



# City of Killeen

## Legislation Text

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File #: PH-15-059, Version: 1

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**HOLD** a public hearing and consider an ordinance requested by LIBSQ II, L.P. (Case #Z15-28) to rezone Lot 10, Block 1, Bellaire Addition Section I, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is locally known as 908 Jasper Drive, Killeen, Texas.

### **AGENDA ITEM**

### **ZONING CASE #Z15-28 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)**

### **ORIGINATING DEPARTMENT**

### **PLANNING & DEVELOPMENT SERVICES**

#### **Nature of the Request**

This request is to rezone Lot 10, Block 1, Bellaire Addition Section I, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is located at the southwest corner of the T-intersection of Jasper Drive and Trimmier Road and is locally known as 908 Jasper Drive. The applicant has listed office use as the desired land use for the zoning request.

#### **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) Bank, savings and loan or other financial institution.
- (3) Day camp.
- (4) Hospital, home or center for the acute or chronic ill.
- (5) Mortuary or funeral chapel.
- (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) Office, general business.
- (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 or pet grooming shop.
- (20) Hotel or motel.
- (21) Job printing. Not more than seventeen (17) inches by twenty-five (25) inches page size.
- (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.

Sec. 31-306.1 Supplemental standards for restaurants engaged in the on-premises sale and consumption of alcohol.

- (a) During any consecutive twelve-month period, a restaurant shall not obtain more than fifty (50) percent of its gross receipts from the on-premises sale of alcoholic beverages. In conjunction with renewal of TABC licensing, it shall be required to provide the most recent comptroller's certification of sales receipts to the planning and development services department prior to the city's approval of the permit renewal.
- (b) Restaurants may not be within three hundred (300) feet of a church, public or private school or public or private hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church, public or private school, or public or private hospital shall be as prescribed by the Texas Alcoholic Beverage Code § 109.33, as amended.

### **Property Specifics**

**Applicant/Property Owner:** LIBSQ II, L.P.

**Property Location:** The property is located at 908 Jasper Road, Killeen, Texas.

**Legal Description:** Lot 10, Block 1, Bellaire Addition Section I, Killeen, Texas.

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

There has been no recent zoning activity for this property.

The property is platted as Lot 10, Block 1, Bellaire Addition Section I, which was filed for record on December 16, 1964, in Plat Book 918, Page 397, Deed Records of Bell County, Texas.

### **Character of the Area**

**Existing Land Use(s) on the Property:** There is an existing residential structure on this corner property. It is part of a block that is zoned "R-1" within its entirety. The property fronts onto Jasper Drive and faces another single-family home to the north. The property abuts single-family homes to the west and south. The eastern boundary is located adjacent to Trimmier Road and is across the street from an existing "B-2" (Local Retail District) zoned office park.

### **Figure 1. Zoning Map**

See Attachment

**Historic Properties:** None

### **Infrastructure and Community Facilities**

#### **Emergency Response**

Fire District: 5

Fire Response Zone: 5-3

Miles from Fire Station: Approximately 1.77 miles from Fire Station No. 5, which is located at 905 W. Jasper Road.

#### **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 and sanitary sewer capacity are available to the current residence on the property. Public storm drainage infrastructure lies within the abutting right-of-way. Detention of post development storm water runoff may be required if the property is converted to commercial use and inadequate capacity remains within existing drainage infrastructure. Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. 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: The property is located at the southwest corner of the signalized T-intersection of Jasper Drive and Trimmier Road. Jasper Drive and Trimmier Road are respectively classified as a 70' collector and 90' minor arterial on the City's adopted Thoroughfare Plan. The Trimmier Road Improvements CIP is currently under construction, which includes mobility enhancements as a part of the future project. A right-of-way taking may affect the property. Ingress/egress to the property would be limited to the single point of existing ingress/egress to Jasper Road. A discrete drive to Trimmier Road would not be allowed.

Proposed Improvements: None proposed as part of this development.

Projected Traffic Generation: The traffic impact will be minimal.

### **Environmental Assessment**

**Topography:** The property has an elevation of 906'. The soils for the site are classified as follows:

approximately 32 percent Topsey clay loam with 3 to 8 percent slopes (BtC2) and approximately 68 percent Denton silty clay with 1 to 3 percent slopes (DeB). There are no known wetlands on this parcel. The 1964 Drainage requirements will apply to any new development on this parcel.

Currently sheet flow runoff on this development flows from the rear of the parcel to the adjacent parcel to the south and then into Trimmier Road and other rights-of-ways prior to entering Trimmier Road Ditch. The runoff then flows from Trimmier Road Ditch into Little Nolan Creek. Little Nolan Creek flows into Nolan Creek prior to leaving the City. 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.

**Regulated Floodplain/Floodway/Creek:** The proposed development is not within any FEMA regulatory Special Flood Hazard Area (SFHA).

### **Land Use Analysis**

**Land Use Plan:** The property is designated as 'General Residential' on the Future Land Use Map (FLUM) a component of the Comprehensive Plan.

**Plan Recommendation:** The Comprehensive Plan considers 'General Residential' to be of a medium intensity category/character that encompasses detached residential dwelling units, attached housing types, planned developments, as well as parks and public/institutional places. 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.

**Consistency:** The rezone request is consistent with the Comprehensive Plan.

### **Public Notification**

Staff notified sixteen (16) surrounding property owners within the 200' notification area. Staff has received no protests.

### **Recommendation:**

The Planning and Zoning Commission recommended approval of "B-2" (Local Retail District) zoning for this site by a vote of 5 to 1 with Commissioner Harkin in opposition. Commission Dorroh abstained from this vote. This property is located at the corner of a busy signalized intersection and is an appropriate site for low-scale general office and local retail use.