



## STAFF REPORT

**DATE:** November 30, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Wallis Meshier, Director of Planning

**SUBJECT:** ZONING CASE #Z21-28 "B-3" (Local Business District), "R-3 (Multifamily Residential District), and "R-MH" (Mobile Home District) to "B-5" (Business District)

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

Mitchell & Associates, Inc., on behalf of Fameco-Texas, LLC, has submitted a request to rezone approximately 1.523 acres generally located on the east side of N. 8th St. between E. Dean Ave. and E. Dunn Ave. from "B-3" (Local Business District), "R-3" (Multifamily Residential District), & "R-MH" (Mobile Home District) to "B-5" (Business District). The current use of the property is an existing non-conforming automotive repair and auto body business with an associated impound yard.

If approved, the requested "B-5" (Business District) will bring the current use of the property into conformance with the zoning. In accordance with Killeen Code of Ordinances Sec. 31-336(7), "B-5" (Business District) allows "impound yards provided no salvaging or dismantling is allowed on the premises and site is properly screened."

This request was tabled by the Planning and Zoning Commission on September 20, 2021 until the November 1, 2021 meeting pending an inspection by Code Enforcement and Environmental Services. Environmental Services staff inspected the site on September 28, 2021. No illicit discharge was observed, and none of the vehicles on the site appeared to be leaking fluid. Code Enforcement staff inspected the site on October 4, 2021 and issued notices of violation for the following violations:

1. No Certificate of Occupancy for businesses;
2. Care of premises (trash, junk, and discarded items);
3. Zoning use violations; and
4. International Property Maintenance Code (IPMC) violation for parking lot repairs.

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

A Specific Use Permit (SUP) was approved for the property on March 25, 1996 (Ordinance No. 96-23) to allow an impound yard on property zoned "B-3" (Local Business District) for a period of three (3) years. A subsequent Specific Use Permit (SUP) was approved on April 27, 1999 (Ordinance No. 99-36) to allow an impound yard for a period of five (5) years. No subsequent

renewals of the Specific Use Permits were issued. The property was purchased by Fameco-Texas, LLC on February 28, 2018. Certificates of Occupancy were issued for auto repair and interior auto detailing in 2018. The property is currently unplatted.

### **Character of the Area:**

The surrounding area is made up of a mix of residential and commercial uses. Adjacent land uses are as follows:

- **North:** Existing commercial property zoned "B-3" (Local Business District); existing non-conforming single-family residential property zoned "B-3" (Local Business District); and existing two-family residential property zoned "R-3" (Multifamily Residential District) on the north side of E. Dean Ave;
- **East:** Existing single-family residential property zoned "R-3" (Multifamily Residential District) and undeveloped property zoned "R-2" (Two-family Residential District);
- **South:** Existing multifamily residential property zoned "R-3" (Multifamily Residential District) on the south side of E. Dunn Ave;
- **West:** Existing commercial property (Korner Food Store) zoned "B-3" (Local Business District); and an existing church (New Bethel Christian Worship Center) zoned "B-5" (Business District) on the west side of N. 8th St.

### **Future Land Use Map Analysis:**

This property is designated as 'Residential-Commercial Mix' (RC-Mix) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'Residential-Commercial Mix' (RC-Mix) designation encompasses areas that were allowed to develop in the past with non-residential uses (including uses with a heavy commercial and/or industrial intensity) intermixed amid a variety of residential uses, often with minimal screening and/or buffering. The 'Residential-Commercial Mix' (RC-Mix) future land use designation encourages the following development types:

- Mix of residential types and densities; and
- A variety of commercial and light industrial activities.

Staff finds that the request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

### **Water, Sewer and Drainage Services**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

### **Environmental Assessment:**

There are no known environmental constraints for these lots. The lots are not within any FEMA regulatory Special Flood Hazard Area (SFHA). The National Wetlands Inventory indicates that there is a riverine habitat across the northern lot. All of this is contained within a storm drain culvert that passes through the property.

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from N. 8th St., E. Dunn Ave., and E. Dean Ave., which are classified as 60' wide local streets on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified sixty-three (63) surrounding property owners regarding this request. Of those notified, fifty (50) properties were located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twenty six (26) reside outside of Killeen. As of the date of this report, staff has received no written responses regarding this request.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's request for "B-5" (Business District);
- Approve a more restrictive zoning district than requested by applicant (i.e. "B-3" (Local Business District) or "B-4" (Business District); or
- Approve the applicant's request for "B-5" (Business District).

**Which alternative is recommended?** The Planning and Zoning Commission recommended that the subject property be rezoned to "B-3" (Local Business District).

**Why?** The Planning and Zoning Commission noted concerns regarding the ongoing code enforcement issues on the site. The Commission also noted concerns regarding the impact that the requested "B-5" (Business District) would have on the adjacent residential uses. The Commission was of the consensus that approval of "B-3" (Local Business District) would be in keeping with the character of the area.

### **CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the City of 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:**

At their regular meeting on November 1, 2021, the Planning and Zoning Commission recommended approval of "B-3" (Local Business District) by a vote of 5 to 1 with Commissioner Gukeisen in opposition. Commissioner Gukeisen noted that none of the surrounding property owners objected to the request for "B-5" (Business District).

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations