



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-21-033    **Version:** 1    **Name:** Zoning 21-15  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 6/16/2021    **In control:** City Council  
**On agenda:** 7/13/2021    **Final action:** 7/13/2021  
**Title:** HOLD a public hearing and consider an ordinance submitted by OW Clear Creek LLC, (Case #Z21-15) to rezone approximately 0.44 acres out of the J.E. Maddera Survey, Abstract No. 600 from "R-MS" (Manufactured Housing District) to "B-3" (Business District). The property is locally addressed as 5314 Tiffany Circle, 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
7/13/2021	1	City Council	Approved	Pass
7/6/2021	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance submitted by OW Clear Creek LLC, (**Case #Z21-15**) to rezone approximately 0.44 acres out of the J.E. Maddera Survey, Abstract No. 600 from "R-MS" (Manufactured Housing District) to "B-3" (Business District). The property is locally addressed as 5314 Tiffany Circle, Killeen, Texas.

**DATE:** July 6, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE #Z21-15 "R-MS" (Manufactured Housing District) to "B-3" (Business District).

### **BACKGROUND AND FINDINGS:**

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

This request is submitted by OW Clear Creek LLC to rezone approximately 0.44 acres out of the J.E. Maddera Survey, Abstract No. 600, from "R-MS" (Manufactured Housing District) to "B-3" (Local Business District). A 2,440 square foot commercial building is located on the property. This structure has historically been used as storage for the owners of eleven (11) of the fifty-eight (58) lots in the subdivision. Should the request be approved, the applicant intends to lease the building to a commercial business.

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

The subject property was rezoned from an initial annexation zoning of "A" (Agricultural) to "R-MS" (Manufactured Housing District) in 2008.

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

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

- To the north: Existing manufactured home park, zoned "R-MS" (Manufactured Housing District) directly abutting this parcel.
- To the south: Undeveloped property, zoned "B-3" (Local Business District) directly abutting this parcel.
- To the east: Existing manufactured home park, zoned "R-MS" (Manufactured Housing District) directly abutting this parcel.
- To the west: Undeveloped property, "B-3" (Local Business District) and "A" (Agricultural) on the opposite side of Clear Creek Road.

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

This property is designated as 'Suburban Commercial' ('SC') on the on the Future Land Use Map (FLUM) of the Comprehensive Plan. 'Suburban Commercial' ('SC') characteristics offer reduced site coverage relative to most commercial development especially at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design.

The 'Suburban Commercial' ('SC') designation encourages the following development types:

- Range of commercial retail and service uses, at varying scales and intensities depending on the site;
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
- Planned development to accommodate custom site designs or mixing of uses in a suburban character setting;
  - Public/institutional; and
  - Parks and public spaces.

The zoning request is consistent Future Land Use Map (FLUM) of the Comprehensive Plan.

### **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 may be available to the subject tract.

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

Ingress and egress is via Clear Creek Road (S.H. 201), which is classified as a 120' wide Principal Arterial, and Tiffany Circle, which is classified as 60' wide local street on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified forty (41) 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, twenty (20) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eight (8) reside outside the city limits of Killeen.

### **Staff Findings:**

Staff finds that the applicant's request is consistent with the surrounding property uses and is compatible with the existing land uses and prevailing community character. Staff also finds that the request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

There are no known environmental constraints for these lots. The lots are 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 two (2) alternatives. The Council may:

- Disapprove the applicant's request for "B-3" (Local Business District); or
- Approve the applicant's request for "B-3" (Local Business District).

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

**Why?** The proposed change in use 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.

**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, by a vote of 6 to 0, recommended approval of the applicants request to rezone the property to "B-3" (Local Business District).

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations