



City of Killeen

Legislation Details (With Text)

File #: PH-23-058 **Version:** 1 **Name:** Z23-24
Type: Ordinance/Public Hearing **Status:** Passed
File created: 10/17/2023 **In control:** City Council
On agenda: 11/28/2023 **Final action:** 11/28/2023

Title: HOLD a public hearing and consider an ordinance requested by Republic Engineering and Development Services on behalf of Michael and Rhonda Jung, and Killeen Heating and Air Conditioning Inc. (Case #Z23-24), to rezone approximately 19.53 acres, being part of Lots 3, 4, and 7, Block 1, Cospers Creek Addition, from "A" (Agricultural), "B-3" (Local Business District) with a Conditional Use Permit (CUP) for boat, recreational vehicle (RV), and semi-truck storage, and "R-2" (Two Family Residential) to "B-3" (Local Business District) with a Conditional Use Permit (CUP) for boat, RV, and semi-truck storage, and "R-2" (Two Family Residential).

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. Maps, 2. Site Photos, 3. Letter of Request, 4. Revised Concept Plan, 5. Original Concept Plan, 6. Minutes, 7. Ordinance, 8. Considerations, 9. Presentation

Date	Ver.	Action By	Action	Result
11/28/2023	1	City Council	Approved	Pass
11/14/2023	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Republic Engineering and Development Services on behalf of Michael and Rhonda Jung, and Killeen Heating and Air Conditioning Inc. (**Case #Z23-24**), to rezone approximately 19.53 acres, being part of Lots 3, 4, and 7, Block 1, Cospers Creek Addition, from "A" (Agricultural), "B-3" (Local Business District) with a Conditional Use Permit (CUP) for boat, recreational vehicle (RV), and semi-truck storage, and "R-2" (Two Family Residential) to "B-3" (Local Business District) with a Conditional Use Permit (CUP) for boat, RV, and semi-truck storage, and "R-2" (Two Family Residential).

DATE: **November 14, 2023.**

TO: **Kent Cagle, City Manager**

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

SUBJECT: **Zoning Case #23-24: "A" (Agricultural), "B-3" (Local Business District) with a Conditional Use Permit (CUP), and "R-2" (Two Family Residential) to "B-3" (Local Business District) with a Conditional Use Permit (CUP) and "R-2" (Two Family Residential).**

BACKGROUND AND FINDINGS:

Property Information:

The purpose of this request is to amend the boundaries of the Conditional Use Permit (CUP) that was

approved in August 2022, and to change the configuration of the access from Trimmier Road to the boat, RV, and semi-truck storage facility.

On September 27, 2022, the City Council approved a Conditional Use Permit (CUP) (Ordinance No. 22-073) for a boat, RV, and semi-truck parking and storage facility on this property. The approved CUP concept plan contemplated access to the property from Trimmier Road via a private driveway that would be completely separate from the proposed duplex development to the east. Since that time, the applicant has negotiated with the owner/developer of the adjacent "R-2" property to have access to the proposed boat, RV, and semi-truck storage facility through the adjacent residential development. In exchange, the applicant will provide a portion of his property to the developer of the duplex subdivision to allow for more duplex lots. To accomplish this, a portion of the property that was zoned CUP needs to be rezoned to "R-2" (Two Family Residential). The applicant also wishes to change the zoning of the property in the southeast corner from "A" (Agricultural) to "B-3" w/ a CUP so it can be part of the proposed boat and RV storage facility. The revised CUP site plan will replace the site plan that was approved in the original CUP from 2022 to modify the location of the entrance to the boat, RV, and semi-truck storage facility.

Property Owner: Michael and Rhonda Jung and Killeen Heating and Air Conditioning Inc.

Agent: Republic Engineering & Development Services

Current Zoning: "A" (Agricultural District), "B-3" (Local Business District) w/CUP (Conditional Use Permit), "R-2" (Two-Family Residential District)

Proposed Zoning: "B-3" (Local Business District) w/CUP (Conditional Use Permit), "R-2" (Two-Family Residential District)

Current FLUM Designation: 'Residential Mix' (RM)

Killeen Code of Ordinances Chapter 31 Compliance:

Sec. 31-456. - Conditional use permit.

- (a) Purpose. 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.

