



# City of Killeen

## Legislation Text

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**File #:** PH-21-055, **Version:** 1

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**HOLD** a public hearing and consider an ordinance requested by Jerry Scarbrough on behalf of Peggy Scarbrough (**Case #Z21-27**) to rezone approximately 1.00 acre from "R-1" (Single-Family Residential District) to "B-5" (Business District), being out of the W. L. Harris Survey, Abstract No. 1155, located at 2302 West Stan Schlueter Loop, Killeen, Texas.

**DATE:**           **October 19, 2021**

**TO:**             **Kent Cagle, City Manager**

**FROM:**       **Tony McIlwain, Exec. Dir. of Planning and Development Services**

**SUBJECT: ZONING CASE #Z21-27 from "B-3" (Local Business District) to "B-4" (Business District).**

### **BACKGROUND AND FINDINGS:**

#### **Summary of Request:**

Jerry Scarbrough, on behalf of Peggy Scarbrough, has submitted a request to rezone the subject property from "R-1" (Single-Family Residential District) to "B-5" (Business District). If approved, the owner intends to use the property for a law office or other general commercial establishment.

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

The subject property was annexed into the City limits on December 23, 1986 via ordinance No. 86-87. It was assigned temporary "R-1" (Single-Family Residential) zoning with the adoption of the annexation ordinance. The property is currently unplatted.

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

The surrounding land uses are predominantly residential. Adjacent land uses are as follows:

- North: Existing commercial retail (Family Dollar and AutoZone) on the north side of W. Stan Schlueter zoned "B-5" (Business District);
- South: Existing physical therapy clinic zoned "B-4" (Business District);
- East: Existing commercial business (Ohana Ink Co.) zoned "B-3" (Local Business District);
- West: Undeveloped commercial property zoned "B-3" (Local Business 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-designated signage.

The 'General Commercial' (GC) future land use and character recommends the following development types:

- Wide range of commercial, retail and service use 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);
- Public and institutional uses; and
- Parks and public spaces.

Staff finds that 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 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 from W. Stan Schlueter Loop, which is classified as 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified twenty-one (21) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received regarding this request.

Of those property owners notified, fifteen (15) properties are located outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and nine (9) reside outside of Killeen.

### **Staff Findings:**

Staff finds that the proposed zoning district consistent with the Future Land Use Map and compatible with the surrounding land uses and prevailing community character.

There are no known environmental constraints for this tract. 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 ALTERNATIVES CONSIDERED:**

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

- Disapprove the applicant's request for "B-5" (Business District);

- Approve a more restrictive zoning district than requested by the applicant; or
- Approve the applicant's request for "B-5" (Business District) as submitted.

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

Staff recommends approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "B-5" (Business District) as submitted.

### **Why?**

Staff finds that the request is consistent with the Future Land Use Map and compatible with the surrounding 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.

#### **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 September 20, 2021, the Planning and Zoning Commission recommended approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "B-5" (Business District) by a vote of 8 to 0.

### **DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations