



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-22-039    **Version:** 1    **Name:** ZONING 22-21  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 3/28/2022    **In control:** City Council  
**On agenda:** 5/24/2022    **Final action:** 5/24/2022  
**Title:** HOLD a public hearing and consider an ordinance requested by All County Surveying, Inc. on behalf of Joel Barton (Case #Z22-21) to rezone approximately 3.583 acres out of the Richard A. McGee Survey, Abstract No. 561 from "A" (Agricultural District) and "B-3" (Local Business District) to "B-5" (Business District). The property is locally addressed as 12176 S. Fort Hood Street, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Maps, 2. Site Photos, 3. Letter of Request, 4. Minutes, 5. Ordinance, 6. Considerations, 7. Presentation

Date	Ver.	Action By	Action	Result
5/24/2022	1	City Council	Approved	Pass
5/17/2022	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by All County Surveying, Inc. on behalf of Joel Barton (Case #Z22-21) to rezone approximately 3.583 acres out of the Richard A. McGee Survey, Abstract No. 561 from "A" (Agricultural District) and "B-3" (Local Business District) to "B-5" (Business District). The property is locally addressed as 12176 S. Fort Hood Street, Killeen, Texas.

**DATE:** May 17, 2022

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

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

**SUBJECT:** ZONING CASE #Z22-21: "A" (AGRICULTURAL DISTRICT) and "B-3" (LOCAL BUSINESS DISTRICT) TO "B-5" (BUSINESS DISTRICT).

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** Joel Barton

**Agent:** All County Surveying, Inc.

**Current Zoning:** "A" (Agricultural District) & "B-3" (Local Business District)

**Requested Zoning:** "B-5" (Business District)

**Current FLUM Designation:** 'Industrial' (I)

**Requested FLUM Designation:** 'General Commercial' (GC)

### **Summary of Request:**

All County Surveying, Inc., on behalf of Joel Barton, has submitted a request to rezone approximately 3.583 acres out of the Richard A. McGee Survey, Abstract No. 561 from "A" (Agricultural District) and "B-3" (Local Business District) to "B-5" (Business District). If approved, the applicant intends to develop a boat and recreational vehicle storage facility on the site.

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

The subject property was annexed into the city limits on January 28, 2008 via Ordinance No. 07-111. The subject property was subsequently zoned as "A" (Agricultural District) and "B-3" (Local Business District) on November 25, 2008 via Ordinance No. 08-097. The property is currently unplatted.

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

	Current Land Use	Zoning District	Future Land Use
<b>North</b>	Undeveloped	A (Agricultural)	Rural (R)
<b>East</b>	Single-family homes (in ETJ)	ETJ	General Residential (GR)
<b>South</b>	Killeen Transfer Station	M-1 (Manufacturing)	Industrial (I)
<b>West</b>	Commercial business & single-family homes	B-3 (Local Business), B-5 (Business) & A-R1 (Agricultural Single-Family Residential)	Rural (R) and General Commercial (GC)

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

This property is designated as 'Industrial' (I) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Industrial' (I) designation encourages the following development types:

- Heavy and light industrial activities;
- Heavy commercial;
- Office uses accessory to a primary industrial use; and
- Public/institutional.

If approved, the 'General Commercial' (GC) designation encourages the following development types:

- Wide range of commercial retail and service uses, at varying scales and intensities;
- Office (both large and/or multi-story buildings and small-scale office uses);
- Public/institutional; and
- Parks and public spaces.

The request to rezone the property from "A" (Agricultural District) & "B-3" (Local Business District) to "B-5" (Business District) is inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent FLUM amendment request from 'Industrial' (I) to 'General Commercial' (GC).

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

Provider: West Bell County WSC

Within Service Area: Yes

Feasibility Study or Service Commitment: Water utility service is located within the West Bell County WSC

utility service area. Applicant will need to contact the provider for availability of service to the subject tract.

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from S. Fort Hood Street (S.H. 195), which is classified as a 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan. The applicant will need to coordinate driveway access to the property with TxDOT during site development.

### **Environmental Assessment:**

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

### **Public Notification:**

Staff notified eleven (11) surrounding property owners regarding this request. Of those property owners notified, eight (8) reside 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 the city limits of Killeen. As of the date of this staff report, no written responses have been received regarding this request.

### **Staff Findings:**

The 'Industrial' (I) character is typically auto-oriented, although industrial park developments may feature more open space and landscaping, regulated signage, screening, etc. In addition, any outdoor activity and storage should be screen where visible from public ways and residential areas.

The 'General Commercial' (GC) character is typically auto-oriented, which can be offset by enhanced building design, landscaping, reduced site coverage, well-designed signage, etc.

The current zoning of the subject property is "A" (Agricultural District) and "B-3" (Local Business District). The property immediately to the south of the subject property is the Killeen Transfer Station. Given the frontage on S. Fort Hood St. and the character of the adjacent land uses, staff finds that "B-5" (Business District) is appropriate in this location.

### **THE ALTERNATIVES CONSIDERED:**

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

- Disapprove the applicant's zoning request;
- Approve a more restrictive zoning district than requested; or
- Approve the applicant's zoning request as presented.

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

Staff recommends approval of the applicant's request to rezone the property from "A" (Agricultural District) and "B-3" (Local Business District) to "B-5" (Business District).

Staff finds that the request is compatible with the surrounding land uses and consistent with the prevailing community character. The property immediately to the south of the subject property is the Killeen Transfer Station. Given the property's frontage on S. Fort Hood St. and the character of the adjacent land uses, staff finds that "B-5" (Business District) is appropriate in this location.

**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. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

**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 April 18, 2022, the Planning and Zoning Commission recommended approval of "B -3" (Local Business District) with a Conditional Use Permit (CUP) for a boat and recreational vehicle storage facility by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Letter of Request  
Minutes  
Ordinance  
Considerations