



# City of Killeen

## Legislation Text

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File #: PH-16-034B, Version: 1

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**HOLD** a public hearing and consider an ordinance requested by Thayne and Rikki Bright (Case #Z16-16) to rezone approximately 11 acres, being part of the T. Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) for prospective commercial uses. The property is addressed as 3901 and 4001 Robinett Road, Killeen, Texas.

### **AGENDA ITEM**

### **ZONING CASE #Z16-16 "A-R1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT)**

### **ORIGINATING DEPARTMENT**

### **PLANNING & DEVELOPMENT SERVICES**

This request is submitted by Thayne and Rikki Bright to rezone approximately 11 acres, being part of the T. Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) for prospective business uses. The property is addressed as 3901 and 4001 Robinett Road, 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) Bank, savings and loan or other financial institution
- (3) Day camp
- (4) Hospital, home or center for the acute or chronically 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

### **Property Specifics**

**Applicant/Property Owner:** Thayne and Rikki Bright

**Property Location:** The property is located at 3901 and 4001 Robinett Road, Killeen, Texas.

**Legal Description:** Approximately 11 acres, being part of the T. Robinett Survey, Abstract No. 686

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

- There is no recent zoning activity for this property.
- The property has not been platted.

### **Character of the Area**

**Existing Land Use(s) on the Property:** The property currently contains two residential structures. There is residential development to the west and south of the property. The property east of this site is currently zoned "B-3" (Local Business District).

### **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 readily available to the above subject property proposed to be rezoned within the City of Killeen municipal utility service area. However, in accordance with the City of Killeen Code of Ordinances, the developer is required to extend public utilities to the property in accordance with the plan of service validated with any approved plat case(s). Detention of post development storm water run-off may be required if the property is further developed. Currently sheet flow runoff directly enters South Nolan Creek before exiting the property being zoned. While this section of South Nolan Creek is unimpaired, approximately 6 miles downstream South Nolan Creek is currently listed on the TCEQ's 2014 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

It shall be noted that 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 has frontage along W. Elms Road and Robinett Road, which are both classified as 90' minor arterials on the City's adopted Thoroughfare Plan.

Proposed Improvements: None

Projected Traffic Generation: Traffic generation is undetermined at this point as a development scheme has not been provided.

**Environmental Assessment**

**Topography/Regulated Floodplain/Floodway/Creek:** This property contains a FEMA regulatory Zone AE Special Flood Hazard Area (SFHA). Approximately 1.57 acres of the SFHA is floodway and approximately 3.62 acres of the area is floodplain. Approximately 69% of the site has soils with less than a 1% slope and are classified as frequently flooded. There is also an unnamed tributary, locally known as Robinett Creek, that bisects the property and flows from southeast to northwest. A Creek Buffer Zone (CBZ) will be required along both watercourses at the time of platting. Additionally, a portion of the southwest corner of the area being zoned contains, or abuts, an area identified as Freshwater Emergent Wetland.

**Land Use Analysis**

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

**Plan Recommendation:** The 'Rural' designation encourages wide open landscapes, very high open space ratios and low density development.

**Consistency:** The request is not consistent with the Comprehensive Plan's FLUM. However, the applicant has submitted a concurrent FLUM amendment request from 'Rural' to 'Suburban Commercial' along with this zoning request.

**Public Notification**

The staff notified sixteen (16) surrounding property owners regarding this request. Staff has received one response in opposition from Ms. Angela Johnson, the owner of 4101 Janelle Court.

**Recommendation**

The Planning & Zoning Commission recommended approval of "B-3" zoning by a vote of 4 to 0.