



City of Killeen

Legislation Text

File #: PH-21-025, **Version:** 1

HOLD a public hearing and consider an ordinance requested by Jim Wright on behalf of Isdale, Isdale, Isdale (**Case #Z21-09**) to rezone Suite B16 out of the Isdale Addition Extension, Block 001, Lot Pt. 1, 2 (approximately 0.476 acre), from "B-2" (Local Retail District) to "B-2" (Local Retail District) with a Conditional Use Permit (CUP) for an adult daycare facility. The property is addressed as 2904 Trimmier Rd., Killeen, Texas.

DATE: June 1, 2021

TO: Kent Cagle, City Manager

FROM: Tony McIlwain, Exec. Dir. Development Services

SUBJECT: ZONING CASE #Z21-09 "B-2" (Local Retail District) to "B-2" (Local Retail District) with a Conditional Use Permit (CUP) for an adult daycare facility.

BACKGROUND AND FINDINGS:

Summary of Request:

This request, submitted by Jim Wright on behalf of Isdale, Isdale, Isdale is to rezone Suite B16 out of the Isdale Addition Extension, Block 001, Lot Pt. 1, 2 (approximately 0.476 acre), from "B-2" (Local Retail District) to "B-2" (Local Retail District) with a Conditional Use Permit (CUP) for an adult daycare facility. The property is addressed as 2904 Trimmier Rd., Killeen, Texas.

Should this request be approved, the applicant intends to offer temporary care services that cater to the needs of elderly and special need adults.

Zoning / Plat Case History:

The property was zoned "B-2" (Local Retail District) in 1976 and is currently platted as the Isdale Addition Extension, Block 001, Lot Pt. 1, 2.

Character of the Area:

The surrounding area is made up of a mix of residential and commercial properties. Adjacent land uses are as follows:

- North: Existing "B-3" (Local Business District) directly abutting this parcel.

- South: Existing "B-2" (Local Retail District) directly abutting this parcel.
- East: Existing "B-3" (Local Business District) directly abutting this parcel.
- West: Existing "R-1" (Single-Family Residential District) across Trimmier Road.

Future Land Use Map Analysis:

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

The 'General Commercial' (GC) designation encourages the following development types:

- Wide range of commercial retail and service uses, at varying scales and intensities depending on the site
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site)
- Public/institutional
- Parks and public spaces

This request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

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 may be available to the subject tract.

Transportation and Thoroughfare Plan:

Ingress and egress to the property is from Trimmier Road, which is classified as a 110' wide Minor Arterial on the City of Killeen adopted Thoroughfare Plan.

Public Notification:

Staff notified eighteen (18) surrounding property owners regarding this request. Of those property owners notified, nine (9) are outside of the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by Council and five (5) property owners reside outside of Killeen. As of the date of this report, staff has received no responses in support or opposition.

Staff Findings:

Staff finds that the applicant's request to operate an adult daycare facility in this location is consistent with the permitted uses in the "B-2" (Local Retail) district and would not adversely impact the adjacent properties. Staff is of the determination that additional conditions of approval are unnecessary in this instance, as the proposed use of the property as an adult daycare facility is consistent with the character and impact of the other uses permitted in this district.

In accordance with City of Killeen Code of Ordinances Section 31-2, "*Day care center* shall mean a childcare facility that provides care for more than twelve (12) children under fourteen (14) years of age or less than twenty-four (24) hours a day. It does not include a group day care home or drop-in care center." Therefore, an adult daycare facility is not a specific use allowed within the "B-2" district, necessitating the request for a

conditional use permit.

There are no known environmental constraints for these lot. The lot is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's request for "B-2" (Local Retail District) with a Conditional Use Permit (CUP) for an adult daycare facility;
- Approve the applicant's request for "B-2" (Local Retail District) with a Conditional Use Permit (CUP) for an adult daycare facility with conditions; or
- Approve the applicant's request for "B-2" (Local Retail District) with a Conditional Use Permit (CUP) for an adult daycare facility without conditions.

Which alternative is recommended? Staff recommends approval of the applicant's request.

Why? The proposed change in use is compatible with the existing character of the area. Further, staff finds that the applicant's request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the City of 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 & Zoning Commission, by a vote of 6 to 0, recommended approval of the applicants request to rezone the property to "B-2" (Local Retail District) with a Conditional Use Permit (CUP) for an adult daycare facility without conditions.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps

Minutes

Ordinance

Considerations