



City of Killeen

Legislation Details (With Text)

File #: PH-23-035 **Version:** 1 **Name:** Z23-13
Type: Ordinance/Public Hearing **Status:** Passed
File created: 4/21/2023 **In control:** City Council
On agenda: 5/23/2023 **Final action:** 5/23/2023
Title: HOLD a public hearing and consider an ordinance requested by Paula Scoggins on behalf of James Lee (Case #Z23-13), to rezone a portion of Lot 1, Block 1, Y & J Addition from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is locally addressed as 1103 West Veterans Memorial Boulevard, Suite 104, 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
5/23/2023	1	City Council	Approved	Pass
5/16/2023	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Paula Scoggins on behalf of James Lee (**Case #Z23-13**), to rezone a portion of Lot 1, Block 1, Y & J Addition from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is locally addressed as 1103 West Veterans Memorial Boulevard, Suite 104, Killeen, Texas.

DATE: **May 16, 2023**

TO: **Kent Cagle, City Manager**

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

SUBJECT: **Zoning Case #23-13: "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District)**

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: James Lee
Agent: Paula Scoggins
Current Zoning: "B-5" (Business District)
Proposed Zoning: "B-C-1" (General Business and Alcohol Sales District)
Current FLUM Designation: 'Regional Commercial'

Summary of Request:

Paula Scoggins, on behalf of James Lee, has submitted a request to rezone part of the property being Suite 104 out of Lot 1, Block 1, Y & J Addition, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). If approved, the applicant intends to sell spirits as part of a proposed hookah and cigar lounge.

Killeen Code of Ordinances Chapter 31 Compliance:

Killeen Code of Ordinances Sec. 31-351 allows business establishments dispensing alcoholic beverages under the Texas Alcoholic Beverage Code, in accordance with permits issued, and the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, all of which are adopted hereby and made a part hereof for all purposes.

Zoning/Plat Case History:

The property was annexed into the city sometime prior to 1964. The subject property is currently zoned "B-5" (Business District). Staff is unable to determine the exact date of the zoning. The subject property was platted as Lot 1, Block 1, Y & J Addition on November 9, 2010.

Character of the Area:

North: Existing residential properties across the railroad tracks zoned "R-1" (Single-Family Residential District) and "R-3" (Multifamily Residential District)

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

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

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

Future Land Use Map Analysis:

This property is located within the 'Infill & Enhance' area on the Growth Sector Map and is designated as 'Regional Commercial' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Regional Commercial' place type are located near high-traffic intersections and are auto-oriented which includes regional businesses such as restaurants, gas stations, retail, etc. which bring people from many surrounding neighborhoods. This place type generally includes non-residential uses such as most scales of commercial development and industrial uses and mixed-use such as many others.

The 'Infill & Enhance' area includes existing developed properties and full services, where additional population, higher development intensities, and integration of uses is desired. Primarily located near downtown and the immediate neighborhoods, this growth sector should support infill, redevelopment, and infrastructure projects with the emphasis on more residents and small businesses while improving walkability.

The request is consistent with the following recommendations of the 2022 Comprehensive Plan:

- LU3 - Encourage incremental evolution of neighborhoods
- LU4 - Prioritize infill and revitalization in north Killeen
- DT4 - Embrace the small/incremental approach to add residential units and small scale commercial spaces

This request is an example of encouraging existing residents and local entrepreneurs to work together to rehab their buildings to gently nudge property values and revenues upward while cultivating local wealth at

the same time.

Neighborhood Analysis:

- This property is located within Killeen Development Zone #1.
- Current land use mix within this area comprises approximately:
 - 17% non-residential
 - 83% residential uses

Zoning district breakdown in DZ8:

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

* Excludes special districts such as conditional or special use permits and planned unit developments.

'Regional Commercial' place type promotes the following:

Use Mix: up to 100% non-residential, 50% residential uses

Primary Uses: Restaurants, Grocery Stores, Banks, Retail

Secondary Uses: Entertainment, Office

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:

Ingress and egress to the property is from W. Veterans Memorial Blvd., which is classified as a 110-foot wide Principal Arterial on the City of Killeen Thoroughfare Plan. Staff estimates that there will be 9.81 trips generated on a daily basis and 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-two (22) surrounding property owners regarding this request. Of those property owners notified, seventeen (17) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and eleven (11) reside outside of Killeen. As of date of this staff report, staff has received zero (0) written responses regarding the request.

Staff Findings:

Please see the Future Land Use Map Analysis and Neighborhood Analysis sections.

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 for “B-C-1” (General Business and Alcohol Sales District).

Staff finds that the request is consistent with the recommendations of the 2022 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis. Staff is of the determination that approval of the applicant’s request would have no negative impacts 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 April 17, 2023, the Planning and Zoning Commission recommended approval of the applicant’s request by a vote 6 to 1 with Commissioner Sabree in opposition.

Commissioner Sabree indicated that her opposition was because the business intends to serve alcohol.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by Planning and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance
Considerations
Presentation