



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-17-016B    **Version:** 1    **Name:** Zoning 17-03  
**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 Paula L. Lohse and John P. Goode (Case #Z17-03) to rezone Lots 6 and 7, Block 36, Crescent Manor Second Extension, from "B-1" (Professional Business District) and Lot 7, Block 35, Crescent Manor Second Extension, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Council Memorandum, 2. Attachment to CCMO, 3. Minutes, 4. Ordinance, 5. Application, 6. Location Map, 7. Buffer Map, 8. Considerations, 9. Responses

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 Paula L. Lohse and John P. Goode (**Case #Z17-03**) to rezone Lots 6 and 7, Block 36, Crescent Manor Second Extension, from "B-1" (Professional Business District) and Lot 7, Block 35, Crescent Manor Second Extension, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.

### AGENDA ITEM

### ZONING CASE #Z17-03 "B-1" (PROFESSIONAL BUSINESS DISTRICT) AND "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

This request is submitted by Paula L. Lohse and John P. Goode to rezone Lots 6 and 7, Block 36, Crescent Manor Second Extension, from "B-1" (Professional Business District) and Lot 7, Block 35, Crescent Manor Second Extension, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, 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) 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:** Paula L. Lohse and John P. Goode

**Property Location:** The properties are addressed as 1621 and 1623 Richard Drive and 1605 S. W.S. Young Drive, Killeen, Texas.

**Legal Description:** Lots 6 and 7, Block 36 and Lot 7, Block 35, Crescent Manor Second Extension

## Zoning/ Plat Case History:

- Lots 6 and 7, Block 36, were rezoned from "R-1" to "B-1" on March 10, 1969, per Ordinance No. 69-12. The zoning of Lot 7, Block 35, occurred prior to 1969.
- The property is platted as Crescent Manor Second Extension which was filed for record on May 27, 1964, in Plat Book 898, Page 166, Deed Records of Bell County, Texas.

## Character of the Area

**Existing Land Use(s) on the Property:** The properties are currently undeveloped. The W. S. Young Drive corridor (between Terrace Drive and E. Central Texas Expressway) is a mix of long-standing residential communities and some commercial and institutional uses. The area to the west of these properties is a residential community. There are commercial properties located south of these properties along the S. W.S. Young Drive frontage. The Cloud Real Estate building abuts 1623 Richard Drive and the Hill Country Church is located across the street from 1605 S. W. S. Young Drive at 1604 S. W. S. Young Drive.

**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, 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 capacity is available to the tract. 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: S. W.S. Young Drive and Richard Drive are classified (respectively) as a 110' principal arterial and a 60' local residential street on the City's approved Thoroughfare Plan. No proposed right-of-way taking affects the property.

Proposed Improvements: None proposed

Projected Traffic Generation: If approved, a marginal increase of traffic will be expected as a result of this zoning request.

## Environmental Assessment

**Topography/Regulated Floodplain/Floodway/Creek:** The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). Currently sheet flow runoff exits 1605 S. W.S. Young Drive along the south property line into Richard Drive and flows east for approximately 50 feet into S. W.S. Young Drive. Currently sheet flow runoff exits 1621 Richard Drive and 1623 Richard Drive along the south property line and

then flows east for approximately 1600 feet into S. WS Young Drive. From there, the combined runoff flows southeast within public R-O-W and drainage easements for approximately 0.76 mile into Trimmer Road Ditch. The distance from this site and the confluence with Little Nolan Creek is approximately 0.9 mile. 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 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, 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." The applicant has submitted a concurrent FLUM amendment request from 'General Residential' to 'General Commercial'.

### **Public Notification**

The staff notified twenty-seven (27) surrounding property owners within a 200' notification boundary regarding this request. Staff has received protests from Mary Gonzales of 1504 Randall Road and Patricia Warren of 1617 Richard Drive.

### **Recommendation**

The Planning and Zoning Commission recommended approval of the applicants' request for "B-3" zoning for Lots 6 and 7, Block 36 and Lot 7, Block 35, Crescent Manor Second Extension by a vote of 6 to 0 (with Commissioner Purser abstaining).