



CONDITIONAL USE PERMIT
TERMINATION –
308 E. AVENUE D

RS-26-036

February 17, 2026

Background

- A Conditional Use Permit (CUP) for the property located at 308 E. Avenue D was approved by City Council on May 13, 2013 via Ordinance No. 13-043 to allow for use of the property as a bar.
- The property is currently owned by Khanesiology, LLC and is utilized as a photography studio. A Certificate of Occupancy for the photography studio was issued on June 29, 2023.

Background

- Per Killeen Code of Ordinances Sec. 31-456(e)(1)(A), a Conditional Use Permit is terminated if: “the building or premises is not put to the permitted use for a period of one (1) year or more from the effective date of the ordinance authorizing issuance of the permit, or the permitted use ceases for any one (1) year period.”
- Since the property has not been used as a bar since at least June 2023, staff is of the determination that the CUP is terminated.

Background

- Per Killeen Code of Ordinances Sec. 31-456(e)(2), staff's determination that a CUP is terminated is subject to review by the City Council.
- This section states: "Whenever the Planning and Development Director makes a formal determination as to whether an event of termination has occurred, he/she shall promptly make and forward a written report to the City Council describing the facts surrounding such determination and the reasons for such determination."

Background

- Based on the property having been used as a photography studio since June of 2023, staff is of the determination that an event of termination has occurred, and the Conditional Use Permit allowing for use of the property as a bar is void and shall have no further effect.
- Notice was sent to the property owner in accordance with Sec. 31-456(e)(2) on January 9, 2026.

Recommendation

6

- Staff recommends that the City Council approve a memorandum/resolution approving staff's determination that the Conditional Use Permit (CUP) for the property located at 308 East Avenue D is terminated.