

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**ZONING CASE #Z14-05 FROM B-5  
(BUSINESS DISTRICT) TO B-3A (LOCAL  
BUSINESS AND RETAIL ALCOHOL SALES  
DISTRICT)**

### ORIGINATING DEPARTMENT

**PLANNING & DEVELOPMENT SERVICES**

#### **Nature of the Request**

This request is to rezone 1316 W. Central Texas Expressway from B-5 (Business District) to B-3A (Local Business and Retail Alcohol Sales District) to allow for package store sales. The property is located on the south side of W. Central Texas Expressway, approximately 135 feet east of Old FM 440.

#### **B-3A Use regulations:**

A building or premises in the B-3A Local Business and Retail Alcohol Sales District shall be used only for the following purposes:

- Any use permitted in the B-3 district, in accordance with the requirements of this division.
- Package stores to be operated under, and in accordance with, a valid Texas Alcoholic Beverage Commission issued package store permit provided that such establishment:
  - complies with all applicable rules and regulations established under the Texas Alcoholic Beverage Code (TABC) and/or promulgated by the Texas Alcoholic Beverage Commission, as amended. Said rules and regulations are hereby adopted and incorporated herein for all purposes; and
  - is not located within: three hundred (300') feet of a church, public or private school or public hospital; one thousand (1000') feet of a public school if a request is submitted to city council by the board of trustees of a school district under Section 38.007, Texas Education Code; or one thousand (1000') feet of a private school if a request is submitted to city council by the governing body of the private school. The measurement of the distances shall be as provided under TABC § 109.33 and in accordance with the procedures established by the TABC, as amended, which is hereby adopted and incorporated herein for all purposes. The city council may, however, allow a variance from this distance requirement in accordance with TABC §109.33(e).
- Uses listed in the B-3A Local Business and Retail Alcohol Sales District shall not be incorporated by right into less restrictive zoning districts, including, without limitation, the B-3, B-4, or B-5 districts, but shall be considered to be a stand-alone zoning district, except as provided for in this division.

#### **Property Specifics**

**Applicant/Property Owner:** Billy W. Revis

**Property Location:** The property is located on the south side of W. Central Texas Expressway, approximately 135 feet east of Old FM 440.

**Legal Description:** Lot 3, Block 2, K West Center.

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

- There is no recent rezone activity for this property.
- The property is platted as Lot 3, Block 2, K West Center.

### **Character of the Area**

**Existing Land Uses(s) on the Property:** This is the site of an existing furniture retail operation.

### **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 available to the property.

#### **Transportation:**

Existing Conditions: W. Central Texas Expressway is classified as a 70' collector on the City's Thoroughfare Plan.

Proposed Improvements: There are facade requirements for this project if the zoning change is approved.

Projected Traffic Generation: There will be a minimal increase in traffic as a result of this zoning action.

### **Environmental Assessment**

**Topography:** The property is at an elevation of 916'.

**Regulated Floodplain/Floodway/Creek:** The proposed development is not within any regulatory Special Flood Hazard Areas (SFHA).

### **Land Use Analysis**

**Land Use Plan:** The property is designated as 'General Commercial' on the Adopted Future Land Use Map (FLUM) a component 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:** The request for a change of zoning is consistent with the Comprehensive Plan.

### **Public Notification**

The staff notified seven surrounding property owners regarding this request. Staff has received no responses.

**Recommendation**

The Planning and Zoning Commission recommend approval of the applicant's change of zoning request by a vote of 7 to 0. It is consistent with the Comprehensive Plan and meets all of the TABC distance requirements.