



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-23-024    **Version:** 1    **Name:** Z23-05  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 3/27/2023    **In control:** City Council  
**On agenda:** 4/25/2023    **Final action:** 4/25/2023  
**Title:** HOLD a public hearing and consider an ordinance submitted by Patrick Purifoy on behalf of P&T Enterprises (Case #Z23-05), to rezone approximately 6.43 acres out of the Passion For Christ Ministries Addition, Block 1, Lot 1, from "B-1" (Professional Business District) to "B-1" (Professional Business District) with a Conditional Use Permit (CUP) to allow for a daycare as a permitted use. The property is locally addressed as 3100 Little Nolan Road, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Maps, 2. Site Photos, 3. Site Plan, 4. CUP Document, 5. Minutes, 6. Ordinance, 7. Considerations, 8. Presentation

Date	Ver.	Action By	Action	Result
4/25/2023	1	City Council	Approved	Pass
4/18/2023	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance submitted by Patrick Purifoy on behalf of P&T Enterprises (**Case #Z23-05**), to rezone approximately 6.43 acres out of the Passion For Christ Ministries Addition, Block 1, Lot 1, from "B-1" (Professional Business District) to "B-1" (Professional Business District) with a Conditional Use Permit (CUP) to allow for a daycare as a permitted use. The property is locally addressed as 3100 Little Nolan Road, Killeen, Texas.

**DATE:** April 18, 2023

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** Zoning Case #23-05: "B-1" (Professional Business District) to "B-1" (Professional Business District) with a Conditional Use Permit (CUP)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** P&T Enterprises

**Agent:** Patrick Purifoy

**Current Zoning:** "B-1" (Professional Business District)

**Proposed Zoning:** "B-1" (Professional Business District) with a Conditional Use Permit (CUP)

**Current FLUM Designation:** 'Residential Mix' and 'Floodplain'

### **Summary of Request:**

Patrick Purifoy, on behalf of P&T Enterprises, has submitted a request for the property being Lot 1, Block 1, Passion for Christ Ministries Addition, a Conditional Use Permit (CUP), to allow a Daycare as a permitted use. If approved, the applicant intends to lease the property for use as a daycare.

### **Killeen Code of Ordinances Chapter 31 Compliance:**

The subject property is currently zoned "B-1" (Professional Business District). In accordance with Killeen Code of Ordinances Sec. 31-276, daycares are not permitted by-right in the "B-1" district. However, Sec. 31-441(a) states that, "the purpose of the conditional use permit process is to identify those land uses that may be appropriate within a zoning district but, due to their location, function, or operation, could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning the same so as to mitigate or eliminate such potential adverse impacts. The conditional use permit runs with the land, regardless of ownership, until termination of the permit."

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

The parcel was previously zoned "R-1" (Single-Family Residential District). Staff is unable to determine the exact date of the zoning. The property was platted as Passion for Christ Ministries Addition, Block 1, Lot 1 on September 19, 2018.

On March 21, 2022, a previous owner/applicant requested (Zoning Case #Z22-17) to change 6.43 acres from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District). The Planning and Zoning Commission recommended approval of the request and the City Council approved the request via Ordinance No. 22-029 on April 26, 2022.

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

**North:** Vacant residential lot zoned "R-1" (Single-Family Residential District)

**South:** Vacant residential lot zoned "R-1" (Single-Family Residential District)

**West:** Existing religious institution zoned "R-1" (Single-Family Residential District)

**East:** Existing religious institution and vacant residential lot zoned "R-1" (Single-Family Residential Districts)

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

This property is located within the 'Intended Growth' and 'Open Space' area on the Growth Sector Map and is designated as 'Residential Mix' and 'Floodplain' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Aside from large multiplex garden apartments, most housing types should be allowed here. This place type encourages most residential uses such as single-family detached, townhouses, small-plex (2-4 units), etc.

'Floodplain' place type captures the vast majority of undeveloped land that is located within the floodplain as designated by the Federal Emergency Management Agency (FEMA). The floodplain often runs throughout the city and connects many areas of interest including neighborhoods, parks, and recreational facilities. To preserve open spaces along these delicate areas, trails and parks within this category should be carefully

constructed to preserve the natural processes. Any development within these areas shall be low impact, such as docks and benches that do not negatively impact the functions of the floodplain.

The 'Intended Growth' growth sector includes vacant tracts currently under development or already have development approvals secured for future buildout or in close proximity to existing development with access to existing or planned infrastructure. Development in this sector should align with the Big Ideas of this plan, particularly those related to diversifying the housing and neighborhood options in the city.

The request supports or furthers the following 2022 Comprehensive Plan recommendations:

- LU1 - Use place types and complete neighborhoods as building blocks
- LU3 - Encourage incremental evolution of neighborhoods
- NH4 - Build complete neighborhoods

The Comprehensive Plan emphasizes place-based economic development and an increase in demand for "complete" neighborhoods that contribute to healthy and diverse neighborhoods and lead to making the city a better place to live and work. Neighborhoods with a mix of uses providing a more complete environment, such as providing additional neighborhood services and a full spectrum of businesses, through incremental redevelopment adds to a widespread improvement of the city.

#### **Neighborhood Analysis:**

- This property is located within Killeen Development Zone #6
- Current land use mix within this area comprises approximately:
  - 8% non-residential zoning districts
  - 92% residential uses

#### **Zoning district breakdown in DZ6:**

- 10% agricultural,
- 33% non-residential zoning districts
- 57% residential zoning districts

\*These numbers exclude a breakdown of special districts such as conditional or special use permits and planned unit developments.

The '**Residential Mix**' land use designation promotes:

**Use Mix:** up to 25% non-residential, 95% residential uses

**Primary Uses:** Single-Family, Accessory Dwelling Unit (ADU), Townhouses, Smallplex (2-4 Units), Live-work

**Secondary Uses:** Small Office, Small Retail, Restaurant, Accessory Commercial Unit (ACU), School, House of Worship

The '**Floodplain**' land use designation promotes:

**Use Mix: NA**

**Primary Uses:** Parks, Trails

**Secondary Uses:** Passive Recreation

#### **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 Little Nolan Road, which is classified as a 70-foot wide Collector on the City of Killeen Thoroughfare Plan. Staff estimates that there will be 156 trips generated per day with 31 peak hour trips and has determined that a Traffic Impact Analysis is not required for the proposed use.

### **Environmental Assessment:**

The property is within FEMA regulatory Special Flood Hazard Area (SFHA), Zone AE and Zone X. There is one other known wetland area on or adjacent to the property as identified on the National Wetlands Inventory as (PSS1C) a freshwater forested/shrub wetland habitat.

### **Public Notification:**

Staff notified seven (7) surrounding property owners regarding this request. Of those property owners notified, one (1) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and none reside outside of Killeen. As of date of this staff report, staff has received zero (0) written responses regarding the request.

### **Staff Findings:**

Please see the Future Land Use Map Analysis and Neighborhood Analysis sections.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Disapprove the applicant's CUP request; or
- Approve the applicant's CUP request as presented.

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

Staff recommends approval of the applicant's request for "B-1" (Professional Business District) with a Conditional Use Permit (CUP) to allow for a daycare as a permitted use.

Given the property's location at the intersection of two Collector Streets (Little Nolan Road and Cunningham Road), staff finds that the frontage along Little Nolan Road is suitable for professional business and office uses which are allowed by right in the "B-1" zoning district. Staff finds that approval of the CUP for daycare will not negatively affect the surrounding community. This recommendation will allow the property owner to use the property as requested and help maintain the existing character of the area. The character of the area includes residentially zoned vacant properties and religious institutions.

### **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.

**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 20, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote 8 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Site Plan  
CUP Document  
Minutes  
Ordinance  
Considerations  
Presentation