



# City of Killeen

## Legislation Text

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**File #:** PH-21-050, **Version:** 1

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**HOLD** a public hearing and consider an ordinance requested by Dysha Hodge on behalf of Shellene Johnson (Case #FLUM21-06) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) designation to a 'General Commercial' (GC) designation for approximately 2.643 acres, being out of the T Robinett Survey, Abstract No. 686, located at 4413 West Stan Schlueter Loop, Killeen, Texas.

**DATE:** September 7, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Exec. Dir. of Planning and Development Services

**SUBJECT:** FLUM CASE #21-06: 'Rural' (R) to 'General Commercial (GC)

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

Dysha Hodge, on behalf of Shellene Johnson (**Case #FLUM21-06**), has submitted a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) designation to a 'General Commercial' (GC) designation for approximately 2.643 acres. If approved, the applicant intends to develop a commercial parking lot for commercial vehicles and trucks on the property.

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

The property was rezoned from "A-R1" (Agricultural Single-Family District) to "B-3" (Local Business District) on April 22, 2008 via Ordinance No. 08-020. The property is currently unplatted.

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

The surrounding area is made up of a predominantly residential property. Adjacent land uses are as follows:

**North:** Existing single-family home on approximately 4.512 acres of land, zoned "A-R1" (Agricultural Single-Family Residential District);

**South:** Undeveloped property zoned "B-3" (Local Business District) on the opposite side of W. Stan Schlueter Loop;

**East:** Existing non-conforming residential development zoned "B-4" (Business District); and

**West:** Residential driveway zoned "A-R1" (Agricultural Single-Family Residential District), undeveloped property zoned "B-3" (Local Business District), and an existing two-family residential development zoned "R-2" (Two-Family Residential District).

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

This property is designated as 'Rural' (R) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The current 'Rural' (R) designation encourages the following development types:

- Residential homesteads;
- Planned development to accommodate conservation and cluster residential designs;
- Agricultural uses;
- Agriculture-focused commercial retail;
- Public/institutional;
- Parks and public spaces; and
- Natural and protected floodplain areas.

If approved, the 'General Commercial' (GC) designation encourages the following development types:

- Wide range of commercial retail and service uses, at varying scales and intensities;
- Office (both large and/or multi-story buildings and small-scale office uses);
- Public/institutional; and
- Parks and public spaces.

The applicant has submitted a concurrent zoning application to rezone the property from "B-3" (Local Business District) to "B-4" (Business District).

### **Staff Findings:**

The subject property is identified on the Future Land Use Map (FLUM) as being intended for 'Rural' (R) development. The 'Rural' (R) designation encourages rural character with wide open landscapes, large parcels, and scattered residential development on relatively large acreages.

The current zoning of the subject property is "B-3" (Local Business District). The surrounding land uses are primarily residential in nature. The area to the east of the subject property is nonconforming single-family, which is zoned "B-4" (Business District). To the north is a single-family home on approximately 4.5 acres of land, which is zoned "A-R1" (Agricultural Single-Family Residential District). To the west is a residential driveway, which is zoned "A-R1" (Agricultural Single-Family Residential District), and undeveloped property zoned "B-3" (Local Business District). Based on the adjacent residential land uses, staff finds that the current zoning of "B-3" (Local Business District) is appropriate in this location.

The property partially lies within a FEMA regulatory Special Flood Hazard Area (SFHA). There is also a FEMA recognized watercourse, locally known as South Nolan Creek, which runs from northern property boundary through the parcel to the southern property boundary. Said water course also requires a creek buffer zone, a 25 ft. no build zone, to be established for 25 ft. extending from the top of the creek banks.

At the time of development, the current drainage design manual and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

### **Public Notification:**

Staff mailed courtesy notices to nineteen (19) surrounding property owners regarding this request. Of those property owners notified, ten (10) reside outside of Killeen. To date, no written responses have been received in support or opposition to the request.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has two (2) alternatives. The Council may:

- Disapprove the applicant's FLUM amendment request; or
- Approve the applicant's FLUM amendment request.

**Which alternative is recommended?** Staff recommends disapproval of the applicant's FLUM amendment request as presented.

**Why?** Based on the adjacent residential land uses, staff finds that the property is appropriately zoned as "B-3" (Local Business District) and an amendment to the FLUM is not necessary.

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

This request conforms to the City's policies 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?**

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 August 16, 2021, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 3 with Commissioners Ploeckelmann, Sabree, and Gukeisen in opposition.

The Commissioners in opposition noted concerns regarding potential environmental impacts due to the location of the floodplain, and the potential negative impact of the proposed commercial parking lot on the

adjacent residential development.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance