



City of Killeen

Legislation Details (With Text)

File #: PH-22-023 **Version:** 1 **Name:** Zoning 22-13
Type: Ordinance/Public Hearing **Status:** Passed
File created: 2/9/2022 **In control:** City Council
On agenda: 4/12/2022 **Final action:** 4/12/2022
Title: HOLD a public hearing and consider an ordinance requested by Franklin Land Associates, LLC. on behalf of D&SC Enterprises, Inc. (Case #Z22-13) to rezone approximately 1.516 acres out of the W. H. Cole, Abstract No. 200, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is generally located west of Featherline Road and north of Chaparral Road, Killeen, Texas.
Sponsors: Development Services
Indexes:
Code sections:
Attachments: 1. Staff Report, 2. Maps, 3. Site Photos, 4. Minutes, 5. Ordinance, 6. Considerations, 7. Response, 8. Site Plan, 9. Presentation, 10. Adopted Ordinance

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------|----------|--------|
| 4/12/2022 | 1 | City Council | Approved | Pass |
| 4/5/2022 | 1 | City Council Workshop | | |

HOLD a public hearing and consider an ordinance requested by Franklin Land Associates, LLC. on behalf of D&SC Enterprises, Inc. (Case #Z22-13) to rezone approximately 1.516 acres out of the W. H. Cole, Abstract No. 200, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is generally located west of Featherline Road and north of Chaparral Road, Killeen, Texas.

DATE: April 5, 2022

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: ZONING CASE #Z22-13: "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: D&SC Enterprises, Inc.

Agent: Franklin Land Associates, LLC.

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

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

Future Land Use Map Designation: 'Suburban Commercial' (SC)

Summary of Request:

Franklin Land Associates, LLC, on behalf of D&SC Enterprises, Inc., submitted a request to rezone approximately 1.516 acres out of the W. H. Cole, Abstract No. 200, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). If approved, the owner intends to develop the property as a general retail store.

Zoning/Plat Case History:

The subject property was annexed into the City limits on May 1, 2004 via Ordinance No. 04-12. It was assigned an initial zoning of "A" (Agricultural District) with the adoption of the annexation ordinance. The subject property was rezoned from "A" (Agricultural District) to "R-1" (Single-Family Residential District) on September 26, 2006 via Ordinance No. 06-109. The property is currently unplatted.

Character of the Area:

| | Current Land Use | Zoning District | Future Land Use |
|-------|--|--|---|
| North | Vacant | R-1 (Single-Family Residential District) | Suburban Commercial (SC) |
| East | Vacant | R-1 (Single-Family Residential District) | Suburban Commercial (SC) |
| South | Single-family residential property (ETJ) | ETJ | General Residential (GR) & Suburban Commercial (SC) |
| West | Single-family residential properties | R-1 (Single-Family Residential District) | Suburban Residential (SR) |

Future Land Use Map Analysis:

This property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

'Suburban Commercial' (SC) designations should be utilized at key community entries and along high-profile corridors, may also involve other criteria to yield less intensive and more attractive development outcomes relative to auto-oriented areas, including higher standards for landscaping (along street frontages and within parking areas), signs, and building design. 'Suburban Commercial' (SC) character may exclude some auto-oriented uses that, by their very nature, cannot achieve a Suburban character. Near residential properties and areas, the permitted scale and intensity of non-residential uses should be limited to ensure compatibility (including adequate buffering/screening, criteria for placement and orientation of buildings and parking areas, height limits, and residential-in-appearance architectural standards).

The 'Suburban Commercial' (SC) designation encourages the following development types:

- Range of commercial retail and service uses, at varying scales and intensities depending on the site

- Office (both large and/or multi-story buildings and small-scale office uses depending on the site)
- Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting
- Public/institutional; or
- Parks and public spaces.

The request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

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 Chaparral Road, which is classified as a 110' wide Minor Arterial on the City of Killeen Thoroughfare Plan.

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 twenty-two (22) surrounding property owners regarding this request. Of those property owners notified, thirteen (13) properties are located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and two (2) reside outside of Killeen.

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

Staff Findings:

If approved, "B-3" (Local Business District) allows commercial uses including boat sales; oil and lube stations; hotels and motels; auto part sales (new, at retail); mini/self-storage facilities; and storage warehouses (with leasable space of less than twenty-five thousand (25,000) square feet).

The subject property abuts residentially zoned property on the north, east, and west sides. Staff finds that a small general retail store would be appropriate in this location. However, staff is of the determination that the "B-3" (Local Business) district allows several uses that would not be appropriate in this location.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- 1) Disapprove the applicant's zoning request;
- 2) Approve a more restrictive zoning district than requested by the applicant;

3) Approve the applicant's zoning request as presented.

Which alternative is recommended? Why?

Per Killeen Code of Ordinances Sec. 31-316.1, the "NBD" (Neighborhood Business) district was established "to provide for limited commercial uses serving the common and frequent needs of the residents in the immediate vicinity." The "NBD" (Neighborhood Business) district allows all uses permitted in "B-3" (Local Business District) with the following exceptions:

- (1) Home for the aged;
- (2) Hospital, nursing home, or assisted living facility;
- (3) Mortuary or funeral chapel;
- (4) Appliance (household) sales and service;
- (5) Boat and accessory sales, rental and service;
- (6) Marine supplies, sales and service;
- (7) Restaurant or café with drive-in or drive-through service;
- (8) Tennis or swim club;
- (9) Hotel or motel;
- (10) Gasoline service station in excess of four (4) pumps, auto laundry or car wash;
- (11) Auto parts sales, new at retail
- (12) Theaters or general release;
- (13) Mini/self-storage facilities;
- (14) Outdoor fruits and vegetable sales (farmer's markets);
- (15) Bowling alley; and
- (16) Oil/lube service station.

However, Killeen Code of Ordinances Sec. 31-316.2 states: "A building or premises in the "NBD" (Neighborhood Business) district shall not exceed gross building size of 10,000 square feet and no single leased/owned business area shall exceed 4,000 square feet. In this case, the applicant intends to build a single-tenant retail store of approximately 10,640 square feet.

Therefore, staff recommends approval of "NBD" (Neighborhood Business District) with a Conditional Use Permit (CUP) for a single-tenant general retail store no greater than 10,650 square feet. This would limit the potential use of the property for those uses listed above, while still allowing the applicant to move forward as planned.

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 March 7, 2022, the Planning and Zoning Commission recommended approval of the applicant's request to rezone the property to "B-3" by a vote of 7 to 0.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinances
Considerations
Response
Site Plan