



## STAFF REPORT

**DATE:** January 5, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Exec. Dir. Of Planning and Development Services

**SUBJECT:** ZONING CASE #Z20-27 "B-3" (Local Business District) to "B-4" (Business District)

### **BACKGROUND AND FINDINGS:**

#### Summary of Request:

This request, submitted by Catalino Hernandez (**Case #Z20-27**), is to rezone Lot Pt. 6, 7, Block 6, North Side Addition from "B-3" (Local Business District) to "B-4" (Business District). The property is addressed as 1401 N. 8<sup>th</sup> Street, Killeen, Texas. Should the request be approved, the applicant intends to convert the vacant property into an auto repair shop.

#### "B-4" Business District Descriptions:

A building or premises in the "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. 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.
18. Halfway house.
19. Liquor stores to be operate under, and in accordance with, a valid Texas Alcoholic Beverage Commission issued package store permit.

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

- The property was re-platted in 1985 and is identified as Lot Pt. 6, 7, Block 6, North Side Addition

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

The surrounding area is made up of commercial properties. Adjacent land uses are as follows:

- To the north, south and east are commercial properties zoned "B-3" (Local Business District).
- To the east is commercial property zoned "B-5" (Business District).

### **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 a range of mix residential types and a variety of commercial and light industrial activities. Characteristics of this designation are 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, auto-oriented character and address compatibility and screening/buffering, where possible as redevelopment occurs. The 'Residential-Commercial Mix' (RC-MIX) designation encourages the following development types:

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

Staff is of the determination that the zoning request is consistent with the Comprehensive Plan.

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

Water, sanitary sewer and drainage utility service is located within the City of Killeen utility service area and available to the subject tract.

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

Ingress and egress to the development is via North 8<sup>th</sup> Street and East Dean Avenue, which are defined as a 60' Local Street on the City of Killeen adopted Thoroughfare Plan. This proposed development will replace a vacant building.

A typical Automobile Care Center can generate twenty-six (26) vehicle trips per day during operating hours [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

### **Public Notification:**

Staff notified forty-eight (48) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received. Twenty-five (25) property owners reside outside of Killeen. Twenty-seven (27) of the forty-eight (48) notified are outside of the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by Council.

### **Staff Findings:**

Staff finds that the proposed use is consistent with the surrounding property uses and is compatible with the existing land uses and prevailing community character. If approved, approximately 0.1157 acres of land would be rezoned.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has two (2) alternatives. The Council may:

- Recommend disapproval of the applicant's request; or
- Recommend approval of the applicant's request.

**Which alternative is recommended?** Staff recommends approval of the applicant's request.

**Why?** The applicant's request is consistent with the Future Land Use Map (FLUM). Further, the applicant's proposed zoning is consistent with the surrounding property uses and is consistent and compatible with the existing land uses and prevailing community character.

### **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:**

The Planning & Zoning Commission recommended approval of the applicant's "B-4" (Business District) request by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations