



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-23-062    **Version:** 1    **Name:** Z23-26  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 11/20/2023    **In control:** City Council  
**On agenda:** 12/19/2023    **Final action:** 12/19/2023  
**Title:** HOLD a public hearing and consider an ordinance submitted by Carolyn Brown, on behalf of 501-503 Powell, LLC (Case #Z23-26) to rezone Lots 2 and 4, and part of Lots 1 and 3, Block 36 out of the Killeen Original Town from "B-5" (Business District) to "B-C-1" (General Business and Alcohol District).  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Maps, 2. Site Photos, 3. Letter of Request, 4. Minutes, 5. Ordinance, 6. Responses, 7. Considerations, 8. Presentation

Date	Ver.	Action By	Action	Result
12/19/2023	1	City Council	Approved	Pass
12/12/2023	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance submitted by Carolyn Brown, on behalf of 501-503 Powell, LLC (**Case #Z23-26**) to rezone Lots 2 and 4, and part of Lots 1 and 3, Block 36 out of the Killeen Original Town from "B-5" (Business District) to "B-C-1" (General Business and Alcohol District).

**DATE:**        **December 12, 2023.**

**TO:**        **Kent Cagle, City Manager.**

**FROM:**        **Edwin Revell, Executive Director of Development Services.**

**SUBJECT:**    **Zoning Case #23-26: "B-5" (Business District) to "B-C-1" (General Business and Alcohol District).**

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** 501-503 Powell, LLC

**Agent:** Carolyn Brown

**Current Zoning:** "B-5" (Business District)

**Proposed Zoning:** "B-C-1" (General Business and Alcohol District)

**Current FLUM Designation:** 'Urban Village'

#### **Summary of Request:**

Carolyn Brown, on behalf of 501-503 Powell, LLC, has submitted a request to rezone the subject property from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) to allow for on-premises consumption of alcohol. If approved, the applicant intends to remodel the vacant HEB building into an event center and small commercial business spaces.

### **Killeen Code of Ordinances Chapter 31 Compliance:**

This property is currently zoned "B-5" (Business District). In accordance with Killeen Code of Ordinances Sec. 31-336, on-premise alcohol sale and consumption is not permitted in this district. However, Sec. 31-351, "B-C-1" (General Business and Alcohol District) allows business establishments to dispense alcoholic beverages for on-premise consumption in accordance with permits issued and the rules and regulations promulgated by the Texas Alcoholic Beverage Commission. Additionally, any uses permitted in a "B-5" district, excluding the sale of beer, wine, and/or any other alcoholic beverages for off-premises consumption, will continue to be permitted by-right in the district should the rezoning be approved.

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

The property was annexed into the City's corporate limits on April 10<sup>th</sup>, 1881 and platted into its current lot configuration in 1882 as Lots 1-4, Block 36, Killeen Original subdivision. No other platting action has been completed on the lots, and they are currently considered legal nonconforming lots. Staff is unable to determine when the lots were zoned to "B-5" (Business District), but it is typical of this area to have been zoned during the 1960s.

### **Character of the Area:**

**North:** Existing commercial uses zoned "B-5" (Business District)

**South:** Existing commercial uses zoned "B-5" (Business District)

**West:** Existing commercial uses zoned "B-5" (Business District)

**East:** Existing commercial uses zoned "B-5" (Business District)

### **Future Land Use Map Analysis:**

The subject property is designated as 'Urban Village' (UV) on the Future Land Use Map (FLUM) of the Comprehensive Plan. 'Urban Village' promotes up to 80% non-residential and up to 40% residential uses. Primary uses include restaurants, retail, and entertainment. Staff finds that the requested "B-C-1" (General Business and Alcohol Sales District) zoning is consistent with the 'Urban Village' (UV) place type.

The property is designated 'Infill & Enhance' on the Growth Sector Map of the Killeen 2040 Comprehensive Plan. This sector includes areas where additional population, higher development intensities, and integration of uses is desired. This sector is primarily located in downtown and the neighborhoods immediately around it. Growth policies for this area should support infill and redevelopment projects.

The request supports or furthers the following 2022 Comprehensive Plan recommendations:

- DT4 - Embrace the small/incremental approach to small-scale commercial spaces.
- LU2 - Improve the fiscal productivity of development.
- LU3 - Encourage incremental evolution of neighborhoods.
- LU4 - Prioritize infill and revitalization in north Killeen
- NH4 - Build complete neighborhoods.

The Comprehensive Plan recommends dividing the large commercial space into smaller, more affordable retail and restaurant spaces. Breaking up the space into very small units provides inexpensive space for new and emerging businesses. This approach has the added benefit of providing opportunity to dozens of

entrepreneurs that can generate economic activity and potentially grow into larger, more permanent spaces.

This property is located within Killeen Development Zone #1. Current land use mix within this area comprises approximately:

- 17% non-residential uses
- 83% residential uses

Zoning district breakdown in DZ1:

- 30% non-residential zoning districts
- 70% residential zoning districts

### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

### **Transportation and Thoroughfare Plan:**

Existing conditions: Ingress and egress to the property is from E. Green Ave., which is classified as a 60' wide Local Street, and E. Spratt Ave, which is classified as a 60' wide Local Street on the Thoroughfare Plan. Staff estimates that there will be 944 trips per day and 95 peak hour trips and has determined that a Traffic Impact Analysis is not required for the proposed land use.

### **Environmental Assessment:**

The property is not within Zone X, a FEMA regulatory Special Flood Hazard Area (SFHA). No other known wetland areas are on or adjacent to the property as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified thirty-nine (39) surrounding property owners regarding this request. Of those property owners notified, twenty-two (22) reside outside of the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by Council, and fifteen (15) reside outside of Killeen. As of the date of this staff report, staff has received one (1) written response in support of this request and no responses in opposition.

### **Staff Findings:**

Staff finds that the request is consistent with the recommendations of the Killeen 2040 Comprehensive Plan.

### **THE ALTERNATIVES CONSIDERED:**

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

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

### **Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request to rezone the subject property from "B-5" (Business

District) to "B-C-1" (General Business and Alcohol District). Staff finds that the request is consistent with the policies and principles of the Killeen 2040 Comprehensive Plan.

**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 November 20, 2023, the Planning and Zoning Commission recommended approval of the applicant's request to rezone the subject property from "B-5" (Business District) to "B-C-1" (General Business and Alcohol District) by a vote of 6 to 1. Commissioner Sabree abstained from voting, so her vote was recorded in the negative.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Letter of Request  
Minutes  
Ordinance  
Responses  
Considerations  
Presentation