

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z15-18 "B-DC" (BUSINESS DAYCARE DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

Vernon J. MacHardy submits this request to rezone approximately two acres, being part of the G.W. Farris Survey, Abstract No. 306, from "B-DC" (Business Daycare District) to "B-3" (Local Business District) for a prospective restaurant and car wash. The property is addressed as 101 W. Stan Schlueter Loop, Killeen, Texas.

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 (with drive-in or pick-up service).
- (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.

Sec. 31-306.1 Supplemental standards for restaurants engaged in the on-premises sale and consumption of alcohol.

- (a) During any consecutive twelve-month period, a restaurant shall not obtain more than fifty (50) percent of its gross receipts from the on-premises sale of alcoholic beverages. In conjunction with renewal of TABC licensing, it shall be required to provide the most recent comptroller's certification of sales receipts to the planning and development services department prior to the City's approval of the permit renewal.
- (b) Restaurants may not be within three hundred (300) feet of a church, public or private school or public or private hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church, public or private school, or public or private hospital shall be as prescribed by the Texas Alcoholic Beverage Code § 109.33, as amended.

Property Specifics

Applicant/Property Owner: Vernon J. MacHardy

Property Location: The property is located along the intersection of the north right-of-way of W. Stan Schlueter Loop (FM 3470) and Old Florence Road. The property is addressed as 101 W. Stan Schlueter Loop, Killeen, Texas.

Legal Description: Approximately two acres out of the G.W. Farris Survey, Abstract No. 306, Killeen, Texas.

Zoning/Plat Case History:

This property was rezoned from Temporary "R-1" to "B-DC" on September 22, 1993, per Ordinance No. 92-73.

This property has not been platted.

Character of the Area

Existing Land Uses(s) on the Property: The property is currently undeveloped.

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, a potable water main and gravity sanitary sewer main would be required to be extended across the tract from the existing mains abutting the property at the time of platting. 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: Ingress/egress to Stan Schlueter Loop (FM 3470) is controlled by the state and any new or reconfigured driveway configuration would be disciplined by TxDOT's Access Management Policies. In addition, ingress/egress to Old Florence Road, which is classified as a collector street under the City's current adopted Thoroughfare Plan, would be subject to the policies within the City's Thoroughfare Development Manual and ASSHTO design criteria.

Proposed Improvements: None

Projected Traffic Generation: Marginal

Environmental Assessment

Topography: The site has elevations ranging from 944' to 958'.

Regulated Floodplain/Floodway/Creek: The subject site is not within any FEMA regulatory special flood hazard area (SFHA). Natural undisturbed drainage patterns are present. Detention of post development storm water run-off would be required. Currently, sheet flow runoff exits the property and flows north 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 2010 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 Commercial' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The Comprehensive Plan calls for 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 fifteen (15) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no protests.

Recommendation

The Planning and Zoning Commission recommended approval of the requested "B-3" (Local Business District) zoning district by a vote of 6 to 0.