

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**ZONING CASE #Z15-21 "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)**

### ORIGINATING DEPARTMENT

**PLANNING & DEVELOPMENT SERVICES**

### Nature of the Request

Eunhee Stewart submits this request to rezone Lot 2, Block 2, Parklane Addition (unrecorded) and part of Lot 3, Block 'A', Susan Spofford Subdivision, from "R-2" (Two-Family Residential District) to "B-3" (Local Business District) for commercial use. The properties are locally known as 1129 York Avenue and 1107 York Avenue, 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:** Eunhee Stewart

**Property Location:** The property is located along the east right-of-way of Fort Hood Street, along the north right-of-way of York Avenue.

**Legal Description:** 1129 York Avenue is Lot 2, Block 2, Parklane Addition (unrecorded); 1107 York Avenue is part of Lot 3, Block 'A', Susan Spofford Subdivision.

### **Zoning/ Plat Case History:**

There is no recent zoning activity for this property.

1129 York Avenue is Lot 2, Block 2, Parklane Addition (unrecorded); 1107 York Avenue is part of Lot 3, Block 'A', Susan Spofford Subdivision.

### **Character of the Area:**

**Existing Land Use(s) on the Property:** The property is currently vacant. There is a mixture of existing commercial uses and multi-family uses in the vicinity.

### **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 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 all tracts within the property. Public storm drainage infrastructure lies within the abutting rights-of-way.

#### **Transportation:**

Existing conditions: This property will gain access from York Avenue. There are no scheduled improvements for this roadway.

### **Environmental Assessment**

**Topography:** The property is relatively flat.

**Regulated Floodplain/Floodway/Creek:** This property is located in a Zone X Special Flood Hazard Area. The soils for the site are classified as follows: all Slidell silty clay with 0 to 2 percent slopes (S1B). This soil is considered prime farmland. However, these parcels are currently residentially developed. There are no known wetlands on this parcel. Unless re-plated the 1964 Drainage requirements will apply to any new development on these parcels.

Currently runoff on this development flows through street rights of ways and easements prior to entering Gilmer Ditch. The runoff then flows from Gilmer Ditch into Nolan Creek prior to leaving the City. Nolan Creek is 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:** This area is designated as 'General Commercial' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Plan Recommendation:** The 'General Commercial' character encourages a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

**Consistency:** The zoning request is consistent with the intent of the Comprehensive Plan.

### **Public Notification:**

The staff notified 21 (twenty-one) surrounding property owners regarding this request. No responses have been received at this time.

## **Recommendation**

The Planning and Zoning Commission unanimously recommended approval of the applicant's zoning request from "R-2" to "B-3" commercial zoning as this request is compatible with the surrounding uses.