



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-15-015B    **Version:** 1    **Name:** Zoning 15-04  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 2/18/2015    **In control:** City Council  
**On agenda:** 3/31/2015    **Final action:** 3/31/2015  
**Title:** HOLD a public hearing and consider an ordinance requested by Bellpas, Inc. (Case #Z15-04) to rezone 2.9 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District), being part of the Thomas Robinette Survey, Abstract No. 686. The property is located at the southeast corner of the intersection of West Elms Road and Carpet Lane, 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
3/31/2015	1	City Council	Approved	Pass
3/17/2015	1	City Council Workshop		

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### AGENDA ITEM

### ZONING CASE #Z15-04 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-5" (BUSINESS DISTRICT)

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

#### Nature of the Request

Bellpas, Inc. submits a request to rezone 2.9 acres out of the Thomas Robinette Survey, Abstract No. 686, from "R-1" (Single-Family Residential District) to "B-5" (Business District). The property is located at the southeast corner of the intersection of West Elms Road and Carpet Lane, 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. Less than one hundred thousand (100,000) square feet.
- (4) Newspaper or job printing.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.
- (7) Trailer rental or sales.
- (8) Wholesale house.
- (9) Auto parts sales, used. No outside storage, display or dismantling.
- (10) A customarily incidental use.
- (11) Any commercial use not included in any other district, provided such use is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (12) Mobile home sales.
- (13) Sale of beer and/or wine for off-premises consumption only.
- (14) Tattooing (as licensed per Texas Health and Safety Code, chapter 146, as amended).

### **Property Specifics**

**Applicant/Property Owner:** Bellpas, Inc.

**Property Location:** The property is located at the southeast corner of the intersection of West Elms Road and Carpet Lane, Killeen, Texas.

**Legal Description:** 2.9 acres out of the Thomas Robinette Survey, Abstract No. 686.

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

There is no recent zoning activity for this property.  
This property has not been platted.

### **Character of the Area**

**Existing Land Uses(s) on the Property:** Vacant.

### **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: The existing potable water main that serves the property is an 8-inch diameter distribution main running along Carpet Lane and a 6-inch diameter distribution main running along Granite Drive. Upon approval of a future development permit application, the developer would be required to extend public water mains across the property to provide adequate commercial 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 existing sanitary sewer main that serves the property is an 10-inch diameter collection main along Granite Drive. Upon approval of a future development permit application, the developer would be required to extend public sanitary sewer mains to provide adequate collection capacity in accordance with the City of Killeen Code of Ordinances and other applicable development criteria.

### **Transportation:**

Existing conditions: The site has frontage along West Elms Road and Carpet Lane, which are classified as a 90' minor arterial and a 60' local street respectively, on the City's adopted Thoroughfare Plan. Ingress/egress to the tract from West Elms Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is developed.

Proposed Improvements: West Elms Road, currently under construction along the northern border of the property, will be an urbanized road section (curb and gutter).

Projected Traffic Generation: Moderate.

### **Environmental Assessment**

**Topography:** The property is undulating and ranges in elevation from 968 feet to 984 feet above sea level.

**Regulated Floodplain/Floodway/Creek:** The subject property is not in a FEMA regulatory Special Flood Hazard Area (SFHA). This parcel is located immediately upstream of a regulated Special Flood Hazard Area (SFHA). Current City codes require the establishment of a creek buffer zone along the main branch of Trimmier Road Ditch that will span a distance of 25' beyond the top of each bank. Currently there are two watercourses that collect sheet flow runoff on this development enters Trimmier Road Ditch within the subdivision boundary. Although aerial maps show a tributary that runs from Carpet Lane to the junction with Trimmier Road Ditch, due to the installation of storm drains along Carpet Lane and West Elms Road, this tributary will no longer be necessary once the West Elms Road Extension project is completed. 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 2012 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 for 'General Residential' character on the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Plan Recommendation:** The Comprehensive Plan considers 'General Residential' to be of a medium intensity category/character that encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/institutional places. 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 'General Residential' areas.

**Consistency:** The applicant's proposed change to a "B-5" commercially zoned district is not consistent with the Killeen Comprehensive Plan. There is a concurrent consideration to amend the FLUM from 'General Residential' to 'General Commercial'.

**Public Notification**

Staff notified 42 surrounding property owners within the 200' notification area. Staff has received no protests.

**Recommendation**

The Planning and Zoning Commission recommended approval of "B-3" zoning by a vote of 8 to 0. At 2.9 acres, the property has sufficient land area to support a small shopping/ retail operation or other associated uses. The "B-3" zoning also reduces potential land use incompatibilities that may arise with abutting single-family residential development. This tract does not abut any commercially zoned property.