



City of Killeen

Legislation Details (With Text)

File #: PH-22-056 **Version:** 1 **Name:** ZONING 22-30
Type: Ordinance/Public Hearing **Status:** Passed
File created: 5/12/2022 **In control:** City Council
On agenda: 7/26/2022 **Final action:** 7/26/2022
Title: HOLD a public hearing and consider an ordinance requested by All Texas Permits on behalf of First Cavalry Plaza, LLC (Case #Z22-30) to rezone a portion of approximately 1.313 acres out of the First Cavalry Plaza, Lot 1, Block 1, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is locally addressed as 4310 Clear Creek Road, Suite 130, Killeen, Texas.

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. Maps, 2. Site Photos, 3. Minutes, 4. Ordinance, 5. Considerations, 6. Presentation

Date	Ver.	Action By	Action	Result
7/26/2022	1	City Council	Approved	Pass
7/19/2022	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by All Texas Permits on behalf of First Cavalry Plaza, LLC (Case #Z22-30) to rezone a portion of approximately 1.313 acres out of the First Cavalry Plaza, Lot 1, Block 1, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is locally addressed as 4310 Clear Creek Road, Suite 130, Killeen, Texas.

DATE: July 19, 2022
TO: Kent Cagle, City Manager
FROM: Edwin Revell, Executive Director of Development Services.
SUBJECT: ZONING CASE #Z22-030: "B-5" to "B-C-1"

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: First Cavalry Plaza, LLC
Agent: All Texas Permits
Current Zoning: "B-5" (Business District)
Proposed Zoning: "B-C-1" (General Business and Alcohol Sales District)
Current FLUM Designation: 'General Commercial' (GC)

Summary of Request:

All Texas Permits, on behalf of First Cavalry Plaza, LLC, has submitted a request to rezone a portion of approximately 1.313 acres out of the First Cavalry Plaza, Lot 1, Block 1, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). If approved, the applicant intends to use the property as a nail salon which serves alcohol beverages. In accordance with Killeen Code of Ordinances Sec. 31-351(1), "business establishments dispensing alcoholic beverages under the Texas Alcoholic Beverage Code" require "B-C-1" (General Business and Alcohol Sales District) zoning.

Zoning/Plat Case History:

The subject property was annexed into the City limits on March 16, 1999 via Ordinance No. 99-16. The property was subsequently zoned "B-5" (Business District) on January 25, 2000 via Ordinance No. 00-5. The property is currently platted as First Cavalry Plaza, Block 1, Lot 1.

Character of the Area:

Surrounding Land Use and Zoning:

North: Developed commercial property (First Cavalry Plaza) zoned "B-5" (Business District)

East: Undeveloped commercial property zoned "B-5" (Business District)

South: Existing commercial property (Taco Bell) zoned "B-5" (Business District)

West: Existing commercial property (HTeaO) zoned "B-5" (Business District)

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;
- Office (both large and/or multi-story buildings and small-scale office uses);
- Public/institutional; and
- Parks and public spaces.

The 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 utility services are located within the City of Killeen municipal utility service area and available to the subject tract.

Transportation and Thoroughfare Plan:

Ingress and egress to the property is from Brandon Drive, which is classified as a 60-foot Local Street on the City of Killeen Thoroughfare Plan. The property has frontage on Clear Creek Road, which is classified as a 120-foot Principal Arterial on the City of Killeen Thoroughfare Plan. However, Clear Creek Road is S.H. 201, and TxDOT will not allow access to it. Staff has determined that a Traffic Impact Analysis is not required for the proposed land use.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified twenty-three (23) surrounding property owners regarding this request. Of those property owners notified, twenty (20) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eight (8) reside outside of Killeen.

As of the date of this staff report, staff has received no written responses regarding this request.

Staff Findings:

The 'General Commercial' (GC) character is typically auto-oriented, which can be offset by enhanced building design, landscaping, reduced site coverage, well-designed signage, etc. The current zoning of the subject property is "B-5" (Business District). The surrounding area includes predominantly commercial uses.

THE ALTERNATIVES CONSIDERED:

The City Council has two (2) alternatives. The Council may:

- Disapprove the applicant's zoning request; or
- Approve the applicant's zoning request as presented.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request to rezone the property from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). Staff finds that the applicant's request is compatible with the surrounding land uses and consistent with the prevailing community character. The character of the area being predominantly commercial uses. Staff finds that the requested zoning will have no negative impact on the surrounding properties.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the 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:

At their regular meeting on June 22, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 1 with Commissioner Gukeisen in opposition. Commissioner Gukeisen expressed concern that, if the property is rezoned to "B-C-1", another business could move in later that may not be compatible with the area.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance
Considerations