



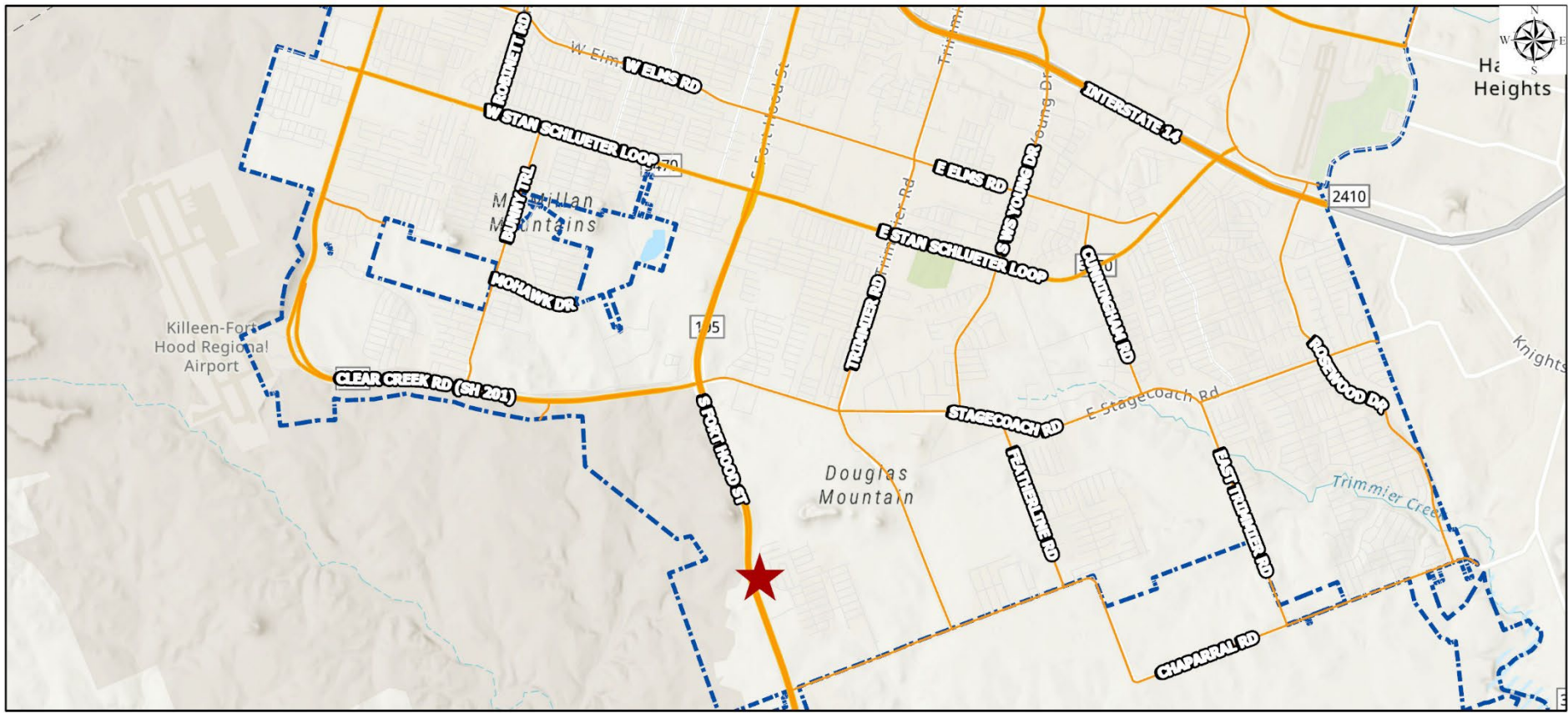
**CASE #Z23-01:
“CD” W/CUP – AMENDMENT**

PH-23-016

March 7, 2023

Case #Z23-01: “CD” W/CUP – AMENDMENT

- ❑ **HOLD** a public hearing and consider an ordinance requested by John Vela on behalf of JYKM Splawn Ranch, LLC (**Case #Z23-01**) to amend the existing Conditional Use Permit (CUP) for Lot 1, Block 1, Splawn Ranch Retail to allow package stores (i.e. liquor stores) as a permitted use.
- ❑ The property is locally addressed as 10640 S. Fort Hood St., Killeen, Texas.



LOCATION MAP




Council District: 3



Subject Property Legal Description: SPLAWN RANCH RETAIL, BLOCK 001, LOT 0001, ACRES 4.0

Zoning Case 2023-01
 CD WITH CUP TO CD WITH CUP

Legend

-  Major Roads
-  City Limits
-  Zoning Case Location



AERIAL MAP

Council District: 3



Subject Property Legal Description: SPLAWN RANCH RETAIL, BLOCK 001, LOT 0001, ACRES 4.0

Zoning Case 2023-01

CD WITH CUP TO CD WITH CUP

Legend

- Citylimits
- Zoning Case

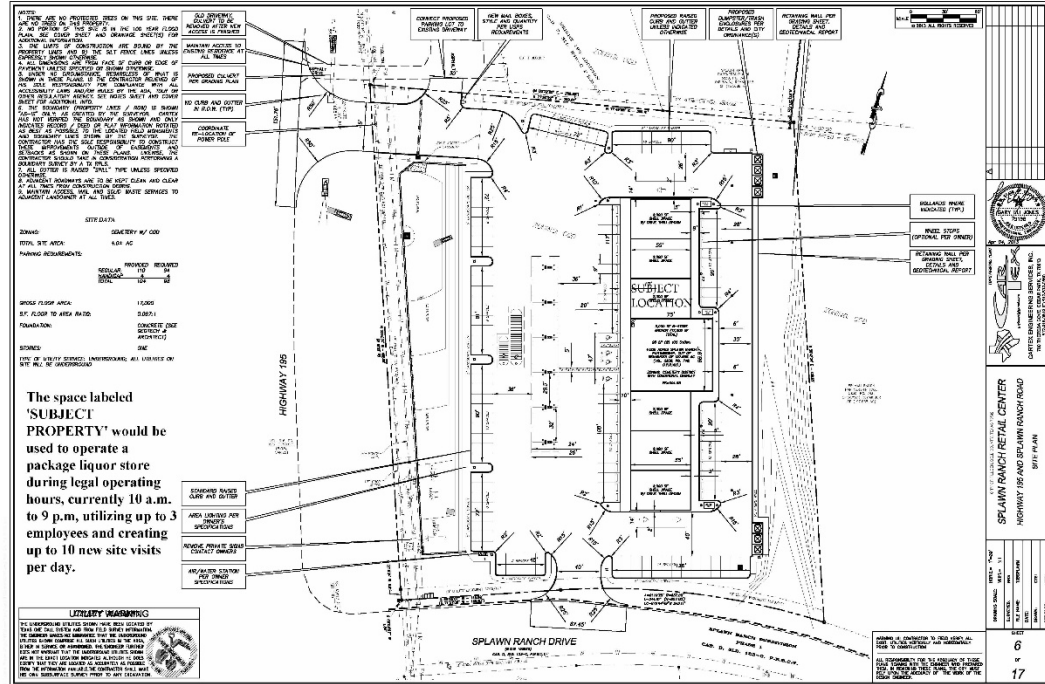
Case #Z23-01: “CD” W/CUP – AMENDMENT

5

- ❑ On January 22, 2013 via Ordinance No. 13-006, the City Council approved a request to rezone the subject property from “CD” (Cemetery District) to “CD” with a CUP for retail space with the condition that “there shall be no car sales (new or used), pawn shops, or retail liquor stores.”
- ❑ The applicant’s request is to amend the CUP to remove the prohibition of retail liquor stores.

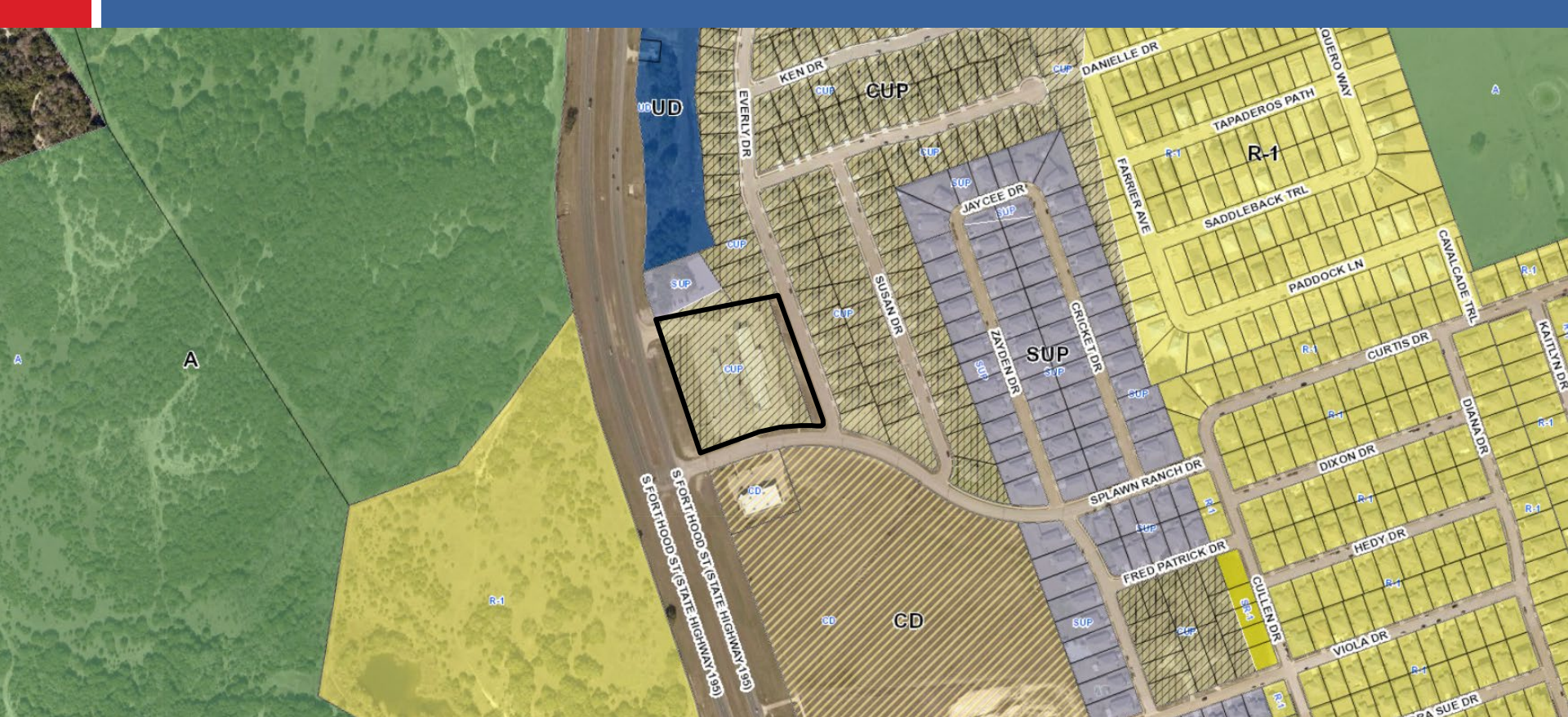
Case #Z23-01: “CD” W/CUP – AMENDMENT

6



- If approved, the applicant intends to use (or lease for third party use) a portion of the property for the operation of a package liquor store.

Case #Z23-01: "CD" W/CUP – AMENDMENT



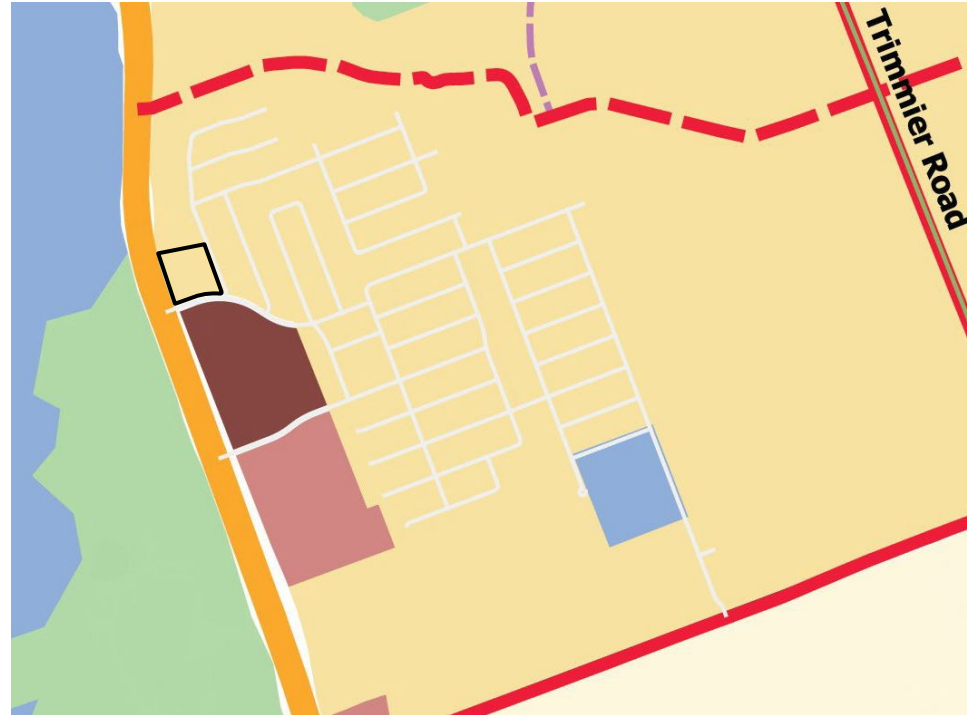
Chapter 31 Compliance

- **Killeen Code of Ordinances Sec. 31-450** states:
“The City Council by an affirmative majority vote may by ordinance grant a conditional use permit [...] for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the Veterans Cemetery.”

Comprehensive Plan Analysis

9

- The subject property is designated 'Residential Mix' on the FLUM, which promotes a use mix of up to 25% non-residential and 95% residential uses.



Comprehensive Plan Analysis

10

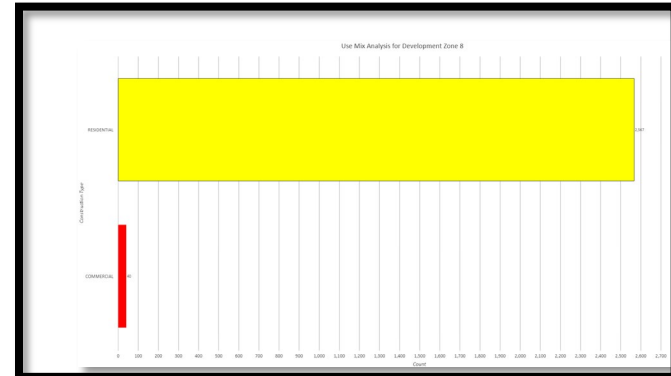
Located within Development Zone #8.

Approximate current land use mix:

- 15% agricultural,
- 15% non-residential zoning districts
- 41% residential zoning districts.
- 29% * Special Districts, SUP and PUD

Zoning districts (excluding special districts)

- 1% non-residential zoning districts
- 99% residential zoning districts



Comprehensive Plan Analysis

- The Comprehensive Plan emphasizes place-based economic development and an increase in demand for “complete neighborhoods” where a variety of residential types, office, and retail are all integrated together. In addition, the Comprehensive Plan explains that existing neighborhoods should provide a complete environment with various uses with the goal of cultivating a more fiscally productive, flexible, and resilient community.

Case #Z23-01: “CD” W/CUP – AMENDMENT

12

View of the subject property looking south:



Case #Z23-01: “CD” W/CUP – AMENDMENT

13

View of the adjacent property to the west:



Case #Z23-01: “CD” W/CUP – AMENDMENT

14

View of the surrounding property to the east:



Case #Z23-01: “CD” W/CUP – AMENDMENT

15

View of the surrounding property to the north:



Public Notification

- Staff notified thirty-eight (38) surrounding property owners regarding this request.
- Of those notified, twenty (20) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and ten (10) property owners reside outside of Killeen.
- To date, staff has received two (2) written response in opposition to this request.

Alternatives

- ❑ The City Council has three (2) alternatives. The Council may:
 - ❑ Approve the applicant's request to amend the existing CUP;
 - ❑ Do not approve the applicant's request to amend the existing CUP.

Staff Recommendation

- ❑ Staff notes that the applicant's request is to retain the existing Conditional Use Permit (CUP) via Ordinance No. 13-006, but amend the CUP to allow for the operation of a package store.
- ❑ Staff recommends approval of the applicant's request to amend the existing Conditional Use Permit (CUP) to allow package stores (i.e. liquor stores) as a permitted use as requested by the applicant.

Commission Recommendation

- At their regular meeting on February 6, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 3 to 2 with Commissioners Gukeisen and Ploeckelmann in opposition.
- Commissioner Gukeisen stated that he was in favor of retaining the conditions established in 2013 with the original CUP. Commissioner Ploeckelmann expressed concerns regarding safety and the proximity to a nearby BYOB bar and grill.