



City of Killeen

Legislation Details (With Text)

File #: PH-22-043 **Version:** 1 **Name:** Zoning-22-23
Type: Ordinance/Public Hearing **Status:** Passed
File created: 4/11/2022 **In control:** City Council
On agenda: 6/14/2022 **Final action:** 6/14/2022

Title: HOLD a public hearing and consider an ordinance requested by Mitchell and Associates on behalf of CPB Investments, Inc. (Case #Z22-23), to rezone approximately 0.500 acres out of the Thomas Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District). The property is generally located west of Clear Creek Road and south of Janelle Drive, Killeen, Texas.

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. Maps, 2. Site Photos, 3. Minutes, 4. Ordinance, 5. Considerations, 6. Responses, 7. Presentation

Date	Ver.	Action By	Action	Result
6/14/2022	1	City Council	Approved	Pass
6/7/2022	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Mitchell and Associates on behalf of CPB Investments, Inc. (**Case #Z22-23**), to rezone approximately 0.500 acres out of the Thomas Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District). The property is generally located west of Clear Creek Road and south of Janelle Drive, Killeen, Texas.

DATE: June 07, 2022.

TO: Kent Cagle, City Manager.

FROM: Edwin Revell, Executive Director of Development Services.

SUBJECT: ZONING CASE #Z22-23: "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) .

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: CPB Investments, Inc
Agent: Mitchell & Associates, Inc
Current Zoning: "A-R1" (Agricultural Single-Family Residential District)
Requested Zoning: "B-3" (Local Business District)
Current FLUM Designation: 'General Residential' (GR)
Requested FLUM Designation: 'General Commercial' (GC)

Summary of Request:

Mitchell & Associates, Inc, on behalf of CPB Investment, Inc, has submitted a request to rezone being approximately 0.500 acres out of the Thomas Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District). If approved, the applicant intends to develop a commercial land use on the property.

Zoning/Plat Case History:

The subject property was annexed into the city limits on October 19, 1999 via Ordinance No. 99-84. The subject property was subsequently zoned as "A-R1" (Agricultural Single-Family Residential District) on July 11, 2000 via Ordinance No. 00-54. The applicant submitted a plat application (Elm Creek Addition Phase 5) which has validated on March 28, 2022 but has not been recorded.

Character of the Area:

North: Undeveloped property zoned "A-R1" (Agricultural Single-Family Residential District)

East: Undeveloped property zoned "A-R1" (Agricultural Single-Family Residential District) & "B-3" (Local Business District)

South: Undeveloped property zoned "A-R1" (Agricultural Single-Family Residential District)

West: Medical clinic (Integrity Home Health) zoned "B-3" (Local Business 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.

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; and
- Parks and public spaces.

If approved, the 'General Commercial' (GC) designation encourages the following development types:

- Wide range of commercial retail and service uses, at varying scales and intensities;
- Office (both large and/or multi-story buildings and small-scale office uses);
- Public/institutional; and
- Parks and public spaces.

The request to rezone the property from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) is not consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent FLUM amendment request from 'General Residential' (GR) to 'General Commercial' (GC).

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:

The existing ingress and egress to the property is from Janelle Dr 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 other known wetland areas on or adjacent to the properties as identified on the National Wetlands Inventory.

Public Notification:

Staff notified thirteen (13) surrounding property owners regarding this request. Of those property owners notified, seven (7) resides outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and six (6) reside outside the city limits of Killeen. As of the date of this staff report, one (1) written response has been received in support of this request.

Staff Findings:

The 'General Residential' (GR) land use category is characterized by auto-oriented development (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. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

The 'General Commercial' (GC) character is typically auto-oriented, which can be offset by enhanced building design, landscaping, reduced site coverage, well-designed signage, etc.

The current zoning of the subject property is "A-R1" (Agricultural Single-Family Residential District). The surrounding area includes existing commercial property and undeveloped properties.

THE ALTERNATIVES CONSIDERED:

The Planning and Zoning Commission has three (3) alternatives. The Commission may:

- Recommend disapproval of the applicant's request;
- Recommend approval of a more restrictive zoning district than requested by the applicant; or
- Recommend approval of the request as presented.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request to rezone the property from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) as presented.

Staff is of the determination that the request is compatible with the surrounding land uses and consistent with the prevailing community character. The character of the area includes existing commercial property and undeveloped properties.

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 May 2, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 3 to 1 with Commissioner Jones in opposition. Commissioner Jones stated that approval of the request did not sound right to him.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

- Maps
- Minutes
- Site photos
- Ordinance
- Considerations
- Responses