

**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
APRIL 15, 2019
UTILITY COLLECTIONS, 210 W. AVENUE C
LARGE CONFERENCE ROOM**

ROLL CALL

PRESENT:

Commission: Daryl Peters, Chairman; Kirk Latham, Vice Chairman; Leo Gukeisen; Ramon Alvarez; Anthony Cooper; Randy Ploeckelmann; Sean Payton

Staff: Dr. Ray Shanaa, AICP, Exec. Dir. of Planning & Development Services; Tony McIlwain, AICP, CFM, Assistant Dir. of Planning & Development Services; Jerry Millard, Senior Planner; Holli Clements, Esq., Deputy City Attorney; David Hermosillo, Sr. CAD-GIS Technician; Maria Lopez, Assistant Planner

ABSENT: Sandra O'Brien, Lawrence Holly

CALL TO ORDER – 5:00 P.M. – Utility Collections Large Conference Room

Chairman Peters called the meeting of the Planning and Zoning Commission to order at 5:02 p.m.

APPROVAL OF AGENDA

Commissioner Cooper made a motion to approve the agenda. Commissioner Latham seconded, and the motion passed 6 to 0.

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission meeting of April 1, 2019.

Commissioner Payton made a motion to approve the consent agenda. Commissioner Alvarez seconded, and the motion passed 6 to 0.

PUBLIC HEARINGS

PH-1 **HOLD** a public hearing and consider a request submitted by SS Springs, L.L.C. and Abbott Springs, Ltd., (Case #Z18-22) to rezone approximately 42.3 acres, being part of Lot 2, Block 1, Rosewood Addition and Lots 1-6, Block 2, Rosewood Commercial, from “B-3” (Local Business District) to Planned Unit Development (PUD) with underlying “NBD” (Neighborhood Business District), “SF-2” (Single-Family Residential District), “R-2” (Two-Family Residential District), “R-1” (Single-Family Residential District) and “RT-1” (Residential Townhouse Single-Family District) uses.

The properties are addressed as 3700, 3918, 4136, 4354, 4572, 4790 and 4900 Rosewood Drive, Killeen, Texas.

Commissioner Alvarez stepped away from the dais due to a potential conflict of interest.

Chairman Peters requested staff comments.

Assistant Director, Tony McIlwain, stated that the purpose of the request is to transition 42.3 acres from local business district to a Planned Unit Development. He also stated that the requested PUD is to allow the developer to provide a combination of residential and commercial uses.

Mr. McIlwain also stated that the applicant has requested the following residential development standards:

Suburban residential lots will conform to baseline "SR-1" (Suburban Residential Single-Family Residential District) standards, without exceptions.

Garden home lots will conform to baseline "SF-2" (Single-Family Residential District) standards, with the following exceptions:

The side yard setbacks adjacent to a street shall be reduced from fifteen (15) feet to ten (10) feet. Porches or patios will be permitted to encroach into the rear yard setback by up to five (5) feet maximum in depth by twelve (12) feet in width.

The six (6) foot tall and two (2) inch caliper trees required in "SF-2" will be reduced to five (5) foot tall and 1.5" inch caliper trees, and the eight (8) 3-gallon shrubs required in "SF-2" will be reduced to four (4) 2-gallon shrubs.

The same exterior architectural elevation will not be used within any grouping of four (4) homes, instead of five (5) homes as required in "SF-2." Homes must have a minimum of 50% on all four (4) sides of brick, stucco, cementitious siding, or stone veneer for exterior walls excluding doors, windows and gables.

Single-family lots will conform to baseline "R-1" (Single-Family Residential District) standards, with the following notable exceptions:

Side yard setbacks will be reduced from seven (7) feet to five (5) feet, and street side setbacks will be reduced from fifteen (15) feet to ten (10) feet.

Duplex lots will conform to baseline "R-2" (Two-Family Residential District) standards, with the following notable exceptions:

Side yard setbacks will be reduced from seven (7) feet to five (5) feet, and street side setbacks will be reduced from fifteen (15) feet to ten (10) feet.

Villa lots will conform to a newly proposed baseline district called "V" Residential Villa Single-Family District.

Staff notified ninety-eight (98) surrounding property owners within 400 feet of the subject property regarding this request. Staff received five responses in opposition from Kenneth

Greenawalt, 6207 Charlotte Lane; Daren Walker, 4903 Deerwood Loop; Leonardo Gonzalez-Sanchez, 5011 Acorn Creek Trail; LaVera C. Harris, 4904 Deerwood Loop; Jose I. Borges, 4905 Deerwood Loop.

