



City of Killeen

Legislation Details (With Text)

File #: PH-17-032 **Version:** 1 **Name:** Zoning 17-16
Type: Ordinance/Public Hearing **Status:** Passed
File created: 5/22/2017 **In control:** City Council
On agenda: 6/27/2017 **Final action:** 6/27/2017

Title: HOLD a public hearing and consider an ordinance requested by Alejandro N. Lopez (Case#Z17-16) to rezone approximately two acres out of the John Essary Survey, Abstract No. 296, from "B-2" (Local Retail District) to "B-4" (Business District) for an automotive hobby shop. The property is located at 3024 Old FM 440, Killeen, Texas.

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Minutes, 3. Ordinance, 4. Exhibit, 5. Application, 6. Location map, 7. Buffer map, 8. Considerations, 9. Presentation

Date	Ver.	Action By	Action	Result
6/27/2017	1	City Council	Approved	Pass
6/20/2017	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Alejandro N. Lopez (**Case#Z17-16**) to rezone approximately two acres out of the John Essary Survey, Abstract No. 296, from "B-2" (Local Retail District) to "B-4" (Business District) for an automotive hobby shop. The property is located at 3024 Old FM 440, Killeen, Texas.

DATE: **June 20, 2017**

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

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

SUBJECT: **ZONING CASE #Z17-16 "B-2" (LOCAL RETAIL DISTRICT) TO "B-4" (BUSINESS DISTRICT)**

BACKGROUND AND FINDINGS:

Alejandro N. Lopez submits this request to rezone approximately two acres out of the John Essary Survey, Abstract No. 296, from "B-2" (Local Retail District) to "B-4" (Business District) for an automotive hobby shop. The property is located at 3024 Old FM 440, Killeen, Texas.

District Descriptions:

A building or premises in the district "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

Property Specifics

Applicant/Property Owner: Alejandro N. Lopez

Property Location The property is located at 3024 Old FM 440, Killeen, Texas.

Legal Description: Two acres out of the John Essary Survey, Abstract No. 296

Zoning/ Plat Case History:

- The last zoning activity for this property occurred in 1986.
- The subject property is not platted.

Character of the Area

Existing Land Use(s) on the Property: This is a residential and commercial mix corridor with an abutting residential neighborhood and commercial retail area to the north.

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: Water and sewer infrastructure is immediately available to the property. The property owners and their 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.

Transportation:

Existing conditions: Old FM 440 is classified as a 70' collector street on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no improvements planned at this time.

Projected Traffic Generation: A 4,000 square feet automotive shop will generate 95 vehicle trips per day (Note -this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting).

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The property ranges in elevation from 938 to 944 feet. The parcel is adjacent to an undeveloped drainage easement to the east and a Special Flood Hazard Area (SFHA) to the south. Approximately 0.2 acres of the approximate two acres in this zoning case are located within a regulated SFHA. Current City codes require the establishment of a creek buffer zone (CBZ) along Trimmier Road Ditch that will span a distance of 25' beyond the top of each bank. A CBZ may be required at the time of platting.

Currently, sheet flow runoff on this development enters Trimmier Road Ditch, southeast of the subdivision boundary. Trimmier Road Ditch flows into Little Nolan Creek and then into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's current 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

Land Use Analysis

Land Use Plan: This area is designated as 'General Commercial' 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 zoning request is consistent with the FLUM.

Public Notification

The staff notified sixteen (16) surrounding property owners regarding this request. Staff has received no protests at this time.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternative.

Why?

The "B-4" zoning is consistent with the FLUM and compatible with the surrounding commercial development.

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 request for "B-4" zoning by a vote of 6 to 0.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

- Exhibit
- Minutes
- Ordinance
- Application
- Location Map
- Buffer Map
- Considerations

