



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-23-026    **Version:** 1    **Name:** FLUM23-01  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 3/27/2023    **In control:** City Council  
**On agenda:** 4/25/2023    **Final action:** 4/25/2023

**Title:** HOLD a public hearing and consider an ordinance submitted by Franklin Land Associates, LLC, on behalf of Whitis Investments, LTD (FLUM# 23-01), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Public Space' designation to a 'Residential Mix' designation, being approximately 3.727 acres, out of the C T Bourland Survey, Abstract No. 137. The property is located on the east right-of-way of East Trimmier Road and north of Andalucia Lane, Killeen, Texas.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Maps, 2. Flood Zone Exhibit, 3. Letter of Request, 4. Minutes, 5. Ordinance, 6. Presentation

Date	Ver.	Action By	Action	Result
4/25/2023	1	City Council	Approved	Pass
4/18/2023	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance submitted by Franklin Land Associates, LLC, on behalf of Whitis Investments, LTD (**FLUM# 23-01**), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Public Space' designation to a 'Residential Mix' designation, being approximately 3.727 acres, out of the C T Bourland Survey, Abstract No. 137. The property is located on the east right-of-way of East Trimmier Road and north of Andalucia Lane, Killeen, Texas.

**DATE:** April 18, 2023

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** FLUM Case #23-01: 'Public Space' to 'Residential Mix'

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** Whitis Investments Ltd.

**Agent:** Franklin Land Associates, LLC

**Current FLUM Designation:** 'Public Space' (PS)

**Requested FLUM Designation:** 'Residential Mix' (RM)

**Current Zoning:** "B-3" (Local Business District) & "R-1" (Single-Family Residential District)

**Summary of Request:**

Franklin Land Associates, LLC, on behalf of Whitis Investments, LTD, has submitted a request to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from a ‘Public Space’ designation to a ‘Residential Mix’ designation. If approved, the applicant intends to develop a 10,640 square foot general retail store that would provide the surrounding residential area with everyday needs.

**Zoning/Plat Case History:**

The subject property was annexed by the City on March 16, 2004, via Ordinance No. 04-12. The western portion of the property was rezoned from “A” (Agricultural District) to “B-3” (Local Business District) on April 26, 2005, via Ordinance No. 05-31. The eastern portion of the property was rezoned from “R-1” (Single-Family Residential District), “A-R1” (Agricultural Single-Family Residential District), and “B-3” (Local Business District) to “R-1” (Single-Family Residential District) and “B-5” (Business District) on July 25, 2006, via Ordinance No. 06-82.

The property is a remainder of the original 142.71-acre tract seen on the plat for Spanish Oaks Subdivision, recorded October 3, 2007, with a total of 439 single-family residential lots. The subject property is currently unplatted. However, the applicant has submitted a plat application (Plat Case #23-009FMS Killeen East Trimmier DTP Addition).

**Character of the Area:**

	<b>Current Land Use</b>	<b>Zoning District*</b>	<b>FLUM**</b>
<b>North</b>	Floodplain	R-1 & B-3	PS
<b>East</b>	Existing single-family homes & floodplain	R-1 & B-3	PS & RM
<b>South</b>	Existing single-family homes	R-1	RM
<b>West</b>	Fire Station 8 and vacant residential lots	PUD & R-1	RM & C

\* “R-1” (Single-Family Residential District), “B-3” (Local Business District), PUD (Planned Unit Development)

\*\* Public Space (PS), Residential Mix (RM), Campus (C)

**Future Land Use Map Analysis:**

This property is located within the ‘Open Space’ area on the Growth Sector Map and is designated as ‘Public Space’ (PS) on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The ‘Open Space’ growth sector includes land that has not been identified for preservation, but is valuable as open space and/or public-owned property. This sector includes floodplains, floodways and buffers; areas of unique natural habitat, viewsheds, or steep topography; desired parkland and public open space; and right-of-way and easements for desired transportation and utility corridors.

The ‘Public Space’ designation includes areas throughout Killeen that are intended to serve everyone. They include land that is owned by the City or, in some cases, by a neighborhood association. This includes built places like municipal buildings, civic buildings, and schools, as well as more natural places like parks and trails. As new neighborhoods are built special consideration should be given to connecting these new places to existing public spaces. Also, it is important to provide scale-appropriate amenities to surrounding neighbors.