Mr. McIlwain also stated that the Commission could approve with additional conditions, or disapprove the applicant's request.

Mr. Pedro Quintero, Quintero Engineering, LLC, 415 E. Avenue D, Killeen, Texas, was present to represent this request.

Chairman Peters opened the public hearing.

Mr. Robert Volk, 5317 Birmingham Circle; Judenia Wilson, 4901 Deerwood Loop; Cynthia Gaines, 5003 Deerwood Loop; Mr. Lawrence Moten, 5000 Deerwood Trail; were present to speak in opposition of the request and expressed their concerns.

Mr. Robert Stefek, 3000 S. W. S. Young Drive, Suite 102, Killeen, Texas, spoke in support of the project.

With no one else requesting to speak, the public hearing was closed.

Commissioner Cooper motioned to recommend approval of the request. Commissioner Payton seconded, and the motion passed by a vote of 4 to 1, with Commissioner Gukeisen in opposition.

Mr. McIlwain stated that the request will be forwarded to City Council with a recommendation to approve.

Commissioner Alvarez returned to the dais.

PH-2 **HOLD** a public hearing and consider a request submitted by Esmeralda Medrano on behalf of Adolfo Medrano Romero and Claudia Corona De Medrano (Case #Z19-05) to rezone Lot 34, Block 1, Simmons 1st, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) for a duplex development. The property is addressed as 507 58th Street, Killeen, Texas.

Chairman Peters requested staff comments.

Assistant Director, Tony McIlwain, stated that the property was initially part of a parcel laid out as a 70' x 140' tract and platted as Lot 34, Block 1, Simmons 1st. The property was replatted into its current configuration and recorded as such and filed for record on August 1, 1946, Plat Records of Bell County, Texas. The surrounding community consists of single-family, two-family, multifamily residential dwelling units and a mix of business district uses. Additionally the property abutting this lot to the south is zoned for "R-3" (Multifamily Residential).

The staff notified thirty-nine (39) surrounding property owners within a 400' notification boundary regarding this request. Staff did not receive any responses from the surrounding

property owners in regard to this request.

Staff recommended approval of the applicant's request for "R-2" (Two-family Residential District) zoning for the reasons stated above.

Ms. Esmeralda Medrano, 105 Legend Oaks Court, Dale, Texas, was present to represent this request.

Chairman Peters opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Alvarez motioned to recommend approval of the request. Commissioner Payton seconded the motion. The motion passed by a vote of 6 to 0.

Chairman Peters stated that the request will be forwarded to City Council with a recommendation to approve.

PH-3 **HOLD** a public hearing and consider a request submitted by Mitchell Associates, Inc. on behalf of William and Robbie Dunivan (Case #Z19-06) to rezone approximately 1.001 acres out of the M. T. Martin Survey, Abstract No. 693 and the William Freer Survey, Abstract No. 517, from "UD" (University District) with a CUP (Conditional Use Permit) for townhomes to "UD" (University District) with a CUP (Conditional Use Permit) to allow "R-2" (Two-Family Residential District) duplex development. The property is located on the east right-of-way of University Village Way, south of Study Hall Loop, Killeen, Texas.

Chairman Peters requested staff comments.

Assistant Director, Tony McIlwain, stated that this property was part of a larger area that was rezoned from University District ("UD") to University District ("UD") with a Conditional Use permit (C.U.P.) for "R-2" (Two Family Residential District) and "RT-1" (Residential Townhouse Single-Family District) on August 28, 2012, per Ordinance No. 12-057.

Mr. McIlwain also stated that Staff recommended approval of the applicant's CUP subject to the following conditions: All duplexes lots shall satisfy the area regulations contained in Killeen Code of Ordinances Section 31-233; and all duplex units shall be limited to one-story in height; and the Executive Director of Planning and Development Services or designee may grant an administrative approval to use an alternative landscaping standard when special lot area situations arise.

Staff mailed thirty two (32) surrounding property owner letters within 400 feet of the subject property regarding this request. Staff has received one response of support from Reece's Creek Group L.C., the owner of several properties within the 400' notification boundary and one opposition from Mr. Song Chon.

Mr. Ace Reneau, Mitchell & Associates, Inc., 102 N. College Street, Killeen, Texas, was present to represent the case.

Chairman Peters opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Ploeckelmann motioned to recommend approval of the request. Commissioner Cooper seconded, and the motion passed by a vote of 6 to 0.

Chairman Peters stated that the request will be forwarded to City Council with a recommendation to approve.

