



City of Killeen

Legislation Text

File #: PH-23-059, **Version:** 1

HOLD a public hearing and consider an ordinance submitted by JNW Architects, LLC, on behalf of SCI Texas Funeral Services, LLC, dba Crawford-Bowers Funeral Home (**Case #223-25**) to rezone approximately 1.47 acres out of Part of Lot 1, Block 1 Crawford-Bowers Subdivision No. Two from "B-3" (Local Business District) and "B-5" (Business District) to "B-3" (Local Business District) and "B-5" (Business District) with a Conditional Use Permit (CUP) for a crematorium.

DATE: November 14, 2023

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Zoning Case #23-25: "B-3" (Local Business District) and "B-5" (Business District) to "B-3" (Local Business District) and "B-5" (Business District) with a Conditional Use Permit (CUP)

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: SCI Texas Funeral Services, LLC dba Crawford-Bowers Funeral Home

Agent: JNW Architects, LLC

Current Zoning: "B-3" (Local Business District) and "B-5" (Business District)

Proposed Zoning: "B-3" (Local Business District) and "B-5" (Business District) w/CUP

Current FLUM Designation: 'Regional Commercial'

Summary of Request:

Jennifer Walker of JNW Architects, LLC, on behalf of SCI Texas Funeral Services, LLC, which is doing business as Crawford-Bowers Funeral Home, has submitted a request to rezone approximately 1.47 acres, of part of Lot 1, Crawford-Bowers Subdivision No. Two, from "B-3" (Local Business District) and "B-5" (Business District) to "B-3" (Local Business District) and "B-5" (Business District) with a Conditional Use Permit (CUP) to allow a crematorium.

If approved, the applicant intends to construct a four-thousand four hundred (4,400) square foot building on the rear of the property and behind the existing funeral home and chapel. The proposed structure will include an office, retort (cremation chamber) area, cooler, a viewing area for loved ones, and a covered parking area. Hours of operation will be Monday through Friday from 8:00 a.m. to 5:00 p.m. The A-300 retort, sold by American Crematory Equipment Company, exceeds all UL 2729 and NFPA 54, 86, and 70 Standards and has two (2) burners that work to reduce emissions and potential odors. The proposed building will meet all current zoning regulations, including landscaping and architectural standards.

Killeen Code of Ordinances Chapter 31 Compliance:

The subject property is currently zoned "B-3" (Local Business District) and "B-5" (Business District). Per Killeen Code of Ordinances Sec. 31-416(21), crematoriums are permitted by-right only in the "M-1" (Manufacturing) zoning district.

Sec. 31-456(a) states: "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."

Zoning/Plat Case History:

The subject property was annexed into the City's corporate limits on or before September 9, 1962. Approximately 0.2 acres of the property was rezoned from "R-1" (Single-Family Residential) to "B-3" (Local Business District) on September 11, 1972. The remaining 1.27 acres of the property were rezoned from "R-1" (Single-Family Residential) to "B-3" (Local Business District) on July 27, 1976. Staff is unable to determine the ordinance numbers of either case. The most recent rezoning, on September 22, 2009, via Ordinance No. 09-064, rezoned approximately 0.84 acres of this property was rezoned from "B-3" (Local Business District) to "B-5" (Business District) to allow for a pet crematorium. The pet crematorium was never built due to the sale of the property and the current owner not wishing to develop the property as such. The property was platted as part of Lot 1, Block 1 Crawford-Bowers Subdivision No. Two and recorded on November 2, 2009.

Character of the Area:

North: Existing residential homes zoned "R-1" (Single-Family Residential)

South: Existing, legal, nonconforming, residential four-plex zoned "B-5" (Business District)

West: Existing developed zoned "B-3" (Local Business District) and "B-5" (Business District)

East: Existing commercial uses 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' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Neighborhood Infill' growth sector includes areas of the city that are already developed and have access to city services and infrastructure but have vacant, underutilized, or poorly developed properties. Growth policies for this sector should encourage the development or redevelopment of these properties with accessory dwelling units, small-plex (2-4 units), and micro commercial that provides incremental increases in density. Development should match the existing character and improve walkable access to businesses and amenities for people living and working in the vicinity.

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

- LU2 - Improve the fiscal productivity of development.
- LU3 - Encourage incremental evolution of neighborhoods.

The Comprehensive Plan promotes incremental redevelopment of properties in Killeen that can add to a widespread improvement. Additionally, staff finds the proposed rezoning is consistent with the surrounding area, consisting of housing and commercial development types.

The 'Regional Commercial' place type is typically auto-oriented and appears near high-traffic intersections. Typical uses include regional businesses, including but not limited to restaurants, retail, gas stations, and offices. To create a more sustainable development, care should be given to make the experience for users pleasant once they exit their vehicle. This place type promotes most non-residential uses and mixed-use, such as many others.

Neighborhood Analysis:

Land Use:

- This property is located within Killeen Development Zone #4.
- Current land use mix within this area comprises approximately:
 - 16% non-residential uses
 - 84% of residential uses

Zoning district breakdown in DZ4:

- 33% non-residential zoning districts
- 66% of residential zoning districts
- 1% Special Districts*

Regional Commercial' promotes:

Use Mix: up to 100% non-residential, 50% residential uses

Primary Uses: Restaurants, Grocery Stores, Banks, and Retail

Secondary Uses: Entertainment and Offices

Parks Master Plan Review:

- The project site is located in park growth benefit area number two.
- There is a future thoroughfare connector trail along South Fort Hood Street.

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 from S. Fort Hood St., which is classified as a 120-foot wide Minor Arterial on the 2022 Thoroughfare Plan. Staff estimates that an additional 228 trips will be generated daily with an additional 31 peak-hour trips and has determined that a Traffic Impact Analysis is not required for the proposed land use.

Environmental Assessment:

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

Public Notification:

Staff notified seventy (70) surrounding property owners regarding this request. Of those property owners notified, thirty-three (33) reside outside of the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by the Council, and thirty-one (31) reside outside of Killeen. As of the date of this staff report, staff has received zero (0) written responses regarding the request.

Staff Findings:

Staff finds that the request is consistent with the recommendations of the Killeen 2040 Comprehensive Plan. Further, Staff is of the determination that approval of the applicant's request would have no negative impacts on the surrounding properties.

THE ALTERNATIVES CONSIDERED:

The City Council may:

- Disapprove the applicant's CUP request;
- Approve the applicant's CUP request with conditions; or
- Approve the applicant's CUP request as presented.

Which alternative is recommended? Why?

Therefore, staff recommends approval of the applicant's request to rezone the subject property from "B-3" (Local Business District) and "B-5" (Business District) to "B-3" (Local Business District) and "B-5" (Business District) with a CUP (Conditional Use Permit) to allow a crematorium, as described in the letter of request and site plan provided by the applicant.

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 currently or in future years.

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 CUP request by a vote of 6 to 0.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by Planning and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

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