



STAFF REPORT

DATE: September 5, 2017

TO: Ronald L. Olson, City Manager

FROM: Ray Shanaa, Exec. Director of Planning and Development Svcs.

SUBJECT: ZONING CASE #Z17-18 "UD" (UNIVERSITY DISTRICT) TO "UD" (UNIVERSITY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) HOUSING AND FROM "A" (AGRICULTURAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT)

BACKGROUND AND FINDINGS:

This request is submitted by Lee and Jo Ann Kelley on behalf of Garland Kelley Sr. to rezone to rezone 42.132 acres from "UD" (University District) TO "UD" (University District) with a Conditional Use Permit (CUP) FOR "R-1" (Single-Family Residential District) housing and 43.823 acres from "A" (Agricultural District) to "R-1" (Single-Family Residential District) for a total of approximately 85.955 acres, being out of the Moses T. Martin Survey, Abstract No. 963, The property is locally known as 9600 S. Fort Hood Street, Killeen, Texas.

District Descriptions:

The University District regulations apply to all property located in the current or future corporate city limits for a depth of one thousand five hundred (1,500) feet at the following locations: north of the State Highway 201 right-of-way for a distance of approximately sixty-six hundred (6,600) feet west of the intersection of State Highway 201 and State Highway 195; west and east of the State Highway 195 right-of-way for a distance of approximately one thousand five hundred (1,500) feet north of the intersection of State Highway 195 and State Highway 201; and, east of the State Highway 195 right-of-way for a distance of approximately seventy-six hundred (7,600) feet south of the intersection of State Highway 195 and State Highway 201, the first nine hundred and fifty (950) feet of depth within this segment of the district, as measured from State Highway 195, shall be designated for commercial use. The remaining five hundred and fifty (550) feet of depth of this segment shall be designated for mixed-use development, or residential use via a conditional use permit.

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

Conditional Use Permit:

The City Council, by an affirmative majority vote, may by ordinance grant a Conditional Use Permit as provided in Sec. 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 Veterans Cemetery. 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: Garland Kelley Sr.

Property Location: The property is located east of S. Fort Hood Street (S.H. 195), north of Tower Hill Lane, and is addressed as 9600 S. Fort Hood Street, Killeen, Texas.

Legal Description: Approximately 85.955 acres out of the Moses T. Martin Survey, Abstract No. 963

Zoning/ Plat Case History:

- This property has maintained its initial annexation zoning of "UD" University District and "A" Agricultural, and there has been no recent zoning activity.
- 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 will need to be extended at the time of development.

Transportation:

Existing conditions: S.H. 195 is classified as a 110' principal arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no proposed improvements at this time.

Projected Traffic Generation: 60 acres of single-family housing (*See staff recommendation for more on this.*) will generate 1,562 total generated trips per day (note: this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting.). This will not negatively affect the level of service standard for S. H. 195.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: This property is not located within a FEMA regulatory Special Flood Hazard Area (SFHA).

Land Use Analysis

Plan Recommendation: The 'Suburban Commercial' character allows for a range of commercial retail and service uses, at varying scales and intensities depending on the site. This includes the following development types:

- Office (both large and/or multi-story buildings and small-scale office uses depending on the site).
- Planned development to accommodate custom site designs or mixing of uses in suburban character setting
- Public/ institutional
- Parks and public spaces

The 'Parks-Recreation' designation encourages the following development types:

- Public parks and open space
- Public trails
- Joint City-school park areas
- Public recreation areas (e.g., public golf course)

The 'Estate' designation encourages the following development types:

- Detached residential dwellings
- Public/ institutional
- Parks and public spaces

Consistency: This zoning request is not consistent with the Comprehensive Plan; however, the applicant has submitted a concurrent FLUM amendment request for 'General Residential' for this property.

Public Notification

The staff notified sixteen (16) surrounding property owners regarding this request. Staff has received no protests at this time.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff recommends approval of the applicant's request but at a lesser acreage amount than originally requested by the applicant.

Why?

The request for single-family housing is expressly prohibited within the first 950 feet of depth within the University District.

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 4 to 1, recommends approval of a Conditional Use Permit (CUP) for "R-1" single family residential housing for 16.517 acres, which comprises the rear 550 feet of that portion of the property that lies within the "UD" (University District). All residential housing within this area shall meet the minimum height and area requirements as detailed within Sections 31-187 through 188 of the Code of Ordinances. Additionally, the applicant shall satisfy all architectural and landscaping requirements within the "UD" (University District). The Commission also recommends approval of "R-1" (Single-family Residential District) zoning for the 43.823 acres of property that is currently zoned as "A" (Agricultural District). Staff does not recommend approval of any residential use/development within the first 950 feet of the "UD" (University District). **Therefore, the total acreage that staff supports for single-family residential use is 60.34 acres of land; the remaining 25.615 acres of land would remain as baseline "UD" (University District) zoning.**

DEPARTMENTAL CLEARANCES:

Legal Department

ATTACHED SUPPORTING DOCUMENTS:

Map Exhibit
Location Map
Buffer Map
Application
Minutes
Considerations
Responses
Ordinance