PH-4 HOLD a public hearing and consider a request submitted by Turley Associates, Inc. on behalf of Central Christian Church of Killeen (Case #Z19-07) to rezone approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District) for duplex development. The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of Trimmier Road, Killeen, Texas.

Chairman Peters requested staff comments.

Assistant Director, Tony McIlwain, stated that Staff did not support the applicant's "R-2" request, but recommended approval of a more restrictive zoning district that would promote garden homes such as "SF-2" (Single-Family Residential District) or row houses such as "RT-1" (Residential Townhouse Single-Family District). The Planning and Zoning Commission may recommend approval of the applicant's request, recommend disapproval of the request, or recommend a more restrictive residential zoning district. Staff recommends that the Commission recommend approval of a more restrictive residential zoning district.

The staff notified seventy-nine (79) surrounding property owners within a 400' notification boundary regarding this request and received a total of 5 responses in opposition. Roger Segal of 300 and 309 Crystal Drive has concerns of additional traffic and increased noise levels. Mr. Patricia Powell of 1501 Prather Drive & 1500 Halbert Drive opposes duplex development. Mr. Keith and Mrs. Teresa Cormier are in opposition to the request. A petition was submitted and only three people are property owners that live within the 400' notification buffer.

Ms. Jennifer Ryken, 301 N. 3rd Street, Temple, Texas, was present to represent this request.

Chairman Peters opened the public hearing.

The following people spoke against the request: Ms. Daphne Kidd, 302 Crystal Drive; Mr. Jared Foster, 708 Illinois Ave; Ms. Eleonora Santana, 1503 Prather Drive; Ms. Beth Matkin, 1602 Prather; Mr. Eddie Oliver, 1805 Halbert Street; and Mr. Tad Dorroh, 1503 E. Vardeman Avenue.

Mr. Gene Hunter, 19011 Stillman Valley, Florence, spoke in support of the zoning request. He stated that he is working with the property owner and Mr. Sandor on the proposed development.

The applicant, Mr. Allen Sandor of 501 Van Bibber Lane, Salado, Texas, stated that building single-family homes would not be cost effective for him. He stated that he worked with the Staff and agreed to change the original submission from duplex development to townhomes and garden homes.

With no one else requesting to speak, the public hearing was closed.

Commissioner Cooper motioned to disapprove the request. Commissioner Gukeisen seconded. The motion failed 5 to 1, with Commissioner Alvarez in opposition to the motion to disapprove.

Commissioner Payton motioned to reconsider the motion. Commissioner Latham seconded. The motion passed 5-1, with Commissioner Gukeisen in opposition.

Commissioner Latham motioned to table the request to the next scheduled meeting. Commissioner Payton seconded, and the motion passed by a vote of 5 to 1, with Commissioner Gukeisen in opposition.

Chairman Peters stated that the request was tabled to the next scheduled meeting.

COMMISSION AND STAFF ITEMS

I. Attendance Chart.

The Commissioners reviewed their attendance charts.

II. Discuss and consider amending the Planning & Zoning Commission Rules & Procedures.

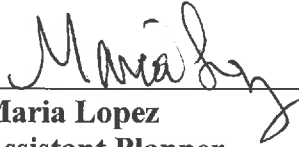
Deputy City Attorney, Holli Clements stated that at the last meeting the Commission came to a consensus to consider changes to the Planning & Zoning Commission Rules and Procedures. Ms. Clements briefed the Commission and explained the proposed changes and stated that they match what the City Council allows for public speakers.

Commissioner Alvarez motioned to table the amendments. The motion failed without a second.

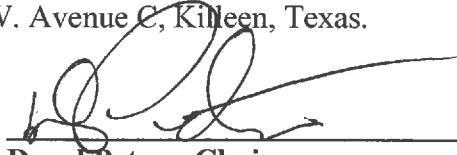
Commissioner Cooper motioned to approve the changes to the Planning & Zoning Commission Rules & Procedures. Commissioner Gukeisen seconded, and the motion passed 5-1, with Commissioner Alvarez in opposition.

ADJOURNMENT

Chairman Peters adjourned the Planning and Zoning Commission Meeting at 6:40 p.m. The next scheduled meeting of the Planning and Zoning Commission is May 6, 2019 at 5:00 p.m., in the Utility Collections Conference Room, 210 W. Avenue C, Killeen, Texas.



Maria Lopez
Assistant Planner
Planning & Development Services



Daryl Peters, Chairman
Planning & Zoning Commission