



City of Killeen

Legislation Details (With Text)

File #: PH-21-069 **Version:** 1 **Name:** Zoning 21-35
Type: Ordinance/Public Hearing **Status:** Failed
File created: 11/15/2021 **In control:** City Council
On agenda: 12/14/2021 **Final action:** 12/14/2021
Title: HOLD a public hearing and consider an ordinance submitted by Mitchell & Associates, Inc. on behalf of Yong Ko (Case #Z21-35) to rezone approximately 5.529 acres out of the J. E. Maddera Survey, Abstract No. 600 from "B-3" (Local Business District) to "B-5" (Business District). The property is addressed as 4000 W. Stan Schlueter Loop, Killeen, Texas.
Sponsors: Development Services
Indexes:
Code sections:

Attachments: 1. Staff Report, 2. Maps, 3. Minutes, 4. Ordinance, 5. Responses, 6. Considerations, 7. Presentation

Date	Ver.	Action By	Action	Result
12/14/2021	1	City Council	Disapproved	Pass
12/7/2021	1	City Council Workshop		

HOLD a public hearing and consider an ordinance submitted by Mitchell & Associates, Inc. on behalf of Yong Ko (**Case #Z21-35**) to rezone approximately 5.529 acres out of the J. E. Maddera Survey, Abstract No. 600 from "B-3" (Local Business District) to "B-5" (Business District). The property is addressed as 4000 W. Stan Schlueter Loop, Killeen, Texas.

DATE: December 7, 2021

TO: Kent Cagle, City Manager

FROM: Wallis Meshier, Director of Planning

SUBJECT: ZONING CASE #Z21-35 "B-3" (Local Business District) to "B-5" (Business District)

BACKGROUND AND FINDINGS:

Summary of Request:

Mitchell & Associates, on behalf of Yong Ko (Case #Z21-35), has submitted a request to rezone approximately 5.529 acres out of the J. E. Maddera Survey, Abstract No. 600 from "B-3" (Local Business District) to "B-5" (Business District). If approved, the applicant intends to develop a mini-storage facility and/or a storage for boats and RVs.

Zoning / Plat Case History:

The property was annexed into the City of Killeen via Ordinance No. 99-84 on October 19, 1999. The

property was initially zoned as "A-R1" (Agricultural Single-Family Residential District) per Ordinance No. 00-54 on July 11, 2000. The property was rezoned from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) per Ordinance No. 04-60 on August 19, 2004. The property was rezoned from "B-3" (Local Business District) to "R-3" (Multifamily Residential District) per Ordinance No. 06-24 on March 21, 2006. Then, the property was rezoned from "R-3" (Multifamily Residential District) to "B-3" (Local Business District) per Ordinance No. 09-067 on October 13, 2009. The property is currently unplatted.

Character of the Area:

Adjacent land uses are as follows:

- North: Undeveloped commercial property zoned "B-5" (Business District) and an existing shopping center (Kings Court Plaza) on the opposite side of W. Stan Schlueter Loop, zoned "B-5" (Business District);
- East: Existing commercial businesses (Mayo Automotive & Hook Em Up Wrecker Service), zoned "B-5" (Business District) and existing manufacturing business (Ratliff ReadyMix) zoned "B-5" (Business District) and "M-1" (Manufacturing District);
- South: Existing single-family homes zoned "R-1" (Single-Family Residential District) and two-family homes zoned "R-2" (Two-Family Residential District);
- West: Undeveloped commercial property zoned "B-3" (Local Business District) and existing single-family homes zoned "R-1" (Single-Family Residential District).

Future Land Use Map Analysis:

This property is designated as 'General Commercial (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'General Commercial' (GC) designation encompasses a range of commercial retail and service uses, at varying scales and intensities depending on the site. Characteristics of this designation are auto-oriented character, which can be offset by enhanced building design, landscaping, reduced site coverage and well-designed signage.

The 'General Commercial' (GC) designation encourages the following development types:

- Wide range of commercial retail and service uses at varying scales and intensities;
- Office (both large and/or multi-story buildings and small-scale office uses);
- Public/ institutional; and
- Parks and public spaces.

This request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There is a manmade freshwater pond located near the northeast corner of the property as identified on the National Wetlands Inventory.

Water, Sewer and Drainage Services

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

Transportation and Thoroughfare Plan:

Ingress and egress to the property is via West Stan Schlueter Loop, which is classified as 120-foot wide Principal Arterial on the City of Killeen Thoroughfare Plan.

Public Notification:

Staff notified thirty-nine (39) surrounding property owners regarding this request. Of those notified, twenty-seven (27) properties were located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eleven (11) reside outside of Killeen. As of the date of this staff report, staff has received one (1) written response in opposition to the request.

Staff Findings:

Staff finds that the applicant's request for "B-5" (Business District) is incompatible with the existing "R-1" (Single Family Residential District) and "R-2" (Two Family Residential District) development abutting the subject property to the south.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's request;
- Approve a more restrictive zoning district than requested by applicant; or
- Approve the applicant's request.

Which alternative is recommended? Staff recommends disapproval of the applicant's request to rezone the property from "B-3" (Local Business District) to "B-5" (Business District).

Why? The applicant's request is inconsistent with the surrounding property uses and incompatible with the existing land uses and prevailing community character.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the City of 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. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

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:

At their regular meeting on November 15, 2021, the Planning and Zoning Commission recommended approval of the applicant's request to rezone the property from "B-3" (Local Business District) to "B-5" (Business District) by a vote of 3 to 1 with Commissioner Sabree in opposition. Commissioner Sabree noted concerns regarding the lighting and the distance of the proposed facility to the adjacent homes.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance
Responses
Considerations