

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z16-03 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-1" (PROFESSIONAL BUSINESS DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

This request is to rezone Lot 11, Block 1, Bellaire Addition Section I, from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District). The property is located at the northwest corner of the T-intersection of Bellaire Drive and Trimmier Road and is locally known as 909 Bellaire Drive. The applicant has listed engineering/ architecture office as the desired use for the zoning request.

District Descriptions:

Sec. 31-276. - Use regulations.

(1) Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in subsection 31-276(2).

- a. Physical therapy clinic.
- b. Chemical or X-ray laboratory.
- c. Dispensing optician.
- d. Dispensing apothecary.
- e. Dental laboratory.

(2) Buildings may be used for one (1) or more of the uses prescribed in subsection 31-276(1) only under the following conditions:

- a. The total area of a professional building devoted to any single incidental use shall not exceed fifteen (15) percent of the gross floor area of the building.
- b. The total area of a professional building devoted to incidental uses in the aggregate shall not exceed twenty-five (25) percent of the gross floor area of the building.
- c. Public access to such incidental uses shall be from the interior of the building.
- d. No parking space shall occupy any part of the required front yard, except as provided in subsection 31-287(a)(1)b.
- e. Sign standards for this district shall apply to both primary and incidental uses.
- f. No building in this district shall be constructed or altered to produce a storefront, show window or display window, and there shall be no merchandise visible from the exterior of the building.
- g. No outside storage shall be permitted in this district.

(3) Office, general business.

(4) An on-premises residential use or living quarters may be included in one (1) structure in a commercial land use district when the main use of the structure is commercial, provided both uses are in compliance with appropriate building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.

(5) All uses allowed in section 31-186, with the exception of one-family dwellings.

(6) Studio for photography, interior decoration.

Property Specifics

Applicants/Property Owners: Amr A. Abdelazeem

Property Location: The property is located at 909 Bellaire Drive, Killeen, Texas.

Legal Description: Lot 11, Block 1, Bellaire Addition Section I, Killeen, Texas.

Zoning/ Plat Case History:

- There has been no recent zoning activity for this property.
- The property is platted as Lot 11, Block 1, Bellaire Addition Section I, which was filed for record on December 16, 1964, in Plat Book 918, page 397, Deed Records of Bell County Texas.

Character of the Area

Existing Land Use(s) on the Property: There is an existing residential structure on this corner property. It is part of a block that is zoned "R-1" within its entirety. The property fronts onto Bellaire Drive and faces another single-family home to the south. The property abuts single-family homes to the west. The property due north of this site was recently zoned to "B-2" (Local Retail District). The eastern boundary is located adjacent to Trimmier Road and is across the street from Clifton Park Elementary School. There is an existing "B-2" (Local Retail District) zoned office park near the subject property as well.

Figure 1. Zoning Map

See Attachment

Figure 2. Street View

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 readily accessible to the subject property located within the City of Killeen municipal utility service area. Adequate potable water and sanitary sewer capacity are available to the current residence on the property. Public storm drainage infrastructure lies within the abutting right-of-way. Detention of post development storm water run-off may be required if the property is converted to commercial use and inadequate capacity remains within existing drainage infrastructure. Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. 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 re-development of the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:

Existing conditions: The property is located at the northwest corner of the T-intersection of Bellaire Drive and Trimmier Road. Bellaire Drive and Trimmier Road are respectively classified as a 60' local street and 90' minor arterial on the City's adopted Thoroughfare Plan. The Trimmier Road Improvements CIP is currently under construction, which includes mobility enhancements as a part of the future project. A right-of-way taking may affect the property. Ingress/egress to the property would be limited to the single point of existing ingress/egress from Bellaire Drive. A discrete drive to Trimmier Road - a minor arterial street - would not be allowed.

Proposed Improvements: None.

Projected Traffic Generation: Minimal.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: The proposed development is not within any regulatory FEMA Special Flood Hazard Area (SFHA). Currently runoff on this development flows from the south and east of the parcel into the Trimmier Road and Bellaire Drive rights-of-way prior to entering Little Nolan Creek. The runoff then flows from Little Nolan Creek into Nolan Creek prior to leaving the City. Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

Land Use Analysis

Land Use Plan: The property is designated as 'General Residential' on the adopted Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The 'General Residential' designation encompasses detached, residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places.

Consistency: The zoning request is consistent with the Comprehensive Plan's adopted Future Land Use Map (FLUM). The 'General Residential' designation encompasses detached, residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places. The Comprehensive Plan considers 'General Residential' to be of a medium intensity category/character, and states that "neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'General Residential' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses."

Public Notification

Staff notified 14 surrounding property owners within the 200' notification area. Staff received 2 responses; one in opposition and one requesting clarification of code enforcement action regarding this property. It has been included for your review.

Recommendation

The Planning & Zoning Commission recommended approval of "B-1" zoning by a vote of 5 to 2, with Vice Chair Dorroh and Commissioner Cooper in opposition to the applicant's request.