



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-17-029    **Version:** 1    **Name:** Zoning 17-11  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 4/26/2017    **In control:** City Council  
**On agenda:** 6/13/2017    **Final action:** 6/13/2017  
**Title:** HOLD a public hearing and consider an ordinance requested by Timothy Lloyd Doerbaum and Karen Elizabeth Doerbaum (Case #Z17-11) to rezone part of Lot 1, Block 3, South Gate Addition, from "B-5" (Business District) and "RC-1" (Restaurant and Alcohol Sales District) to "B-5" (Business District) for general commercial use. The properties are located at 1030 and 1040 W. Jasper Drive, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Aerial Map Exhibit, 3. Minutes, 4. Ordinance, 5. Application, 6. Location Map, 7. Buffer Map, 8. Considerations, 9. Response, 10. Presentation

Date	Ver.	Action By	Action	Result
6/13/2017	1	City Council	Approved	Pass
6/6/2017	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Timothy Lloyd Doerbaum and Karen Elizabeth Doerbaum (**Case #Z17-11**) to rezone part of Lot 1, Block 3, South Gate Addition, from "B-5" (Business District) and "RC-1" (Restaurant and Alcohol Sales District) to "B-5" (Business District) for general commercial use. The properties are located at 1030 and 1040 W. Jasper Drive, Killeen, Texas.

**DATE:**        **May 16, 2017**

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

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

**SUBJECT: ZONING CASE #Z17-11 "B-5" (BUSINESS DISTRICT) AND "RC-1" (RESTAURANT AND ALCOHOL SALES DISTRICT) TO "B-5" (BUSINESS DISTRICT)**

**BACKGROUND AND FINDINGS:**

This request is submitted by Timothy Lloyd Doerbaum and Karen Elizabeth Doerbaum to rezone part of Lot 1, Block 3, South Gate Addition, from "B-5" (Business District) and "RC-1" (Restaurant and Alcohol Sales District) to "B-5" (Business District) for general commercial use. The properties are located at 1030 and 1040 W. Jasper Drive, Killeen, Texas. The applicant has also submitted a concurrent replat for this property to be known as Lone Star Realty Addition.

District Descriptions:

A building or premises in a district "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 V.T.C.A., Health and Safety Code ch. 146, as amended)

#### Property Specifics

Applicant/Property Owner: Timothy Lloyd Doerbaum and Karen Elizabeth Doerbaum

Property Location: The subject properties are addressed as 1030 and 1040 W. Jasper Drive, Killeen, Texas.

Legal Description: Part of Lot 1, Block 3, South Gate Addition

#### Zoning/ Plat Case History:

- The last zoning activity for this property was approval of .458 acre of "RC-1" zoning on December 13, 1983, per Ordinance #83-72.
- The subject lots are platted as part of South Gate Addition which was filed for record on February 22, 1971, in Plat Book 2, Page 181-2-4, Deed Records of Bell County, Texas.

#### Character of the Area

Existing Land Use(s) on the Property: This is a commercial corridor with an abutting residential neighborhood to the south.

Historic Properties: There are no historic structures on this property.

#### Figure 1. Zoning Map

See attachment.

#### 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: Jasper Road is classified as a 70' collector street on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no improvements proposed for this development.

Projected Traffic Generation: 10,000 square feet of office space will generate 228 vehicle trips per day.

#### Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). The property ranges in elevation from 902 to 910 feet.

#### 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 'General Commercial' character encourages a wide range of commercial, retail, and service uses, at varying scales and intensities depending on the site.

Consistency: This zoning request is consistent with regard to the FLUM designation of this property.

#### Public Notification

The staff notified twenty (20) surrounding property owners within a 200' notification boundary regarding this request. Staff received a response of support from Max Heiner, the owner of 1010 W. Jasper Road, Killeen, Texas.

### **THE ALTERNATIVES CONSIDERED:**

#### **Which alternative is recommended?**

Staff is not recommending any alternative.

#### **Why?**

The "B-5" zoning is consistent with the existing zoning on this parcel.

### **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-5" zoning by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Legal Department.

**ATTACHED SUPPORTING DOCUMENTS:**

Aerial Map Exhibit  
Minutes  
Ordinance  
Application  
Location Map  
Buffer Map  
Considerations  
Response