



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-24-005    **Version:** 1    **Name:** Z23-31  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 1/29/2024    **In control:** City Council  
**On agenda:** 2/27/2024    **Final action:** 2/27/2024  
**Title:** HOLD a public hearing and consider an ordinance submitted by Gerber Ochoa on behalf of Shah Motors, LLC (Case #Z23-31) to rezone approximately 4.63 acres, being part of the R. A. McGee Survey, Abstract No. 561, from "A" (Agricultural) to "B-4" (Business District). The subject property is generally located on the east side of South Fort Hood Street, approximately 1,920 feet south of the intersection of Chaparral Road, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Maps, 2. Site Photos, 3. Letter of Request, 4. Minutes, 5. Ordinance, 6. Considerations, 7. Presentation

Date	Ver.	Action By	Action	Result
2/27/2024	1	City Council	approved	Pass
2/20/2024	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance submitted by Gerber Ochoa on behalf of Shah Motors, LLC (**Case #Z23-31**) to rezone approximately 4.63 acres, being part of the R. A. McGee Survey, Abstract No. 561, from "A" (Agricultural) to "B-4" (Business District). The subject property is generally located on the east side of South Fort Hood Street, approximately 1,920 feet south of the intersection of Chaparral Road, Killeen, Texas.

**DATE:** February 20, 2024

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** Zoning Case #23-31: "A" (Agricultural) to "B-4" (Business District)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Shah Motors, LLC

**Agent:** Gerber Ochoa

**Current Zoning:** "A" (Agricultural District)

**Proposed Zoning:** "B-4" (Business District)

**Current FLUM Designation:** 'Regional Commercial'

### **Summary of Request:**

Gerber Ochoa, on behalf of Shah Motors, LLC, has submitted a request to rezone approximately 4.63 acres, part of the R. A. McGee Survey, Abstract No. 561. from "A" (Agricultural) to "B-4" (Business District). If approved, the applicant intends to develop a car dealership on the property.

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

In accordance with Killeen Code of Ordinances Sec. 31-321, auto sales are permitted in the "B-4" (Business District).

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

The subject property was annexed into the city limits on January 27, 2008, via Ordinance No. 07-111 and was subsequently zoned to "A" (Agricultural District). The subject property is currently unplatted. The Future Land Use map for this property was changed from a 'Residential Mix' designation to a 'Regional Commercial' designation on October 24<sup>th</sup>, 2023.

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

**North:** Vacant lot zoned "A" (Agricultural District)

**South:** Vacant lot zoned "B-5" (Business District)

**West:** Existing single-family home zoned "A" (Agricultural District), existing residential uses located outside the city limits

**East:** Existing single-family homes located outside the city limits

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

The subject property is located within the 'Controlled Growth' area on the Growth Sector Map and is designated as 'Regional Commercial' (RC) on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

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. Resource stewardship and fiscally responsible growth ensure a more prosperous community for the long haul. The Feasibility Study or Service Commitment from Engineering shows water would be provided by West Bell County WSC CCN and there is currently no sanitary sewer or drainage utility service available to the subject tract. The developer will be required to arrange water service from West Bell County WSC and place on-site septic service in order to develop this parcel.

The 'Regional Commercial' place type creates places that are first identified by their principal focus on auto-oriented traffic. Logically placed near high-traffic intersections, these spaces bring people from many surrounding neighborhoods. Typical uses will include regional businesses including but not limited to restaurants, retail, gas stations, and offices. These spaces often do not pencil out fiscally for cities. To create a more sustainable development, care should be given to make the experience for users pleasant once they exit their vehicle. The era of a mile-long linear strip center that requires multiple car trips through the parking lot to get to the business a resident might want to visit has passed. These developments can sometimes be made more fiscally sustainable for the city by allowing multifamily over commercial in these spaces.

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 where a variety of residential types, office, and retail are all integrated together. In addition, the Comprehensive Plan explains that existing neighborhoods should provide a complete environment with various uses with the goal of cultivating a more fiscally productive, flexible, and resilient community.

**Neighborhood Analysis:**

- This property is located generally south of Killeen Development Zone #8, but not within it.
- Current land use mix within this area comprises approximately:
  - 1% non-residential
  - 99% residential

**Zoning district breakdown in DZ8:**

- Special Districts 13.19%
- Residential 47.14%
- Commercial 5.44%
- Agricultural 34.23%

\*\* of the above breakdown, 46.41% of the total acreage is currently undeveloped or vacant.

**‘Regional Commercial’** promotes:

**Use Mix:** up to 100% non-residential, 50% residential uses

**Primary Uses:** Restaurants, Grocery stores, Banks, Retail

**Secondary Uses:** Entertainment, Office

**Water, Sewer and Drainage Services:**

Provider: West Bell County WSC

Within Service Area: Yes

Feasibility Study or Service Commitment: There are no City of Killeen utilities (water or wastewater) provided to this lot.

**Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from S. Fort Hood St., which is classified as a 240’ wide Principal Arterial. Staff estimates that there will be 673 trips per day and 100 Peak Hour trips and has determined that a Traffic Impact Analysis (TIA) will be required for the proposed land use, as the peak hour trips exceed 100. Access will be determined by TxDOT for the State Highway.

### **Environmental Assessment:**

The property is within Zone X, a FEMA regulatory Special Flood Hazard Area (SFHA), meaning it is determined to be outside the 500-year flood. There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory. There is existing drainage for S. Fort Hood St. to the east of this parcel and along the highway.

### **Public Notification:**

Staff notified ten (10) surrounding property owners regarding this request. Of those property owners notified, six (6) 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:**

Staff finds that the request is consistent with the recommendations of the Killeen 2040 Comprehensive Plan.

### **THE ALTERNATIVES CONSIDERED:**

N/A

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

Staff recommends approval of the applicant's request for "B-4" (Business District).

Despite limited access to City utilities, staff finds the request consistent with the recommendations of the Killeen 2040 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis. The request is compatible with the adjacent properties to the north and south and is consistent with the Future Land Use Map.

### **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 until the City deems it appropriate to extend utilities to the area.

#### **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 January 22, 2024, the Planning and Zoning Commission recommended approval of the applicant's request to rezone the subject property from "A" (Agricultural) to "B-4" (Business District) by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Letter of Request  
Minutes  
Ordinance  
Considerations  
Presentation