



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-22-015    **Version:** 1    **Name:** Zoning 21-45  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 12/15/2021    **In control:** City Council  
**On agenda:** 2/8/2022    **Final action:** 2/8/2022  
**Title:** HOLD a public hearing and consider an ordinance requested by Chris Doose on behalf of Schoolgirl, LLC (Case #Z21-45), to rezone approximately 4.586 acres out of the James Cook Survey, Abstract No. 161 from "A" (Agricultural District), "R-1" (Single-Family Residential District), and "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 5801 and 5803 Clear Creek Road, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

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

| Date     | Ver. | Action By             | Action   | Result |
|----------|------|-----------------------|----------|--------|
| 2/8/2022 | 1    | City Council          | Approved | Pass   |
| 2/1/2022 | 1    | City Council Workshop |          |        |

**HOLD** a public hearing and consider an ordinance requested by Chris Doose on behalf of Schoolgirl, LLC (**Case #Z21-45**), to rezone approximately 4.586 acres out of the James Cook Survey, Abstract No. 161 from "A" (Agricultural District), "R-1" (Single-Family Residential District), and "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 5801 and 5803 Clear Creek Road, Killeen, Texas.

**DATE:** February 1, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Wallis Meshier, CNU-A, Director of Planning

**SUBJECT:** ZONING CASE #Z21-45: "A" (AGRICULTURAL DISTRICT), "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT), AND "B-3" (LOCAL BUSINESS DISTRICT) TO "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Schoolgirl, LLC

**Agent:** Chris Dose

**Current Zoning:** "A" (Agricultural District), "R-1" (Single-Family Residential District), & "B-3" (Local Business District)

**Requested Zoning:** "R-2" (Two-Family Residential District)

**Future Land Use Designation:** 'Rural' (R) & 'Suburban Commercial' (SC)

**Requested FLUM Designation:** 'General Residential' (GR)

**Summary of Request:**

Chris Doose, on behalf of Schoolgirl, LLC, has submitted a request to rezone approximately 4.586 acres out of the James Cook Survey, Abstract No. 161, from "A" (Agricultural District), "R-1" (Single-Family Residential District), & "B-3" (Local Business District) to "R-2" (Two-Family Residential District). If approved, the applicant intends to develop approximately fourteen (14) duplexes on the property.

**Zoning/Plat Case History:**

The eastern portion of the subject property was annexed into the City limits on March 16, 1999 via Ordinance No. 99-16. The property was subsequently zoned "R-1" (Single-Family Residential District) and "B-3" (Local Business District) on January 25, 2000 via Ordinance No. 00-5. The western portion of the subject property was annexed into the City limits on January 28, 2008 via Ordinance No. 07-109 and subsequently zoned "A" (Agricultural District) on November 25, 2008 via Ordinance No. 08-097. The property is currently unplatted.

**Character of the Area:**

|       | Current Land Use                                 | Zoning District  | Future Land Use                                     |
|-------|--|--|---|
| North | Drainage Tract & undeveloped commercial property | R-1 (Single-Family Residential) & B-3 (Local Business) | General Residential (GR) & Suburban Commercial (SC) |
| East  | Undeveloped commercial property                  | B-3 (Local Business)                                   | Suburban Commercial (SC)                            |
| South | Undeveloped agricultural and commercial property | A (Agricultural) & B-3 (Local Business)                | Rural (R) & Suburban Commercial (SC)                |
| West  | Undeveloped agricultural property                | A (Agricultural)                                       | Rural (R)   |

**Future Land Use Map Analysis:**

This property is designated as 'Rural' (R) & 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Rural' (R) designation encourages the following development types:

- Residential homesteads;
- Planned development to accommodate conservation and cluster residential designs;
- Agricultural uses;
- Agriculture-focused commercial retail;
- Public/institutional;
- Parks and public spaces; and
- Natural and protected floodplain areas.

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
- Parks and public spaces

The proposed 'General Residential' (GR) designation 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. It is auto-oriented character (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.

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 inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent request to amend the Future Land Use Map from 'Rural' (R) & 'Suburban Commercial' (SC) to 'General Residential' (GR).

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and utility services are 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 Clear Creek Road, which is classified as a 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan.

### **Environmental Assessment:**

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified thirty-eight (38) surrounding property owners regarding this 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 twenty-one (21) reside outside of Killeen.

As of the date of this staff report, no responses have been received regarding this request.

### **Staff Findings:**

The subject property has approximately 210 feet of frontage on Clear Creek Rd., is approximately 960 feet deep, and is landlocked to the north and to the south. The property to the south is owned by the U.S. Government and is unlikely to be developed. Given the unique configuration of the property and the limited access, staff finds that the property is not suitable for commercial development.

The McGregor Estates subdivision (immediately to the north) includes a mix of "R-1", "SF-2", and "R-2" zoning. On the opposite side of Clear Creek Rd. is an existing manufactured home park zoned "R-MP" (Mobile Home and Travel Trailer District).

### **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 the applicant; or
- Approve the request as presented.

### **Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request to rezone the property from "A" (Agricultural District), "R-1" (Single-Family Residential District), and "B-3" (Local Business District) to "R-2" (Two-Family Residential District).

Staff finds that the requested "R-2" (Two-Family Residential District) zoning is compatible with surrounding residential uses.

### **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.

### **RECOMMENDATION:**

At their regular meeting on January 3, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

### **DEPARTMENTAL CLEARANCES:**

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

### **ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinance  
Considerations