

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
JULY 18, 2016**

**CASE #Z16-13
B-3 to B-4**

HOLD a public hearing and consider a request by CPB Investments, Inc. to rezone .131 acre, being part of Lot 1, Block 1, Elms Creek Addition Phase 1 Replat, from B-3 (Local Business District) to B-4 (Business District) for used car sales. The property is locally known as 3816 Clear Creek Road, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated that this request is submitted by CPB Investment, Inc. to rezone .131 acre, from “B-3” (Local Business District) to “B-4” (Business District). On May 2, 2016, the applicant petitioned for B-4 zoning for the entirety of the property and the case was recommended for disapproval by the Planning and Zoning Commission.

Staff recommended disapproval of “B-4” (Business District) zoning for the .131 acre portion of the site. Tony McIlwain stated that he supported the previous “B-4” zoning request based on the availability of the undeveloped land along the eastern portion of the site being developed for the used vehicle parking area. He stated that the current zoning submittal removes any potential of new development occurring and the size/configuration of the zoning request lends itself to the appearance of preferential treatment when compared to the rest of the larger developed property. Additionally, the implications of having the used sales in this part of the property does present compatibility issues when viewed in context with the remainder of the office complex.

Staff notified eight (8) surrounding property owners regarding this request. Staff has received no responses.

Commissioner Alvarez had concerns with parking and spot zoning.

Mr. Bob Mitchell, Mitchell & Associates, Inc., 102 N. College Street, Killeen, Texas, was present to represent this request.

Chairman Frederick opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner DeHart motioned to recommend disapproval of the request because it would be spot zoning and not the best use for the area. Commissioner Beronio seconded the motion. The motion passed 6-0.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to disapprove.