



City of Killeen

Legislation Details (With Text)

File #: PH-23-033 **Version:** 1 **Name:** Z23-12
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 a request submitted by Quintero Engineering, LLC, on behalf of Curtis Emmons (Case #Z23-12), to rezone approximately 1.6 acres out of the Moses T. Martin Survey, Abstract No. 963 from "A" (Agricultural District) and "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District). The subject property is generally located on the west right-of-way of Trimmier Road and east right-of-way of Kelley Lane, Killeen, Texas.
Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. Maps, 2. Site Photos, 3. Minutes, 4. Ordinance, 5. Considerations, 6. 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 a request submitted by Quintero Engineering, LLC, on behalf of Curtis Emmons (**Case #Z23-12**), to rezone approximately 1.6 acres out of the Moses T. Martin Survey, Abstract No. 963 from "A" (Agricultural District) and "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District). The subject property is generally located on the west right-of-way of Trimmier Road and east right-of-way of Kelley Lane, Killeen, Texas.

DATE: May 2, 2023

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Zoning Case #23-12: "A" (Agricultural District) and "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District)

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Curtis Emmons

Agent: Quintero Engineering, LLC

Current Zoning: "A" (Agricultural District) & "A-R1" (Agricultural Single-Family Residential District)

Proposed Zoning: "B-3" (Local Business District)

Current FLUM Designation: 'Neighborhood Commercial'

Summary of Request:

Quintero Engineering, LLC, on behalf of Curtis Emmons, has submitted a request to rezone approximately 1.6 acres out of the Moses T. Martin Survey, Abstract No. 963 from "A" (Agricultural District) and "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District). If approved, the applicant intends to develop a commercial warehouse building on the property.

Killeen Code of Ordinances Chapter 31 Compliance:

In accordance with Killeen Code of Ordinances Sec. 31-306, storage warehouses with leasable space of less than twenty-five thousand (25,000) square feet are permitted in "B-3" (Local Business District).

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) and "A-R1" (Agricultural Single-Family Residential District). The subject property is currently unplatted.

Character of the Area:

North: Vacant lot zoned "B-3" (Local Business District)

South: Existing legal non-conforming mobile home zoned "B-3" (Local Business District)

West: Existing single-family home zoned "A" (Agricultural District)

East: Vacant lots zoned "A-R1" (Agricultural Single-Family Residential District) and "B-3" (Local Business District)

Future Land Use Map Analysis:

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

The 'Neighborhood Commercial' place type generally grows along with nearby neighborhoods and should be allowed to change over time to intensify as the surrounding neighborhoods do. Generally, they are placed along corridors or higher traffic roadways that serve the edges of neighborhoods.

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
- 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, offices, 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 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

The ‘**Neighborhood Commercial**’ land use designation promotes:

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

Primary Uses: Small Format Retail, Office

Secondary Uses: Home Based Business, Urban Residential

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract. The sanitary sewer that is currently located along Trimmier Road is a force main. There is a gravity sewer planned as part of a capital improvement project.

Transportation and Thoroughfare Plan:

Ingress and egress to the property is from Trimmier Road, which is classified as a 110-foot wide Minor Arterial, and Kelley Lane, which is classified as a 60-foot wide Local Street 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 fourteen (14) surrounding property owners regarding this request. Of those property owners notified, five (5) 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 request;
- Approve a more restrictive zoning district than requested; or
- Approve the applicant's request as presented

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request for "B-3" (Local Business District).

Staff finds the request consistent with the recommendations of the 2022 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis. The request is consistent 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.

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 April 3, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote 7 to 0.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Planning staff.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance
Considerations