



City of Killeen

Legislation Text

File #: PH-22-061, Version: 1

HOLD a public hearing and consider an ordinance requested by George and Cora Rodenbusch (Case #Z22-32) to rezone approximately 0.91 acres out of the Original Town of Killeen, Lots 3 and 4, Block 4 from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is locally addressed as 502 and 510 N. 8th Street, Killeen, Texas.

DATE: August 2, 2022

TO: Kent Cagle, City Manager.

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: ZONING CASE #Z22-32: "B-5" to "B-C-1"

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: George and Cora Rodenbusch

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

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

Current FLUM Designation: 'Urban Center' (UC)

Summary of Request:

George and Cora Rodenbusch have submitted a request to rezone a portion of approximately 0.91 acres out of the Original Town of Killeen, Lots 3 and 4, Block 4 from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). If approved, the applicant intends to market the property for lease to prospective tenants, including a potential brewery or tavern.

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 is zoned "B-5" (Business District). Staff is unable to determine the exact date of zoning. The property was platted as part of the Killeen Original, Block 4, Lots 3 and 4 circa 1892.

The subject property is located within the Historic Overlay District (HOD). In January 2022, The City of Killeen City Council adopted Ordinance No. 22-003, which amended Sec. 31-394(b) to allow business establishments

dispensing alcoholic beverages to be located within three hundred (300) feet of a church, public or private school or public or private hospital within the Historic Overlay District (HOD)". The subject property is located directly across the street from Bright Castle Presbyterian Church.

Character of the Area:

Surrounding Land Use and Zoning:

- North:** Vacant property zoned "B-5" (Business District)
East: Existing commercial properties zoned "B-5" (Business District)
South: Existing commercial property zoned "B-5" (Business District)
West: Religious institution zoned "B-5" (Business District)

Future Land Use Map Analysis:

This property is designated as 'Urban Center' (UC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Urban Center' (UC) designation encourages the following development types:

- Mixed use (on single sites and within individual structures);
- Attached residential;
- Live/work units;
- Office;
- Public/institutional;
- Entertainment;
- Parking structures; or
- 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 N. 8th Street and E. Avenue B, which are classified as a 60' wide Local Streets. There is also an alley that runs along the north side of 510 N. 8th St. The properties have frontage on N. 10th Street, which is classified as a 110' Minor Arterial on the City of Killeen Thoroughfare Plan. The 1984 Thoroughfare Development Manual requires access for corner lots to be restricted to the frontage on the lesser street. Therefore, ingress and egress will be limited to N. 8th Street, E. Avenue B, and the alley.

The property is located within Special Parking District "A". Therefore, in accordance with Killeen Code of Ordinances Sec. 26-190(a), no Traffic Impact Analysis (TIA) will be required.

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 properties as identified on the National Wetlands Inventory.

Public Notification:

Staff notified fifty-seven (57) surrounding property owners regarding this request. Of those property owners notified, thirty-eight (38) 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 opposition regarding this request.

Staff Findings:

The 'Urban Center' (UC) character is the most intensive development character while being the most pedestrian-oriented setting in the city. It includes the greatest site coverage, streets framed by buildings with zero/minimal front setbacks, and minimal off-street surface parking (reliance on on-street parking, public parking areas, and garages). 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 three (3) alternatives. The Council may:

- Disapprove the applicant's zoning request;
- Approve a more restrictive zoning district than requested; 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 this request aligns with the ongoing efforts to revitalize Downtown and with the policies and principles discussed during the Comprehensive Plan process. Staff also finds that the request is consistent with the City's recent amendment to Chapter 31, which aims to attract people and businesses and cultivate a sense of vibrancy in downtown.

Staff is of the determination that the applicant's request is compatible with the surrounding land uses and consistent with the prevailing community character. The character of the area is 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. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

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 July 11, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 2 with Commissioner Gukeisen and Sabree in opposition. Commissioners Sabree and Gukeisen expressed concern regarding the potential location of a bar across the street from an existing church.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

- Maps
- Site Photos
- Minutes
- Ordinance
- Considerations
- Letter of Request
- Responses