



City of Killeen

Legislation Details (With Text)

File #: PH-17-015 **Version:** 1 **Name:** Zoning 17-02
Type: Ordinance/Public Hearing **Status:** Passed
File created: 3/1/2017 **In control:** City Council
On agenda: 3/28/2017 **Final action:** 3/28/2017
Title: HOLD a public hearing and consider an ordinance requested by Darvin and Shelre Holden (Case #Z17-02) to rezone Lots 19 and 20, Block 3, Highview Addition, being locally known as 815 and 817 Florence Road, Killeen, Texas, from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District).
Sponsors: Development Services

Indexes:

Code sections:

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

Date	Ver.	Action By	Action	Result
3/28/2017	1	City Council	Approved	Pass
3/21/2017	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Darvin and Shelre Holden (**Case #Z17-02**) to rezone Lots 19 and 20, Block 3, Highview Addition, being locally known as 815 and 817 Florence Road, Killeen, Texas, from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District).

AGENDA ITEM

ZONING CASE #Z17-02 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-1" (PROFESSIONAL BUSINESS DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Darvin and Shelre Holden submit this request to rezone Lots 19 and 20, Block 3, Highview Addition, being locally known as 815 and 817 Florence Road, Killeen, Texas, from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District). The purpose of the rezone is to (1) allow an office use for Nedloh Properties and Repairs and (2) mitigate the non-conforming required yard setbacks for the Knowledge is Power Ministries' church. The properties are located along the west right-of-way of Florence Road, approximately 130' north of W. Bryce Avenue.

A building or premises in the district "B-1" professional business district shall be used only for the following purposes:

- (1) Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in subsection 31-276(2)

- a. Physical therapy clinic
 - b. Chemical or X-ray laboratory
 - c. Dispensing optician
 - d. Dispensing apothecary
 - e. Dental laboratory
- (2) Buildings may be used for one (1) or more of the uses prescribed in subsection 31-276(1) 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 subsection 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.
- (3) Office, general business
- (4) An on-premises residential use or living quarters may be included in one (1) 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.
- (5) All uses allowed in section 31-186, with the exception of one-family dwellings
- (6) Studio for photography or interior decoration

Property Specifics

Applicant/Property Owner: Darvin and Shelre Holden

Property Location: 815 and 817 Florence Road, Killeen, Texas

Legal Description: Lots 19 and 20, Block 3, Highview Addition

Zoning/ Plat Case History:

- There is no recent zoning affecting this property.
- This property was initially laid out (lots and blocks) by Bell & Clayton Engineers on June 11, 1954. The properties were platted as Lots 19 and 20, Block 3, Highview Addition, which was officially filed for record on April 22, 1964, in Plat Book 707, Page 337, Plat Records of Bell County, Texas.

Character of the Area

Existing Land Use(s) on the Property: The former single-family homes on these properties were converted to a church and related youth center. The properties are located within a "R-1" residentially zoned neighborhood; however, numerous former single-family homes have transitioned to commercial enterprises along this corridor of Florence Road. The scope of redevelopment activity that has occurred to the structures and land area of these two lots make them unlikely candidates for a transition back to a residential character. It is feasible at this time to encourage continued investment into the properties as non-residential/ commercial enterprises, while providing for increased screening and landscaping standards.

Historic Properties: There are no historic structures on this property.

Figure 1. Zoning Map

See attachment.

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water and sewer infrastructure is immediately available to the property. The property owners and their 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.

Transportation:

Existing conditions: Florence Road is classified a 70' collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no proposed improvements.

Projected Traffic Generation: No change

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: This site does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). The site ranges in elevation from 856' to 858' above sea level. Currently sheet flow runoff exits these parcels and flows northward on private property without a drainage easement for approximately 420 feet into Evergreen Drive. From there the combined runoff flows northeast within the Florence Road ROW for approximately 0.3 miles into South Nolan Creek. The distance from this site and the confluence with impaired section of South Nolan Creek is approximately 1.9 miles. South Nolan Creek downstream of Liberty Ditch is 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 was platted in 1964. As a result, the 1993 drainage design criteria and the current DDM standards do not apply for new development unless the parcel is re-platted.

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, and planned developments, as well as parks and public/ institutional places.

Consistency: 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 twenty-seven (27) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no responses.

Recommendation

The Planning and Zoning Commission recommended approval of the applicant's request for "B-1" zoning by a vote of 7 to 0. The subject properties have not been used for residential purposes for several years, nor have the properties retained a residential character or appearance during this time. Staff is of the determination that the applicant's zoning request is consistent with other properties that have transitioned to commercial or non-residential uses. Additionally, the existing Knowledge is Power Ministries' church does not meet the required yard setbacks of 25' as required by Killeen Code of Ordinances Section 31-188 (2). At a minimum, the "B-1" zoning will allow the church to mitigate the side yard setback down from 25' to 10'. Furthermore, the "B-1" zoning district will limit the scope of allowable commercial uses on these parcels.