



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-22-073    **Version:** 1    **Name:** Zoning 22-41  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 8/2/2022    **In control:** City Council  
**On agenda:** 9/27/2022    **Final action:** 9/27/2022  
**Title:** HOLD a public hearing and consider an ordinance requested by Republic Engineering & Development Services, on behalf of Michael and Rhonda Jung (Case #Z22-41), to rezone approximately 20.75 acres out of the Cosper Creek Addition, Block One, part of Lots 3 and 7, from "A" (Agricultural District) and "AR-1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) with a Conditional Use Permit (CUP) to allow boat, recreational vehicle, and semi-trailer parking and storage. The property is addressed as 3288 and 3288-A Chaparral Road, Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Maps, 2. Minutes, 3. Site Photos, 4. Ordinance, 5. Zoning Narrative, 6. Site Plan, 7. Considerations, 8. Presentation

| Date      | Ver. | Action By             | Action   | Result |
|-----------|------|-----------------------|----------|--------|
| 9/27/2022 | 1    | City Council          | Approved | Pass   |
| 9/20/2022 | 1    | City Council Workshop |          |        |

**HOLD** a public hearing and consider an ordinance requested by Republic Engineering & Development Services, on behalf of Michael and Rhonda Jung (**Case #Z22-41**), to rezone approximately 20.75 acres out of the Cosper Creek Addition, Block One, part of Lots 3 and 7, from "A" (Agricultural District) and "AR-1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) with a Conditional Use Permit (CUP) to allow boat, recreational vehicle, and semi-trailer parking and storage. The property is addressed as 3288 and 3288-A Chaparral Road, Killeen, Texas.

**DATE:** September 20, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** ZONING CASE #Z22-41: "A" (Agricultural District) and "AR-1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) with a Conditional Use Permit (CUP)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Michael and Rhonda Jung  
**Agent:** Republic Engineering & Development Services

**Current Zoning:** "A" (Agricultural District) and "AR-1" (Agricultural Single-Family Residential District)

**Proposed Zoning:** "B-3" (Local Business District) w/ a CUP (Conditional Use Permit)

**Current FLUM Designation:** 'Suburban Commercial' (SC)

### **Summary of Request:**

Republic Engineering and Development Services, on behalf of Michael and Rhonda Jung, has submitted a request to rezone approximately 20.75 acres out of the W. L. Harris Survey, Abstract No. 1155 from "A" (Agricultural District) and "AR-1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) with a Conditional Use Permit (CUP) for boat, RV, and semi-truck parking and storage. If approved, the applicant intends to develop a covered boat, RV, and semi-truck storage facility on the property.

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

The subject property was annexed into the city limits on March 16, 2004 via Ordinance No. 04-12. The property was subsequently zoned "A" (Agricultural District), "A-R1" (Agricultural Single-Family Residential District), and "R-1" (Single-Family Residential District) on April 26, 2005 via Ordinance No. 05-31. The property was platted as part of Cosper Creek Addition, Block 1, Lots 3 & 7 on January 22, 1995. The FLUM designation for this property was changed from 'General Residential' (GR) to 'Suburban Commercial' (SC) on June 14, 2022 via Ordinance No. 22-040.

This request went to the Planning and Zoning Commission meeting on August 1st. However, the applicant submitted a request to postpone taking action on the request until the next regular P&Z meeting of August 15th to provide time to address staff's comments regarding the paving surface for the parking areas within the development.

Since then, the applicant has submitted a revised site plan which includes proposed paving surface and proposed trees as landscape screening along the eastern property line between the subject property and the adjacent residential property.

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

#### **Surrounding Land Use and Zoning:**

**North:** Undeveloped property zoned "AR-1" (Agricultural Single-Family Residential District)

**South:** Undeveloped property and single-family homes zoned "A" (Agricultural District), "AR-1" (Agricultural Single-Family Residential District) and "R-1" (Single-Family Residential District)

**East:** Undeveloped property and existing auto salvage business zoned "AR-1" (Agricultural Single-Family Residential District) and "B-3" (Local Business District)

**West:** Undeveloped property zoned "AR-1" (Agricultural Single-Family Residential District)

### **Future Land Use Map Analysis:**

This property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Suburban Commercial' (SC) designation encourages the following development types:

- Range of commercial retail and service uses, at varying scales and intensities depending on the site;
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
- Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting;

- Public/institutional; and
- Parks and public spaces.

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

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and utility services are 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 from Trimmier Road, which is classified as a 110' Minor Arterial on the City of Killeen Thoroughfare Plan. Staff estimates there will be an increase of twenty-four (24) trips per day with thirteen (13) peak hour trips and has determined that a Traffic Impact Analysis is not required for the proposed land use.

### **Environmental Assessment:**

The property is crossed by the FEMA regulatory Special Flood Hazard Area (SFHA) for Rock Creek. The creek is classified as a Freshwater Emergent Wetland or Freshwater Forested/Shrub Wetland as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified twenty-one (21) surrounding property owners regarding this request. Of those property owners notified, three (3) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eight (8) reside outside of Killeen.

As of the date of this staff report, staff has received no written responses regarding this request.

### **Staff Findings:**

The 'Suburban Commercial' (SC) land use category is characterized by reduced site coverage relative to most commercial development. Near residential properties and areas, the permitted scale and intensity of non-residential uses should be limited to ensure compatibility (including adequate buffering/screening, criteria for placement and orientation of buildings and parking areas, height limits, and residential-in-appearance architectural standards).

The current zoning of the subject property is "A" (Agricultural District), "A-R1" (Agricultural Single-Family Residential District), and "R-1" (Single-Family Residential District). The surrounding area includes an existing commercial property, single-family homes, and undeveloped properties.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has four (4) alternatives. The Council may:

- Disapprove the applicant's request;
- Approve the request as submitted by the applicant;

- Approve the request with additional and/or amended conditions;
- Approve the request as recommended by staff.

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

Staff recommends approval of the applicant's request for "B-3" (Local Business District) with a Conditional Use Permit (CUP) for covered boat, recreational vehicle, and semi-truck storage, as described in the attached site plan and narrative, with the condition that all parking stalls and drive aisles be paved with an all-weather surface (asphalt or concrete) capable of retaining striping.

Killeen Code of Ordinances Sec. 31-487(a) requires parking spaces and maneuvering areas be paved with an all-weather surface. Sec. 31-2 states that "all weather surface on privately owned property shall consist of Portland cement concrete or an impervious bituminous surface over a compacted base or other surface approved by the building official. The parking surface must be capable of retaining paint or striping material."

Sec. 28-135(a) states: "It shall be unlawful to park any vehicle on anything other than an all-weather surface. An all-weather surface shall consist of Portland cement concrete or an impervious bituminous surface over a compacted base or other surface approved by the building official. The parking surface for property zoned or used for commercial and multifamily use must be capable of retaining paint or striping material."

Accordingly, staff recommends that the parking stalls within the proposed project be paved with an all-weather surface (asphalt or concrete) capable of retaining striping.

### **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:**

At their regular meeting on August 15, 2022, the Planning and Zoning Commission recommended approval of the request, as recommended by staff, by a vote of 8 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinance  
Zoning Narrative  
Site Plan  
Considerations