



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-17-052    **Version:** 1    **Name:** Zoning 17-29  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 11/20/2017    **In control:** City Council  
**On agenda:** 12/12/2017    **Final action:** 12/12/2017

**Title:** HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of CPB Investments, Inc., (Case #Z17-29) to rezone approximately 1.414 acres out of the Thomas Robinett Survey, Abstract No. 686 from "A-R1" (Agricultural Single-family Residential District) to "B-3" (Local Business District). The property is located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Exhibits, 3. Minutes, 4. Ordinance, 5. Location and Notification Map, 6. Presentation

Date	Ver.	Action By	Action	Result
12/12/2017	1	City Council	Approved	Pass
12/5/2017	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of CPB Investments, Inc., (**Case #Z17-29**) to rezone approximately 1.414 acres out of the Thomas Robinett Survey, Abstract No. 686 from "A-R1" (Agricultural Single-family Residential District) to "B-3" (Local Business District). The property is located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas.

**DATE:** December 5, 2017

**TO:** Ronald L. Olson, City Manager

**FROM:** Dr. Ray Shanaa, Executive Director of Planning and Development Services

**SUBJECT: ZONING CASE #Z17-29: "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District)**

**BACKGROUND AND FINDINGS:**

This request, submitted by Mitchell & Associates, Inc. on behalf of CPB Investments, Inc., is to rezone approximately 1.414 acres, being part of the Thomas Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District). The property is located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas.

District Descriptions:

A building or premises in the "B-3" Local Business District shall be used only for the following purposes:

- (1) Any use permitted in the "B-2" district
- (2) Bakery or confectionery, wholesale
- (3) Day camp
- (4) Hospital, home or center for the acute or chronic ill
- (5) Mortuary or funeral chapel excluding cremation services
- (6) Appliance (household) sales and repair service
- (7) Bakery or confectionery: engaged in preparation, baking, cooking, and selling of products at retail on the premises, with six (6) or less employees
- (8) Boat and accessory sales, rental and service
- (9) Bowling alleys
- (10) Cleaning or laundry (self-service)
- (11) Cleaning, pressing, and dyeing: with six (6) or less employees
- (12) Florist, garden shop, greenhouse, or nursery office (retail): no growing of plants, shrubs, or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater.
- (13) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales, or health food sales
- (14) Cafeteria or catering service
- (15) Marine supplies, sales and service
- (16) Lodges or fraternal organizations with greater than five thousand (5,000) square feet of leasable space
- (17) Restaurant or café permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, all of which are adopted hereby and made a part hereof for all purposes. No restaurant will be permitted to dispense any type of alcoholic beverage through any "drive-through" facility or window.
- (18) Tennis or swim club
- (19) Small animal clinic, pet grooming shop, and/or inside kennel and boarding. No cremation or outside kennels.
- (20) Hotel or motel
- (21) Retail uses and businesses of all sizes to include secondhand goods and antiques with no outside storage or display of second hand goods
- (22) Gasoline service station, auto laundry, or car wash.
- (23) Auto parts sales, new, at retail.
- (24) A customarily incidental use: sale of beer and/or wine only for off-premises consumption only shall be considered a customarily incidental use in this district, but not in any residential district or any more restrictive business district.
- (25) Theaters of general release
- (26) Mini/self-storage facilities: a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares. No outside storage, sales, service, or repair activities, other than the rental of storage units shall be permitted on-premises
- (27) Storage warehouse with leasable space of less than twenty-five thousand (25,000) square feet

Property Specifics:

Applicant / Property Owner: CPB Investments, Inc.

Property Location: The property is located on the south right-of-way of West Elms Road, east of Clear Creek Road, Killeen, Texas.

Legal Description: The property is part of the Thomas Robinett Survey, Abstract No. 686.

Zoning/ Plat Case History:

- This property was rezoned from "A" to "A-R1" in July 2000.
- There is a concurrent plat application for this property called the CNSL Plaza Addition.

Character of the Area:

Existing Land Use(s) on the Property: Vacant  
Historic Properties: None

Infrastructure and Community Facilities:

**Water, Sewer and Drainage Services**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water supply and sewer facilities will need to be extended to the site as part of the development process.

**Transportation:** This property is located on Elms Road which is designated as a Minor Arterial on the City's adopted Thoroughfare Plan.

Land Use Analysis:

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

**Plan Recommendation:** The 'General Residential' character encourages detached residential dwellings, attached housing types subject to compatibility, public/institutional uses, parks, and public spaces. The characteristics of this designation include:

- Auto-oriented character
- Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

**Consistency:** This zoning request consistent with the Comprehensive Plan.

Public Notification:

Staff notified property owners of the three (3) surrounding properties that are within 200 feet of the subject site regarding this request. As of the date of this report, no responses have been received.

**THE ALTERNATIVES CONSIDERED:**

**Which alternative is recommended?**

Staff is not recommending any alternative.

**Why?**

The applicant would like to pursue the zoning request as submitted.

**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:**

Staff recommends approval of the request to rezone from "A-R1" (Agricultural Single-family Residential District) to "B-3" (Local Business District). The request is consistent with the 'General Residential' designation on the Future Land Use Map, which allows for neighborhood scale commercial uses in appropriate locations. Staff is of the determination that the subject area's frontage on West Elms Road makes it a suitable location for the proposed "B-3" (Local Business District) zoning.

By a vote of 6 to 0 (Commissioner Harkin abstained), the Planning and Zoning Commission recommended approval of "B-3" zoning.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning staff.

**ATTACHED SUPPORTING DOCUMENTS:**

1. Exhibits
2. Minutes
3. Ordinance

4. Location/Notification Map