



City of Killeen

Legislation Text

File #: PH-23-054, **Version:** 1

HOLD a public hearing and consider an ordinance submitted by Shah Motors, LLC (**FLUM#23-04**), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Residential Mix' designation to a 'Regional Commercial' designation, being approximately 4.63 acres, part of the R. A. McGee Survey, Abstract No. 561. This property is located south of Chaparral Rd and east of S Fort Hood St, Killeen, Texas.

DATE: **October 17, 2023.**

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

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

SUBJECT: **FLUM#23-04 'Residential Mix' to 'Regional Commercial'.**

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Shah Motors, LLC

Agent: Gerber Ochoa

Current FLUM Designation: 'Residential Mix' (RM)

Requested FLUM Designation: 'Regional Commercial' (RC)

Current Zoning: "A" (Agricultural)

Summary of Request:

Gerber Ochoa, on behalf of Shah Motors, LLC, has submitted a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Residential Mix' designation to a 'Regional Commercial' designation. If approved, the applicant intends to submit a request to rezone the property to "B-4" (Business District) with the goal of developing an automotive sales and repair business on the property.

Zoning/Plat Case History:

The property was annexed on January 27, 2008 via Ordinance No. 07-111. The property was subsequently zoned to 'A' (Agricultural District). The property is approximately 4.63 acres and is currently unplatted.

Character of the Area:

	Current Land Use	Zoning District*	FLUM**
North	Vacant	A	RM
East	Single-Family Residences	ETJ	RE

South	Commercial Business	B-5	I
West	Single-Family Residence	ETJ	N/A

* "A" (Agricultural), "B-5" (Business District), "ETJ" (Extraterritorial Jurisdiction)

** Residential Mix (RM), Industrial (I), Residential Estate (RE)

Future Land Use Map Analysis:

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

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. Resource stewardship and fiscally responsible growth ensure a more prosperous community for the long haul. The Feasibility Study or Service Commitment from Engineering shows water would be provided by West Bell County WSC CCN and there is currently no sanitary sewer or drainage utility service available to the subject tract.

If approved, the 'Regional Commercial' place type creates places are first identified by their 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 require 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.

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?*

Staff is of the determination that the requested FLUM amendment is not consistent with the recommendations of the 2022 Comprehensive Plan. Proposed development within the 'Controlled Growth' sector should be evaluated for adherence to the Big Ideas and Recommendations of the plan. Big Idea #1 states that "resource stewardship and fiscally responsible growth ensure a more prosperous community for the long haul." The Comprehensive Plan further states that "the city must seek out land development that provides a better return on investment and align the services they provide with what the community is willing to pay for." Staff finds that the proposed development does not meet these objectives.

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

The applicant's request is to change the FLUM designation of the subject property to 'Regional Commercial'. The 'Regional Commercial' place type allows for high-intensity retail uses such as gas stations and grocery stores, as well as industrial uses. The subject property is located immediately

adjacent to existing single-family homes. Therefore, staff is of the determination that the request is not consistent with the character of the surrounding area.

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

Water would be provided pursuant to the West Bell County WSC CCN, but there is no sanitary sewer or drainage utility service available to the subject tract. Staff has determined that a Traffic Impact Analysis may be required for the proposed use, but due to the project being in the early development phase, the estimated trips generated is currently unknown.

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

Staff finds that the proposed development will negatively impact the City's ability to provide, fund, and maintain services. In accordance with the Killeen 2040 Comprehensive Plan, new growth and development to the south should be undertaken only if the proposed development benefits current residents and businesses and strengthens the community's vibrancy and relevance over time. Staff is of the determination that the proposed land use will not enhance the vibrancy of Killeen or further the City's goal of ensuring that new development pays for itself.

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

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There is a Riverine habitat that is classified as R4SBC as identified on the National Wetlands inventory on the adjacent lot.

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?*

Staff finds that there has not been sufficient change in market conditions, available infrastructure, or neighborhood character to render the current map designation inappropriate or out-of-date. Staff is of the determination that the requested 'Regional Commercial' place type is not appropriate in this location.

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: No

Feasibility Study or Service Commitment: Water is located within the West Bell County WSC CCN. There is no sanitary sewer or drainage utility service available to the subject tract.

Transportation and Thoroughfare Plan:

Ingress and egress to the property is from S. Fort Hood St., which is classified as a 240-foot wide Principal Arterial on the City of Killeen Thoroughfare Plan. S. Fort Hood St. is a TxDOT maintained road all access will be determined by TxDOT. Staff estimates an increase of 56 trips per day and 5 peak hour trips.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There is a Riverine habitat that is classified as R4SBC as identified on the National Wetlands inventory on the adjacent lot.

Public Notification:

Staff notified ten (10) surrounding property owners regarding this request. Of those property owners notified, two (2) reside outside of Killeen. Staff received zero (0) responses.

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 disapproval of the applicant's request to amend the FLUM designation from a 'Residential Mix' (RM) designation to 'Regional Commercial' (RC) designation.

Staff is of the determination that the applicant's request is not consistent with the recommendations of the Killeen 2040 Comprehensive Plan. Further, staff finds that the requested 'Regional Commercial' place type is not consistent with the existing single-family development to the east of the subject property.

CONFORMITY TO CITY POLICY:

This FLUM amendment request does not conform 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 September 18, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote 6 to 0.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Letter of Request
Applicant Exhibit
Minutes
Ordinance