

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z17-04 "B-5" (BUSINESS DISTRICT) TO "B-C-1" (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

This request is submitted by Waterville Property Management of Texas, L.L.C. to rezone 202 E. Veterans Memorial Boulevard, Suites A-D, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) to allow for the on-premises sales of beer, wine, and mixed beverages in conjunction with a pool hall.

District Description:

A building or premises in the "B-C-1" General Business and Alcohol Sales District shall be used only for the following purposes:

- (1) Business establishments dispensing alcoholic beverages under the Texas Alcoholic Beverage Code, in accordance with permits issued, and the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, all of which are adopted hereby and made a part hereof for all purposes
- (2) Any uses permitted in a "B-5" district, excluding the sale of beer, wine, and/or any other alcoholic beverages for off-premises consumption
- (3) Business establishments dispensing alcoholic beverages 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. New applications for a "B-C-1" General Business and Alcohol Sales District zoning shall require the notification of all property owners within two hundred (200) feet in all directions of the area for which the "B-C-1" zoning is requested, so long as those properties are within the corporate limits of the City of Killeen

Property Specifics

Applicant/Property Owner: Waterville Property Management of Texas, L.L.C.

Property Location: The property is located at 202 E. Veterans Memorial Boulevard, Killeen, Texas.

Legal Description: The property is platted as Lot 1, Block 1, Kim Addition, which was filed for record on February 16, 1994, in Cabinet B, Slide 322-B, Plat Records of Bell County, Texas.

Zoning Case History: There is no recent zoning activity for this property

Character of the Area

Existing Land Use(s) on the Property There is an existing commercial plaza on the property.

Historic Properties: There are no historic structures on this property.

Figure 1. Zoning Map

See attachment.

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Municipal utilities are present and readily available to the subject property. 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. 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: E. Veterans Memorial Boulevard is classified as a 110' principal arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: None

Projected Traffic Generation: Minimal impact to level of service

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: This property does not lie within a FEMA regulatory Special Flood Hazard Area. However, a 2010 drainage study completed by the City of Killeen shows that the parking lot on this parcel does in fact lie within the flood hazard area for Valley Ditch. According to that study the current structure on this parcel is above the base flood elevation for Valley Ditch. Currently sheet flow runoff exits these parcels and flows westward directly into Valley Ditch. From there the combined runoff flows south for approximately 600 feet into South Nolan Creek. The distance from this site and the confluence with impaired section of South Nolan Creek is approximately 1.9 miles. South Nolan Creek downstream of Liberty Ditch is currently listed on the TCEQ's 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients. The applicant is advised that the area being zoned was platted in 1994. As a result, the 1993 drainage design criteria apply to this development until the parcel is re-platted.

Land Use Analysis

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

Plan Recommendation: The Comprehensive Plan calls for a wide range of commercial, retail, and service uses, at varying scales and intensities depending on the site.

Consistency: This zoning request is consistent with the Comprehensive Plan.

Public Notification

The staff notified seven (7) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no responses.

Recommendation

The Planning and Zoning Commission recommended approval of the rezone request from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) limited to Suites A through D of the existing building by a vote of 7 to 0. There are no existing churches, public/private school, or public/private hospitals within 300 feet of the subject site as measured utilizing the standard articulated in TABC Section 109.33. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.