



CASE#Z21-28:

“B-3”, “R-3”, & “R-MH” TO “B-5”

PH-21-067

November 30, 2021

Case#Z21-28: “B-3”, “R-3”, and “R-MH” to “B-5”

- ❑ **HOLD** a public hearing and consider a request submitted by Mitchell & Associates, Inc. on behalf of Fameco-Texas, LLC (**Case #Z21-28**) to rezone approximately 1.523 acres, being part of Lots 7 and 8, Cole Addition, from “B-3” (Local Business District), “R-3” (Multifamily Residential District), and “R-MH” (Residential Mobile Home District) to “B-5” (Business District).
- ❑ The property is addressed as 1300 and 1314 N. 8th St., Killeen, Texas.

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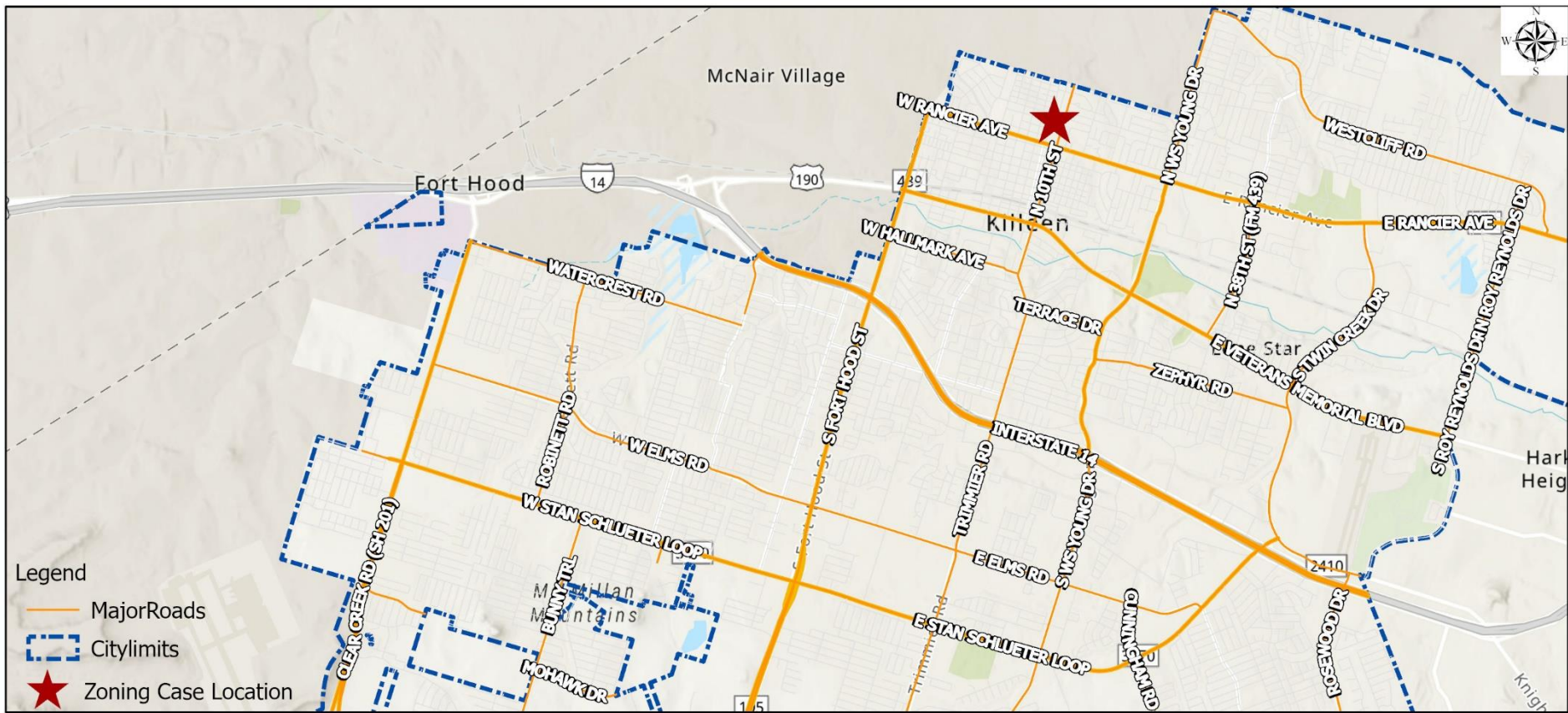
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- The current use of the property is an existing non-conforming automotive repair and auto body business with an associated impound yard.
- If approved, the requested “B-5” (Business District) will bring the current use of the property into conformance with the zoning.
- The property has numerous code violations and a business operating without a certificate of occupancy which will need to be addressed regardless of zoning.

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- 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 encourages:
 - ▣ A mixture of residential types and densities; and
 - ▣ Variety of commercial and light industrial activities.
- Staff finds that the request for “B-5” (Business District) is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.



Attachment #2

Location Map

Council District: 1

Subject Property Legal Description: 1300 AND 1314 N 8TH ST.

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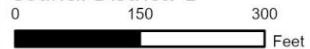
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0 1 2
Miles



Attachment #3

Council District: 1



Subject Property Legal Description: 1300 AND 1314 N 8TH ST.

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Legend

 Citylimits

 Zoning Case

Public Notification

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- Staff notified sixty-three (63) surrounding property owners regarding this request.
- To date, staff has received no written responses regarding this request.



Attachment #4

Zoning Map

Council District: 1

Subject Property Legal Description: 1300 AND 1314 N 8TH ST.

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- A Specific Use Permit (SUP) was approved for the property in 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 in 1999 (Ordinance No. 99-36) to allow an impound yard for a period of five (5) years, which expired in April 2004. No subsequent renewals of the Specific Use Permit 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.

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- This request was tabled by the Planning and Zoning Commission on September 20th pending an inspection by Code Enforcement and Environmental Services.
- Code Enforcement staff inspected the site on October 4th and issued Notices of Violation for the following:
 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) violations for parking lot.

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- ❑ The “B-5” (Business District) permits impound yards, but no salvaging or dismantling is allowed on the premises, and the site must be properly screened.
- ❑ The “B-4” (Business District) permits auto repair uses, provided that junked vehicles are fully enclosed within a building.
- ❑ If “B-4” or “B-5” uses are approved businesses need to come into compliance with code enforcement issues, but the current uses are permitted.
- ❑ The “B-3” (Local Business District) does not permit any heavy automotive uses.
- ❑ If “B-3” is approved, the site would be out of compliance and current business would no longer be able to operate at the site.

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View of the subject property from E. Dean Ave. (facing south):



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View of the subject property from E. Dean Ave. (facing southwest):



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View of the interior of the site:



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View of the interior of the site:



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Adjacent property to the west on N. 8th St., zoned “B-5” (Business District):



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Adjacent property to the east on E. Dean Ave. (facing south), zoned “R-3”:



Alternatives

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- ❑ 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 the applicant:
 - Approve "B-3" (Local Business District), as recommended by P&Z;
 - Approve "B-4" (Business District); or
 - ▣ Approve the applicant's request for "B-5" (Business District).

Commission Recommendation

- At their regular meeting on November 1, 2021, the Planning and Zoning Commission recommended that the subject property be rezoned to **“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).