



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-15-025B    **Version:** 1    **Name:** Zoning 15-11  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 6/15/2015    **In control:** City Council  
**On agenda:** 7/14/2015    **Final action:** 7/14/2015

**Title:** HOLD a public hearing and consider an ordinance requested by LAM Estates, Ltd. (Case #Z15-11) to rezone 5.392 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District) and 2.896 acres from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District) for property located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Council Memorandum, 2. Attachment to Council Memorandum, 3. Minutes, 4. Ordinance, 5. Application, 6. Location map, 7. Buffer map, 8. Considerations

Date	Ver.	Action By	Action	Result
7/14/2015	1	City Council	Approved	Pass
7/7/2015	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by LAM Estates, Ltd. (Case #Z15-11) to rezone 5.392 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District) and 2.896 acres from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District) for property located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas.

### AGENDA ITEM

### ZONING CASE #Z15-11 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-5" (BUSINESS DISTRICT) AND "B-1" (PROFESSIONAL BUSINESS DISTRICT)

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

#### Nature of the Request

Quintero Engineering L.L.C. submits this zoning request on behalf of LAM Estates, Ltd. to rezone 5.392 acres from "R-1" (Single-Family Residential District) to "B-5" (Business District) and 2.896 acres from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District). The property is located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas. The applicant is intending to develop the site for prospective commercial use.

#### District Descriptions:

**A building or premises in the "B-5" Business District shall be used only for the following purposes:**

- (1) Any use permitted in the "B-4" district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse. Less than one hundred thousand (100,000) square feet.
- (4) Newspaper or job printing.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.
- (7) Trailer rental or sales.
- (8) Wholesale house.
- (9) Auto parts sales, used. No outside storage, display or dismantling.
- (10) A customarily incidental use.
- (11) Any commercial use not included in any other district, provided such use is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (12) Mobile home sales.
- (13) Sale of beer and/or wine for off-premises consumption only.
- (14) Tattooing (as licensed per Texas Health and Safety Code, chapter 146, as amended).

**A building or premises in the "B-1" (Professional Business District) shall be used only for the following purposes:**

- (1) Offices of practitioners of the recognized professions, as herein defined:
  - a. Professional building. Any structure used solely for the housing of professional offices of recognized professions.
  - b. Professions, recognized. Members of a recognized profession include those persons and customary staff normally considered as professional, and shall be deemed to include doctors, dentists, lawyers, architects, certified public accountants, registered engineers and related professions.
- (2) Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in section 31-276(3).
  - a. Physical therapy clinic.
  - b. Chemical or X-ray laboratory.
  - c. Dispensing optician.
  - d. Dispensing apothecary.
  - e. Dental laboratory.
- (3) Buildings may be used for one (1) or more of the uses prescribed in section 31-276(2) only under the following conditions:
  - a. The total area of a professional building devoted to any single incidental use shall not exceed fifteen (15) percent of the gross floor area of the building.
  - b. The total area of a professional building devoted to incidental uses in the aggregate shall not exceed twenty-five (25) percent of the gross floor area of the building.
  - c. Public access to such incidental uses shall be from the interior of the building.
  - d. No parking space shall occupy any part of the required front yard, except as provided in section 31-287(a)(1)b.
  - e. Sign standards for this district shall apply to both primary and incidental uses.
  - f. No building in this district shall be constructed or altered to produce a storefront, show window or display window, and there shall be no merchandise visible from the exterior of the building.
  - g. No outside storage shall be permitted in this district.
- (4) Office, general business.
- (5) An on-premises residential use or living quarters may be included in one structure in a commercial land use district when the main use of the structure is commercial, provided both uses are in compliance with appropriate building codes and the proprietor or an employee of the commercial

activity is a resident in the living quarters.

(6) All uses allowed in section 31-186, with the exception of one-family dwellings.

