



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-16-011B    **Version:** 1    **Name:** Zoning 15-32  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 1/29/2016    **In control:** City Council  
**On agenda:** 3/22/2016    **Final action:** 3/22/2016  
**Title:** HOLD a public hearing and consider an ordinance requested by Stanley Secrest and Faurie Investments, L.L.C. (Case #Z15-32) to rezone Lot 1, Block 1, Secrest Addition, from "B-3" (Local Business District) to "B-5" (Business District). The property is locally known as 12197 S. H. 195, Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**

**Attachments:** 1. Council Memorandum, 2. Attachment to Council Memorandum, 3. Minutes, 4. Ordinance, 5. Application, 6. Location Map, 7. Buffer Map, 8. Considerations

Date	Ver.	Action By	Action	Result
3/22/2016	1	City Council	Approved	Pass
3/15/2016	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Stanley Secrest and Faurie Investments, L.L.C. (Case #Z15-32) to rezone Lot 1, Block 1, Secrest Addition, from "B-3" (Local Business District) to "B-5" (Business District). The property is locally known as 12197 S. H. 195, Killeen, Texas.

### AGENDA ITEM

### ZONING CASE #Z15-32 "B-3" (LOCAL BUSINESS DISTRICT) TO "B-5" (BUSINESS DISTRICT)

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

Stanley Secrest and Faurie Investments, L.L.C. submits this request to rezone Lot 1, Block 1, Secrest Addition, from "B-3" (Local Business District) to "B-5" (Business District). The property is locally known as 12197 S. H. 195, Killeen, Texas.

**A building or premises in the "B-5" Business 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 Texas Health and Safety Code, chapter 146, as amended).

### **Property Specifics**

**Applicants/Property Owners:** Stanley Secrest and Faurie Investments, L.L.C.

**Property Location:** The property is located along the west right-of-way of S. H. 195 and is locally addressed as 12197 S. H. 195, Killeen, Texas.

**Legal Description:** Lot 1, Block 1, Secrest Addition.

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

- This property was rezoned from "A" (Agricultural District) to "B-3" (Local Business District) on November 25, 2008 per Ordinance #08-097.
- The property is platted as Lot 1, Block 1, Secrest Addition, which was filed for record on December 30, 2015 in Instrument Number 2015-00049373.

### **Character of the Area**

**Existing Land Use(s) on the Property:** There is a modular building on this property.

### **Figure 1. Zoning Map**

See Attachment

**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: This memorandum provides advice on the availability of public water, sanitary sewer, and drainage utility services to the above subject property. The tract lies outside of the City of Killeen's Certificate of Convenience and Necessity (CCN) for public water utility service. Any existing public potable water main abuts the frontage of the property. The main that would serve the property is an asset owned by West Bell County Water Supply Corporation (WBCWSC), the current authorized retail water purveyor for this area of Bell County. The exact size and location of the main serving the property is unknown. The property is required to be platted for the purpose of a development permit. The developer is required to develop a plan of service to provide adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of all required testing of the public water mains to confirm adequate flow and pressure exists to support any Code-mandated fire protection measures. The City

does not have immediate plans to acquire any portion of the WBCWSC CCN that encompasses the property to be re-zoned. The City of Killeen's 2012 Water and Wastewater Master Plan identifies water utility capital improvements along S.H. 195 (south of Chaparral Road) in the 2025-2027 bond project cycle.

Currently, public sanitary sewer utility service is not available to property. The City of Killeen's 2012 Water and Wastewater Master Plan identifies sanitary sewer utility capital improvements along S.H. 195 (south of Chaparral Road) in the 2025-2032 planning horizon. While public sanitary sewer utility service is not immediately available to the property, any development will be required to be served by an onsite sanitary sewer facility (OSSF) that is designed and constructed in accordance with the state's OSSF regulations, as implemented under the authority of the Bell County Public Health District (BCPHD). Any existing OSSF within the boundary of the property that would serve new development would be required to be re-certified for use by the BCPHD.

### **Transportation:**

Existing conditions: The tract has direct access to S. H. 195, which is classified as 110' principal arterial on the City's adopted Thoroughfare Plan. The applicant is advised that ingress/egress is controlled by the state and will be disciplined by TxDOT's Access Management Policies when the property is developed.

Proposed Improvements: No improvements are being proposed to this arterial as part of this development.

Projected Traffic Generation: Marginal.

### **Environmental Assessment**

**Topography:** The property slopes downward in a southeasterly orientation; the elevation ranges from 926' on the western property boundary to 922' on the eastern property boundary.

**Regulated Floodplain/Floodway/Creek:** This property is located in a Zone X Special Flood Hazard Area (SFHA). There are no known wetlands on this parcel. Currently sheet flow runoff on this development flows from the front of the parcel to the S.H. 195 right-of-way prior to entering the Lampasas River prior to leaving the City. This section of the Lampasas River is not currently listed on the TCEQ's 2012 303(d) water quality list for impairment.

### **Land Use Analysis**

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

**Plan Recommendation:** The 'Rural' designation exemplifies wide open landscapes, with no sense of enclosures, and views to the horizon unbroken by buildings. It encourages high open space ratios and very low building coverage.

**Consistency:** The proposal is not consistent with the Comprehensive Plan; however staff is recommending an amendment to 'General Commercial' to the FLUM.

### **Public Notification**

Staff notified 3 surrounding property owners within the 200' notification area. Staff has received no responses for this property.

### **Recommendation**

The Planning & Zoning Commission recommended approval for "B-5" zoning by a vote of 7 to 0.