



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 #Z17-19 "R-1" (SINGLE FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)

BACKGROUND AND FINDINGS:

This request is submitted by Murphy Oil USA, Inc. on behalf of Mark Stanford, Executor of the Estate of Mary Brooks, to rezone approximately 1.615 acres from "R-1" (Single Family Residential District) to "B-3" (Local Business District) for use as a proposed convenience store with fuel sales. The property is located at 4701 Trimmier Road, Killeen, Texas.

District Descriptions:

A building or premises in a district "B-3" Business District shall be used only for the following purposes:

- (1) Any use permitted in the "B-2" district
- (2) Bakery or confectionery, wholesale
- (3) Day camp
- (4) Hospital, home, or center for the acute or chronic ill
- (5) Mortuary or funeral chapel excluding cremation services
- (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) Lodges or fraternal organizations with greater than five thousand (5,000) square feet of leasable space

- (17) Restaurant or café permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, all of which are adopted hereby and made a part hereof for all purposes. No restaurant will be permitted to dispense any type of alcoholic beverage through any "drive-through" facility or window
- (18) Tennis or swim club
- (19) Small animal clinic, pet grooming shop, and/or inside kennel and boarding. No cremation or outside kennels
- (20) Hotel or motel
- (21) Retail uses and businesses of all sizes to include secondhand goods and antiques with no outside storage or display of second hand goods
- (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
- (27) Storage warehouse with leasable space of less than twenty-five thousand (25,000) square feet

Property Specifics

Applicant/Property Owner: Mark Stanford, Executor of the estate of Mary B. Brooks

Property Location: The subject property is addressed as 4701 Trimmier Road, Killeen, Texas.

Legal Description: Approximately 1.615 acres out of the GW Farris Survey, Abstract No. 306

Zoning/ Plat Case History:

- There is no recent zoning history for this property.
- The subject property is not platted.

Character of the Area

Existing Land Use(s) on the Property: The current use of the property is single-family residential.

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 redevelopment of the site.

Transportation:

Existing conditions: Trimmier Road is classified as a 90' Minor Arterial and East Stan Schlueter Loop (FM 3470) 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: Undetermined; however development on this parcel will not negatively affect the level of service standard for either roadway.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: This property is not located within any FEMA regulatory Special Flood Hazard Area (SFHA). Currently sheet flow runoff exits the property along the northern property line and flows east into Trimmier Road; from there it flows approximately 0.2 miles into Old Florence Ditch. The distance from this site and the confluence with Little Nolan Creek is approximately 2 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 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients. The applicant is advised that the area being zoned shall be platted prior to any new development on this parcel. As a result, the current DDM and IDDSM standards will apply for new development.

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 the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

Land Use Analysis

Plan Recommendation: This area is designated as 'General Commercial' on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'General 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)
- Public/ institutional
- Parks and public spaces

Consistency: This zoning request is consistent with the Comprehensive Plan.

Public Notification

The staff notified four (4) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternative other than the applicant's request.

Why?

The "B-3" zoning request is consistent with the Future Land Use Map and with the character of the area. The proposed "B-3" zoning is also appropriate for the property's location at the intersection of two arterial streets.

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 (with Ms. Harkin in opposition due to proximity to church and a daycare), recommends approval of a zoning change from "R-1" to "B-3". Staff recommends approval of "B-3" (Local Business District) zoning for the property. Commercial interest is expected, and should be encouraged, at this intersection along E. Stan Schlueter Loop.

DEPARTMENTAL CLEARANCES:

Legal Department

ATTACHED SUPPORTING DOCUMENTS:

Exhibit
Location Map
Buffer Map
Application
Minutes
Considerations
Ordinance