### **Property Specifics**

**Applicant/Property Owner:** Lam Estates, Ltd.

**Property Location:** The property is located along the east right-of-way of South W.S. Young Drive, north of Rio Grande Court, Killeen, Texas.

**Legal Description:** The property is part of the Robert Cunningham Survey, Abstract No. 199, Killeen, Texas.

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

The last zoning activity on the property occurred on September 12, 2000, when a portion of the property was zoned from "A" (Agricultural District) to "R-1" (Single-Family Residential District), per Ordinance No. 00-69.

The property is not platted.

### **Character of the Area**

**Existing Land Uses(s) on the Property:** The property is not developed.

### **Figure 1. Aerial 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: The existing potable water main that serves the property is a 12-inch diameter transmission main running along the west right-of-way of South W.S. Young Drive. Upon approval of a future development permit application, the developer would be required to extend a public water main across the property to provide adequate commercial and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria.

Public sanitary sewer utilities are in place and immediately accessible to the tract. The existing sanitary sewer main that serves the property is a 6-inch diameter collection main running along the east right-of-way of South W.S. Young Drive. Upon approval of a future development permit application, the developer would be required to extend a public sanitary sewer main to provide adequate collection capacity in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. The structures within the property were served by an onsite sanitary sewer facility (OSSF). Any existing OSSF within the boundary of the property must be closed in accordance with all applicable state and local OSSF regulations as no future development may be served by an existing or new OSSF.

### **Transportation:**

Existing conditions: The property has direct access to South W.S. Young Drive, which is classified as a 70' collector on the City's approved Thoroughfare Plan.

Proposed Improvements: Upon submission of a subdivision plat, it will be necessary for the property owner to dedicate the necessary right-of-way as detailed on the Thoroughfare Plan.

Any new modes of ingress/egress to the tract from South W. S. Young Drive will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is developed. South W. S. Young Drive is an urbanized road section (curb and gutter) and is currently at the desired level of service for a minor arterial street classification.

Projected Traffic Generation: Undetermined at this time.

## **Environmental Assessment**

**Topography:** The property ranges in elevation from 856' to 872'.

**Regulated Floodplain/Floodway/Creek:** Approximately 5.57 acres of the approximate 8.288 acres in this zoning case are located within a regulatory Special Flood Hazard Area (SFHA). The acreage within the SFHA includes approximately 3.32 acres within the Floodway. Current City codes require the establishment of a creek buffer zone along Little Nolan Creek that will span a distance of 25' beyond the top of each bank.

The wetlands for the site are classified as follows: approximately .55 acres are a freshwater pond (PUBHh), approximately 0.66 acres are a Freshwater Emergent Wetland (PEM1Fh), and approximately 0.51 acres are Freshwater Forested/Shrub wetland (PFO1Ch). The soils for the site are classified as follows: approximately 2.3 acres are San Saba clay with 1 to 3 percent slopes (SsB), approximately 5.6 acres are Frio silty clay with 0 to 1 percent slopes and is frequently flooded (Fs), and approximately 0.4 acres are Brackett association with 8 to 12 percent slopes (BRE).

Currently sheet flow runoff on this development enters Little Nolan Creek within the subdivision boundary. 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 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:** The total area of 8.288 acres area is designated as 'General Residential' and 'Rural' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Plan Recommendation:** 'General Residential' calls for detached residential dwellings; Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes); planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards; public/institutional uses; parks and public spaces.

'Rural' allows residential homesteads, planned development to accommodate conservation and cluster residential designs, agricultural uses, agriculture-focused commercial retail, public/institutional/parks and public spaces, and natural and protected floodplain areas.

**Consistency:** The "B-5" and "B-1" zoning requests are not consistent with the FLUM; however staff is recommending amending the FLUM to 'General Commercial'.

## **Public Notification**

The staff notified eighteen (18) surrounding property owners within a 200' notification boundary regarding this request. Staff received no protests.

**Recommendation**

The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 8 to 0.