



STAFF REPORT

DATE: October 2, 2018

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, AICP, Exec. Dir. of Planning and Development Services

SUBJECT: Zoning Case #Z18-19 "R-MP" (Mobile Home and Travel Trailer Park District) to "B-5" (Business District)

Background and Findings:

This request is submitted by Janie Lea Tucker to rezone approximately 13.133 acres from "R-MP" (Mobile Home and Travel Trailer Park) to "B-5" (Business District). The property is addressed as 5801 E. Veterans Memorial Blvd, Killeen, Texas.

District Description - "R-MP" (Mobile Home and Travel Trailer Park District):

No building or premises in the district "R-MP" mobile home district shall be used and no buildings shall be hereafter erected, reconstructed, altered, or enlarged, nor shall a certificate of occupancy be issued, except for the following uses:

- (1) Mobile home, conforming to the current ordinance regulating same, either:
 - a. As a part of a mobile home park; or
 - b. Provided, however, that mobile trailer parks in existence on the date of the ordinance from which this section is derived with proper zoning and current mobile trailer park permits shall hereinafter be designated "R-MP" mobile home district. All other mobile trailer parks shall be considered nonconforming.
- (2) Accessory buildings and structures incidental to the above uses, including community center, swimming pools, etc.
- (3) Installations owned and operated by the city, the county, the state or public utility companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services to or through the "R-MP" district.

District Description - "B-5" (Business District):

A building or premises in the district "B-5" business district shall be used only for the following purposes:

- (1) Any use permitted in the "B-4" district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse, greater than twenty-five thousand (25,000) square feet.
- (4) Veterinarian clinic or pet kennel with outside pens.
- (5) Railroad or bus passenger terminal.

- (6) Tire recapping or retreading.
- (7) Impound yards provided no salvaging or dismantling is allowed on the premises and site is properly screened.
- (8) Any commercial use not included in any other district, provided such use does not involve salvaging, manufacturing or industrial type storage or dismantling, and is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (9) Mobile home sales.
- (10) Tattooing (as licensed per V.T.C.A., Health and Safety Code Ch. 146, as amended).

Property Specifics:

Applicant / Property Owner: Janie Lea Tucker

Property Location: The property is generally located on the north side of East Veterans Memorial Boulevard, west of the intersection with South Roy Reynolds Drive. The property is locally known as 5801 East Veterans Memorial Boulevard.

Legal Description: Approximately 3.133 acres out of the J. S. Wilder Survey, Abstract No. 912

Zoning/ Plat Case History:

- The subject property was rezoned from "R-3" (Multi-Family Residential District) and "B-5" (Business District) to "R-MP" (Mobile home and Travel Trailer Park District) in July 1999.
- The subject property is not platted.

Surrounding Land Uses:

Direction	Zoning District	Land Use
North	"M-1" (Manufacturing District)	Vacant
South	"B-5" (Business District)	Vacant
East	"R-1" (Single-Family Residential District)	Vacant
West	"B-5"	Vacant

Existing Land Use(s) on the Property: The property is currently being used as a TXDOT staging area.

Historic Properties: None.

Community Infrastructure and Environmental Assessment:

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility services are available to the above subject tract located within the City of Killeen municipal utility service area. However, in accordance with the City of Killeen Code of Ordinances, the developer is

required to extend public utilities to the property in accordance with the plan of service validated with any approved plat case.

Transportation:

Existing conditions: The property is located off of East Veterans Memorial Boulevard, which is designated as a Principal Arterial on the City's adopted Thoroughfare Plan. Ingress/Egress to the property will be from East Veteran's Memorial Boulevard (Business 190) and is controlled and disciplined by the Texas Department of transportation (TxDOT). No new ingress/egress will be allowed without prior approval from TxDOT and re-platting.

Proposed Improvements: None at this time

Environmental Assessment:

This property is located in a Zone X Special Flood Hazard Area. The soils for the site are classified as follows: approximately 45% Brackett with 8 to 12 percent slopes (BRE), approximately 52% Eckrant very cobbly, silty clay with 1 to 5 percent slopes (EcB), and approximately 3% Lewisville-Altoga complex with 2 to 5 percent slopes (LgC). There are no known wetlands on this parcel. The applicant is advised that the area being zoned shall be platted prior to any new development on this parcel. As a result, the current Drainage Design Manual (DDM) and Infrastructure Design and Development Standards Manual Standards (IDDSM) will apply for new development.

Runoff from TxDOT right-of-way (to the south) enters the southwest corner of this parcel and concentrates into an unnamed watercourse and travels for approximately 700 feet before out-falling into Little Nolan Creek. Runoff then travels approximately 0.6 mile before converging with Nolan Creek prior to leaving the City. Little Nolan Creek and Nolan Creek are currently listed on the Texas Commission on Environmental Quality's (TCEQ) 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

The property owner is cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

There is currently an active case for this parcel against TxDOT's contractor for violation of our erosion & sediment control ordinance. The applicant is advised that approval of the zoning request will not absolve the property owner from addressing the outstanding violation and coming into compliance.

Land Use Analysis:

Future Land Use Map: This area is designated as General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The Comprehensive Plan calls for a "wide range of commercial, retail, and service uses at varying scales and intensities depending on the site."

Consistency: This request is consistent with the FLUM of the Comprehensive Plan.

Public Notification: Staff notified ten (10) surrounding property owners within 400 feet of this property regarding this request. As of the date of this report, staff has received no responses.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternatives.

Why?

Staff supports the applicant's request.

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:

The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0. The request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Considerations