



STAFF REPORT

DATE: September 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Ray Shanaa, Executive Director of Planning and Development Services

SUBJECT: ZONING CASE #Z17-20 "R-1" (SINGLE FAMILY RESIDENTIAL DISTRICT) AND "A" (AGRICULTURAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)

BACKGROUND AND FINDINGS:

This request is submitted by Lindsey Emmons to rezone 3.754 acres from "R-1" (Single Family Residential District) and "A" (Agricultural District) to "B-3" (Local Business District) for a therapy center for special needs children. The property is located on the north side of Watercrest Road, north of the intersection of Watercrest Road and Cody Poe Road, in Killeen, Texas.

District Descriptions:

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

- (1) Any use permitted in the "B-2" district
- (2) Bakery or confectionery, wholesale
- (3) Day camp
- (4) Hospital, home, or center for the acute or chronic ill
- (5) Mortuary or funeral chapel excluding cremation services
- (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) Lodges or fraternal organizations with greater than five thousand (5,000) square feet of leasable space
- (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, pet grooming shop and/or inside kennel and boarding. No cremation or outside kennels
- (20) Hotel or motel
- (21) Retail uses and businesses of all sizes to include secondhand goods and antiques with no outside storage or display of second hand goods
- (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
- (27) Storage warehouse with leasable space of less than twenty-five thousand (25,000) square feet

Property Specifics

Applicant/Property Owner: Lindsey Emmons

Property Location: The subject property is generally located on the north side of Watercrest Road, north of the intersection of Watercrest Road and Cody Poe Road, in Killeen, Texas.

Legal Description: 3.754 acres out of the Thomas Robinett Survey, Abstract No. 686.

Zoning/ Plat Case History:

- There is no recent zoning history for this property.
- The subject property is not platted.

Character of the Area

Existing Land Use(s) on the Property: Vacant

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

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility services are available to the above subject tract located within the City of Killeen municipal utility service area. Adequate potable water and sanitary sewer capacity is currently available to the tract. However, prior to development a bore would be required under Watercrest Road to connect to an existing water main.

Transportation:

Existing conditions: Watercrest Road is classified as a 90' Minor Arterial on the City's adopted Thoroughfare Plan and the City's access management policies would govern the form of ingress/egress to the property at the time of redevelopment.

Proposed Improvements: The applicant is not proposing any planned improvements to Watercrest Road.

Projected Traffic Generation: Undetermined; however development on this parcel will not negatively affect the level of service standard for Watercrest Road.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: A portion of this property lies within a FEMA regulatory Special Flood Hazard Area. There is runoff from the existing subdivision to the east that enters the northeast corner of this parcel before flowing onto the property to the north. Currently, sheet flow runoff exits the property along the western property line and flows west into South Nolan Creek. From there, it flows into the Bell County Water Control and Improvement District Impoundment Site Number 1 and then into Nolan Creek prior to leaving the City. A downstream portion of Nolan Creek is currently listed on the TCEQ's 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients. The applicant is advised that the area being zoned shall be platted prior to any new development on this parcel. As a result, the current DDM and IDDSM standards will apply for new development.

This parcel is directly impacted by the Bell County Water Control and Improvement District Impoundment Site Number 1 easement. The elevation of the emergency spillway is 906.4 feet. Based on that elevation, approximately 2.55 acres of this parcel is designed to be inundated by floodwaters when the impoundment site is at capacity.

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.

Land Use Analysis

Plan Recommendation: This area is designated as 'Rural' on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'Rural' character allows for the following land uses:

- Residential homesteads
- Planned development to accommodate conservation and cluster residential designs
- Agricultural uses
- Agriculture-focused commercial retail
- Public/institutional
- Parks and public spaces
- Natural and protected floodplain areas

Consistency: This zoning request is not consistent with the Comprehensive Plan. However, the applicant has requested a Future Land Use Amendment concurrent with this rezoning request.

Public Notification

The staff notified twenty-six (26) surrounding property owners regarding this request. Pursuant to Killeen Code of Ordinances Chapter 31-39(d), in case of a protest by the owners of twenty (20) percent or more of either the area of the lots included in such proposed change, or the area of those lots or land immediately adjacent thereto and extending two hundred (200) feet from that area, then such change shall not become effective except by the affirmative vote of three-fourths (3/4) of all the members of the City Council. Staff received nine (9) signatures in opposition, seven (7) of which are official protestors. These protests amount to thirty (30) percent of the notification area. Therefore, the proposed change must receive the affirmative vote of three-fourths (3/4) of all members of the City Council to be approved. Staff also received one letter in support of the request; all of these have been included in your packet.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended? Staff recommends approval of the applicant's request for commercial zoning but at a lesser intensity than originally requested by the applicant.

Why? Staff finds that the requested "B-3" zoning would allow land uses that may be disruptive and negatively impact the character of the adjacent Lakecrest community.

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:

The Planning and Zoning Commission, by a vote of 3 to 2, recommends approval of the applicant's request for "B-3" (Local Business District) zoning. At the Planning and Zoning Commission meeting, staff recommended approval of "NBD" (Neighborhood Business District) or "B-2" (Local Retail District) zoning for the property.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

Exhibit
Buffer Map
Location Map
Application
Minutes
Consideration
Responses
Opposition Map
Ordinance