



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-19-016    **Version:** 1    **Name:** Zoning 19-09  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 5/6/2019    **In control:** City Council  
**On agenda:** 5/28/2019    **Final action:** 5/28/2019  
**Title:** HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Neimac, L.C. (Case #Z19-09) to rezone Lot 1, Block 1, Neimac Addition Phase Four, from "B-3" (Local Business District) to "B-4" (Business District). The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**

**Attachments:** 1. Staff Report, 2. Zoning and Notification Area Map, 3. Location Map, 4. Minutes, 5. Ordinance, 6. Considerations, 7. Responses, 8. Presentation

Date	Ver.	Action By	Action	Result
5/28/2019	1	City Council	Approved	Pass
5/21/2019	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Neimac, L.C. (**Case #Z19-09**) to rezone Lot 1, Block 1, Neimac Addition Phase Four, from "B-3" (Local Business District) to "B-4" (Business District). The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.

**DATE:**        **May 21, 2018**

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

**FROM:**        **Dr. Ray Shanaa, Exec. Dir. Of Planning and Development Services**

**SUBJECT:**    **ZONING CASE #Z19-09: "B-3" (Local Business District) to "B-4" (Business District)**

### **Background and Findings:**

This request, submitted by Mitchell & Associates, Inc. on behalf of Neimac, L.C. is to rezone Lot 1, Block 1, Neimac Addition Phase Four, from "B-3" (Local Business District) to "B-4" (Business District) for an automotive service center. The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.

### **"B-4" Business District Description**

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: Neimac L.C.

Property Location: The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.

Legal Description: Lot 1, Block 1, Neimac Addition Phase Four

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

- The property was rezoned from its initial annexation, December 23, 1986, zoning of "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on November 10, 2009, per Ordinance #09-073.
- The subject property is platted as Lot 1, Block 1, Neimac Addition Phase Four, which was filed for record on August 21, 2013, Plat #14, Plat Records of Bell County, Texas.

### **Character of the Area:**

Existing Land Use(s) on the Property: Vacant lot.

Historic Properties: None

### **Community Infrastructure and Environmental Assessment:**

#### **Water, Sewer and Drainage Services**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: There is an existing 6" water line and 6" sewer line located along the east property line of this lot. Upon development, it will be necessary to extend water, sanitary sewer and drainage utility services to the property.

### **Transportation:**

Existing Conditions: The property has approximately 46' of frontage along West Stan Schlueter Loop (FM 3470), which is classified as a 120' principal arterial, and 240' of frontage along Founders Trail, which is classified as a 70' collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: No roadway improvements are being proposed.

Projected Traffic Generation: A standard three thousand square feet (3,000 sq. ft.) automobile care center will generate seventy one (71) total daily trips, with seven (7) A.M. peak hour trips and nine (9) P.M. peak hour trips [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-10th Edition, provided through Spack Consulting].

### **Environmental Assessment:**

The tract is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel. The terrain of the property slopes down in a south western direction and sheet flows into Founders Trail. At the time of development the current drainage design manual (DDM) and infrastructure design and development standards will be applicable to this site. The property owner and his 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.

### **Land Use Analysis:**

Future Land Use Map: This area is designated as 'General Commercial' (GC) 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 applicants zoning request is consistent with the Comprehensive Plan.

### **Public Notification:**

Staff notified thirty-one (31) surrounding property owners that own land within 400 feet of the subject site regarding this request. Staff received opposition from two (2) property owners regarding the applicant's zoning request.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may approve or disapprove the applicant's zoning request, or approve a more restrictive zoning district than initially requested.

**Which alternative is recommended?** Staff recommends the City Council approve the applicant's zoning request as submitted.

**Why?** The applicant's request is consistent with the FLUM and the "B-4" zoning district is not out of character

within the FM 3470 corridor.

**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 rezone request from "B-3" (Local Business District) to "B-4" (Business District) by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Zoning and Notification Area Map  
Location Map  
Minutes  
Ordinance  
Considerations  
Responses