If approved, 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. This means that small or pop-up facilities, or a residential home near a street corner converting to neighborhood-scale commercial use are generally acceptable. Neighborhood-scale commercial should be allowed along avenues and higher intensity roadways. Auto-first strip centers would be out of scale with this place type. A key indicator of a successful Residential Mix area is if every property has access to some neighborhood scale commercial within walking distance.

### **Consistency with the Comprehensive Plan:**

In accordance with Killeen Code of Ordinances Sec. 31-39(j), the following factors shall be considered when considering whether to approve a request to amend the city's Future Land Use Map (FLUM):

1) Is the proposed amendment consistent with the principles and policies set forth in the comprehensive plan?

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

- LU1 - Use place types and complete neighborhoods as building blocks
- LU3 - Encourage incremental evolution of neighborhoods
- NH4 - Build complete neighborhoods

2) Is the proposed amendment compatible with the character of the surrounding area?

Staff finds that this request is consistent with the 'Residential Mix' designation directly adjacent to the south and west. Staff notes that the 'Public Space' designation may have been due to the location of the floodplain on the northern portion of the property. However, a portion of the property is currently zoned as "B-3" (Local Business District) and the applicant notes that approximately 1.54 acres are located in Flood Zone 'X' that is developable. This can be seen on the attached exhibit submitted by the applicant.

3) What is the impact of the proposed amendment on infrastructure provision including water, wastewater, drainage, and the transportation network?

There are existing water, wastewater, and drainage utility services available to the subject property and the property is located within the City's service area. Staff has determined that a Traffic Impact Analysis will not be required for this proposed use as determined by the estimated trips generated. In addition, the applicant notes that this site will have a detention pond that reduces the post development runoff to be less than the predevelopment rates.

4) What is the impact of the proposed amendment on the city's ability to provide, fund, and maintain services?

Staff finds that there is no impact on the City's ability to provide, fund, and maintain services.

5) What is the impact of the proposed amendment on environmentally sensitive and natural areas?

The subject property is located within the FEMA Special Flood Hazard Area (SFHA); however, the proposed use will be designed so that the proposed development will stay out of the FEMA SFHA. Staff finds that there will be minimal impact to the environmentally sensitive and natural areas in proximity. In addition, the applicant notes that the developer will install erosion control measures to along proposed limits of disturbance to protect Trimmier Creek.

6) What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s)

inappropriate or out-of-date?

As mentioned above, staff notes that the 'Public Space' designation may have been due to the location of the floodplain on the northern portion of the property. However, the entire parcel is not encumbered by the floodplain and there is a portion of the property that is developable. In addition, staff notes that located to the west of this subject property is the proposed The Preserve at a Thousand Oaks development that will include an estimated population, at full build-out, of 3,529 people (approximate calculation based on approved preliminary plat). This change in population will require neighborhood services in close proximity.

7) Do City staff, the planning and zoning commission, and/or the City Council have sufficient information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)?

Information regarding available utility service, traffic impact, etc. has been included in this staff report. Staff has not received any written responses regarding this request.

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage 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 is to the property is from East Trimmier Road, which is classified as a 110' wide Minor Arterial on the City of Killeen Comprehensive Plan. Staff estimates that there will be 673 trips per day and has determined that a Traffic Impact Analysis is not required for the proposed land use.

### **Environmental Assessment:**

The property is within FEMA regulatory Special Flood Hazard Area (SFHA) Zone AE and Zone X for Trimmier Creek. There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified fifty-eight (58) surrounding property owners regarding this request. Of those property owners notified, eight (8) reside outside of Killeen.

### **Staff Findings:**

Please see the Future Land Use Map Analysis and Neighborhood Analysis sections.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Disapprove the FLUM amendment request; or
- Approve the FLUM amendment request

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

Staff recommends approval of the request to amend the FLUM designation from a 'Public Space' (PS) designation to 'Residential Mix' (RM) designation.

Staff finds the request consistent with the policies and principles of the 2022 Comprehensive Plan as indicated in the Comprehensive Plan Analysis.

**CONFORMITY TO CITY POLICY:**

This FLUM amendment request conforms to the City's policy as detailed in the Comprehensive Plan.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

The proposed FLUM amendment 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 March 20, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote 6 to 2 with Vice-Chair Gukeisen and Commissioner Ploeckelmann in opposition.

Commissioner Ploeckelmann stated his belief that the property should remain as-is. Vice Chair Gukeisen expressed concerns regarding development near the floodplain.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Flood Zone Exhibit  
Letter of Request

Minutes  
Ordinance  
Presentation