



City of Killeen

Legislation Details (With Text)

File #: PH-23-023 **Version:** 1 **Name:** Z23-03
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 a request submitted by Franklin Land Associates, LLC, on behalf of Castrong, LLC (Case #Z23-03) to rezone approximately 2.34 acres out of the B.S. Hoover Survey, Abstract No. 463, from "A" (Agricultural District) to "NBD" (Neighborhood Business District) with a Conditional Use Permit (CUP) to allow for a single-tenant general retail store no greater than 10,641 square feet. The property is located east of State Highway 195 and north of the Lampasas River, Killeen, Texas.

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. Maps, 2. Site Photos, 3. Survey, 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 a request submitted by Franklin Land Associates, LLC, on behalf of Castrong, LLC (**Case #Z23-03**) to rezone approximately 2.34 acres out of the B.S. Hoover Survey, Abstract No. 463, from "A" (Agricultural District) to "NBD" (Neighborhood Business District) with a Conditional Use Permit (CUP) to allow for a single-tenant general retail store no greater than 10,641 square feet. The property is located east of State Highway 195 and north of the Lampasas River, Killeen, Texas.

DATE: **April 18, 2023**

TO: **Kent Cagle, City Manager**

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

SUBJECT: **Zoning Case #23-03: "A" (Agricultural District) to "NBD" (Neighborhood Business District) with a Conditional Use Permit (CUP)**

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Castrong, LLC

Agent: Franklin Land Associates, LLC

Current Zoning: "A" (Agricultural District)

Proposed Zoning: "NBD" (Neighborhood Business District) with a Conditional Use Permit (CUP) to allow for

a single-tenant general retail store no greater than 10,641 square feet
Current FLUM Designation: 'Neighborhood Commercial'

Summary of Request:

Franklin Land Associates, on behalf of Castrong, LLC (Case #Z22-46), has submitted a request to rezone approximately 2.34 acres out of the B.S. Hoover Survey, Abstract No. 463, from "A" (Agricultural District) to "NBD" (Neighborhood Business District) with a Conditional Use Permit (CUP) to allow for a single-tenant general retail store no greater than 10,641 square feet. If approved, the applicant intends to develop a general retail store on the property to provide the surrounding rural and residential areas with everyday needs.

Killeen Code of Ordinances Chapter 31 Compliance:

Killeen Code of Ordinances Sec. 31-316.2 allows most uses under the "B-3" (Local Business District) which includes general food products, retail sales and retail uses and businesses of all sizes. However, the "NBD" zoning district includes the provision that building sizes shall not exceed 10,000 square feet and no single leased/owned businesses shall exceed 4,000 square feet.

Zoning/Plat Case History:

The subject property was annexed into the city limits in 2008 via Ordinance No. 07-111 and was subsequently zoned "A" (Agricultural District). The property was platted as (Plat Case #22-059FMS) Killeen 195 DTP Addition on October 12, 2022.

On October 3, 2022, the applicant requested (Zoning Case #Z22-46) to change 2.34 acres from "A" (Agricultural District) to "NBD" (Neighborhood Business District) with a Conditional Use Permit (CUP) to allow for a single-tenant general retail store no greater than 10,641 square feet. The Planning and Zoning Commission recommended approval of the request by a vote of 6 to 0. The applicant withdrew the request on November 4, 2022, prior to the City Council meeting.

Character of the Area:

- North:** Existing single-family residence "A" (Agricultural District).
- South:** Existing Commercial Business zoned "B-5" (Business District).
- West:** S. Fort Hood Street (SH195)
- East:** Residential use located outside the city limits (ETJ)

Future Land Use Map Analysis:

This property is located within a 'Controlled Growth' area on the Growth Sector Map and designated as 'Neighborhood Commercial' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Neighborhood Commercial' place type includes areas that are the predominantly commercial extension of a traditional neighborhood. These places generally grow along with a neighborhood and need to be allowed to change over time to intensify as its surrounding neighborhood does. Generally speaking, these are placed along a corridor of some kind, often a higher traffic roadway that serves as the edge of a neighborhood.

The 'Controlled Growth' sector includes areas in the city limits and approved Municipal Utility Districts (MUDs) that have access to city infrastructure in close proximity. Development proposed in this sector will be evaluated for adherence to the Big Ideas and Recommendations of the plan, particularly those related to

housing and neighborhood options and improve the fiscal health and sustainability of Killeen.

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

- LU1 - Use place types and complete neighborhoods as building blocks
- NH4 - Build complete neighborhoods

The applicant intends to build a general retail store to service the citizens in the very southern portion of the city. There are also multiple rural neighborhoods such as Walnut Creek Estates (phases 1-13), Triple 7 River Estates, and a large rural community adjacent to State Highway 195. Staff finds that this request aligns with the Comprehensive Plan recommendation regarding moving towards a more neighborhood-centric community that brings people together keeping in mind the needs of the resident at a more local or neighborhood scale. Neighborhood scale meaning where most residents' daily needs are met.

Neighborhood Analysis:

- This property is not located within a Killeen Development Zone.
- Current land use mix within this area comprises approximately:
 - 34% agricultural districts,
 - 53% non-residential districts,
 - 12% residential districts.

Staff notes that the size of Killeen Transfer Station (approximately 414 acres) accounts for a vast majority of the non-residential districts in the analysis. Removal of the 414 acres of the Killeen Transfer Station from the analysis, leaves a non-residential district of 5%.

'Neighborhood Commercial' promotes:

Use Mix: up to 100% non-residential, 25% residential uses

Primary Uses: Small Format Retail, Office

Secondary Uses: Home Based Businesses, Urban Residential

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

Water, Sewer and Drainage Services:

Water:

Provider: West Bell County WSC (WBCWSC)

Within Service Area: Yes

Feasibility Study or Service Commitment: Water is located within the WBCWSC service area. WBCWSC will need to determine if service is available to the subject tract.

Sewer:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Sanitary sewer utility service is located within the City of Killeen municipal utility service area. The subject tract is not within a reasonable service distance being approximately 4.5 miles from the nearest sewer line.

Drainage Service:

Provider: City of Killeen

Feasibility Study or Service commitment: Drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

Staff notes that the Killeen 195 DTP plat has a note (Plat Note #11) stating that "Water service will be by private well and wastewater service will be by O.S.S.F."

Transportation and Thoroughfare Plan:

Ingress and egress to the property is from S. Fort Hood Street, which is classified as a 120' wide Principal Arterial in the City of Killeen Comprehensive Plan. Staff estimates that there will be 963 trips per day with 89 peak hour trips generated and has determined that a Traffic Impact Analysis is not required for the proposed land use.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There is a riverine habitat on the property as identified on the National Wetlands Inventory (R45SBC).

Public Notification:

Staff notified four (4) surrounding property owners regarding this request. Of those property owners notified, two (2) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and two (2) 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;
- Approve the request with additional and/or amended conditions; or
- Approve the request as presented.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request for "NBD" (Neighborhood Business District) with a Conditional Use Permit (CUP) to allow for a single-tenant general retail store no greater than 10,641 square feet.

Staff finds that the request is consistent with the policies and principles of the 2022 Comprehensive Plan as indicated in the Comprehensive Plan Analysis.

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 7 to 1 with Vice-Chair Gukeisen in opposition.

Vice Chair Gukeisen expressed concerns regarding development in the riverine habitat located on the property. He also stated concerns regarding giving up too much agricultural area for small commercial developments.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Survey
CUP Document
Minutes
Ordinance
Considerations
Presentations