Summary of Request:

Republic Engineering and Development Services, on behalf of Michael & Rhonda Jung and Killeen Heating and Air Conditioning Inc., has submitted a request to rezone and amend the existing "B-3" (Local Business District) w/CUP (Conditional Use Permit):

- Approximately 19.53 acres to remain "B-3" (Local Business District) w/CUP (Conditional Use Permit),
- Approximately 1.42 acres from "A" (Agricultural District) to "B-3 with a Conditional Use Permit (CUP),
- Approximately 0.07 acres from "R-2" (Two-Family Residential District) to "B-3" (Local Business District) with a Conditional Use Permit (CUP) to allow RV/Boat Storage.
- Approximately 1.30 acres from "B-3" (Local Business District) with a Conditional Use Permit (CUP) to "R-2" (Two-Family Residential District).

Zoning/Plat Case History:

The subject property was annexed into the city limits on March 16, 2004, via Ordinance No. 04-12.

The property was subsequently zoned "A" (Agricultural District), "A-R1" (Agricultural Single-Family Residential District), and "R-1" (Single-Family Residential District) on April 26, 2005, via Ordinance No. 05-31. In 2022, the property was rezoned to "B-3" (Local Business District) w/CUP (Conditional Use Permit), via Ordinance No. 22-073.

The FLUM designation for this property was changed from 'General Residential' (GR) to 'Suburban Commercial' (SC) on June 14, 2022, via Ordinance No. 22-040.

The 2022 FLUM changed the designation for this property to Residential Mix.

The property was platted as part of Coper Creek Addition, Block 1, Lots 3 & 7 on January 22, 1995, and is working towards submitting a new plat.

The property was rezoned and approved by the City Council on September 27, 2022, via Ordinance 22-073 for a B-3 w\CUP to allow boat and RV storage.

Character of the Area:

North: Undeveloped property zoned "AR-1" (Agricultural Single-Family Residential District)

South: Undeveloped property and single-family homes zoned "A" (Agricultural District), "AR-1" (Agricultural Single-Family Residential District), and "R-1" (Single-Family Residential District)

East: Undeveloped property and existing auto salvage business zoned "AR-1" (Agricultural Single-Family Residential District) and "B-3" (Local Business District)

West: Undeveloped property zoned "AR-1" (Agricultural Single-Family Residential District)

Future Land Use Map Analysis:

This property is located within the '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, allowing 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 nearby. 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 Killeen's fiscal health and sustainability.

The request supports or furthers the following Killeen 2040 Comprehensive Plan recommendations:

LU1 - Use place types and complete neighborhoods as building blocks.

LU3 - Encourage incremental evolution of neighborhoods.

NH4 - Build complete neighborhoods.

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

*These numbers exclude a detailed breakdown of special districts, such as conditional or special use permits and planned unit developments.

'Residential Mix' promotes:

Use Mix: up to 25% non-residential, 95% residential uses

Primary Uses: Single-Family, ADU, Townhouses, Smallplex, Live-Work

Secondary Uses: Small Offices, Small Retail, Restaurants, ACU, Schools, Houses of Worship

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 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 are from Trimmier Road which is classified as a 110' Minor Arterial on the 2022 Thoroughfare Plan. Staff estimates there will be an increase of twenty-four (24) daily trips with thirteen (13) peak-hour trips and has determined that a Traffic Impact Analysis is not required for the proposed land use.

Environmental Assessment:

The FEMA regulatory Special Flood Hazard Area (SFHA) for Rock Creek crossed the property. As identified on the National Wetlands Inventory, the creek is classified as a Freshwater Emergent Wetland or Freshwater Forested/Shrub Wetland.

Public Notification:

Staff notified nineteen (19) surrounding property owners regarding this request. Of those property owners notified, three (2) reside outside the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by the Council, and eight (8) reside outside Killeen.

As of the date of this staff report, staff has received no written responses regarding this 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 the applicant's request with conditions; or
- Approve the applicant's request as presented.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request as depicted on the attached Concept Plan, and with the following conditions associated with the Conditional Use Permit (CUP):

1. That all parking stalls and drive aisles be paved with an all-weather surface (asphalt or concrete) capable of retaining striping, as approved by the Building Official.
2. The landscape buffer extending along the back of the residential lots shall be provided on both sides of the commercial driveway.
3. The entire length of the commercial driveway must be private.
4. All signage associated with the RV & boat storage facility shall be located west of the rear property line of the adjacent residential lots.

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 October 16, 2023, the Planning and Zoning Commission recommended approval of the applicant's request, as recommended by staff, by a vote of 6 to 0.

DEPARTMENTAL CLEARANCES:

Planning and Legal staff have reviewed this item.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Letter of Request
Revised Concept Plan
Original Concept Plan
Minutes
Ordinance
Considerations
Presentation