



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-24-003    **Version:** 1    **Name:** Z23-29  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 1/3/2024    **In control:** City Council  
**On agenda:** 2/13/2024    **Final action:** 2/13/2024  
**Title:** HOLD a public hearing and consider an ordinance requested by Timothy Turner, on behalf of Cleo Bay Imports, (Case #Z23-29) to rezone part of the J. H. Lewis Survey, 2-1, Abstract No. 536 from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is locally addressed as 4452 Reese Creek 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
2/13/2024	1	City Council	approved	Pass

**HOLD** a public hearing and consider an ordinance requested by Timothy Turner, on behalf of Cleo Bay Imports, (**Case #Z23-29**) to rezone part of the J. H. Lewis Survey, 2-1, Abstract No. 536 from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is locally addressed as 4452 Reese Creek Road, Killeen, Texas.

**DATE:**        **February 6, 2023**

**TO:**            **Kent Cagle, City Manager**

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

**SUBJECT:**    **Zoning Case #23-29: "R-1" to "B-3"**

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** Cleo Bay Imports, Inc.  
**Agent:** Timothy Turner  
**Current Zoning:** "R-1" (Single-Family Residential District)  
**Proposed Zoning:** "B-3" (Local Business District)  
**Current FLUM Designation:** 'Regional Commercial' (RC)

**Summary of Request:**

Timothy Turner, on behalf of Cleo Bay Imports Inc., has submitted a request to rezone approximately 0.569

acres out of the J. H. Lewis Survey from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). If approved, the applicant intends to develop a commercial building with office uses on the property.

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

This property is currently zoned "R-1" (Single-Family Residential District). Killeen Code of Ordinances Sec. 31-186 outlines the use regulations associated with this district. The uses are predominantly residential in nature and include the appropriate ancillary and incidental uses associated with single-family residential neighborhoods.

If the request is approved, Killeen Code of Ordinances Sec. 31-306 will govern the uses allowed within the development. Permitted uses within "B-3" (Local Business District) include restaurants, retail, gas stations, auto parts sales, mini/self-storage facilities, and other similar commercial uses.

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

The subject property was annexed into the City limits on March 15, 1999, via Ordinance No. 99-16. The property was subsequently zoned to "R-1" (Single-Family Residential District). The property is currently un-platted.

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

**North:** Single-Family residential property zoned "R-1" (Single-Family Residential District).

**South:** Existing US Government property within the Fort Cavazos boundary.

**East:** Existing non-residential property zoned "B-3" (Local Business District).

**West:** Single-family residential property zoned "R-1" (Single-Family Residential District).

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

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map. It is designated as 'Regional Commercial' on the Future Land Use Map (FLUM) of the Killeen 2040 Comprehensive Plan.

The 'Neighborhood Infill' designation includes areas of the City that are already developed and have access to City services and infrastructure but have vacant, underutilized, or poorly developed properties. Growth policies for this sector should encourage development or redevelopment with accessory dwelling units, smallplexes, and micro commercial that provides incremental increases in density. Development should match the existing character and improve walkable access to businesses and amenities for people living and working in the vicinity.

The 'Regional Commercial' place type is identified by a 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.

Staff is of the determination that this request supports the Comprehensive Plan's Big Idea #5. The Comprehensive Plan's Big Idea #5 promotes neighborhoods, not subdivisions, designed and built to intentionally mix housing and commercial opportunities together so that the majority of daily needs are

accessible within a safe and walkable distance that fosters a unique sense of place. Neighborhoods are flexible places with a mixture of housing and services that provide value directly to the people who reside there.

The request is consistent with the following recommendations of the 2022 Comprehensive Plan:

- LU2 - Improve the fiscal productivity of development.
- LU3 - Encourage incremental evolution of neighborhoods.
- NH4 - Build complete neighborhoods.

### **Neighborhood Analysis:**

#### **Land Use:**

- This property is located within Killeen Development Zone #5.
- Current land use mix within this area comprises approximately:
  - 17.10% agricultural
  - 3.15% A-R1
  - 9.76% non-residential
  - 64.33% residential
  - 5.66% Special Districts

#### **Land Use Type Productivity**

Below, the graphic shows that some land uses are currently more productive than others. Single-family homes, for example, appear to generate revenue when accommodating for the current budgeted amount of maintenance costs for streets. When taking into account the needs for future maintenance, only multi-family and two-family properties generate enough revenue. Planning for the future means creating more opportunities for these productive land uses, while using design standards to make single-family homes more productive than in their current layouts and lot sizes and make multi-family options more attractive.

#### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and utility services are located

#### **Transportation and Thoroughfare Plan:**

Ingress and egress for the property is from Reese Creek Road, which is classified as a 70' wide Collector Street, and Gilbert Drive, which is classified as a 60' wide Local Street on the City of Killeen Comprehensive Plan. Staff is not able to estimate the traffic impact of the development at this time because the size of the building is not yet determined.

#### **PARKS AND PROPOSED GREENWAYS AND TRAILS:**

Per the adopted Marks, Open Space, and Trails Master Plan, a future greenway trail is planned to run parallel to Reese Creek Road from Clear Creek Road to Fort Hood Street. Requirements associated with the

construction a portion of this trail may be imposed during the platting process.

### **Environmental Assessment:**

The property is not within the FEMA regulatory Special Flood Hazard Area (SFHA). No other known wetland areas are on or adjacent to the properties as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified ten (10) surrounding property owners regarding this request. Of those property owners notified, two (2) reside outside the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by the Council, and seven (7) live outside Killeen.

As of the date of this Staff Report, Staff has received no written responses regarding this request.

### **Staff Findings:**

The 'Regional Commercial' place type has a 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 such as restaurants, retail, gas stations, and offices. Staff finds that the applicant's request is consistent with the Killeen 2040 Comprehensive Plan.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Disapprove the applicant's zoning request;
- Approve a more restrictive zoning district; or
- Approve the applicant's request as presented.

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

Staff recommends approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) as presented.

Staff finds that the applicant's request is consistent with the adjacent land uses and prevailing community character. Approval of this request will not negatively impact the surrounding property. Further, Staff finds that the request is consistent with the policies and principles of the Killeen 2040 Comprehensive Plan.

### **CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures, as detailed in Chapter 31 of the City of 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 December 18, 2023, the Planning and Zoning Commission recommended approval of the applicant's request as presented to rezone the subject property from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) by a vote of 8 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