

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z16-15 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND "B-3" (LOCAL BUSINESS DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

This request is submitted by Kay Hedden to rezone approximately 1.691 acres, being Lot 2, Block 1, Kay H. Addition, from "R-1" (Single-Family Residential District) and "B-3" (Local Business District) to "B-3" (Local Business District). The property is located at 107 W. Stan Schlueter Loop (FM 3470), Killeen, Texas. If approved, it will enlarge the "B-3" zoning of this property by .279 acre.

District Descriptions:

A building or premises in the district "B-3" Local Business District shall be used only for the following purposes:

- (1) Any use permitted in the "B-2" district
- (2) Bank, savings and loan or other financial institution
- (3) Day camp
- (4) Hospital, home or center for the acute or chronic ill
- (5) Mortuary or funeral chapel
- (6) Appliance (household) sales and repair service
- (7) Bakery or confectionery: engaged in preparation, baking, cooking and selling of products at retail on the premises, with six (6) or less employees
- (8) Boat and accessory sales, rental and service
- (9) Bowling alleys
- (10) Cleaning or laundry (self-service)
- (11) Cleaning, pressing and dyeing: with six (6) or less employees
- (12) Florist, garden shop, greenhouse or nursery office (retail): no growing of plants, shrubs or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater
- (13) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales or health food sales
- (14) Cafeteria or catering service
- (15) Marine supplies, sales and service
- (16) Office, general business
- (17) Restaurant or café permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, all of which are adopted hereby and made a part hereof for all purposes. No restaurant will be permitted to dispense any type of alcoholic beverage through any "drive-through" facility or window
- (18) Tennis or swim club
- (19) Small animal clinic or pet grooming shop
- (20) Hotel or motel

- (21) Job printing. Not more than seventeen (17) inches by twenty-five (25) inches page size.
- (22) Gasoline service station, auto laundry or car wash
- (23) Auto parts sales, new, at retail
- (24) A customarily incidental use: sale of beer and/or wine only for off-premises consumption only shall be considered a customarily incidental use in this district, but not in any residential district or any more restrictive business district
- (25) Theaters of general release
- (26) Mini/self-storage facilities - a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares. No outside storage, sales, service, or repair activities, other than the rental of storage units shall be permitted on premises

Property Specifics

Applicant/Property Owner: Kay Hedden

Property Location: The property is located at 107 W. Stan Schlueter Loop (FM 3470), Killeen, Texas.

Legal Description: Lot 2, Block 1, Kay H. Addition

Zoning/ Plat Case History:

- 1.412 acres of this property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on January 14, 2014, per Ordinance no. 14-003.
- Kay H. Addition was recorded in Volume 9758, Page 752, Bell County Plat Records.

Character of the Area

Existing Land Use(s) on the Property: The property is currently undeveloped. It is a level site with little tree cover. The subject property is located between the Q Cleaners and Shoe repair business and a Family Dollar store. This portion of the corridor is predominantly commercial uses with observed single family residential dwellings to the north and south.

Figure 1. Zoning Map

See attachment.

Historic Properties: None

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Water, sanitary sewer, and drainage utility services are located within the City of Killeen municipal utility service area and readily accessible to the subject property. However, in accordance with the City of Killeen Code of Ordinances, the developer is required to extend public utilities to the property in accordance with the plan of service validated the Kay H. Addition plat. 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.

Transportation:

Existing conditions: Ingress/egress to the property would be limited to the single point of existing ingress/egress to W. Stan Schlueter Loop (FM 3470), which is classified as a 110' principal arterial road on the City's approved Thoroughfare Plan. No proposed right-of-way taking affects the property.

Proposed improvements: The developer shall construct an access point that will be shared through an existing passage easement with the Family Dollar store.

Projected traffic generation: undetermined

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). However, there is a current Creek Buffer Zone on the headwaters of Old Florence Ditch immediately adjacent to the area in this zoning case. Currently sheet flow runoff exits the property and flows north for approximately 130 feet into a tributary of Old Florence Ditch. The distance from this site and the confluence with Little Nolan Creek is approximately 1.8 miles. Little Nolan Creek flows into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's 2014 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

Land Use Analysis

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

Plan Recommendation: The 'General Commercial' character encourages a wide range of commercial, retail, and service uses, at varying scales and intensities depending on the site.

Consistency: This request is consistent with the Comprehensive Plan.

Public Notification

The staff notified seventeen (17) surrounding property owners regarding this request. Staff received one opposition from Elisa Mojica, the owner of 201 James Loop on Tuesday, August 16th; this has been included for the Council's consideration.

Recommendation

The Planning & Zoning Commission recommended approval of the applicant's request for "B-3" zoning by a vote of 7 to 0. As written earlier in this report, the additional area of new "B-3" zoning would amount to approximately .279 acre.