



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-22-025    **Version:** 1    **Name:** Zoning 22-15  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 2/9/2022    **In control:** City Council  
**On agenda:** 4/12/2022    **Final action:** 4/12/2022  
**Title:** HOLD a public hearing and consider an ordinance requested by Michael Linnemann (Case #Z22-15) to rezone approximately 0.3375 acres out of the Simmons 2nd Subdivision, Block 1, Lot 38, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is addressed as 3909 Turner Avenue, Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**

**Attachments:** 1. Staff Report, 2. Maps, 3. Site Photos, 4. Minutes, 5. Ordinance, 6. Considerations, 7. Responses, 8. Presentation

Date	Ver.	Action By	Action	Result
4/12/2022	1	City Council	Approved	Pass
4/5/2022	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Michael Linnemann (Case #Z22-15) to rezone approximately 0.3375 acres out of the Simmons 2nd Subdivision, Block 1, Lot 38, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is addressed as 3909 Turner Avenue, Killeen, Texas.

**DATE:** April 5, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** ZONING CASE #Z22-15: "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Michael Linnemann

**Current Zoning:** "R-1" (Single-Family Residential District)

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

**Future Land Use Designation:** 'Residential Mix' (R-MIX)

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

Michael Linnemann submitted a request to rezone approximately 0.3375 acres out of the Simmons 2nd

Subdivision, Block 1, Lot 38, 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 parcel is currently zoned "R-1" (Single-Family Residential District). Staff is unable to determine the exact date of the zoning. The property was platted as Simmons 2nd, Block 1, Lot 38 on January 10, 1949.

**Character of the Area:**

	Current Land Use	Zoning District	Future Land Use
North	AA Lane Neighborhood Park	R-1 (Single-Family Residential District)	Parks-Recreation (P-R)
East	Vacant	R-1 (Single-Family Residential District)	Residential-Mix (R-MIX)
South	Vacant	R-1 (Single-Family Residential District)	Residential-Mix (R-MIX)
West	Single-family home	R-1 (Single-Family Residential District)	Residential-Mix (R-MIX)

**Future Land Use Map Analysis:**

This property is designated as 'Residential Mix' (R-MIX) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Residential Mix' (R-MIX) designation includes areas that were allowed to develop in the past with various housing types and densities intermixed, both on the same block and across streets, often with minimal screening and/or buffering between differing residential intensities. These are auto-oriented areas and should address compatibility and screening/buffering, where possible, as redevelopment occurs.

The 'Residential Mix' (R-MIX) designation encourages the following development types:

- Mix of residential types and densities;
- Public/institutional; and
- Parks and public spaces.

The request is consistent with the 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 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 Turner Avenue, which is classified as a 60' wide local street 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 fifty-five (55) surrounding property owners regarding this request. Of those property owners notified, forty-two (42) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twelve (12) reside outside the city limits of Killeen.

As of the date of this report, staff has received seven (7) written responses regarding this request: four (4) in support and three (3) in opposition.

### **Staff Findings:**

Staff is of the determination that the request is consistent with the FLUM designation of the Comprehensive Plan, which encourages a mix of residential types and densities. The request will provide additional housing options within the neighborhood. Staff finds that the applicant's request is compatible with the adjacent surrounding uses and prevailing community character. The character of the area is predominantly residential. There are existing four-plexes located approximately seventy (70) feet to the west of the subject property.

### **THE ALTERNATIVES CONSIDERED:**

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

- Disapprove the applicant's zoning request; or
- Approve the applicant's zoning request as presented.

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

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).

Staff is of the determination that the request is consistent with the FLUM designation of the Comprehensive Plan, which encourages a mix of residential types and densities. The request will provide additional housing options within the neighborhood. Staff finds that the applicant's request is compatible with the adjacent surrounding uses and prevailing community character. The character of the area is predominantly residential. There are existing four-plexes located approximately seventy (70) feet to the west of the subject property.

### **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.

**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 March 7, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 2 with Commissioners Sabree and Gukeisen in opposition.

The Commissioners in opposition stated that the property should remain "R-1" (Single-Family Residential District).

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinances  
Considerations  
Responses