



City of Killeen

Legislation Details (With Text)

File #: PH-23-032 **Version:** 1 **Name:** Z23-11
Type: Ordinance/Public Hearing **Status:** Passed
File created: 4/10/2023 **In control:** City Council
On agenda: 5/9/2023 **Final action:** 5/9/2023
Title: HOLD a public hearing and consider an ordinance requested by Westwood Professional Services, on behalf of McClean Commercial, LTD (Case #Z23-11) to rezone approximately 21.16 acres out of the William H. Cole Survey, Abstract No. 200 from "A" (Agricultural District) to "B-2" (Local Retail District) with a Conditional Use Permit (CUP) to allow for a battery storage site as a permitted use. This property is locally addressed as 8390 Featherline Road, Killeen, Texas.
Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. Maps, 2. Site Photos, 3. Exhibit, 4. Response, 5. Site Plan, 6. Minutes, 7. Ordinance, 8. Considerations, 9. Presentation, 10. Developer Presentation

| Date | Ver. | Action By | Action | Result |
|----------|------|-----------------------|----------|--------|
| 5/9/2023 | 1 | City Council | Approved | Pass |
| 5/2/2023 | 1 | City Council Workshop | | |

HOLD a public hearing and consider an ordinance requested by Westwood Professional Services, on behalf of McClean Commercial, LTD (**Case #Z23-11**) to rezone approximately 21.16 acres out of the William H. Cole Survey, Abstract No. 200 from "A" (Agricultural District) to "B-2" (Local Retail District) with a Conditional Use Permit (CUP) to allow for a battery storage site as a permitted use. This property is locally addressed as 8390 Featherline Road, Killeen, Texas.

DATE: May 2, 2023

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Zoning Case #23-11: "A" (Agricultural District) to "B-2" (Local Retail District) with a Conditional Use Permit (CUP)

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: McClean Commercial, LTD

Agent: Westwood Professional Services

Current Zoning: "A" (Agricultural District)

Proposed Zoning: "B-2" (Local Retail District) with a Conditional Use Permit (CUP) to allow for a battery storage site as a permitted use

Current FLUM Designation: 'Residential Mix'

Summary of Request:

Westwood Professional Services, on behalf of McClean Commercial, LTD, has submitted a request to rezone approximately 21.16 acres out of the William H. Cole Survey, Abstract No. 200, from "A" (Agricultural District) to "B-2" (Local Retail District) with a Conditional Use Permit (CUP) to allow for a battery storage site as a permitted use.

If approved, the applicant intends to develop a battery storage site on the property. The applicant states that the proposed battery storage will create better power reliability for the residents of the City of Killeen during times of power instability by preventing brownout and blackout events and providing general stability to the local grid. The battery energy storage facility will also provide support to the neighboring Oncor substation to limit transmission congestion and increase operating reliability.

Killeen Code of Ordinances Chapter 31 Compliance:

In accordance with Killeen Code of Ordinances Sec. 31-291, electric utility substations are permitted by-right in the "B-2" (Local Retail) district.

Sec. 31-441(a) states, "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."

Given the proximity of the site to the existing substation, staff finds that the proposed battery storage site is appropriate in this location, with the condition that adequate screening be provided between the proposed site and the adjacent undeveloped residential properties to the north and west.

Zoning/Plat Case History:

The subject property was annexed into the city limits on April 26, 2005, via Ordinance No. 05-31 and was subsequently rezoned "A" (Agricultural District). The subject property is currently unplatted, however, the applicant has submitted a plat application (Plat case #23-018P Tract A Goldeneye Addition).

Character of the Area:

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

South: Existing electric substation zoned "B-2" (Local Retail District) and vacant lot zoned "R-1" (Single-Family Residential District)

West: Vacant lot zoned "A" (Agricultural District)

East: Existing single-family residential subdivision (Yowell Ranch Phase 2) zoned Planned Unit Development (PUD)

Future Land Use Map Analysis:

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

The 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Commercial uses need to be context sensitive.

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. Developments proposed in this sector are 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 is consistent with the following Big Ideas of the 2022 Comprehensive Plan:

- Resource stewardship and fiscally responsible growth ensure a more prosperous community for the long haul.

The Comprehensive Plan calls for managing development of land and capital investments (such as streets, utilities, and drainage) to ensure a more prosperous community for the long haul and similar to the need for these common resident services listed here, staff finds that the request is necessary to keep up with demands for electric utility in the area.

If approved, the applicant intends to develop a battery storage site on the property and explains that, with the increasing population growth and development in the Killeen area, this system will support Oncor's ability to meet electricity demand, while also stabilizing the overall grid via energy regulation. The applicant has proposed to screen the facility and provide landscaping along the frontage and between the adjacent properties, as shown on the site plan exhibit, in order to protect the character of the area.

Neighborhood Analysis:

Land Use:

- This property is located within Killeen Development Zone #8.
- Current land use mix within this area comprises approximately:
 - 1% non-residential
 - 99% residential

Zoning district breakdown in DZ8:

- 15% agricultural,
- 15% non-residential zoning districts,
- 41% residential zoning districts,
- 29% Special Districts, SUP and PUD

'Residential Mix' 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

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 Featherline Road, which is classified as a 110-foot wide Minor Arterial on the City of Killeen 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 property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified sixty-three (63) surrounding property owners regarding this request. Of those property owners notified, forty-four (44) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eleven (11) reside outside of Killeen. As of date of this staff report, staff has received one (1) written response in support 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 applicant's request with additional and/or amended conditions; or
- Approve the applicant's CUP as presented.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request to rezone the subject property from "A" (Agricultural) to "B-2" (Local Retail District) with a Conditional Use Permit (CUP) to allow for a battery storage site as shown on the site plan exhibit submitted by the applicant dated March 15, 2023.

Staff finds the request consistent with the Big Ideas of the 2022 Comprehensive Plan as indicated in the Comprehensive Plan Analysis. Additionally, staff finds the request is an essential infrastructure improvement project that may help ensure power reliability for the residents in Killeen. The proposed landscape screening will provide an adequate buffer between the proposed use and the future residential development.

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.

RECOMMENDATION:

At their regular meeting on April 3, 2023, the Planning and Zoning Commission recommended approval the applicant's request - with the condition that the applicant provide training in accordance with the needs of the Killeen Fire Department - by a vote of 6 to 1 with Commissioner Jones in opposition.

Commissioner Jones stated that he believes the proposed development is a waste of money because it does not provide enough electricity to accommodate Killeen.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Exhibit
Site Plan
Response
Minutes
Ordinance
Considerations