

**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
MAY 6, 2019
UTILITY COLLECTIONS, 210 W. AVENUE C
LARGE CONFERENCE ROOM**

ROLL CALL

PRESENT:

Commission: Kirk Latham, Vice Chairman; Leo Gukeisen; Ramon Alvarez; Anthony Cooper; Randy Ploeckelmann; Sean Payton; Sandra O'Brien

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; Allen Nash, P.E., Senior Project Engineer; Maria Lopez, Assistant Planner; Melanie Hood, GIS Technician; Wynstan Malabanan, GIS Technician

ABSENT: Daryl Peters, Chairman; Lawrence Holly

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

Vice Chair Latham called the meeting of the Planning and Zoning Commission to order at 5:00 p.m.

APPROVAL OF AGENDA

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

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission meeting of April 15, 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 plat submitted by Kimley-Horn and Associates, Inc. on behalf of the Killeen Independent School District (KISD) (**Case #19-007RS: Pershing Park Elementary School II Replat**), being a replat of Lots 1 and 2, Block 1, Pershing Park Elementary School II. The properties are addressed as 1500 W. Central Texas Expressway and 1125 Bonnie Drive, Killeen, Texas.

Vice Chair Latham requested staff comments.

Assistant Planner, Maria Lopez, stated that Kimley-Horn and Associates, Inc. submitted this request on behalf of the Killeen Independent School District. The applicant is replatting Lots 1 and 2, Block 1, Pershing Park Elementary School II into one lot. The plat has met all the requirements and staff recommends that the Commission approve the plat.

Mr. Richard Underwood, Kimley Horn & Associates, Inc., 604 NW Loop 410, Suite 350, San Antonio, Texas, was present to represent this request.

Vice Chair Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Payton motioned to approve the plat. Commissioner Alvarez seconded, and the motion passed by a vote of 6 to 0.

PH-2 HOLD a public hearing and consider a request submitted by WBW Development and WBW Single Land Investment, L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust (**Case #Z19-04**), to rezone approximately 169 acres out of the J.D. Allcorn Survey, Abstract No. 25, the S.D. Carothers Survey, Abstract No. 177 and the M.J. Pleasant Survey, Abstract No. 652, from "A" (Agricultural District) to a Planned Unit Development (P.U.D.) with "R-1" (Single-Family Residential District) uses. The property is generally located east of Yowell Ranch Phases Two and Three.

Vice Chairman Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that this item was presented to the Commission at a previous meeting. The applicant is requesting to rezone agricultural zoned property to a Planned Unit Development with underlying single-family uses. The proposed Planned Unit Development would include 597 single-family lots on 150.43 acres of land. The proposed concept plan also includes 12 acres of open space which are in the flood plain and 23.33 acres of open space outside the flood plain. Mr. McIlwain also stated the following are part of the proposed P.U.D. standards:

1. That all residential lots of the subdivision shall be a minimum of 5,000 square feet.
2. That the average residential lot size of the subdivision shall be at least 6,000 square feet, and the lot size calculation shall exclude non-buildable lots and portions thereof.
3. That each residential structure constructed shall contain a minimum of at least 1,325 square feet of enclosed living space.
4. That each residential lot must contain a private garage for not fewer than two (2) automobiles and no garage shall be permanently enclosed.
5. That all fences and sidewalks shall comply with City of Killeen ordinances, and fences that enclose a residential rear yard may not exceed six feet in height, and standard sidewalks shall be provided in front of every residential lot.
6. That the development shall contain approximately 20 acres of open space, to include two

- play grounds. This shall be increased with the amended PUD from 20 to 40 acres of open space for the entirety of Yowell Ranch. The new phases (Phases 5 and 6) will include a playground, swimming pool, and park area.
7. That all proposed hike and bike trails be clearly delineated on the concept plan and total approximately 3,700 linear feet. Currently there is over 6,000 linear feet of trail built in Yowell Ranch. The Amended PUD would propose to add a minimum of another 2,000 linear feet to these hike and bike trails.
 8. New lots in Yowell Ranch Phases 5 and 6 that back up to existing lots shall not have a buildable lot width less than the existing lot.
 9. That, except as provided below, the exterior walls of all single family dwellings shall be constructed of a combination of native stone, brick and/ or cementitious siding products which collectively comprise a 90% masonry veneer, exclusive of roofs, eaves, soffits, windows, doors, gables, garage doors and trim work.
 10. That the front exterior wall of all two-story single family dwellings shall be constructed of a combination of native stone, brick and/or cementitious siding products, which collectively, comprise a 90% masonry veneer, exclusive of roofs, eaves, soffits, windows, doors, gables, garage doors, trim and decorative work. The side exterior walls of the first floor of all two story single family dwellings shall be constructed of a combination of native stone, brick and/ or cementitious siding products, which, collectively, comprise a 90% masonry veneer, exclusive of roofs, eaves, soffits, windows, doors, gables, garage doors, trim and decorative work.
 11. That the commercial uses specified shall be limited to the area of property depicted on the Plan attached hereto and shall include those uses allowed within the B-3 zoning district, and also the following uses: lodges and fraternal organizations and trade or business schools. I l. That there shall be no repeat exterior elevation within any group of five homes. "Elevation" shall mean the architectural design, accents, and color of a structure.
 12. That at least one tree and at least five bushes shall be planted in the front yard of each residential lot and prior to the issuance of a certificate of occupancy for the residential lot. Trees and shrubs shall be maintained and replaced by the landowner as necessary.

Staff notified two hundred and twenty (220) surrounding property owners within 400 feet of the subject property regarding this request. Staff received responses from some of the surrounding property owners and they were included in the packet.

Mr. Josh Welch, WBW Development, 3000 Illinois, Killeen, Texas, was present to represent this request. Mr. Welch gave a lengthy presentation to the Commission on why they should recommend approval of the request.

Vice Chairman Latham opened the public hearing.

Elizabeth Jagodzinski, 8903 Viewpark Lane and Ms. Brandy Johnson, 9308 Devinshire Court, spoke in support of the request.

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

Commissioner Alvarez motioned to recommend approval of the request contingent to the following: Adding the additional 2.5 acres needed for open space, a conceptual plan that shows the tie-in to Chaparral Road and to include the exhibit that was presented to the

Planning & Zoning Commission. Commissioner Cooper seconded the motion. The motion passed by a vote of 6 to 0.

Vice Chair Latham 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 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.

Vice Chair Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that at the last meeting this item was tabled to allow the applicant to consider other options and to meet with the surrounding property owners. At that meeting Staff recommended that the Commission recommend approval of a more restrictive residential zoning district. Since the last meeting, the applicant has presented a new proposal for “SF-2” (Single-Family Residential District)

The staff notified seventy-nine (79) surrounding property owners within a 400’ notification boundary regarding this request and received responses in opposition to the “R-2” request. Staff recommended that the Planning & Zoning Commission recommend approval of the “SF-2” request.

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

Vice Chair opened the public hearing.

Ms. Daphne Kidd, 302 Crystal Drive and Mr. Tad Dorroh, 1503 E. Vardeman Avenue stated they were in support of the “SF-2” request.

Mr. Gene Hunter, 19011 Stillman Valley, Florence, spoke in support of the zoning request.

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

Commissioner Payton motioned to recommend approval for “SF-2” request. Commissioner Cooper seconded. The motion passed 5 to 1, with Commissioner O’Brien in opposition.

Vice Chair Latham stated that the request will be forwarded to City Council with a recommendation to approve.

PH-4 **A. HOLD** a public hearing and consider a request submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (**Case #FLUM19-04**) to amend the

Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' designation to a 'General Residential' designation for approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794. The property is addressed as 4402 Old FM 440, Killeen, Texas.

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

Vice Chair Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that this is a two part request; the first part involves amending the Future Land Use Map. The Comprehensive Plan calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site. Staff is not aware of any specific conditions that render the current map inappropriate or out-of-date. The 'General Commercial' (GC) designation has been and continues to be appropriate for the Old FM 440 corridor. Therefore, based on historical commercial development, it appears that the current designation is reflective of the market conditions that drive private investment and commercial development in this neighborhood. The applicant's request is not consistent with the FLUM of the Comprehensive Plan. Staff did not support the applicant's request.

Mr. McIlwain stated that Staff recommended that the FLUM designation remains 'General Commercial' (GC) as this area has ample residential dwelling options, but limited local business enterprises. Staff is of the determination that this tract will provide greater community benefit as currently designated.

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

Vice Chair Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Cooper motioned to recommend approval of the request. Commissioner Gukeisen seconded. The motion passed 3 to 2, with Commissioners Payton and Ploeckelmann in opposition. Commissioner Alvarez abstained.

Vice Chair Latham stated that the request will be forwarded to City Council with a recommendation to approve.

PH-4 B. HOLD a public hearing and consider a request submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (**Case #Z19-08**) to rezone approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.

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

Vice Chair Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that this is the second part of the request. The applicant is requesting to rezone property from “B-3” to “R-2”. Staff is of the determination that this tract of land is zoned appropriately. This area has ample multi-family dwellings, but limited local small-scale commercial establishments. Therefore, the community would better benefit from local business use of this site.

Mr. McIlwain stated that Staff recommended disapproval of the applicant’s “R-2” zoning request as it is not consistent with the FLUM of the Comprehensive Plan. Additionally, staff does not see long-term planning value in forgoing future economic (i.e. commercial) development of the site for additional rental housing that is already available within the surrounding community.

Staff notified fifty-eight (58) surrounding property owners regarding this request. One response in opposition was received from Mr. Douglas W. Aldrich.

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

Vice Chair Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Cooper motioned to recommend approval of the request. Commissioner Gukeisen seconded. The motion passed 3 to 2, with Commissioners Payton and Ploeckelmann in opposition. Commissioner Alvarez abstained.

Vice Chair Latham stated that the request will be forwarded to City Council with a recommendation to approve.

Commissioner Alvarez returned to the dais.

PH-5 **HOLD** a public hearing and consider a request submitted by Mitchell & Associates, Inc. on behalf of Neimac, L.C. (**Case #Z19-09**) to rezone Lot 1, Block 1, Neimac Addition Phase Four, from “B-3” (Local Business District) to “B-4” (Business District). The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.

Vice Chair Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that the property was rezoned from its initial annexation, December 23, 1986, zoning of “R-1” (Single-Family Residential District) to “B-3” (Local Business District) on November 10, 2009. He also stated that the subject property was platted and was filed for record on August 21, 2013.

Mr. McIlwain also stated that Staff recommended approval of the rezone request from “B-3” (Local Business District) to “B-4” (Business District). The “B-4” zoning district allows the proposed use.

Staff notified thirty-one (31) surrounding property owners that own land within 400 feet of the subject site regarding this request. Two responses in opposition were received by staff from Mr. Juan J. Vazquez Pagan and from Ray and Martha Castorena.

Mr. Ace Reneau, 102 N. College Street, Killeen, Texas, was present to represent this request.

Mr. Giovanni Izary, 2809 Alpine Fir Road, Harker Heights, Texas, was also present to represent this request.

Mr. Jack Smith, 3005 Sun Temple Circle, Copperas Cove, Texas, spoke in support of the request.

Vice Chair Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Payton motioned to recommend approval of the request. Commissioner Cooper seconded. The motion passed 6 to 0.

Vice Chair Latham stated that the request will be forwarded to City Council with a recommendation to approve.

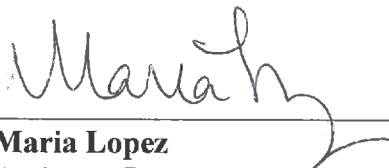
COMMISSION AND STAFF ITEMS

I. Attendance Chart.


The Commissioners reviewed their attendance charts.

ADJOURNMENT

Vice Chairman Latham adjourned the Planning and Zoning Commission Meeting at 6:30 p.m. The next scheduled meeting of the Planning and Zoning Commission is May 20, 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


Kirk Latham, Vice Chairman
Planning & Zoning Commission