



## STAFF REPORT

**DATE:** December 10, 2019

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE #Z19-24 "R-1" (Single-Family Residential District) to "B-5" (Business District)

### **Background and Findings:**

This request is submitted by Allen Cloud on behalf of the Killeen Church of Christ (**Case #Z19-24**) to rezone approximately 5.8 acres, being part of Lot 1, Block 1, Church of Christ Addition, from "R-1" (Single-Family Residential District) to "B-5" (Business District). The property is addressed as 400 N. W.S. Young Drive, Killeen, Texas.

### **"R-1" District Descriptions**

A building or premise in a district "R-1" single-family residential district shall be used only for the following purposes:

- (1) One-family dwellings.
- (2) Churches or other places of worship.
- (3) Colleges, universities or other institutions of higher learning.
- (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (5) Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- (7) Public buildings, including libraries, museums, police and fire stations.
- (8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years. Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
- (9) Schools, public elementary or high.
- (10) Schools, private with curriculum equivalent to that of a public elementary or high school.
- (11) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (12) Water supply reservoirs, pumping plants and towers.

- (13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building.

### **"B-5" District Descriptions**

A building or premise in a district "B-5" business district residential district shall be used only for the following purposes:

- (1) Any use permitted in the "B-4" district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse, greater than twenty-five thousand (25,000) square feet.
- (4) Veterinarian clinic or pet kennel with outside pens.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.
- (7) Impound yards provided no salvaging or dismantling is allowed on the premises and site is properly screened.
- (8) Any commercial use not included in any other district, provided such use does not involve salvaging, manufacturing or industrial type storage or dismantling, and is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (9) Mobile home sales.
- (10) Tattooing (as licensed per V.T.C.A., Health and Safety Code ch. 146, as amended).

### **Property Specifics:**

Applicant / Property Owner: Allen Cloud / Killeen Church of Christ

Property Location: 400 N. W.S. Young Drive, Killeen, Texas.

Legal Description: Approximately 5.8 acres, being part of Lot 1, Block 1, Church of Christ Addition

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

- There have been no recent rezoning requests for this property.
- The property is platted as the Church of Christ Addition, which was filed for record on November 22, 1991, in Cabinet B, Slide 216-B, Plat Records of Bell County, Texas.

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

Existing Land Use(s) on the Property: The property being proposed for rezoning is the undeveloped eastern portion of the church site.

Historic Properties: None

### **Community Infrastructure and Environmental Assessment:**

#### **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 located within the City of Killeen municipal utility service area and available to the subject tract. However, it will be necessary to extend public utility infrastructure to each lot, prior to the release of the lot(s) for construction purposes.

**Transportation:**

Existing conditions: The parcel will be accessed via Atkinson Ave., which has been constructed as a 70' collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: None at this time.

Projected Traffic Generation: The applicant has not identified a proposed use for the property, so staff is unable to determine the projected traffic generation.

**Environmental Assessment:**

This northeast property boundary abuts the Liberty Ditch. Runoff exits this parcel in a sheet flow manner into Liberty Ditch. At the time of development the current drainage design manual (DDM) and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

**Land Use Analysis:**

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

Plan Recommendation: The Comprehensive Plan calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

Consistency: The applicant's request is consistent with the FLUM of the Comprehensive Plan.

**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 seventeen (17) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received.

**THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Recommend disapproval of the applicant's zoning request;

- Recommend approval of a more restrictive zoning district than requested by the applicant; or
- Recommend approval of the applicant's zoning request.

**Which alternative is recommended?** Staff recommends that the City Council approve the applicant's "B-5" (Business District) zoning request as submitted.

**Why?** The request is consistent with the FLUM and does not abut any residential uses.

#### **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 zoning request by a vote of 5 to 0. Commissioner Alvarez recused himself from the vote and filed the required affidavit disclosing a conflict of interest.

#### **DEPARTMENTAL CLEARANCES:**

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

#### **ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations