



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-16-026    **Version:** 1    **Name:** Zoning 16-12  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 7/13/2016    **In control:** City Council  
**On agenda:** 8/9/2016    **Final action:** 8/9/2016

**Title:** HOLD a public hearing and consider an ordinance requested by Rajesh Patel to rezone approximately 0.847 acre, being part of the J. R. Smith Survey, Abstract No. 797, 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 817 E. Rancier Avenue, Killeen, Texas.

**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Council Memorandum, 2. Location map, 3. Attachment to CCMO, 4. Minutes, 5. Ordinance, 6. Application, 7. Buffer map, 8. Considerations, 9. Opposition, 10. Opposition

Date	Ver.	Action By	Action	Result
8/9/2016	1	City Council	Approved	Pass
8/2/2016	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Rajesh Patel to rezone approximately 0.847 acre, being part of the J. R. Smith Survey, Abstract No. 797, 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 817 E. Rancier Avenue, Killeen, Texas.

### AGENDA ITEM

### ZONING CASE #Z16-12 "B-5" (BUSINESS DISTRICT) TO "B-3A" (LOCAL BUSINESS AND RETAIL ALCOHOL SALES DISTRICT)

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

This request, submitted by Rajesh Patel, is to rezone approximately 0.847 acre, being part of the J.R. Smith Survey, Abstract No. 797, 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 817 E. Rancier Avenue, Killeen, Texas. The property houses the existing Sun Mart convenience store.

### 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:

- 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 Alcohol Beverage Commission issued package store permit
- 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:** Pong Ye Bae and Charles Brown

**Property Location:** The property is located at 817 E. Rancier Avenue, Killeen, Texas.

**Legal Description:** The property is part of the J.R. Smith Survey, Abstract No. 797, Killeen, Texas.

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

- There is no recent zoning activity for this property
- The property is not platted

### **Character of the Area**

**Existing Land Use(s) on the Property:** Convenience store in a commercial plaza

### **Figure 1. Zoning Map**

See attachment.

### **Figure 2. Street View**

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 readily available to the subject property (See Figure 3. Utility Map.) located within the City of Killeen municipal utility service area. Adequate potable water and sanitary sewer capacity are available to the current business (convenience store) on the property. Public storm drainage infrastructure lies within the abutting rights-of-way (Rancier Avenue and 18th Street), prior to entering an urbanized tributary that flows to the southeast. South Nolan Creek is currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients. Detention of post development storm water runoff would be required if the property is further developed. Inadequate capacity exists within the drainage infrastructure along all public rights-of-way.

### **Figure 3. Utility Map**

See attachment.

#### **Transportation:**

Existing Conditions: Rancier Avenue is classified as a 110' principal arterial on the City's adopted Thoroughfare Plan; 18<sup>th</sup> street is a local street.

Proposed Improvements: No improvements are being proposed; however the current drive approaches serving the parcel are in poor condition. Existing sight distances for drivers traveling to and from the drive approaches are somewhat unfavorable. If the property is platted or redeveloped, ingress/egress to the property would be disciplined by the City's access management policies and a right-of-way taking may affect the property frontage along Rancier Avenue.

Projected Traffic Generation: Minimal.

#### **Environmental Assessment**

**Topography/Regulated Floodplain/Floodway/Creek:** The elevation contours range from 832' to 846' on the site. The tract does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

#### **Land Use Analysis**

**Land Use Plan:** This area is designated as 'General Commercial' 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 request is consistent with the Comprehensive Plan.

#### **Public Notification**

The staff notified fifteen (15) surrounding property owners regarding this request. Staff has received a protest from Mr. Earl Martin, the owner of 902 Diamond Circle, Killeen, Texas. This protest has been included for the City Council's consideration.

#### **Recommendation**

The Planning & Zoning Commission recommended approval of "B-3A" zoning by a vote of 6 to 0. 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. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door and in direct line across intersections. Based upon this measurement, the Word of Knowledge Ministries is more than 400 feet away.

