



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-17-054    **Version:** 1    **Name:** Zoning 17-27  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 11/20/2017    **In control:** City Council  
**On agenda:** 12/12/2017    **Final action:** 12/12/2017

**Title:** HOLD a public hearing and consider an ordinance requested by Chessie Zimmerman of Stratus Properties, Inc. on behalf of Killeen FM 440, L.L.C., (Case#Z17-27) to rezone approximately 0.080 acre, being out of the West Killeen Market Subdivision, Block A, Lot 2, 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 at 1103 Old FM 440, Killeen, Texas. The property houses the existing West Killeen Market.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Exhibits, 3. Minutes, 4. Ordinance, 5. Location and Notification Map, 6. Presentation

Date	Ver.	Action By	Action	Result
12/12/2017	1	City Council	Approved	Pass
12/5/2017	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Chessie Zimmerman of Stratus Properties, Inc. on behalf of Killeen FM 440, L.L.C., (**Case#Z17-27**) to rezone approximately 0.080 acre, being out of the West Killeen Market Subdivision, Block A, Lot 2, 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 at 1103 Old FM 440, Killeen, Texas. The property houses the existing West Killeen Market.

**DATE:**        **December 5, 2017**

**TO:**            **Ronald L. Olson, City Manager**

**FROM:**        **Dr. Ray Shanaa, Executive Director of Planning and Development Services**

**SUBJECT: ZONING CASE #Z17-27: "B-5" (BUSINESS DISTRICT) TO "B-3A" (LOCAL BUSINESS AND RETAIL ALCOHOL SALES DISTRICT)**

**BACKGROUND AND FINDINGS:**

This request, submitted by Chessie Zimmerman of Stratus Properties, Inc. on behalf of Killeen FM 440, L.L.C., is to rezone approximately 0.080 acre, being out of the West Killeen Market Subdivision, Block A, Lot 2, 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 at 1103 Old FM 440, Killeen, Texas. The property houses the existing West Killeen Market.

District Descriptions:

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

- (1) Any use permitted in the "B-3" district in accordance with the requirements of this division
- (2) Package stores to be operated under, and in accordance with, a valid Texas Alcohol Beverage Commission issued package store permit
- (3) Uses listed in the "B-3A" district shall not be incorporated by right into less restrictive zoning districts, including, without limitation, the "B-3", "B-4", and "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: Killeen FM 440, LLC / Chessie Zimmerman, Stratus Properties, Inc.

Property Location: The subject property is generally located on the northwest corner of Old FM 440 and W. Stan Schlueter Loop (FM 3470), and is locally known as 1103 Old FM 440, Killeen, Texas.

Legal Description: 0.080 acre out of the West Killeen Market Subdivision, Lot 2, Block A.

Zoning/ Plat Case History:

- There is no recent zoning activity for this property.
- The subject property is platted.

Character of the Area:

Existing Land Use(s) on the Property: Shopping center.

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: Old FM 440 is classified as a 70 ft. Collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: No improvements are being proposed. The shopping center was constructed in 2017 and meets all City standards.

Projected Traffic Generation: Minimal.

Environmental Assessment:

Topography/Regulated Floodplain/Floodway/Creek: This lot is not within any FEMA regulatory Special Flood Hazard Area (SFHA), and there are no known wetlands on or adjacent to the parcel.

Land Use Analysis:

**Future Land Use Map:** This area is designated as 'General Commercial' (GC) 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:

Staff notified property owners of the seven (7) surrounding properties that are within 200 feet of the subject site regarding this request.

**THE ALTERNATIVES CONSIDERED:**

**Which alternative is recommended?**

Staff is not recommending any alternative

**Why?**

The applicant would like to pursue the zoning request as submitted.

**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:**

Staff recommends approval of the rezone request from "B-5" (Business District) to "B-3A" (Local Business and Retail Alcohol Sales District). The subject site meets the "B-3A" zoning district requirements of a 10,000 square foot minimum lot size, and the exterior walls of the building fronting and siding up to public streets meet the "B-3A" zoning district architectural design standards of 50% brick, native stone, or stucco. There are no existing churches, public/private schools, or public/private hospitals within 300 feet of the subject site as measured utilizing the standard articulated in TABC Section 109.33.

By a vote of 6 to 1 (Commissioner Harkin abstained), the Planning and Zoning Commission recommended approval of "B-3A" of zoning.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning staff.

**ATTACHED SUPPORTING DOCUMENTS:**

1. Exhibits
2. Minutes
3. Ordinance
4. Location/Notification Map