



STAFF REPORT

DATE: January 7, 2019

TO: Kent Cagle, City Manager

FROM: Tony McIlwain, Interim Exec. Dir. of Planning and Dev. Services

SUBJECT: ZONING CASE #Z19-28: "A" (Agricultural District) to "A" (Agricultural District) with a Conditional Use Permit (C.U.P.)

Background and Findings:

This request has been submitted by Terry Tilghman of Integrated Power Company, on behalf of Yong Mullins, to rezone approximately 3.807 acres out of the R. A. McGee Survey, Abstract No. 561, from "A" (Agricultural District) to "A" (Agricultural District) with a Conditional Use Permit (C.U.P.). The property is addressed as 259 Cloud Lane, Killeen, Texas. The applicant, Integrated Power Company, is currently using the property as a laydown and receiving yard for a short period of time while constructing a utility transmission line south of town. This property is being used to store construction materials including steel transmission line poles, wooden poles, reels of wire, and other miscellaneous transmission line parts. The applicant will be housing equipment onsite (for example: loaders, bucket trucks, forklifts, dumpsters, semis, pickups, job site trailers, onsite office container and storage connexes). When staff became aware that this property was already being used for construction staging and materials storage, staff advised the applicant to submit a request for a C.U.P. for the City Council's consideration.

"A" Agricultural District

A building or premises in a district "A" agricultural district shall be used only for the following purposes:

- (1) Stables, commercial or private.
- (2) Agricultural uses to include animal production, crop production, horticulture, and support housing.
- (3) Home occupations as permitted in district "R-1" single-family residential district.
- (4) Agricultural single-family residential in accordance with division 3 of this article.
- (5) Accessory buildings customarily incident to the uses in this section.

Section 31-456 of the Killeen Code of Ordinances establishes the criteria for Conditional Use Permit (C.U.P.) approval.

Conditions of approval: Regardless of whether such conditions have been recommended by the Planning and Zoning Commission, the City Council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers,

fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public.

Property Specifics:

Applicant / Property Owner: Terry Tilghman, Integrated Power Company, on behalf of Yong Mullins

Property Location: 259 Cloud Lane, Killeen, Texas.

Legal Description: Approximately 3.807 acres out of the R. A. McGee Survey, Abstract No. 561

Zoning/ Plat Case History:

- There is no recent zoning history for the property since its original zoning of "A" at the time of annexation on November 25th, 2008.
- The subject property is not previously platted.

Character of the Area:

Existing Land Use(s) on the Property: The property is an agriculturally used parcel with a single-family residential structure on the premise. The surrounding community is made up of a mix of light commercial uses, additional agriculturally used lots, and vacant undeveloped land.

Historic Properties: None

Community Infrastructure and Environmental Assessment:

Water, Sewer and Drainage Services

Provider: West Bell County Water Supply Corporation

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility services are not located within the City of Killeen municipal utility service area and are not available to the subject tract. Water service will be provided by the West Bell County Water Supply Corporation. Septic systems are located on this parcel.

Transportation:

Existing Conditions: The property is bordered by S. H. 195 to the east and Cloud Lane to the south. S. H. 195 has been constructed as a 120 foot right-of-way and is classified as a principal arterial street on the City's adopted Thoroughfare Plan. Cloud Lane is classified as a 60 foot local street on the City's adopted Thoroughfare Plan. Access to this parcel is from Cloud Lane.

Proposed Improvements: None

Projected Traffic Generation: The projected traffic generation is undetermined for this request.

Environmental Assessment:

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

Land Use Analysis:

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

Plan Recommendation: 'Rural' (R) designation encourages residential homesteads, planned development to accommodate conservation and cluster residential designs, agricultural uses, agriculture-focused commercial retail, public and institutional uses, parks and public spaces, and natural and protected floodplain areas.

Consistency: The applicant's intended use is not consistent with the Comprehensive Plan; however Conditional Use Permits are allowed within any zoning district and due to the temporary nature and scope of this request, staff does not recommend any amendments to the FLUM.

Fort Hood Joint Land Use Study (JLUS) Analysis

JLUS Plan: The property is not located in an "Encroachment Awareness Area" as identified within the JLUS.

Section 4.3 of the JLUS describes an "Encroachment Awareness Area" as intending "to serve the purpose of establishing the current area in which the partners in this study should maintain heightened vigilance with regard to potentially incompatible civilian land uses encroaching into critical areas that may experience the effects of military training, such as high noise levels."

Public Notification:

Staff notified seven (7) surrounding property owners within 400' of the subject site regarding this request. Staff has received no responses to this submission.

THE ALTERNATIVES CONSIDERED:

The City Council may:

- disapprove the applicant's C.U.P. request;
- approve the C.U.P. request with additional conditions; or
- approve the applicant's C.U.P. request with the recommended conditions.

Which alternative is recommended? Staff is recommending that the City Council approve the applicant's Conditional Use Permit (C.U.P.) with the following recommended conditions:

- the applicant shall return the property to the condition that it was prior to the proposed use;
- a storm water prevention program shall be in effect for the duration of the proposed use;

- no permanent development of pad sites or structures will take place on the site that would require the issuance and approval of permits; and
- the C.U.P. is limited to a duration of 12 months.

Why? The applicant's request is for this C.U.P. is limited in duration and scope and restricted to the duration of the property lease agreement.

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 to rezone the subject property from "A" (Agricultural District) to "A" (Agricultural District) with a Conditional Use Permit (C.U.P.) with the afore-referenced conditions by a vote of 5 to 0.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Ordinance
Letter of Intent
Location map
Considerations