



# City of Killeen

## Legislation Text

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File #: PH-21-063, Version: 1

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**HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Centroplex Builders, L.L.C. (**Case #Z21-32**) to rezone approximately 12.39 acres out of the Morris Subdivision Phase Two, Lots 11-23, Block 7; Lots 13-30, Block 8; and Lots 2, 14, and part of Lot 15, Block 2 from "RM-1" (Residential Modular Home Single Family District), "R-3" (Multi-Family Residential District), and "B-3" (Local Business District) to "R-2" (Two Family Residential District). The properties are located at 1102-1106 Karen Drive, 1101-1306 Nina Drive, 3202-3216 Ricks Road, and 1002 and 1010 Anna Lee Drive, Killeen, Texas.

**DATE:** November 9, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Exec. Director of Development Services

**SUBJECT:** ZONING CASE #Z21-32 "RM-1" (Residential Modular Home Single-Family District), "R-3" (Multifamily Residential District), and "B-3" (Local Business District) to "R-2" (Two-Family Residential District)

### **BACKGROUND AND FINDINGS:**

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

Mitchell & Associates, Inc., on behalf of Centroplex Builders, LLC, has submitted a request to rezone approximately 12.39 acres out of the Morris Subdivision Phase Two (Lots 11-23, Block 7; Lots 13-30, Block 8; and Lots 2, 14, and part of Lot 15, Block 2) from "RM-1" (Residential Modular Home Single Family District), "R-3" (Multi-Family Residential District) and "B-3" (Local Business District) to "R-2" (Two-Family Residential District). If approved, the applicant intends to build approximately forty-four (44) two-family homes.

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

The majority of the subject property was rezoned from "R-1" (Single-Family Residential) to "RM-1" (Modular Home) on August 26, 1975 via Ordinance No. 75-29. The property was platted as part of Morris Subdivision Phase Two on January 25, 1985. The area near the intersection of Anna Lee Drive and Old FM 440 was rezoned from "R-1" (Single-Family Residential District) to "R-3" (Multifamily Residential District) and "B-3" (Local Business District) on June 8, 1976 via Ordinance No. 76-28. It was platted as part of Morris Subdivision Phase One, which was approved by City Council on January 27, 1976.

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

The surrounding area is made up of a mix of residential and commercial uses. Adjacent land uses are as

follows:

- North: Existing manufactured homes zoned "RM-1" (Residential Modular Home Single-Family District); existing two-family residential property on the north side of Anna Lee Drive zoned "R-2" (Two-Family Residential District); and Mickey's Gas Station, zoned "B-3" (Local Business District);
- East: Existing large-lot single-family residential properties zoned "R-1" (Single-Family Residential District) and undeveloped commercial property zoned "B-3" (Local Business District);
- South: Undeveloped commercial property zoned "B-5" (Business District) and existing large-lot single-family residential property zoned "R-1" (Single-Family Residential District);
- West: Existing manufactured homes zoned "RM-1" (Residential Modular Home Single-Family 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.

'General Residential' (GR) characteristics encompass most existing residential areas within Killeen. '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.

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.

### **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 Old FM 440, which is classified as a 70' wide Collector Street, and Nina Drive, which is classified as a 60' wide Local Street on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified one hundred and fifty-two (152) surrounding property owners regarding this request. Of those notified, sixty-two (62) 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 sixty-four (64) reside outside of

Killeen. As of the date of this report, staff has received two (2) written responses in support of the request.

### **Staff Findings:**

Staff finds that the applicant's request is consistent with the surrounding property uses and compatible with the prevailing community character. The area to the north and west of the subject property is comprised of existing manufactured homes. There are existing duplexes directly north of the subject property on the north side of Anna Lee Drive. There are also existing duplexes and four-plexes located directly east of the subject property on the east side of Old FM 440. Therefore, staff finds that the proposed "R-2" (Two-Family Residential District) is appropriate in this location.

There are no known environmental constraints for this property. The property is partially within a FEMA regulatory Special Flood Hazard Area (SFHA). A Letter of Map Revision (LOMR) was signed by the City's Floodplain Administrator on August 27, 2021 and has been submitted to FEMA. If approved, the LOMR will revise the floodplain in this area and allow the property to be developed. There are Freshwater Forested/Shrub Wetland and Riverine habitats 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 "RM-1" (Residential Modular Home Single Family District), "R-3" (Multi-Family Residential District), and "B-3" (Local Business District) to "R-2" (Two-Family Residential District).

**Why?** The applicant's request is consistent with the surrounding property uses and compatible with the 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 18, 2021, the Planning & Zoning Commission recommended approval of the applicant's request to rezone the property from "RM-1" (Residential Modular Home Single Family District), "R-3" (Multi-Family Residential District), and "B-3" (Local Business District) to "R-2" (Two-Family Residential District) by a vote of 6 to 1. Commissioner Gukeisen voted in opposition, noting concerns regarding the floodplain and the impact of the proposed development on flooding in the area.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Zoning Exhibit  
LOMR  
Responses  
Considerations