



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-18-020    **Version:** 1    **Name:** Zoning 18-12  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 7/17/2018    **In control:** City Council  
**On agenda:** 8/14/2018    **Final action:** 8/14/2018  
**Title:** HOLD a public hearing and consider an ordinance requested by Patricia Davis (Case #Z18-12) to rezone Lot 1, Block 1, J. Wisner Addition, from "B-2" (Local Retail District) to "B-3" (Local Business District) for a veterinary office. The property is addressed 1210 South W.S. Young Drive, Killeen Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Maps, 3. Minutes, 4. Ordinance, 5. Pharr v. Tippitt Considerations, 6. Responses, 7. Presentation

Date	Ver.	Action By	Action	Result
8/14/2018	1	City Council	Approved	Pass
8/7/2018	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Patricia Davis (**Case #Z18-12**) to rezone Lot 1, Block 1, J. Wisner Addition, from "B-2" (Local Retail District) to "B-3" (Local Business District) for a veterinary office. The property is addressed 1210 South W.S. Young Drive, Killeen Texas.

**DATE:**        **August 7, 2018**

**TO:**            **Ronald L. Olson, City Manager**

**FROM:**        **Dr. Ray Shanaa, AICP, Exec. Dir. of Planning and Development Services**

**SUBJECT: ZONING CASE #Z18-12 "B-2" (Local Retail District) to "B-3" (Local Business District)**

**Background and Findings:**

This request is submitted by Patricia Davis to rezone Lot 1, Block 1, J. Wisner Addition, from "B-2" (Local retail District) to "B-3" (Local Business District) for a veterinary office. The property is addressed as 1210 S. W.S. Young Drive, Killeen Texas.

District Descriptions:

A building or premise in a district "B-3" two-family residential 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: Patricia Davis

Property Location: 1210 S. W.S. Young Drive, Killeen Texas

Legal Description: Lot 1, Block 1, J. Wisner Addition

Zoning/ Plat Case History:

- The subject property was rezoned from "B-1" (Professional Business District District) to "B-2" (Local

Retail District) on May 27, 2008, per ordinance #08-31.

- The J. Wisner Addition plat was filed for record on June 12, 2007 in Cabinet D, Slide 178-C, Plat Records of Bell County, Texas.

Character of the Area: The subject property is located adjacent to a commercial zoned tract, with other commercial uses observed across the W. S. Young right-of-way. The greater surrounding area is residential in character.

Existing Land Use(s) on the Property: The property contains an existing one-story commercial structure.

Historic Properties: None

#### Community Infrastructure and Environmental Assessment:

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 located within the City of Killeen municipal utility service area and available to the subject tract.

Transportation:

Existing conditions: The property is located at the northeast corner of the intersection of South W. S. Young Drive and Zephyr Road, which are classified as a principal arterial and a minor arterial (respectively) on the City's adopted Thoroughfare Plan. There is a 5' Texas Power & Light easement along the northern property line. The only points of access onto this parcel is the 24' access drive within the TP&L easement at the northwest corner of the property along W. S. Young Drive and along the entire eastern property line into the adjacent 10' unimproved alley.

Proposed Improvements: None are proposed at this time.

Environmental Assessment:

This property does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). Currently, sheet flow runoff exits this parcel and flows north for approximately 1,400 feet into an unnamed tributary to South Nolan Creek. The distance from this site and the confluence with the impaired section of South Nolan Creek is approximately 1.6 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 rezoned was platted in 2007. As a result, the 1993 drainage design criteria apply to this development until the parcel is re-platted.

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. Furthermore, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The property owner or his/ her agent, 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:

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

Plan Recommendation: The Comprehensive Plan calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

Consistency: This request is consistent with the FLUM of the Comprehensive Plan.

Public Notification: Staff notified fifteen (15) surrounding property owners regarding this request. Staff received two responses; one in support from the property owner (who owns the adjacent property) and a response from Mr. Michael Lackmeyer, the owner of 1201 S. W.S. Young Drive. Mr. Lackmeyer is concerned about this zoning request leading to parking problems.

**THE ALTERNATIVES CONSIDERED:**

**Which alternative is recommended?**

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

**Why?**

Staff supports the applicant's request.

**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 recommended approval of the applicant's "B-3" (Local Business District) zoning request by a vote of 5 to 0. The requested zoning fits within the context of the South W. S. Young

corridor and the stated use of veterinary medicine will allow a possible expansion of the El Centro Pet Medical Center.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Pharr v. Tippitt Considerations  
Responses