



## STAFF REPORT

**DATE:** December 4, 2018

**TO:** Ronald L. Olson, City Manager

**FROM:** Dr. Ray Shanaa, AICP, Exec. Dir. of Planning and Development Services

**SUBJECT:** Zoning Case #Z18-23 University District ("UD") with a Conditional Use Permit (C.U.P.) for "RT-1" (Residential Townhouse Single-Family District) to University District ("UD") with a Conditional Use Permit (C.U.P.) for "R-2" (Two-Family Residential District)

### **Background and Findings**

This request is submitted by Reece's Creek Group, L.C. to rezone Lots 3A-8A, Block 3, University Village, Second Amendment and Lots 10-13, Block 3, University Village, from University District ("UD") with a Conditional Use Permit (C.U.P.) for "RT-1" (Residential Townhouse Single-Family District) to University District ("UD") with a Conditional Use Permit (C.U.P.) for "R-2" (Two-Family Residential District). The properties are addressed as 6700, 6702, 6704, 6706, 6708 and 6710 Student Union Drive and 6701, 6703, 6705 and 6707 University Village Way, Killeen, Texas.

#### University District Descriptions:

- (a) A building or premises in the University District shall only be used for uses permitted in the "B-2" district, subject to the provisions of this division, and for the following purposes:
- (1) Bank, savings and loan or other financial institution excluding credit access businesses as defined by the Texas Finance Code.
  - (2) Hospital, home or center for the acute or chronic ill, or assisted living facility.
  - (3) Household appliance sales and repair service, no outside storage.
  - (4) Retail bakery or confectionery: engaged in preparation, baking, cooking, selling and delivery of products.
  - (5) Business day care.
  - (6) Bowling alleys.
  - (7) Cleaning or laundry (self-service).
  - (8) Cleaning or laundry, (pick-up station).
  - (9) 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.
  - (10) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales or health food sales.
  - (11) Cafeteria or catering service.
  - (12) Office, general business.
  - (13) Restaurant or café (with drive-thru or dine in service).
  - (14) Tennis, swim club, health club or gym.

- (15) Small animal clinic or pet grooming shop.
  - (16) Hotel or motel.
  - (17) Job printing.
  - (18) Gasoline service station, auto laundry, car wash, or oil / lube service station.
  - (19) Retail sales of new auto parts: no outside storage.
  - (20) A customarily incidental use: sale of beer and/or wine for off-premises consumption only shall be considered a customarily incident use in this district.
  - (21) Theaters of general release.
  - (22) A restaurant permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, and in accordance with chapter 31, division 16, restaurant and alcohol sales district, as amended.
  - (23) Package stores operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, and in accordance with chapter 31, division 12A, district B-3A, local business and alcohol sales district, as amended.
  - (24) Mixed-use development, being located nine hundred fifty (950) feet to one thousand five hundred (1,500) feet east of the east right-of-way of State Highway 195, and for a distance of approximately seventy-six hundred (7,600) feet south of the intersection of State Highway 195 and State Highway 201, for the commercial and residential use of a building, set of buildings, or neighborhood, where the first floor is designed, constructed and used for commercial use only while allowing access to residential uses.
  - (25) Art gallery, book store or library.
- (b) Any conflict between this district and the districts incorporated herein, or the regulations provided by the other districts, shall be resolved so that the most stringent provision shall control.

#### Two- Family Residential District Descriptions:

- (a) Uses. A building or premises in a district "R-2" Two-Family Residential District shall be used only for the following purposes:
- (1) Any use permitted in district "R-1".
  - (2) Two-Family dwellings.

Additionally, Section 31-441 of the Killeen Code of Ordinances provides for a Conditional Use Permit (C.U.P.) that states that the City Council by an affirmative majority vote may by ordinance grant a Conditional Use Permit as provided in section 31-456 of this chapter for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the future four-year university. Conditional use permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

#### **Property Specifics**

Applicant / Property Owner: Reece's Creek Group, L.C.

Property Location: The properties are addressed as 6700, 6702, 6704, 6706, 6708 and 6710 Student Union Drive and 6701, 6703, 6705 and 6707 University Village Way, Killeen, Texas.

Legal Description: Lots 3A-8A, Block 3, University Village, Second Amendment and Lots 10-13, Block 3, University Village.

Zoning/ Plat Case History:

- The property was rezoned from University District ("UD") to University District ("UD") with a Conditional Use permit (C.U.P.) for "RT-1" (Residential Townhouse Single-Family District) on August 28, 2012, per Ordinance No. 12-057.
- The properties addressed as 6700, 6702, 6704, 6706, 6708 and 6710 Student Union Drive were most recently replatted as Lots 3A-8A, Block 3, University Village, Second Amendment, which was filed for record on December 19, 2016 as Plat #155, Plat Records of Bell County, Texas. The properties addressed as 6701, 6703, 6705 and 6707 University Village Way are platted as Lots 10-13, Block 3, University Village, which was filed for record on November 29, 2012 in Cabinet D, Slide 376C, 376D, Plat Records of Bell County, Texas.

Character of the Area: The University Village community consists of townhomes and duplexes.

Existing Land Use(s) on the Property: The property is vacant.

Historic Properties: None

### **Community Infrastructure and Environmental Assessment**

Water, Sewer and Drainage Services: Adequate potable water and sanitary sewer capacity is currently available to the tract.

Provider: City of Killeen

Within Service Area: Yes

Transportation (existing conditions): Both Student Union Drive and University Village Way are built as 60' local streets.

Proposed Improvements: No additional right-of-way improvements are proposed at this time.

Proposed Traffic Generation: One duplex or two-family residential unit typically generates 20 daily trips [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

Environmental Assessment: There are no known wetlands on this property. There are no known environmental issues with the existing or proposed development for this site.

### **Land Use Analysis**

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

Plan Recommendation: The 'Suburban Commercial' designation encompasses a range of commercial, retail and service uses, at varying scales and intensities depending on the site. Characteristics of this designation are their close proximity to residential areas, reduced site coverage and the exclusion of some auto-oriented uses.

Consistency: The zoning proposal is consistent with the Comprehensive Plan. The City Council may grant a Conditional Use Permit (C.U.P.) for any residential or business land use for a specific parcel within the University District ("UD").

Public Notification: Staff notified sixteen (16) surrounding property owners within 400 feet of the subject property regarding this request. As of the date of this report staff has received no responses.

**THE ALTERNATIVES CONSIDERED:**

**Which alternative is recommended?**

Staff is not recommending any alternatives.

**Why?**

Staff supports the request to rezone the properties.

**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 recommended approval of the applicant's request by a vote of 5 to 0. It shall be noted that there is no minimum lot area requirement within the University District and the submitted amending plat illustrates that the applicant will meet all "R-2" applicable setbacks. It shall be noted that all other applicable University District architectural design standards and landscaping requirements.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

1. Zoning Map and Notification Area
2. Minutes
3. Ordinance
4. Pharr v. Tippitt
5. Amending Plat Exhibit