



# City of Killeen

## Legislation Text

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**File #:** PH-23-036, **Version:** 1

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**HOLD** a public hearing and consider an ordinance requested by J-BREZ LLC - SERIES B (**FLUM# 23-02**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Neighborhood Commercial' place type designation to an 'Industrial' place type designation for approximately 10.56 acres, being part of the Killeen Area Investment Corp Industrial Tract, Lot Pt. Tr. D and part of the J. J. Roberts Survey, Abstract No. 731. The property is locally addressed as 5200 East Veterans Memorial Boulevard, Killeen, Texas.

**DATE:** June 6, 2023

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

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

**SUBJECT:** FLUM #23-02: 'Neighborhood Commercial' to 'Industrial'

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** J-BREZ LLC - SERIES B

**Current FLUM Place Type:** 'Neighborhood Commercial' (NC)

**Requested FLUM Place Type:** 'Industrial' (I)

**Current Zoning:** "R-1" (Single-Family Residential District) & "M-1" (Manufacturing District)

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

J-BREZ LLC - SERIES B has submitted a request to amend approximately 10.56 acres on the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Neighborhood Commercial' place type designation to an 'Industrial' place type designation. If approved, the applicant intends to rezone the portion of the property currently zoned "R-1" (Single-Family Residential District) to "M-1" (Manufacturing District) to be consistent with the property surrounding it.

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

The subject property is currently zoned "R-1" (Single-Family Residential District) and "M-1" (Manufacturing District). The property was originally zoned "R-1" in September 1962. The remainder of the "R-1" (Single-Family Residential District) was rezoned to "M-1" (Manufacturing District) on March 9, 1970, via Ordinance No. 70-7. The subject property was platted as Lot Pt Tr D, Killeen Area Investment Corp Industrial Tract.

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

	Current Land Use	Zoning District*	FLUM Place Type**
<b>North</b>	Existing commercial businesses	B-5, B-C-1, & M-1	RC
<b>East</b>	Existing commercial businesses & religious institution	M-1	UV
<b>South</b>	Vacant lot	M-1	UV
<b>West</b>	Existing commercial business & mobile home park	RMH & M-1	RM & RC

\* "RMH" (Mobile Home District), "B-5" (Business District), "B-C-1" (General Business and Alcohol Sales District), "M-1" (Manufacturing District)

\*\* Regional Commercial (RC), Residential Mix (RM), Urban Village (UV)

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

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and is designated as 'Neighborhood Commercial' (NC) place type 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 development or redevelopment of these properties with accessory dwelling units, smallplexes, 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 current 'Neighborhood Commercial' place type is a predominantly commercial extension of a traditional neighborhood. These places generally grow along with a neighborhood and need to be allowed to change over time to intensify as its surrounding neighborhood does.

If approved, the 'Industrial' place type includes industrial uses that vary from technology industry to manufacturing uses. Designated locations for heavier industrial uses are intended to provide distance away from residential categories and lighter industrial uses are integrated with other commercial uses. Industrial place types are typically located along roadways that have adequate capacity to serve the larger industrial vehicles. Required parking should be encouraged to be placed behind structures and when uses are abutting a residential property, a separation should be provided such as a landscape buffer, deeper setback, and/or a screening wall.

### **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 supports or furthers the following recommendations of the 2022 Comprehensive Plan:

- LU3 - Encourage incremental evolution of neighborhoods
- LU4 - Prioritize infill and revitalization in north Killeen

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

Staff finds that the requested FLUM amendment is compatible with the character of the surrounding area. The property along Rio Blvd. and Dogwood Blvd. is predominantly light industrial in character.

Further, the intent of this requested FLUM amendment is simply to have the ability to rezone the one acre of property that is currently zoned "R-1" to "M-1" to make it consistent with the surrounding M-1 zoning. Staff is of the determination that this amendment is necessary in order to allow the existing "R-1" area to be changed to match the property that surrounds it.

- 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 service available to the subject property and the property is located within the City's service area. The subject property is bounded by two existing local streets to the east and west (Rio Blvd & Dogwood Blvd) and a Principal Arterial to the north (E. Veterans Memorial Blvd). Staff finds that the request will have no impact to the transportation network.

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

Staff finds that approval of the request would have no impact on the city's ability to provide, fund, and maintain services in this area.

- 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 known wetland on the lot that is classified as a Riverine (R4SBC) as identified on the National Wetlands Inventory. Since there is riverine habitat that crosses the subject property, staff notes that proposed new development will be required to comply with Sec. 32-56, to show the limits of the Creek Buffer Zone during the plat process, if applicable. Creek Buffer Zone is a setback established for all property located on or adjacent to a natural, vegetated, earthen or grass lined watercourse as shown on United States Geological Survey (U.S.G.S.) maps or FEMA maps in which land disturbance is proposed.

- 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?

More than 90% the subject property (approximately 9.56 acres out of the 10.56 acres) is currently zoned "M-1". The property owner's intent is to develop the site in accordance with the existing "M-1" zoning. Without approval of the requested FLUM amendment, the applicant cannot submit a request to rezone the one acre "R-1" portion of the property to "M-1". If not approved, the one acre "R-1" parcel will remain zoned for single-family use, which is not compatible with the surrounding "M-1" zoning.

Further, staff is of the determination that the 'Industrial' place type designation is appropriate for this property given the existing character of the surrounding property. Staff supports the applicant's intent to rezone the one acre "R-1" portion to make it consistent with the surrounding zoning. However, the current 'Neighborhood Commercial' designation does not allow for any industrial uses; hence the need for

the FLUM amendment to change the designation of the property to 'Industrial'.

- 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 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 to the property is from E. Veterans Memorial Blvd., which is classified as a 110-foot wide Principal Arterial, and Rio and Dogwood Blvds., which are classified as a 60-foot wide Local Street on the City of Killeen Thoroughfare Plan.

### **Environmental Assessment:**

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

### **Public Notification:**

Staff notified twenty (20) surrounding property owners regarding this request. Of those property owners notified, eleven (11) reside outside of Killeen.

### **Staff Findings:**

Please see the Future Land Use Map Analysis.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has two (2) alternatives. The 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 'Neighborhood Commercial' place type to an 'Industrial' place type.

### **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 May 1, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinance  
Presentation