



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-15-023    **Version:** 1    **Name:** Zoning 15-09  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 6/2/2015    **In control:** City Council  
**On agenda:** 6/23/2015    **Final action:** 6/23/2015  
**Title:** HOLD a public hearing and consider an ordinance requested by Fred and Linda Garvin (Case #Z15-09) to rezone Lot 5, Block 33, Crescent Manor, 2nd Extension, from "B-1" (Professional Business District) to "B-2" (Local Retail District). The property is locally known as 1507 South W.S. Young Drive, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Council Memorandum, 2. Attachment CCMO, 3. Minutes, 4. Ordinance, 5. Application, 6. Location Map, 7. Buffer Map, 8. Considerations, 9. Support, 10. Opposition

Date	Ver.	Action By	Action	Result
6/23/2015	1	City Council	Approved	Pass
6/16/2015	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Fred and Linda Garvin (Case #Z15-09) to rezone Lot 5, Block 33, Crescent Manor, 2<sup>nd</sup> Extension, from "B-1" (Professional Business District) to "B-2" (Local Retail District). The property is locally known as 1507 South W.S. Young Drive, Killeen, Texas.

### AGENDA ITEM

### ZONING CASE #Z15-09 "B-1" (PROFESSIONAL BUSINESS DISTRICT) TO "B-2" (LOCAL RETAIL DISTRICT)

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

#### Nature of the Request

This request is to rezone Lot 5, Block 33, Crescent Manor, 2nd Extension, from "B-1" (Professional Business District) to "B-2" (Local Retail District) for a prospective photography studio. The property is locally known as 1507 South W.S. Young Drive, Killeen, Texas.

#### **A building or premises in the "B-2" Local Retail District shall be used only for the following purposes:**

- (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.

### **Property Specifics**

**Applicant/Property Owner:** Fred and Linda Garvin

**Property Location:** The property is located south of the t-intersection of South W.S. Young Drive and Jerry Road, and is locally known as 1507 South W.S. Young Drive, Killeen, Texas.

**Legal Description:** Lot 5, Block 33, Crescent Manor, 2<sup>nd</sup> Extension.

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

The property was rezoned from "R-1" (Single-Family Residential District) to "B-1" (Professional Business District) for use as an appraisal office on September 27, 2005, per ordinance # 05-88.

The property is platted as Lot 5, Block 33, Crescent Manor, 2nd 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 Uses(s) on the Property:** There is an existing commercial enterprise on the property.

### **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 available to the above subject tract located within the City of Killeen municipal utility service area. Adequate potable water and sanitary sewer capacity is currently available to the current structure on the property. Public storm drainage infrastructure lies within the abutting right-of-way.

#### **Transportation:**

Existing conditions: South W.S. Young Drive is classified as a 110' principal arterial on the City's Thoroughfare Plan. Jerry Road is a 60' local street. Ingress/ Egress to the property would be limited to the single point of existing access on South W. S. Young Drive.

Proposed Improvements: There are none at this time.

Projected Traffic Generation: Minimal.

### **Environmental Assessment**

**Topography:** The property is relatively flat.

**Regulated Floodplain/Floodway/Creek:** The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). This parcel was platted in 1964 and was subject to the City's 1963 drainage criteria. Storm water runoff from this residential parcel primarily travels southeast into the western curb line of South W.S. Young Drive, and travels southbound until it ultimately reaches the Little Nolan Creek tributary of Nolan Creek. 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 current 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

### **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' character encourages detached residential dwellings as the primary focus, attached housing types subject to compatibility and open space standards, planned developments (with a mix of housing types) subject to compatibility and open space standards, public/institutional, parks, and other public spaces. The characteristics of this designation include:

Predominantly "R-1" zoning district with less openness and separation between dwellings compared to 'Suburban Residential' areas.

Auto-oriented character that can be offset with architectural standards, landscaping, and limited uniform subdivision designs.

Neighborhood-scale commercial uses emerging over time for well-suited areas.

**Consistency:** Consistent.

### **Public Notification**

Staff notified twenty-six (26) surrounding property owners within the 200' notification area. Staff has received four (4) responses, which includes a protest from John W. Hughes, the owner of 1514 South W. S. Young Drive.

**Recommendation**

After hearing comments from the staff and the applicant regarding the intended use of the subject property, the Planning and Zoning Commission recommended approval of "B-2" (Local Retail District) zoning by a vote of 6 to 0 (with Commissioner Cooper abstaining).