



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-21-059    **Version:** 1    **Name:** Zoning 21-29  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 9/7/2021    **In control:** City Council  
**On agenda:** 11/9/2021    **Final action:** 11/9/2021  
**Title:** HOLD a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of Rachiii Brothers, LLC, (Case #Z21-29) to rezone approximately 24.61 acres out of the Robert Cunningham Survey, Abstract No. 199 from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-5" (Business District). The property is located at 4302 Cunningham Road, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Maps, 3. Minutes, 4. Ordinance, 5. Exhibit, 6. Considerations, 7. Presentation, 8. Ordinance PH-21-059 (Revised)

Date	Ver.	Action By	Action	Result
11/9/2021	1	City Council	Approved as Amended	Pass
11/2/2021	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of Rachiii Brothers, LLC, (**Case #Z21-29**) to rezone approximately 24.61 acres out of the Robert Cunningham Survey, Abstract No. 199 from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-5" (Business District). The property is located at 4302 Cunningham Road, Killeen, Texas.

**DATE:** November 2, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE #Z21-29 "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-5" (Business District)

### **BACKGROUND AND FINDINGS:**

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

Quintero Engineering, LLC, on behalf of Rachiii Brothers, LLC, has submitted a request to rezone approximately 14.05 acres from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and approximately 10.56 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District) out of a 24.61 acres tract out of the Robert Cunningham Survey, Abstract No. 199. If approved, the applicant's request will provide additional commercial frontage on northeast area of the intersection of E Stan Schlueter Loop and Cunningham Road and provide transitional zoning from commercial to residential.

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

The subject property was annexed into the City limits on December 23, 1986 via Ordinance No. 86-87 and was assigned temporary "R-1" (Single-Family Residential) zoning at that time. The property is currently unplatted.

### **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: Undeveloped property zoned "R-1" (Single-Family Residential District)
- East: Existing commercial development (Wal-Mart shopping center) zoned "B-5" (Business District)
- South: Undeveloped property on the south side of E. Stan Schlueter Loop zoned "R-1" (Single-Family Residential District)
- West: Undeveloped commercial property on the west side of Cunningham Road zoned "B-5" (Business District)

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

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

'General Residential' (GR) characteristics encompasses most existing residential areas within Killeen. The 6,000 square foot minimum lot size in the predominant R-1 zoning district results in less openness and separation between dwellings compared to Suburban residential areas. 'General Residential' (GR) are typically auto-oriented (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement.

Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

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; and
- Parks and public spaces.

This request is partially consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent request to amend 10.56 acres on the Future Land Use Map from 'General Residential' (GR) to 'General Commercial' (GC).

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

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

Ingress and egress to the property is from East Stan Schlueter Loop, which is classified as a 120' wide Principal Arterial, and Cunningham Road, which is classified as a 110' wide Minor Arterial on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified twenty-five (25) surrounding property owners regarding this request. Of those property owners notified, thirteen (13) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and thirteen (13) reside outside the city limits of Killeen. As of the date of this staff report, no written responses have been received regarding this request.

### **Staff Findings:**

Staff finds that the applicant's request is consistent with the surrounding property uses and compatible with the existing land uses and prevailing community character.

There are no known environmental constraints for this tract. The tract is not within any FEMA regulatory Special Flood Hazard Area (SFHA). 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 district than requested by applicant; or
- Approve the applicant's request.

**Which alternative is recommended?** Staff recommends approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) and "B-5" (Business District).

**Why?** The applicant's request is consistent with the surrounding property uses and is compatible with the existing land uses and prevailing community character.

### **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 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:**

At their regular meeting on October 4, 2021, the Planning & Zoning Commission recommended approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "R-2" (Two Family Residential District) and "B-5" (Business District) by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations