

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z15-20 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

Danny Passarelli, executor of the estate of Betty Passarelli, submits this request to rezone 2007 Trimmier Road, Killeen, Texas, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District).

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: Danny Passarelli, executor of the estate of Betty Passarelli.

Property Location: The property is located at 2007 Trimmier Road, Killeen, Texas.

Legal Description: This lot is part of the original Jasper Heights subdivision.

Zoning/Plat Case History:

There has been no recent zoning activity for this property.

This property is part of the Jasper Heights Addition, which was filed for record on January 14, 1964, in Plat Book 881, Page 583, Deed Records of Bell County, Texas.

Character of the Area

Existing Land Uses(s) on the Property: The property contains a house.

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 the current residence on the property. Public storm drainage infrastructure lies within the abutting right-of-way. Detention of post development storm water run-off may be required if the property is converted to commercial use and inadequate capacity remains within existing drainage infrastructure. 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: The tract has direct access to Trimmier Road, which is classified as a 90' minor arterial on the City's adopted Thoroughfare Plan. The Trimmier Road Improvements CIP is currently under construction, which includes mobility enhancements as a part of the future project. A right-of-way taking may affect the property.

Proposed Improvements: None proposed as part of this development.

Projected Traffic Generation: Undetermined at this time.

Environmental Assessment

Topography: The property slopes downward in a southeasterly orientation; the elevation ranges from 912' on the western property boundary to 910' on the eastern property boundary. The soils for the site are classified as follows: approximately 0.2 acres is Denton silty clay with 1 to 3 percent slopes. There are no known wetlands on this parcel. This parcel was originally platted in a different configuration and has disturbed drainage patterns. Approximately 0.07 Acres of the approximate 0.22 acre parcel is developed. The current Drainage Design Manual (DDM) and Post Construction requirements will apply to any development on this parcel. The public storm drain system within the right of way of Trimmier Road does not have adequate capacity to carry un-detained post-development runoff from this site.

Currently sheet flow runoff on this development flows east into the right of way of Trimmier Road. The runoff then flows via city roads into Little Nolan Creek. Little Nolan Creek flows into Nolan Creek prior to leaving the City. Little Nolan Creek and Nolan Creek are 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.

Regulated Floodplain/Floodway/Creek: The subject site is not within any FEMA regulatory special flood hazard area (SFHA).

Land Use Analysis

Land Use Plan: This area is designated as 'General Residential' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The 'General Residential' designation encompasses detached, residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places.

Consistency: The 'General Residential' designation encompasses detached, residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places. The Comprehensive Plan considers 'General Residential' to be of a medium intensity category/character, and states that "neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'General Residential' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses."

Public Notification

The staff notified sixteen (16) surrounding property owners within a 200' notification boundary regarding this request. Staff has received one protest from Billy and Tracie Young (908 Illinois Avenue).

Recommendation

The Planning and Zoning Commission recommended approval of "B-2" (Local Retail District) zoning district by a vote of 5 to 0 with Commissioner Dorroh in abstention. If approved, "B-2" (Local Retail District) would allow the following uses:

- (1) Any use permitted in district "B-1" or "B-DC."
- (2) Appliance (household) sales.
- (3) Bakery shop (retail sales only).
- (4) Barbershop, beauty shop, to include permanent cosmetics (licensed per Texas Health and Safety Code, chapter 146, as amended).
- (5) Construction field office and yard: on the job site; for duration of construction only.
- (6) Cleaning or laundry (pick-up station).
- (7) Cleaning or laundry (self-service) using fully automatic equipment, as follows:
 - a. Washers, capacity of not more than forty (40) pounds.
 - b. Dryers or extractors, capacity of not more than sixty (60) pounds.
 - c. Dry cleaning machines.
- (8) Custom personal service shops, such as a health studio (to include massage establishments as defined in Texas Occupations Code section 455, as amended), answering service, typing service, tailor, employment agency, FM piped music, income tax service, letter or mailing service, marriage counselor, secretarial service or shoe repair.
- (9) Drugstore or pharmacy.
- (10) Electric utility substation.
- (11) Florist (retail): retail sales of flowers and small plants. No flower or plant raising or outside display or storage.

- (12) Grocery store (drive-in).
- (13) Home for the aged.
- (14) Registered public surveyor.
- (15) Restaurant, coffee shop, or café (no drive-in service).
- (16) Retail stores, (other than listed): offering all types of personal consumer goods for retail sales.
- (17) Studio for photography, interior decoration, fine arts instruction, or sale of art objects.
- (18) Telephone exchange building.
- (19) A customarily incidental use.
- (20) Drop-in care centers.