



# City of Killeen

## Legislation Text

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File #: PH-23-037, Version: 1

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**HOLD** a public hearing and consider an ordinance requested by Franklin Land Associates, LLC on behalf of Whitis Investments, LTD (**Case# Z23-02**) to rezone approximately 1.098 acres out of the C. T. Bourland Survey, Abstract No. 137 from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is located on the east right-of-way of East Trimmier Road and north of Andalucía Lane, Killeen, Texas.

**DATE:** June 6, 2023

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** Zoning Case #23-02: "R-1" (Single-Family Residential District) to "B-3" (Local Business District)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Whitis Investments, LTD

**Agent:** Franklin Land Associates, LLC

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

**Proposed Zoning:** "B-3" (Local Business District)

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

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

Franklin Land Associates, LLC, on behalf of Whitis Investments, LTD, has submitted a request to rezone approximately 3.727 acres, out of the C T Bourland Survey, Abstract No. 137, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). If approved, the applicant intends to develop a 10,640 square foot general retail store on the property.

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

The subject property is currently zoned "R-1" (Single-Family Residential District). In accordance with Killeen Code of Ordinances Sec. 31-276, retail uses are not permitted by-right in the "R-1" district.

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

On April 30, 2004, pursuant to Ordinance No. 04-12, the City annexed 5,144 acres of land encompassing the

existing Spanish Oaks Subdivision (filed for record October 3, 2007) and surrounding area, which included the subject property.

The applicant purchased the property on September 9, 2005, and the property has remained under the same ownership and undeveloped since 2005. There is currently City water, sewer, and trash available to the property.

The western portion of the property was rezoned from "A" (Agricultural District) to "B-3" (Local Business District) on April 26, 2005, via Ordinance No. 05-31. The eastern portion of the property was rezoned from "R-1" (Single-Family Residential District), "A-R1" (Agricultural Single-Family Residential District), and "B-3" (Local Business District) to "R-1" (Single-Family Residential District) and "B-5" (Business District) on July 25, 2006, via Ordinance No. 06-82.

The subject property is a remainder of the original 142.71-acre tract seen on the plat for Spanish Oaks Subdivision recorded October 3, 2007, with a total of 439 single-family residential lots. The subject property is currently unplatted. However, the applicant has submitted a plat application (Plat Case #23-009P Killeen East Trimmer DTP Addition) which was validated and presented to the Planning and Zoning Commission as a Consent Agenda item on May 1, 2023.

The FLUM designation of the subject property was changed from 'Public Space' to 'Residential Mix' on April 25, 2023, via Ordinance No. 23-034.

**Character of the Area:**

**North:** Floodplain zoned "R-1" & "B-3"

**South:** Existing single-family homes & floodplain "R-1" & "B-3"

**West:** Fire Station 8 and vacant residential lots "PUD" & "R-1"

**East:** Existing single-family homes & floodplain "R-1" & "B-3"

**Future Land Use Map Analysis:**

The property is designated 'Residential Mix' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan. The 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Commercial uses need to be context sensitive. Neighborhood-scale commercial should be allowed along avenues and higher intensity roadways. A key indicator of a successful Residential Mix area is if every property has access to some neighborhood scale commercial within walking distance.

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 and an increase in demand for "complete" neighborhoods which may include large lot rural estate development that provides more "move-up" opportunities for those who can afford this option.

**Neighborhood Analysis:**

- This property is located within Killeen Development Zone #7.

- Current land use mix within this area comprises approximately:
  - 1% non-residential
  - 99% residential

**Zoning district breakdown in Development Zone 7:**

- 03% agricultural,
- 06% non-residential zoning districts
- 91% residential zoning districts.

\*These numbers exclude a breakdown of special districts such as conditional or special use permits and planned unit developments.

The '**Residential Mix**' land use designation promotes:

**Use Mix:** up to 25% non-residential, 95% residential uses

**Primary Uses:** Single-Family, Accessory Dwelling Unit (ADU), Townhouses, Smallplex (2-4 Units), Live-work

**Secondary Uses:** Small Office, Small Retail, Restaurant, Accessory Commercial Unit (ACU), School, House of Worship

**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 East Trimmier Road, which is classified as a 110' wide Minor Arterial on the City of Killeen Comprehensive Plan. Staff estimates that there will be 673 trips per day and has determined that a Traffic Impact Analysis is not required for the proposed land use.

**Environmental Assessment:**

The property is within FEMA regulatory Special Flood Hazard Area (SFHA) Zone AE and Zone X for Trimmier Creek. There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

**Public Notification:**

Staff notified forty-two (42) surrounding property owners regarding this request. Of those property owners notified, twenty-seven (27) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and three (3) reside outside of Killeen. As of date of this staff report, staff has received three (3) written responses regarding the 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 "B-3" request;
- Approve a more restrictive zoning district than requested; or
- Approve the applicant's "B-3" request as presented

**Which alternative is recommended? Why?**

Staff recommends approval of the request to rezone the property from "R-1" (Single-Family Residential District) to "B-3" (Local Business District).

Staff finds the request is consistent with the policies and principles of the 2022 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 May 1, 2023, the Planning and Zoning Commission recommended approval of the request, as recommended by staff, by a vote of 3 to 2 with Vice Chair Gukeisen and Commissioner Wilson in opposition.

Those Commissioners in opposition to the motion noted concerns regarding the loss of greenspace and the proximity of the proposed development to the floodplain.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Site Plan Exhibit  
Responses  
Minutes  
Ordinance  
Considerations  
Presentation