

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**ZONING CASE #Z16-13 "B-3" (LOCAL BUSINESS DISTRICT) TO "B-4" (BUSINESS DISTRICT)**

### ORIGINATING DEPARTMENT

**PLANNING & DEVELOPMENT SERVICES**

This request is submitted by Phyllis and Charles Mitchell d/b/a CPB Investments, Inc. to rezone .131 acre, being part of Lot 1, Block 1, Elms Creek Addition Phase I Replat, from "B-3" (Local Business District) to "B-4" (Business District). The property is located on the east right-of-way of Clear Creek Road, approximately 285 feet south of Janelle Drive. The property is locally known as 3816 Clear Creek Road, Killeen, Texas. The property owners are rezoning the property to allow for auto sales. If approved, the zoning would affect Suite C of the existing Elms Creek Medical plaza and six parking spaces in front of the suite, which is the southwest corner of the property.

### District Descriptions:

A building or premises in a district "B-4" Business District shall be used only for the following purposes:

- (1) Any use permitted in the "B-3" district
- (2) Trailer rental and sales
- (3) Auto sales where the major business is the showroom display and sale of new automobiles by an authorized dealer and used car sales, repair work and storage facilities on the same premises shall be purely incidental; provided, that the area allowed for the repair and storage of cars shall not be nearer than twenty (20) feet from the required front line of the principal building
- (4) Auto sales of used cars; no salvage, dismantling or wrecking on premises; no display of vehicles in required front yard; junked vehicles must be placed behind a screening device
- (5) Commercial parking (public garage or parking lot)
- (6) Auto upholstery or muffler shop
- (7) Auto repair (garage), with on-site junked vehicles being enclosed within a building
- (8) Cold storage plant (locker rental)
- (9) Building material or lumber sales (no outside storage)
- (10) Cleaning, pressing and dyeing:
  - a. No direct exterior exhaust from cleaning plant permitted
  - b. Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant
- (11) Garden shop, greenhouse or nursery (retail)
- (12) Ballpark, stadium, athletic field (private)
- (13) Philanthropic institutions (not elsewhere listed)
- (14) Cabinet, upholstery, woodworking shop
- (15) Plumbing, electrical, air conditioning service shop (no outside storage)
- (16) Trade or business school

(17) Garment manufacturing in a space of four thousand (4,000) square feet or less, with all loading and unloading off-street

### **Property Specifics**

**Applicant/Property Owner:** Phyllis and Charles Mitchell

**Property Location:** The property is located on the east right-of-way of Clear Creek Road, approximately 285 feet south of Janelle Drive. The property is locally known as 3816 Clear Creek Road, Killeen, Texas.

**Legal Description:** Lot 1, Block 1, Elms Creek Addition Phase I Replat, which was filed for record on May 30, 2003, in Cabinet C, Slide 337A, Plat Records of Bell County, Texas.

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

- This property was zoned from its initial annexation zoning of "A" (Agricultural District) to "B-3" (Local Business District) on January 25, 2000, per Ordinance No. 00-5. This is the first rezone request (by the property owner) for this unilaterally annexed tract.
- On May 2, 2016, the applicant petitioned for B-4 zoning for the entirety of the property and the case was recommended for disapproved by the Planning and Zoning Commission based on the request "not being not consistent with the zoning in the immediate area and there is no need for this specific type of business." The applicant subsequently withdrew their zoning request.
- The subject property is platted as Lot 1, Block 1, Elms Creek Addition Phase I Replat.

### **Character of the Area**

**Existing Land Use(s) on the Property:** The subject site is currently the Elms Creek Medical Plaza. This is a commercial corridor and the property to the north and south is zoned "B-3." The undeveloped property to the east is zoned "A-R1" (Agricultural Single-Family Residential District). The closest "B-4" or "B-5" zoned property is the Kwik Lube & Services business that is approximately 740 feet south of the subject site.

### **Figure 1. Zoning Map**

See attachment.

**Historic Properties:** None

### **Infrastructure and Community Facilities**

#### **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 property located within the City of Killeen municipal utility service area. Public storm drainage infrastructure is limited to public rights-of-way and detention of post development storm water run-off may be required if additional impervious surfaces are constructed within the existing subdivision.

**Transportation:**

Existing conditions: Clear Creek Road is classified as a 110' principal arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no proposed improvements. Ingress/egress for Clear Creek Road is controlled by the state and disciplined by Texas D.O.T.'s Access Management Policies.

Projected Traffic Generation: Minimal to marginal, depending upon the scope of redevelopment (if any) on the site.

**Environmental Assessment**

**Topography:** The property ranges in elevation from 988 feet to 990 feet in elevation.

**Regulated Floodplain/Floodway/Creek:** The property does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA).

**Land Use Analysis**

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

**Plan Recommendation:** The 'General Commercial' character encourages 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 Comprehensive Plan.

**Public Notification**

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

**Recommendation**

The Planning & Zoning Commission recommended disapproval by a vote of 6 to 0. The Commissioners were concerned with 'spot zoning' and compatibility issues with used car sales in relation to the land uses in the immediate area.