing and consider an ordinance requested by True Fountain LLC (**Case #Z21-08**) to rezone approximately 5.15 acres out of the J. E. Maddera survey, Abstract 600, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-3" (Local Business District). The property is addressed as 5603 Bunny Trail, Killeen, Texas.

**DATE:**        **May 18, 2021**

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

**FROM:**      **Tony McIlwain, Exec. Dir. of Development Services**

**SUBJECT: ZONING CASE #Z21-08 "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-3" (Local Business District)**

### **BACKGROUND AND FINDINGS:**

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

This request is submitted by Suk Baldwin on behalf of True Fountain LLC to rezone approximately 5.15 acres out of the J. E. Maddera survey, Abstract 600, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-3" (Local Business District). The property is addressed as 5603 Bunny Trail, Killeen, Texas. The applicant is requesting 4.60 acres to be changed to "R-2" (Two-Family Residential District) and 0.55 acres to be changed to "B-3" (Local Business District).

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

On August 19, 2019, the applicant requested to rezone 19.566 acres from "A-R1" (Agricultural Single-Family Residential) to "R-2" (Two-Family Residential District). At that time, several adjacent property owners spoke in opposition to the request. The Commission recommended approval of a mix of "R-1" (Single-Family Residential District) and "R-2" (Two-Family Residential District). However, the City Council ultimately approved "R-1" (Single-Family Residential District) zoning for the entire 19.566 acres on September 10, 2019 via Ordinance No. 19-41.

Concurrent with the rezoning request on August 19, 2019, a Future Land Use Map amendment request to change the subject property from 'Suburban Residential' (SR) to 'General Residential' (GR) was submitted. The FLUM amendment was approved by City Council on August 27, 2019 via Ordinance No. 19-038.

A preliminary plat was approved by the Planning & Zoning Commission on January 6, 2020 for sixty-four (64) "R-1" single-family residential lots.

On October 5, 2020, the applicant requested to change 9.66 acres from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District), which was ultimately disapproved by the City Council by a vote of 7 to 0 on October 27, 2020.

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

The surrounding area is made up of a mix of residential and commercial properties. Adjacent land uses are as follows:

- North: Existing "R-1" (Single-Family Residential District) properties and undeveloped "A-R1" (Agricultural Single-Family Residential) directly abutting this parcel.
- South: Existing "R-1" (Single-Family Residential District) and "R-MP" (Mobile Home and Travel Trailer Park) directly abutting this parcel.
- East: Existing "R-2" (Two-Family Residential District) across Bunny Trail.
- West: Existing "R-2" (Two-Family Residential District) with an "R-1" (Single-Family Residential District) use directly abutting this parcel.

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

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

The 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus.
- Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes)
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards.
- Public/ institutional
- Parks and public spaces

This request for "R-2" (Two-Family Residential District) is consistent with the Future Land Use Map (FLUM). However, the request for "B-3" (Local Business District) is not consistent with the FLUM. The applicant has

submitted a concurrent request to amend the Future Land Use Map (FLUM) from 'General Residential' (GR) to 'General Commercial' (GC).

### **Water, Sewer and Drainage Services**

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

At the time of development, the current drainage design manual and infrastructure design and development standards will be applicable to this site. The property owner and its 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 its agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

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

Ingress and egress to the property will be from Bunny Trail, which is classified as 110' wide minor arterial on the City of Killeen's adopted Thoroughfare Plan. Internal traffic will be via Abraham Drive, a proposed 60' wide local street, once the preliminary platted development is complete. If developed to its full potential, this site could generate 170 additional vehicle trips per day for the "R-2" (Two-Family Residential District). The potential increase in vehicle traffic for the "B-3" (Local Business District) portion cannot be determined until the proposed type of commercial use is determined.

### **Public Notification:**

Staff notified twenty-seven (27) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received in opposition to the request. Of those property owners notified, twelve (12) reside outside of the State required 200-foot notification boundary, but within the 400-foot notification boundary required by Council; ten (10) of the property owners reside outside of Killeen.

### **Staff Findings:**

Staff finds that the request is compatible with the existing character of the area. Further, staff finds that the applicant's request will become consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan should the concurrent FLUM amendment request to change the subject property from 'General Residential' (GR) to 'General Commercial' (GC) be approved by Council.

There are no known environmental constraints for this lot. The lot is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's request;
- Approve a more restrictive zoning designation than requested by the applicant; or
- Approve the applicant's request as submitted.

**Which alternative is recommended?** Staff recommends approval of the applicant's request as submitted.

**Why?** The proposed change in use, having frontage on Bunny Trail, is compatible with the existing character of the area.

**CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the City of 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 expenditures 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 & Zoning Commission recommended approval of the applicant's request by a vote of 4 to 2, with Commissioners Minor and Boyd in opposition.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations