



**AGENDA
REGULAR MEETING
PLANNING AND ZONING COMMISSION
AUGUST 17, 2020
UTILITY COLLECTIONS
210 W. AVENUE C
LARGE CONFERENCE ROOM**

WORKSHOP – 4:00 P.M. – Utility Collections Conference Room

- I.** Discuss agenda items for the **August 17, 2020** regular Planning and Zoning Commission meeting.
- II.** Discuss possible tree preservation standards.
- III.** Discuss architectural and site design standards.

CALL TO ORDER – 5:00 P.M. – Utility Collections Conference Room

ROLL CALL

COMMISSION	STAFF
___ Kirk Latham, Chairman	___ Tony D. McIlwain, AICP, CFM, Executive Director of Planning and Development Services
___ Ramon Alvarez, Vice Chairman	___ Wallis Meshier, CNU-A, Senior Planner
___ Sandra O’Brien	___ Jerry Millard Jr., Senior Planner
___ Lawrence Holly	___ Holli Clements, Esq., Deputy City Attorney
___ Leo Gukeisen	___ MD Hossain, P.E., CFM, City Engineer
___ Randy Ploeckelmann	___ Paul Boyer, P.E., Project Engineer
___ Louie Minor	___ David Hermosillo, Sr. CAD-GIS Technician
___ Michael Hodges	___ Maria Lopez, Assistant Planner
___ Michael Boyd	

APPROVAL OF AGENDA

Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for **August 17, 2020**.

CONSENT AGENDA

- CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **August 3, 2020**.

PUBLIC HEARINGS

- PH-1** **HOLD** a public hearing and consider a request submitted by Lara Crum on behalf of 400 Cheyenne, L.L.C. (**Case #Z20-11**) to rezone Lot 1, Block 1, QW Addition, from

“B-5” (Business District) to “B-C-1” (General Business and Alcohol Sales District). The property is addressed as 400 Cheyenne Drive, Killeen, Texas.

- PH-2** **HOLD** a public hearing and consider a request submitted by Hussain Abdullah on behalf of HA Homes, L.L.C. (**Case #Z20-12**) to rezone Lots 1-2, Block 4, Stringer Addition, from “R-3” (Multifamily Residential District) to “B-2” (Local Retail District). The properties are addressed as 910 and 912 W. Avenue I, Killeen, Texas.

COMMISSION AND STAFF ITEMS

- I.** Attendance Chart.

ADJOURNMENT

The next regularly scheduled meeting of the Planning and Zoning Commission is **September 21, 2020** at 5:00 p.m., in the Utility Collections Large Conference Room, 210 W. Avenue C, Killeen, Texas.

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the Planning and Zoning Commission may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

AMERICANS WITH DISABILITIES ACT

This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7630, Planning and Development Services Department, or TDD 1-800-734-2989.

I certify that the above notice of meeting was posted on the bulletin boards at City Hall, the Police Department and on the website of the City of Killeen, Texas, on or before **August 13, 2020**.

María Lopez
Assistant Planner

**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
AUGUST 3, 2020
UTILITY COLLECTIONS, 210 W. AVENUE C
LARGE CONFERENCE ROOM**

ROLL CALL**PRESENT:**

Commission: Kirk Latham, Chairman; Ramon Alvarez, Vice Chairman; Lawrence Holly; Sandra O'Brien; Leo Gukeisen; Randy Ploeckelmann; Louie Minor; Michael Hodges; Michael Boyd

Staff: Tony McIlwain, AICP, CFM, Executive Director of Planning and Development Services; Wallis Meshier, CNU-A, Senior Planner; Jerry Millard Jr., Senior Planner; Holli Clements, Esq., Deputy City Attorney; Paul Boyer, P.E.; Maria Lopez, Assistant Planner; David Hermosillo, Senior GIS Technician

ABSENT: None

CALL TO ORDER – 5:00 P.M. – Utility Collections Large Conference Room
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Chairman Latham called the meeting of the Planning and Zoning Commission to order at 5:00 p.m.

APPROVAL OF AGENDA

Commissioner Holly made a motion to approve the agenda. Commissioner Minor seconded, and the motion passed 8 to 0.

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission Meeting of **July 20, 2020**.

Vice Chairman Alvarez made a motion to approve the consent agenda. Commissioner Hodges seconded, and the motion passed 8 to 0.

PUBLIC HEARINGS

PH-1 **HOLD** a public hearing and consider a staff initiated request to establish a Comprehensive Plan Future Land Use Map (FLUM) (Case #FLUM20-04) designation of 'Suburban Residential' for approximately 5.811 acres of land located

along the north right-of-way of Chaparral Road, approximately 350' east of Rosewood Drive, Killeen, Texas.

Chairman Latham requested staff comments.

Mr. Jerry Millard, Senior Planner, presented the staff report for this item.

Mr. Millard stated that on June 23, 2020, the City Council approved a voluntary annexation petition and a written service agreement for 5.811 acres of land lying contiguous to the existing City limits, along the north right-of-way of Chaparral Road, approximately 350' east of Rosewood Drive. The subject tract is not illustrated within the existing Future Land Use Map (FLUM) of the Comprehensive Plan.

Mr. Millard also stated that staff recommended that the Commission recommend approval of the 'Suburban Residential' FLUM designation.

Chairman Latham opened the public hearing.

Mr. Gary Purser, Jr., 6503 Wells Fargo, Killeen, Texas, spoke in support.

With no one else requesting to speak, the public hearing was closed.

Vice Chairman Alvarez motioned to recommend approval of the request. Commissioner Holly seconded, and the motion passed by a vote of 7 to 1. Commissioner Gukeisen voted in opposition.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

PH-2 **HOLD** a public hearing and consider a request submitted by Killeen Engineering & Surveying, Ltd. on behalf of Killeen Chaparral Development, L.L.C. (**Case #Z20-10**) to rezone approximately 2.71 acres out of the A. H. Wood Survey, Abstract No. 886, from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is generally located on the northeast corner of Chaparral Road and Rosewood Drive, Killeen, Texas.

Chairman Latham requested staff comments.

Mr. Jerry Millard, Senior Planner, presented the staff report for this item. He stated that staff was of the determination that the applicant's request would not negatively impact the character of the surrounding property. While the applicant's request for "R-1" (Single-Family Residential) does not typically align with the 'Suburban Residential' (SC) land use designation, the development will remain 'Suburban Residential' (SC) in character. He stated that eight (8) surrounding property owners were notified regarding this request and no responses were received.

Mr. Millard recommended that the Commission recommend approval of the applicant's "R-1" zoning request, as it is consistent and compatible with the existing residential land

uses and prevailing community character.

Mr. Gary Purser, Jr., 6503 Wells Fargo, Killeen, Texas, was present to represent the request.

Chairman Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Ploeckelmann motioned to recommend approval of the request. Vice Chairman Alvarez seconded, and the motion passed by a vote of 7 to 1. Commissioner Gukeisen voted in opposition.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

PH-3 **HOLD** a public hearing and consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen; providing for amendments to the City's zoning regulations adopting architectural and site design standards.

Chairman Latham requested staff comments.

Ms. Meshier briefed the Commission on the proposed amendments during the workshop.

Chairman Latham opened the public hearing.

Mr. Lee Mitchell, 415 Ponderosa., Harker Heights, Texas, expressed his concerns and stated that he was not in favor of the proposed changes. He asked who had requested the changes.

Ms. Catherine Halfmann, 125 E. Beeline, Harker Heights, Texas, stated that she believed the market should determine what gets built.

Ms. Brandi Stokes, 4402 Canine Drive, Killeen, Texas, encouraged staff to meet with the Central Texas Home Builders Association to get input.

Mr. Josh Welch, 3000 Illinois Avenue, Ste. 100, Killeen, Texas, stated that he believed 80 percent of the proposed amendments were workable. He also expressed that he would like to see better definitions included with the proposed amendments.

Ms. JoAnn Purser, 6503 Wells Fargo, Killeen, Texas, stated that she currently had some plans that would not meet the garage requirements of the proposed amendments.

Mr. Charles Graham, P.O. Box 775, Gatesville, Texas, expressed concern that the proposed standards would result in home process going up.

Ms. Fran Mitchell, P.O. Box 690085, Killeen, Texas, stated that she had concerns regarding the garage door standards as they relate to duplexes.

Mr. Gary Purser, Jr., 6503 Wells Fargo, Killeen, Texas, asked that the Commission look at the market and to listen to the builders.

Mr. Michael Schulte, 2107 Civet Trail, Harker Heights, Texas, expressed concern regarding the proposed standards as they relate to V.A. appraisals.

Mr. Dan Brouillette, 3515 S.W. H.K. Dodgen Loop, Temple, Texas, expressed concern that the proposed standards would result in increased home prices.

With no one else requesting to speak, the public hearing was closed.

Commissioner Ploeckelmann made a motion to the table the item. Vice Chairman Alvarez seconded, and the motion passed unanimously.

COMMISSION AND STAFF ITEMS

I. Attendance Chart.

The Commissioners reviewed their attendance chart.

Commissioner Minor asked for a future agenda item to discuss a proposed tree preservation ordinance.

ADJOURNMENT

Chairman Latham adjourned the Planning and Zoning Commission Meeting at 5:35 p.m. The next scheduled meeting of the Planning and Zoning Commission is August 17, 2020 at 5:00 p.m., in the Utility Collections Conference Room, 210 W. Avenue C, Killeen, Texas.

Kirk Latham, Chairman
Planning & Zoning Commission

Maria Lopez
Assistant Planner
Planning & Development Services

HOLD a public hearing and consider a request submitted by Lara Crum on behalf of 400 Cheyenne, L.L.C. (Case #Z20-11) to rezone Lot 1, Block 1, QW Addition, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 400 Cheyenne Drive, Killeen, Texas.

..SUMMARY

DATE: August 12, 2020

TO: Planning and Zoning Commission

FROM: Jerry Millard, Senior Planner

SUBJECT: ZONING CASE #Z20-11 "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District)

BACKGROUND AND FINDINGS:

Summary of Request

This request submitted by Lara Crum on behalf of 400 Cheyenne, L.L.C. is to rezone Lot 1, Block 1, QW Addition, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 400 Cheyenne Drive, Killeen, Texas. The applicant intends to open a 3,800 square foot brewery with a 1,150 square foot seating area at this location.

The requested "B-C-1" (General Business and Alcohol Sales District) zoning district allows the on-premise consumption of alcohol, without a Food and Beverage Certificate, and shall follow the rules and regulations established under the Texas Alcoholic Beverage Code (TABC) and/or promulgated by the Texas Alcoholic Beverage Commission, as amended.

Zoning / Plat Case History:

- The property was rezoned "B-5" (Business District) on April 9, 1973 via ordinance 73-18.
- The property is platted Block 001, Lot 001 of the QW Addition.

Character of the Area:

The surrounding community is made up of a mix of commercial developments of varying densities.

Future Land Use Map Analysis:

This area is designated as 'General Commercial' ('GC') on the Future Land Use Map (FLUM) of the Comprehensive Plan.

'General Commercial' future land use and character recommends the following development types:

- Wide 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).
- Public and institutional uses.
- Parks and public spaces.

Water, Sewer and Drainage Services

Water, sanitary sewer and drainage utility service is located within the City of Killeen utility service area and available to the subject tract.

Transportation and Thoroughfare Plan:

Ingress and egress to the proposed development is via Botanical Drive, which is classified as 60' Local Street on the City of Killeen adopted Thoroughfare Plan. The property is being developed into a drinking place. A typical drinking place can generate fourteen (14) vehicle trips per pm hour while open [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

Public Notification:

Staff notified sixteen (16) surrounding property owners regarding this request; as of the date of this staff report, no responses have been received.

Staff Findings:

The request is to rezone Lot 1, Block 1, QW Addition, to "B-C-1" (General Business and Alcohol Sales District) to allow the on-premise consumption of alcohol, without a Food and Beverage Certificate, and shall follow the rules and regulations established under the Texas Alcoholic Beverage Code (TABC) and/or promulgated by the Texas Alcoholic Beverage Commission, as amended. Staff finds that the applicant's request will not negatively impact the character of the surrounding property.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended? Staff recommends approval of the applicant's request.

Why? The applicant's proposed zoning is consistent with the surrounding property uses and is consistent and compatible 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 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:

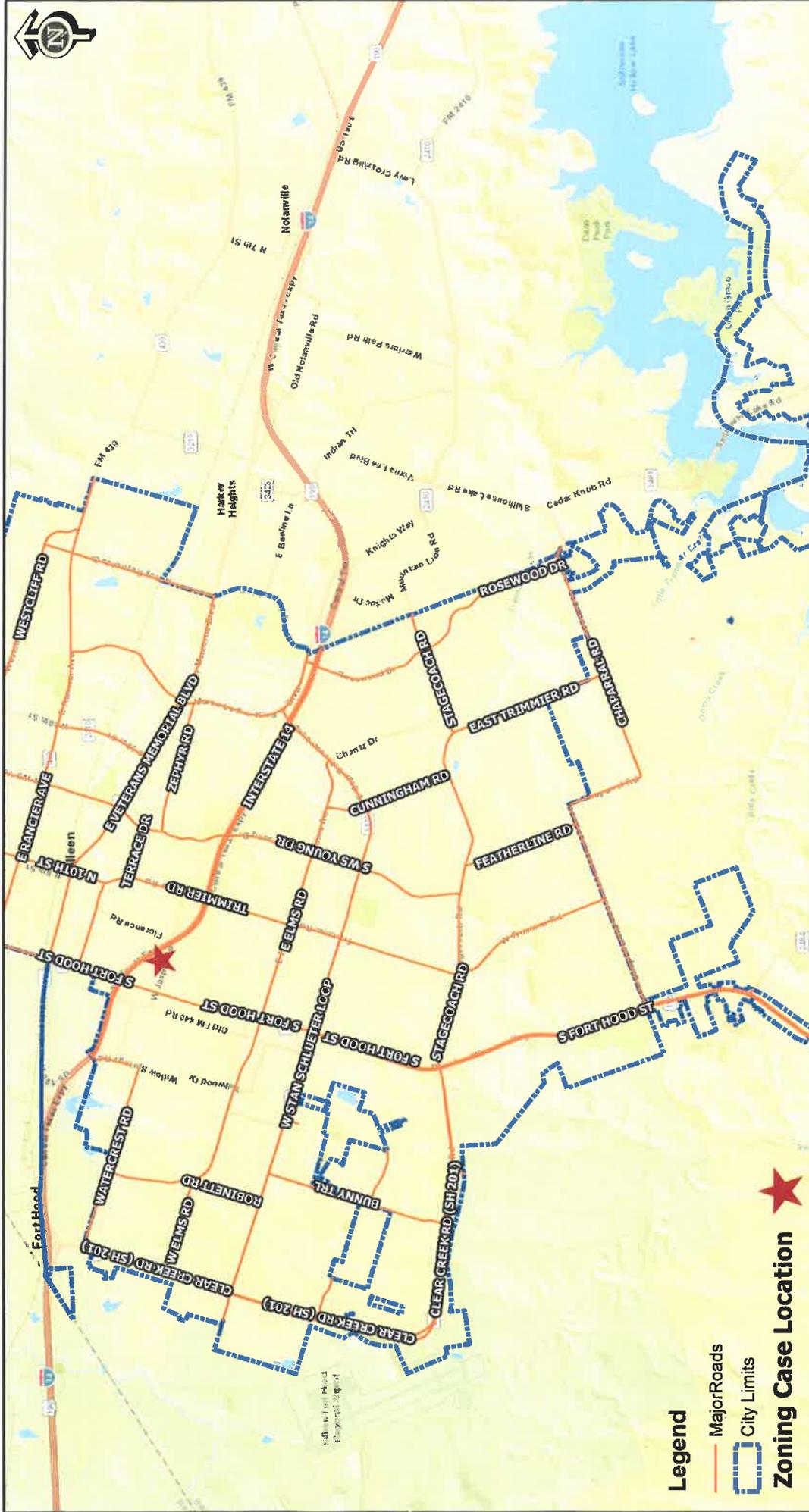
Staff recommends approval of the applicant's "B-C-1" zoning request as proposed zoning is consistent with the surrounding property uses and is consistent and compatible with the existing land uses and prevailing community character.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

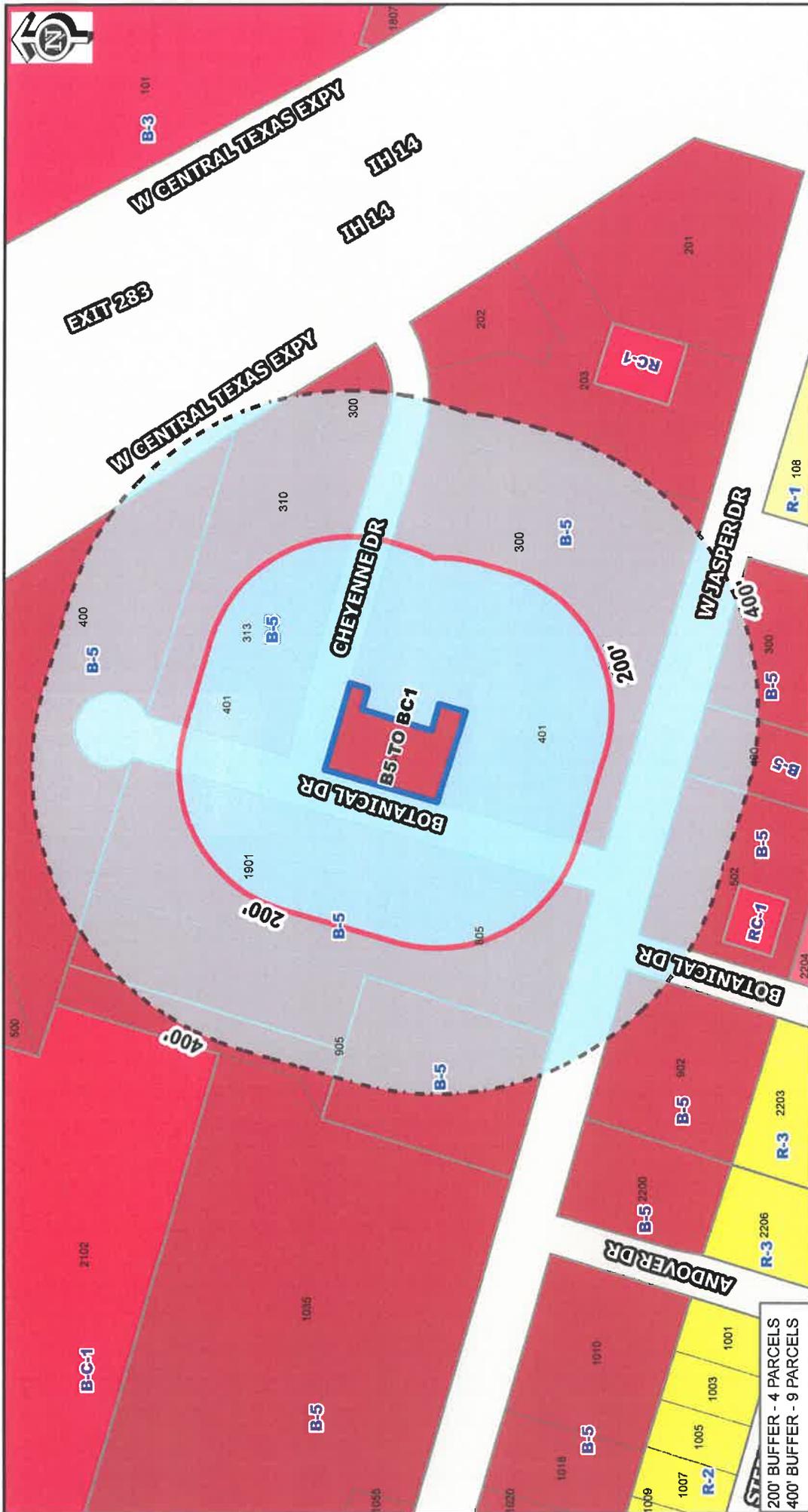
Zoning map and notification area



City Map Zoning Case 2020-11

Attachment #1

Council District: 3
 FROM: B5 TO BC1
 1 inch = 8,333 feet
 Subject Property Legal Description: QW ADDITION, BLOCK 001, LOT 0001, ACRES .392



Legend

GENERAL ZONING DESCRIPTIONS	
■	COMMERCIAL ZONINGS ARE RED
■	RESIDENTIAL ZONINGS ARE YELLOW
■	MANUFACTURING ZONINGS ARE PURPLE
■	SUP ZONINGS MAY ALSO BE RESIDENTIAL
■	UNIVERSITY ZONINGS ARE BLUE
■	AGRICULTURAL ZONINGS ARE GREEN
■	PUD ZONINGS ARE TYPICALLY RESIDENTIAL
■	CUP ZONINGS MAY ALSO BE RESIDENTIAL

Zoning Map Zoning Case 2020-11

Attachment #2
 Council District: 3
 FROM: B5 TO BC1
 1 inch = 190 feet
 Subject Property Legal Description: QW ADDITION, BLOCK 001, LOT 0001, ACRES .392

200' BUFFER - 4 PARCELS
400' BUFFER - 9 PARCELS



APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Lara Crum

Mailing Address: 105 Herb Road

City: Kempner State: Tx Zip: 76539

Home Phone: () - - Business Phone: (254) 278 - 3681

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific zoning change request.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of Agent: <u>Lara Crum</u>	Title: <u>Owner - Bron Grant let Branham</u>
Printed/Typed Name of Agent: <u>Lara Crum</u>	Date: <u>7/14/2020</u>
Signature of Property Owner: <u>Hollins Wilson</u>	Title: <u>Manager of Project</u>
Printed/Typed Name of Property Owner: <u>Hollins Wilson</u>	Date: <u>7/15/2020</u>
Signature of Property Owner: _____	Title: _____
Printed/Typed Name of Property Owner: _____	Date: _____
Signature of Property Owner: _____	Title: _____
Printed/Typed Name of Property Owner: _____	Date: _____
Signature of Property Owner: _____	Title: _____
Printed/Typed Name of Property Owner: _____	Date: _____
Signature of Property Owner: _____	Title: _____
Printed/Typed Name of Property Owner: _____	Date: _____

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

Application Revised: September 28, 2017

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use is harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

HOLD a public hearing and consider a request submitted by Hussain Abdullah on behalf of HA Homes, L.L.C. (**Case #Z20-12**) to rezone Lots 1-2, Block 4, Stringer Addition, from "R-3" (Multifamily Residential District) to "B-2" (Local Retail District). The properties are addressed as 910 and 912 W. Avenue I, Killeen, Texas.

..SUMMARY

DATE: August 12, 2020

TO: Planning and Zoning Commission

FROM: Jerry Millard, Senior Planner

SUBJECT: ZONING CASE #Z20-11 "R-3" (Multifamily Residential District) to "B-2" (Local Retail District)

BACKGROUND AND FINDINGS:

Summary of Request

This request submitted by L Hussain Abdullah on behalf of HA Homes, L.L.C. is to rezone Lots 1-2, Block 4, Stringer Addition, from "R-3" (Multifamily Residential District) to "B-2" (Local Retail District). The properties are addressed as 910 and 912 W. Avenue I. The applicant intends to open a community bookstore and a coworking space at this location.

The requested "B-2" (Local Retail District) zoning district allows buildings and premises less than five thousand (5,000) square feet in leasable area and used only for the following purposes:

1. Any use permitted in district "B-1" or "B-DC."
2. Appliance (household) sales.
3. Bakery shop (retail sales only).
4. Personal services establishments.
5. Construction field office and yard: on the job site; for duration of construction only.
6. Day care center.
7. Custom personal service shops, such as a health studio (to include massage establishments as defined in V.T.C.A., Occupations Code ch. 455, as amended), answering service, typing service, tailor, employment agency, FM piped music, income tax service, letter or mailing service, marriage counselor, secretarial service or shoe repair.
8. Drugstore or pharmacy.
9. Electric utility substation.
10. Florist (retail): retail sales of flowers and small plants. No flower or plant raising or outside display or storage.
11. Grocery store (drive-in).
12. Bank, savings and loan or other financial institution.
13. Registered public surveyor.
14. Restaurant, coffee shop or café (no drive-in service).

15. Retail stores, (other than listed): offering all types of personal consumer goods for retail sales.
16. Fine arts instruction, or sale of art objects.
17. Lodges and fraternal organizations with less than five thousand (5,000) square feet of leasable space.
18. Drop-in care centers.

Zoning / Plat Case History:

- The property is platted Lots 1-2, Block 4, Stringer Addition.

Character of the Area:

The surrounding community is made up of a mix of commercial and residential developments of varying densities.

Future Land Use Map Analysis:

This area is designated as 'General Residential ('GR') on the Future Land Use Map (FLUM) of the Comprehensive Plan. Staff is not recommending a FLUM change as neighborhood-scale commercial uses are expected to emerge over time in this land use category and should be encouraged on sites and in locations within (or near the edge of) 'GR' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

'General Residential' ('GR') characteristics:

- Encompasses most existing residential areas within Killeen (and the 6,000 square foot minimum lot size in the predominant R-1 zoning district results in less openness and separation between dwellings compared to Suburban residential areas).
- Auto-oriented character (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement.

The 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus
- Attached housing types subject to compatibility and open space standards (e.g. duplexes, townhomes, patio homes)
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
- Public/ institutional
- Parks and public spaces

Water, Sewer and Drainage Services

Water, sanitary sewer and drainage utility service is located within the City of Killeen utility service area and available to the subject tract.

Transportation and Thoroughfare Plan:

Ingress and egress to the proposed development is via W. Avenue I, which is classified as 60' Local Street on the City of Killeen adopted Thoroughfare Plan. The property is being developed into a community bookstore and coworking space. These uses can typically generate thirty-four (34) vehicle trips per day while open [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

Public Notification:

Staff notified thirty-six (36) surrounding property owners regarding this request; as of the date of this staff report, no responses have been received.

Staff Findings:

Staff finds that the proposed use of a community bookstore and coworking space is consistent with the surrounding property uses and is compatible with the existing land uses and prevailing community character. Further, staff is not recommending a FLUM change as neighborhood-scale commercial uses are expected to emerge over time in this land use category and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended? Staff recommends approval of the applicant's request.

Why? The applicant's proposed zoning is consistent with the surrounding property uses and is consistent and compatible 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 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:

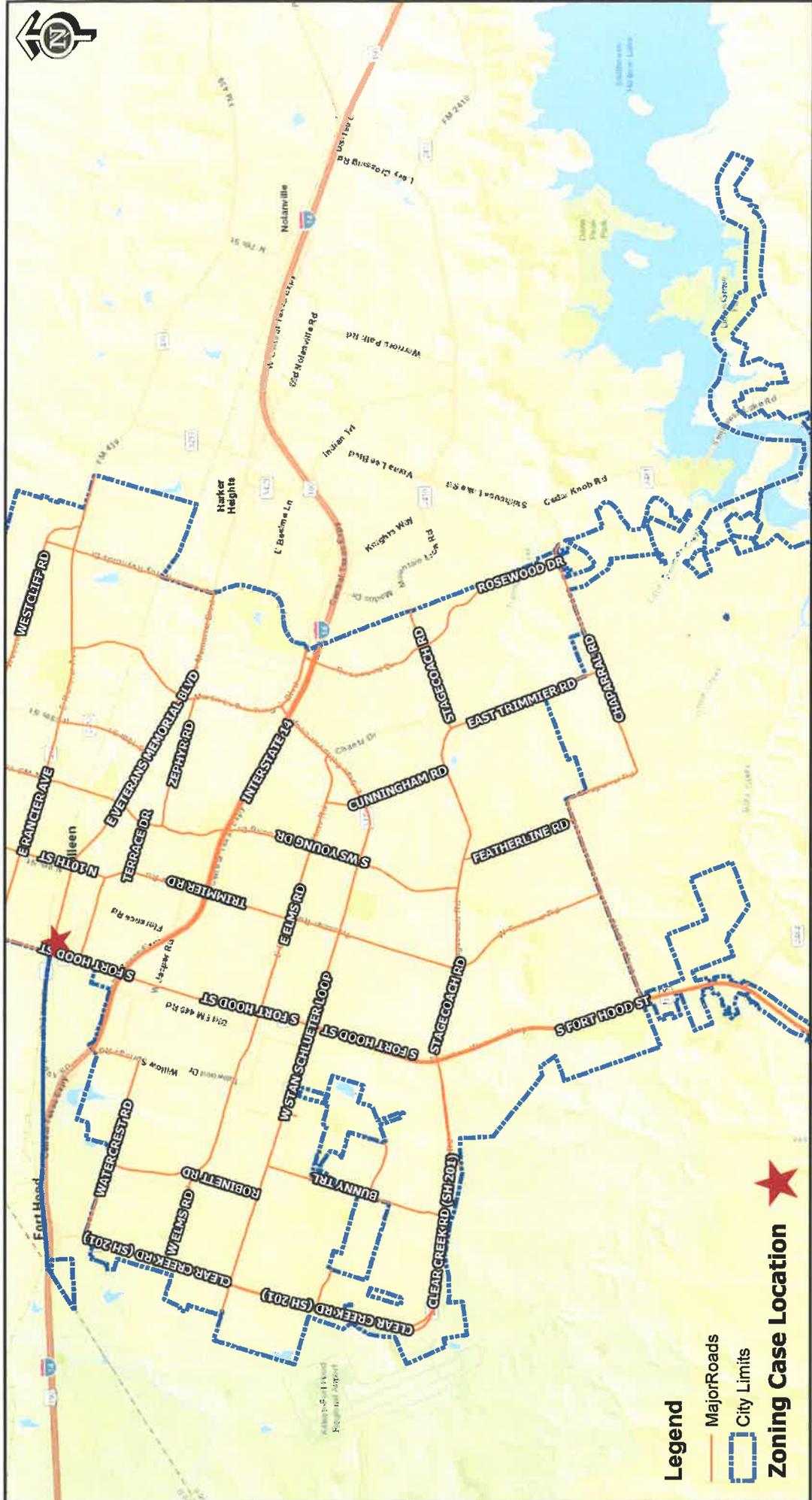
Staff recommends approval of the applicant's "B-2" zoning request as the proposed zoning is consistent with the surrounding property uses and is compatible with the existing land uses and prevailing community character.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Zoning map and notification area



Legend

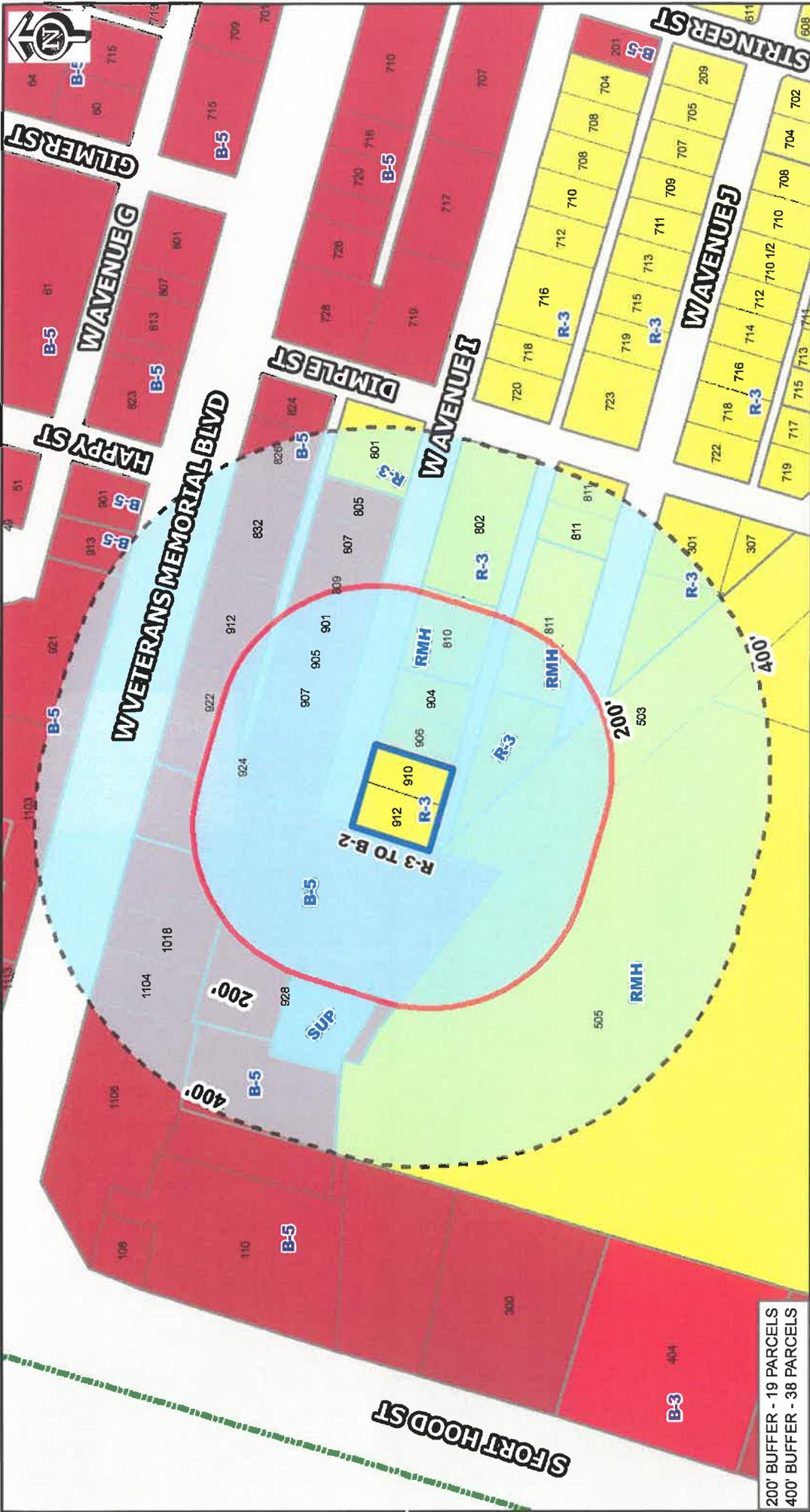
- Major Roads
- - - City Limits

Zoning Case Location ★

Attachment #1

Council District: 3
 FROM: R-3 TO B-2
 1 inch = 8,333 feet
 Subject Property Legal Description: STRINGER ADDITION, BLOCK 004, LOT 0002 & STRINGER ADDITION, BLOCK 004, LOT 0001

City Map
Zoning Case 2020-12



200' BUFFER - 19 PARCELS
 400' BUFFER - 38 PARCELS



Zoning Map Zoning Case 2020-12

Attachment #2
 Council District: 3
 FROM: R-3 TO B-2
 1 inch = 175 feet
 Subject Property Legal Description: STRINGER ADDITION, BLOCK 004, LOT 0002 & STRINGER ADDITION, BLOCK 004, LOT 0001



APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: HUSSAIN ABDULLAH

Mailing Address: 2700 S FORT HOOD ST SUITE F

City: KILLEEN State: TX Zip: 76542

Home Phone: (254) 383-9073 Business Phone: (254) 394-4113

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific zoning change request.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of Agent: [Signature] Title: MANAGER

Printed/Typed Name of Agent: HUSSAIN ABDULLAH Date: 07/16/2020

Signature of Property Owner: [Signature] Title: OWNER

Printed/Typed Name of Property Owner: HA HOMES Date: 07/16/2020

Signature of Property Owner: Title:

Printed/Typed Name of Property Owner: Date:

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*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

Application Revised: September 28, 2017

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use is harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.