



# City of Killeen

## Legislation Text

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**File #:** PH-23-009, **Version:** 1

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HOLD a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, LTD, on behalf of HCL Family, LLC, (Case #Z22-56) to rezone approximately 0.311 acres, being part of Lot 1, Block 1, HCL Plaza Addition, from "B-2" (Local Retail District) to "NBD" (Neighborhood Business District). The property is locally addressed as 310 N. Fort Hood Street, Killeen, Texas.

**DATE:** February 7, 2023

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** Zoning Case #22-56: "B-2" (Local Retail District) to "NBD" (Neighborhood Business District)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** HCL Family, LLC

**Agent:** Killeen Engineering & Surveying, LTD

**Current Zoning:** "B-2" (Local Retail District)

**Proposed Zoning:** "NBD" (Neighborhood Business District)

**Current FLUM Designation:** 'Residential Mix'

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

Killeen Engineering & Surveying, LTD, on behalf of HCL Family, LLC, has submitted an application to rezone approximately 0.311 acres, being part of Lot 1, Block 1, HCL Plaza Addition, from "B-2" (Local Retail District) to "NBD" (Neighborhood Business District). If approved, the applicant intends to convert the existing café into a restaurant that serves beer and wine. The two other suites on the property are intended to remain a barber shop and a beauty shop. In accordance with Killeen Code of Ordinances Sections 31-291(14), 31-306(17), and 31-316.2, restaurants are permitted to sell alcoholic beverages in "NBD" (Neighborhood Business District), but not in "B-2" (Local Retail District).

#### **Killeen Code of Ordinances Chapter 31 Compliance:**

The "NBD" (Neighborhood Business District) provides for limited commercial uses serving the common and frequent needs of the residents in the immediate vicinity. Killeen Code of Ordinances Section 31-316.2 allows most uses (with some exclusions) under the "B-3" (Local Business District) including restaurants or cafés permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission.

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

On February 14, 2017, the applicant requested to rezone the property from "R-1" (Single-Family Residential District) to "B-5" (Business District). The Planning and Zoning Commission (P&Z) recommended approval of "B-2" (Local Retail District) which allowed a barbershop and café. The City Council subsequently approved "B-2" (Local Retail District) based on P&Z's recommendation via Ordinance No. 17-009. The property was platted as part of the HCL Plaza Addition, Block 1, Lot 1 on June 19, 2017.

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

**North:** Existing single-family home zoned "R-1" (Single-Family Residential District)

**South:** Existing single-family home zoned "R-1" (Single-Family Residential District)

**West:** Existing real estate office zoned "B-5" (Business District)

**East:** Existing single-family home zoned "R-1" (Single-Family Residential District)

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

This property is located within the 'Infill & Enhance' area on the Growth Sector Map and is designated as 'Traditional Neighborhood' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

This 'Traditional Neighborhood' place type recreates the pre-suburban development pattern with diverse housing typologies and a mix of uses. Mixed-use neighborhoods are places where residents can live, shop, work, and gather and access all of these activities largely on foot. This place type encourages most residential uses, mixed use such as live-work and few overs, and small scale and neighborhood scale commercial uses.

The 'Infill & Enhance' area include areas of existing development and full service, but located where additional population, higher development intensities, and integration of uses is desired. This area should accommodate more residents and small businesses while improving walkability.

The request is consistent with the following recommendations of the 2022 Comprehensive Plan:

- LU1 - Use place types and complete neighborhoods as building blocks
- LU3 - Encourage incremental evolution of neighborhoods
- NH4 - Build complete neighborhoods

The Comprehensive Plan emphasizes place-based economic development, which can be achieved by providing additional "third places," such as cafés and restaurants. In addition, the Comprehensive Plan explains that existing neighborhoods should provide a more complete environment with a variety of uses integrated together with the goal of cultivating a more fiscally productive, flexible, and resilient community.

### **Neighborhood Analysis:**

This property is located within Killeen Development Zone #1 (Exhibit A) and within the North Killeen Revitalization Area.

The current land use mix (Exhibit B) within this area comprises approximately 16% non-residential uses and 84% residential uses. The zoning districts within the area includes approximately 30% non-residential zoning districts and 70% residential zoning districts; this number excludes special districts such as conditional or

special use permits and planned unit developments. 'Traditional Neighborhood' promotes a use mix of up to 50% non-residential and 80% residential uses.

### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and utility services are 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 North Fort Hood Street, which is classified as a 120-foot-wide Principal Arterial, and Carter Street, which is classified as a 60-foot-wide Local Street on the City of Killeen Thoroughfare Plan. Staff estimates that there will be 418 trips generated daily, with 32 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). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified fifty-one (51) surrounding property owners regarding this request. Of those property owners notified, twenty-five (25) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eighteen (18) reside outside of Killeen.

As of the date of this staff report, staff has received one (1) written response in support regarding this request.

### **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; or
- Approve the applicant's request as presented.

### **Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request for "NBD" (Neighborhood Business District) as presented.

Staff finds that the request is consistent with the policies and principles of the 2022 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis. Staff finds that the request is compatible with the existing land uses and prevailing community character. Further, staff finds that approval of this request would not

negatively affect the surrounding community.

**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 December 19, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 8 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Exhibit  
Maps  
Site Photos  
Minutes  
Ordinances  
Considerations  
Response