



# City of Killeen

## Legislation Text

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**File #:** PH-22-022, **Version:** 1

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HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Texas Land and Living, LLC (Case #Z22-11) to rezone approximately 9.147 acres out of the James Cook Survey, Abstract No. 161 from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is generally located east of the intersection of Pinar Trail and Grand Terrace Drive, Killeen, Texas. (Requires a  $\frac{3}{4}$  Majority Vote)

**DATE:** April 5, 2022

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE #Z22-11: "A" (AGRICULTURAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Texas Land and Living, LLC

**Agent:** Mitchell & Associates, Inc.

**Current Zoning:** "A" (Agricultural District)

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

**Future Land Use Designation:** 'Rural' (R)

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

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

Mitchell & Associates, Inc., on behalf of Texas Land and Living, LLC, has submitted a request to rezone approximately 9.147 acres out of the James Cook Survey, Abstract No. 161 from "A" (Agricultural District) to "R-1" (Single-Family Residential District). If approved, the applicant intends to develop single-family homes on the property.

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

The subject property was annexed on September 25, 2007 via Ordinance No. 07-090 and zoned "A" (Agricultural District) with the adoption of the annexation ordinance in accordance with Killeen Code of Ordinances Sec. 31-124(a). The "A" (Agricultural District) zoning remained via Ordinance No. 08-097 on November 25, 2008. The property is currently unplatted.

The applicant previously submitted a request to amend the FLUM designation from 'R' to 'GR' (Case #FLUM21-

09) and a zoning change request from "A" to "RT-1" (Case #Z21-33), which was withdrawn on January 21, 2022.

**Character of the Area:**

	Current Land Use	Zoning District	Future Land Use
North	Single-family homes	A (Agricultural District) & R-1 (Single-Family Residential District)	Rural (R) & General Residential (GR)
East	Commercial property (Texas Human Heroes Animal Shelter)	A (Agricultural District), B-3 (Local Business District), & B-4 (Business District)	Suburban Commercial (SC)
South	Undeveloped residential lots	SF-2 (Single-Family Residential District) & R-2 (Two-Family Residential District)	General Residential (GR)
West	Single-family homes	R-1 (Single-Family Residential District)	General Residential (GR)

**Future Land Use Map Analysis:**

This property is designated as 'Rural' (R) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'Rural' (R) designation encourages rural character with wide open landscapes, large parcels, and scattered residential development on relatively large acreages and 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.

If approved, 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

The request to rezone the property from "A" (Agricultural District) to "R-1" (Single-Family Residential District) is inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, a concurrent request to amend the Future Land Use Map (FLUM) from "R" (Rural) to "GR" (General Residential) has been

submitted.

### **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 Pinar Trail, which is classified as a 60' wide Local Street on the City of Killeen adopted Thoroughfare Plan.

### **Environmental Assessment:**

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

### **Public Notification:**

Staff notified one hundred and eleven (111) surrounding property owners regarding this request. Of those property owners notified, sixty-two (62) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and fourteen (14) reside outside the city limits of Killeen.

As of the date of this staff report, staff has received three (3) written responses, including a petition with 18 property owner signatures, in opposition to this request. The property owners in opposition to the request comprise approximately 40.8% of the area within the 200-foot notification boundary. Therefore, in accordance with Section 21.006(d) of the Texas Local Government Code, approval of this request will require the affirmative vote of three-fourths of the City Council.

### **Staff Findings:**

The current zoning of the subject property is "A" (Agricultural District). The surrounding area includes residential and commercial uses. The area to the north and west is the Estancia West Subdivision, which consists of existing single-family residential properties. Also to the north is an existing single-family home on approximately 4 acres of land. To the east is an existing commercial property (Texas Humane Heroes animal shelter). To the south is McGregor Estates, Phase Three, which consists of garden home lots and two-family residential lots.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's zoning request;
- Approve a more restrictive zoning district than requested by the applicant; or
- Approve the applicant's zoning request as presented (three-fourths majority required).

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

Staff recommends approval of the applicant's request to rezone the property from "A" (Agricultural District) to "R-1" (Single-Family Residential District) as presented.

Staff finds that the applicant's request is consistent with the predominantly residential character of the area. The proposed development is considered infill development, which is consistent with the guiding principles of the Comprehensive Plan. Finally, staff finds that approval of this request will not negatively affect the adjacent property owners.

### **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. 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 March 7, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 8 to 0.

### **DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinance  
Considerations  
Responses  
Letter to Residents