

**PLANNING AND ZONING COMMISSION MEETING
DECEMBER 7, 2015**

**CASE #Z15-29
CD W/CUP TO CD/CUP**

HOLD a public hearing and consider a request by Abdul Khan to rezone Lot 1, Block 1, Wassey Addition, from “CD” (Cemetery District) with a CUP (Conditional Use Permit) to “CD” (Cemetery District) with a CUP (Conditional Use Permit) for a 9,100 square foot retail store. The property is located on the southeast corner of S. Fort Hood Street (S.H. 195) and Splawn Ranch Drive and is locally known as 10752 S. Fort Hood Street, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated that this request is to rezone Lot 1, Block 1, Wassay Addition from Cemetery District with a CUP to Cemetery District with a CUP to allow for a 9,100 square foot retail store. Currently the CUP allows for a 5,000 square foot retail store along with a gas station. The access for this property is on Splawn Ranch Drive. Conditional Use Permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed. The property has been platted and recorded on August 4, 2011. This is designated as ‘Suburban Commercial’ on the Future Land Use Map and is consistent with the Comprehensive Plan.

Staff notified three (3) surrounding property owners with the 200 foot notification boundary. One response from Bruce Whitis was received and his concern is to ensure that Cemetery District conditions are met.

Staff recommended approval of the applicant’s Conditional Use Permit based on the submitted site plan. If the CUP is approved, the applicant will be allowed to construct a larger commercial building and would remove the gas station component from the previously approved CUP.

Mr. Joe Johnston, 511 Union Street, Nashville, TN, was present to represent this request. Mr. Johnston stated that the property is 1.3 acre in size and is located at the southeast corner of S. Fort Hood Street (SH 195) and Splawn Ranch Drive.

Chairman Frederick opened the public hearing.

Mr. Josh Welch, WBW Development, 3000 Illinois Avenue, Killeen, TX, spoke in opposition to the request to renew the CUP. He stated that WBW Development wants to ensure development adheres to the standards of the Cemetery District and that controls are in place. He also stated that architectural elevations of the building are needed for review.

With no one else requesting to speak, the public hearing was closed.

Vice Chair Dorroh motioned to recommend approval of the requested zoning for Case Z15-29 with the following conditions: 100% limestone façade on the north side of the building with 80% masonry requirement on the remaining three sides, with no metal siding to be visible. A three foot (3') vegetative hedge is to be installed on the north side and west side and other landscaping requirements as required by the Cemetery District. Commissioner Johnson seconded the motion. The motioned was approved unanimously.

Chairman Frederick stated that his will be forwarded to City Council with a recommendation to approve.