



# City of Killeen

## Legislation Text

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**File #:** PH-21-015, **Version:** 1

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**HOLD** a public hearing and consider an ordinance requested by Michael E. Linnemann, on behalf of Rivadel Rivera Ortego (**Case #Z21-02**), to rezone part of Lot 2, Block 1, Rivera Addition from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 5105 Westcliff Road, Killeen, Texas.

**DATE:** April 6, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE #Z21-02 "B-3" (Local Business District) to "R-2" (Two-Family Residential District)

### **BACKGROUND AND FINDINGS:**

#### Summary of Request:

This request, submitted by Michael E. Linnemann on behalf of Rivadel Rivera Ortego, is to rezone the property located at 5105 Westcliff Road, Killeen, Texas (part of Lot 2, Block 1, Rivera Addition) from "B-3" (Local Business District) to "R-2" (Two-Family Residential District).

There is an existing duplex on the property. The purpose of the request is to bring the existing duplex into conformance with the current zoning ordinance.

#### "R-2" Two-Family Residential District Description:

A building or premises in a district "R-2" two-family residential district shall be used only for the following purposes:

- (1) Any use permitted in district "R-1."
- (2) Two-family dwellings.

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

- The property is platted and is identified as Lot Pt. 2, Block 1, Rivera Addition.

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

The surrounding community is made up of a mix of "B-3" (Local Business District), "R-1" (Single-Family District), and "R-1X" (Single-Family Residential). To the north and south, the properties are zoned "R-

1" (Single-Family Residential). To the east and west, the properties are zoned "B-3" (Local Business District). The property directly to the west is an existing residential structure (legal, non-conforming).

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

The property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'Suburban Commercial' (SC) designation encompasses character from balance between buildings and other site improvements relative to degree of open space maintained on the site (compared to predominance of site coverage over undeveloped space in auto-oriented areas), larger baseline minimum lot size allows for larger front yards and building setbacks and greater side separation between homes. Also results in less noticeable accommodation of the automobile on sites compared to more intensive residential areas, especially where driveways are on the side of homes rather than occupying a portion of the front yard space, and where garages are situated to the side or rear of the main dwelling. This designation can establish development options which allow for lot sizes smaller than the baseline in exchange for greater open space set-aside, with the additional open space devoted to maintaining the overall Suburban character and buffering adjacent properties. It can also provide a cluster development option that further concentrates the overall development footprint while providing the developer the same lot yield-or even a density bonus to encourage conservation designs with a higher open space ratio and discourage "cookie cutter" subdivision designs and more opportunity for natural and/or swale drainage (and storm water retention/absorption) versus concentrated storm water runoff and conveyance in auto-oriented areas.

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

- Detached residential dwellings
- Planned developments to provide for other housing types (e.g., townhouse, patio) in a Suburban character setting
- Public/institutional
- Parks and public spaces

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

Water, sanitary sewer and drainage utility service is located within the City of Killeen utility service area and available to the subject tract.

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

A typical two-family home will generate roughly twenty (20) vehicle trips per day.

### **Public Notification:**

Staff notified forty-four (44) surrounding property owners regarding this request. As of the date of this staff report, one response has been received in favor of the applicant's request. Twelve (12) property owners reside outside of Killeen. Twenty-eight (28) of the forty-four (44) notified owners are outside of the 200-foot notification boundary (required by the State), but within the 400-foot notification boundary required by Council.

### **Staff Findings:**

Staff find that the applicant's request is not consistent with the Future Land Use Map (FLUM). However, it is staff's determination that the request to rezone the property from "B-3" (Local Business District) to "R-2" (Two-Family Residential District) would bring the current use into conformity with the zoning ordinance. The

surrounding area consists of existing single-family and two-family residential homes.

**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 approval of the applicant's zoning request.

**Why?** Staff is of the determination that approval of this request would bring the existing use into conformance with the zoning ordinance.

**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 recommended approval of the applicant's "R-2" (Two-Family Residential District) 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  
Minutes  
Ordinance  
Considerations