



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-21-068    **Version:** 1    **Name:** Zoning 21-34  
**Type:** Ordinance/Public Hearing    **Status:** Failed  
**File created:** 11/15/2021    **In control:** City Council  
**On agenda:** 12/14/2021    **Final action:** 12/14/2021  
**Title:** HOLD a public hearing and consider an ordinance submitted by Andre Williams, on behalf of Brave Investing Group, LLC (Case #Z21-34), to rezone approximately 0.20 acres out of the Marlboro Heights Revised Addition, Lot 6, Block 4, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is addressed as 2712 Hillside Drive, Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Staff Report, 2. Maps, 3. Minutes, 4. Responses, 5. Considerations, 6. Presentation

Date	Ver.	Action By	Action	Result
12/14/2021	1	City Council	Disapproved	Pass
12/7/2021	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance submitted by Andre Williams, on behalf of Brave Investing Group, LLC (**Case #Z21-34**), to rezone approximately 0.20 acres out of the Marlboro Heights Revised Addition, Lot 6, Block 4, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is addressed as 2712 Hillside Drive, Killeen, Texas.

**DATE:** December 7, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Wallis Meshier, Director of Planning

**SUBJECT:** ZONING CASE #Z21-34 "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District)

### **BACKGROUND AND FINDINGS:**

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

Andre Williams, on behalf of Brave Investing, LLC, has submitted a request to rezone approximately 0.20 acres out of the Marlboro Heights Revised Addition, Lot 6, Block 4, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). If approved, the applicant intends to develop a duplex on the property.

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

The subject property was annexed on September 14, 1964 via Ordinance No. 64-18. The property is platted as Marlboro Heights Revised, Block 4, Lot 6.

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

The surrounding area is made up of predominantly residential uses. Adjacent land uses are as follows:

- North: Existing single-family homes on the opposite side of Hillside Drive, zoned "R-1" (Single-Family Residential District);
- East: Existing single-family homes zoned "R-1" (Single-Family Residential District);
- South: Existing single-family homes zoned "R-2" (Two-Family Residential District);
- West: Existing single-family homes zoned "R-1" (Single-Family Residential District).

### **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 is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

### **Environmental Assessment:**

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

### **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 via Hillside Drive, which is classified as a 60-foot wide Local Street on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified sixty-two (62) surrounding property owners regarding this request. Of those notified, thirty-four (34) properties were located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twenty-seven (27) reside outside of Killeen. As of the date of this report, staff has received three (3) written responses in opposition to the request.

### **Staff Findings:**

Staff finds that the applicant's request is inconsistent with the adjacent single-family uses and is incompatible with the prevailing community character. The character of the area is predominantly single-family, and the existing homes to the north, east, south, and west of the subject property are all single-family homes. Staff is of the determination that the requested "R-2" zoning is not in keeping with the single-family character of the neighborhood and finds that the existing "R-1" (Single-Family Residential District) zoning is sufficient in this location.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has two (2) alternatives. The Council may:

- Disapprove the applicant's request; or
- Approve the applicant's request.

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

**Why?** The applicant's request is inconsistent with the surrounding property uses and incompatible 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.

**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 November 15, 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) by a vote of 3 to 2 with Commissioners Sabree and Adams in opposition. Those Commissioners in opposition noted concerns regarding the impact of the proposed duplex on the character of the single-family neighborhood.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Responses  
Considerations