



STAFF REPORT

DATE: May 7, 2019

TO: Ronald L. Olson, City Manager

FROM: Dr. Ray Shanaa, Exec. Dir. Of Planning and Development Services

SUBJECT: Zoning Case #Z19-06 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 William R. Dunivan Jr. and Robbie A. Dunivan to rezone approximately 1.001 acres 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 property is located southeast of Study Hall Loop and 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.

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: William R. Dunivan Jr. and Robbie A. Dunivan

Property Location: The property is located The property is located southeast of Study Hall Loop and University Village Way, Killeen, Texas.

Legal Description: 1.001 acre out of the M.T. Martin Survey, Abstract No. 963 and the William Freer Survey, Abstract No. 517, Killeen, Texas.

Zoning/ Plat Case History:

- The property was part of a larger area that was rezoned from University District ("UD") to University District ("UD") with a Conditional Use permit (C.U.P.) for "R-2" (Two Family

Residential District) and "RT-1" (Residential Townhouse Single-Family District) on August 28, 2012, per Ordinance No. 12-057.

- The property is not platted.

Character of the Area: The University Village community consists of townhomes and duplexes. Residential and commercial development is located along the periphery of the site.

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: Five duplex or two-family residential units will typically generate 100 daily vehicular 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 in the University District (UD) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

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 mailed thirty two (32) surrounding property owner letters within 400 feet of the subject property regarding this request. Staff has received one response of support from Reece's Creek Group L.C., the owner of several properties within the 400' notification boundary and one opposition from Son Nam Chon, the owner of 6611 S. Fort Hood Street.

THE ALTERNATIVES CONSIDERED:

The City Council may approve, approve with additional conditions, or disapprove the applicant's request.

Which alternative is recommended? Staff is recommending approval of the applicant's request with conditions.

Why? Staff supports the Conditional Use Permit request. The request is consistent with the surrounding areas and with previous Council actions.

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 C.U.P. by a vote of 6 to 0, subject to the following conditions:

- All duplexes lots shall satisfy the area regulations contained in Killeen Code of Ordinances Section 31-233; and
- All duplex units shall be limited to one-story in height; and
- The Executive Director of Planning and Development Services or designee may grant an administrative approval to use an alternative landscaping standard when special lot area situations arise.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Zoning and Notification Map

Location map

Plat Exhibit

Previous Site Plan

Minutes

Ordinance

Pharr vs. Tippitt

Responses