



City of Killeen

Legislation Text

File #: PH-23-056, **Version:** 1

HOLD a public hearing and consider an ordinance submitted by Mark Huonder, on behalf of 1314 Stan Schlueter Loop, LLC (Benito J. Hidalgo), **(Case #Z23-22)** to rezone Lot 2, Block 1 out of the Plentl Addition Phase Two First Amendment Replat No. 1 from "B-3" (Local Business District), "B-5" (Business District), and "RC-1" (Restaurant and Alcohol Sales District) to "B-5" (Business District). This property is locally addressed as 1314 West Stan Schlueter Loop, Killeen, Texas.

DATE: **November 7, 2023.**

TO: **Kent Cagle, City Manager**

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

SUBJECT: **Zoning Case #23-22: "B-3" (Local Business District), "B-5" (Business District), and "RC-1" (Restaurant and Alcohol Sales District) to "B-5" (Business District)**

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: 1314 W. Stan Schlueter Loop, LLC

Agent: Net Lease Properties

Current Zoning: "B-3" (Local Business District), "B-5" (Business District), & "RC-1" (Restaurant and Alcohol Sales District)

Proposed Zoning: "B-5" (Business District)

Current FLUM Designation: 'Regional Commercial'

Summary of Request:

Mark Huonder of Net Lease Properties, on behalf of 1314 W. Stan Schlueter Loop, LLC, has submitted a request to rezone Lot 2, Block 1, Plentl Addition Phase Two First Amendment Replat No. 1 from "B-3" (Local Business District), "B-5" (Business District), and "RC-1" (Restaurant and Alcohol Sales District) to "B-5" (Business District).

The subject property currently has three different zoning districts: "B-3" (Local Business District), "B-5" (Business District), and "RC-1" (Restaurant and Alcohol Sales District). The existing zoning district boundaries resulted from subdividing two larger parcels into three lots in 2018. The request intends to rezone the whole property to "B-5" (Business District). If approved, the property owner plans to develop a retail lease space.

Killeen Code of Ordinances Chapter 31 Compliance:

This request aims to clean up the zoning districts on the subject property from three (3) different zoning districts to one (1) single zoning district.

Zoning/Plat Case History:

The eastern half of the property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on February 13, 2007, via Ordinance No. 07-012. The western half of the property was rezoned from "R-1" (Single-Family Residential District) and "B-5" (Business District) to "B-5" (Business District) and "RC-1" (Restaurant and Alcohol Sales District) on January 22, 2008, via Ordinance No. 08-003. The property was platted as Lot 2, Block 1, Plentl Addition Phase Two, First Amendment, Replat No. 1 on May 25, 2018.

Character of the Area:

North: Single-family property zoned "B-5" (Business District) (Legal Non-Conforming)

South: Existing two-family homes zoned "R-2" (Two-Family Residential District)

East: Existing commercial property zoned "B-3" (Local Business District)

West: Existing commercial property zoned "B-5" (Business District)

Future Land Use Map Analysis:

This property is in the 'Neighborhood Infill' area on the Growth Sector Map. It is designated as 'Regional Commercial' (RC) on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Regional Commercial' (RC) place type includes auto-oriented places near high-traffic intersections, such as regional businesses like retail, restaurants, gas stations, grocery stores, etc. This place type encourages most commercial developments and mixed-use such as many overs.

This 'Neighborhood Infill' growth sector includes already developed areas with access to city services and infrastructure but have vacant, underutilized, or poorly developed properties.

The request supports or furthers the following 2022 Comprehensive Plan recommendations:

- LU1 - Use place types and complete neighborhoods as building blocks
- NH4 - Build complete neighborhoods

This request may provide more retail options and contribute to residents' sense of place, connectedness, and quality of life. In addition, the Comprehensive Plan highlights the need for third places for gathering, such as bars or places where people can interact.

Neighborhood Analysis:

This property is located within Killeen Development Zone #5.

Use mix for Killeen Development Zone #5

- 2% Non-Residential
- 98% Residential

The zoning districts within the area include approximately 19% agricultural, 18% non-residential zoning districts, and 61% residential zoning districts. This number excludes special districts such as conditional or special use permits and planned unit developments. 'Regional Commercial' promotes a use mix of up to 100% non-residential and 50% residential uses.

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility service is 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 via shared access on West Stan Schlueter Loop, classified as a 110-foot wide Principal Arterial on the City of Killeen Thoroughfare Plan.

Environmental Assessment:

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

Public Notification:

Staff notified thirty-four (34) surrounding property owners regarding this request. Of those property owners notified, fifteen (15) reside outside the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by the Council, and twenty-one (21) reside outside Killeen.

As of this staff report, staff has received two (2) written responses regarding this request, including one (1) in support and one (1) in opposition.

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 a more restrictive zoning district than requested; or
- Approve the request as presented by the applicant.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request for "B-5" (Business District).

Staff finds that the request is consistent with the policies and principles outlined in the Killeen 2040 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis.

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 2, 2023, the Planning and Zoning Commission recommended approval of the applicant's request to rezone the subject property from "B-3" (Local Business District), "B-5" (Business District), and "RC-1" (Restaurant and Alcohol Sales District) to "B-5" (Business District) by a vote of 8 to 0.

DEPARTMENTAL CLEARANCES:

The Planning and Legal staff has reviewed this item.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Letter of Request

Minutes
Ordinance
Responses
Considerations
Presentation