



# City of Killeen

## Legislation Text

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**File #:** PH-21-022, **Version:** 1

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**HOLD** a public hearing and consider an ordinance requested by True Fountain LLC (**Case #FLUM 21-01**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation for approximately 0.55 acres, being out of the J.E. Maddera Survey, Abstract No. 600. The property is addressed as 5603 Bunny Trail, Killeen, Texas.

**DATE:** May 18, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Exec. Dir. of Development Services

**SUBJECT:** FLUM CASE #21-01: 'General Residential' (GR) to 'General Commercial' (GC)

### **BACKGROUND AND FINDINGS:**

This request is submitted by Suk Baldwin on behalf of True Fountain LLC to amend approximately 0.55 acres on the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' (GR) to 'General Commercial' (GC). The property is addressed as 5603 Bunny Trail, Killeen, Texas.

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

On August 19, 2019, the applicant requested to rezone 19.566 acres from "A-R1" (Agricultural Single-Family Residential) to "R-2" (Two-Family Residential District). At that time, several adjacent property owners spoke in opposition to the request. The Commission recommended approval of a mix of "R-1" (Single-Family Residential District) and "R-2" (Two-Family Residential District). However, the City Council ultimately approved "R-1" (Single-Family Residential District) zoning for the entire 19.566 acres on September 10, 2019 via Ordinance No. 19-41.

Concurrent with the rezoning request on August 19, 2019 a Future Land Use Map amendment request to change the subject property from 'Suburban Residential' ('SR') to 'General Residential' ('GR') was submitted. The FLUM amendment was approved by City Council on August 27, 2019 via Ordinance No. 19-038.

A preliminary plat was approved by the Planning & Zoning Commission on January 6, 2020 for sixty-four (64) "R-1" single-family residential lots.

On October 5, 2020, the applicant requested to change 9.66 acres from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District), as shown on the attached Exhibit B. The Commission recommended approval of the request and the City Council ultimately disapproved the applicant's request by a vote of seven (7) to zero on October 27, 2020.

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

The surrounding area is made up of a mix of residential and commercial properties. Adjacent land uses are as follows:

- North: Existing "R-1" (Single-Family Residential District) properties and undeveloped "A-R1" (Agricultural Single-Family Residential) directly abutting this parcel.
- South: Existing "R-1" (Single-Family Residential District) and "R-MP" (Mobile Home and Travel Trailer Park) directly abutting this parcel.
- East: Existing "R-2" (Two-Family Residential District) across Bunny Trail.
- West: Existing "R-2" (Two-Family Residential District) with an "R-1" (Single-Family Residential District) use directly abutting this parcel.

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

This property is designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus;
- Attached housing types subject to compatibility and open space standards;
- Planned developments;
- Public/ institutional uses; and
- Parks and public spaces.

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 depending on the site;
- Office;
- Public/ institutional; and
- Parks and public spaces.

### **Public Notification:**

Staff mailed courtesy notices to twenty-seven (27) surrounding property owners (within 400' of the property) regarding this request.

### **Staff Findings:**

Staff finds that the subject property is suitable for a mix of non-residential and residential uses of varying density, similar to the proposal submitted by the applicant. Further, staff is of the determination that general commercial uses are appropriate on the frontage of Bunny Trail.

There are no known environmental constraints for these lots. The lot is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

### **THE ALTERNATIVES CONSIDERED:**

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

- Disapprove the applicant's FLUM amendment request;
- Approve a more restrictive FLUM designation than requested by the applicant; or
- Approve the applicant's FLUM amendment request.

**Which alternative is recommended?** Staff recommends approval of the applicant's request.

**Why?** The amendment request would affect approximately 0.55 acres and is considered a small-scale amendment. Staff finds that the request to amend the FLUM from 'General Residential' (GR) to 'General Commercial' (GC) 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 City of 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 expenditures 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:**

The Planning & Zoning Commission, by a vote of 5 to 1, recommended approval of the applicant's request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation with Commissioner Minor in opposition.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps

Minutes  
Ordinance  
Considerations