



# City of Killeen

## Legislation Text

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File #: PH-23-016, Version: 1

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**HOLD** a public hearing and consider an ordinance requested by John Vela on behalf of JYKM Splawn Ranch, LLC (**Case #Z23-01**) to amend the existing Conditional Use Permit (CUP) for Lot 1, Block 1, Splawn Ranch Retail to allow package stores (i.e., liquor stores) as a permitted use. The property is locally addressed as 10640 S. Fort Hood St., Killeen, Texas.

**DATE:** March 7, 2023

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** Zoning Case #23-01: Amend existing Conditional Use Permit (CUP)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** JYKM Splawn Ranch LLC (YASIN MOHAMMED)

**Agent:** John Vela

**Current Zoning:** "CD" (Cemetery District) with a Conditional Use Permit (CUP).

**Proposed Zoning:** Amend existing CUP to allow package stores (i.e., liquor stores) as a permitted use.

**Current FLUM Designation:** 'Residential Mix'

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

John Vela, on behalf of JYKM Splawn Ranch, LLC (Yasin Mohammed) (**Case #Z23-01**), has submitted a request to amend the existing Conditional Use Permit (CUP) for Lot 1, Block 1, Splawn Ranch Retail to allow package stores (i.e., liquor stores) as a permitted use. The property is locally addressed as 10640 S Fort Hood St, Killeen, Texas.

If approved, the applicant intends to use (or lease for third party use) a portion of the property for the operation of a package liquor store. The hours of operation of the package liquor store would be limited by applicable laws, which currently permit 10 a.m. to 9 p.m. operation.

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

On May 16, 2004 (Ordinance# 04-12), the City annexed approximately 8,598 square miles.

On January 22, 2013 (Ordinance# 13-006), City Council approved a request to rezone the subject property from "CD" (Cemetery District) to "CD" (Cemetery District) with a CUP with the following conditions:

1. No new or used car sales, pawnshops, or retail liquor stores.

2. Cleaning or laundry shall be limited to no more than 2,000 square feet of lease area.
3. There shall be a 100% requirement of those masonry façade materials currently required within the Cemetery District.

Staff notes that the applicant's request is to retain the existing CUP via Ordinance No. 13-006 and amend the CUP to allow for the operation of a retail liquor store.

**Character of the Area:**

**North:** Non-residential lot zoned "SUP" (Specific Use Permit)

**South:** Dollar General zoned "CD" (Cemetery District)

**West:** Central Texas State Veterans Cemetery across SH-195 zoned "R-1" (Single Family Residential District)

**East:** Residential lots zoned "SUP" (Specific Use Permit)

**Future Land Use Map Analysis:**

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and is designated as 'Residential Mix' (RM) on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Aside from large multiplex garden apartments, most housing types should be allowed here. This place type encourages most residential uses such as single-family detached, townhouses, small-plex (2-4 units), etc. Commercial uses need to be context sensitive and neighborhood scale commercial should be allowed along avenues and higher intensity roadways.

This 'Neighborhood Infill' growth sector includes already developed areas with access to city services and infrastructure, but have vacant, underutilized, or poorly developed properties.

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

- LU1 - Use place types and complete neighborhoods as building blocks
- LU3 - Encourage incremental evolution of neighborhoods
- NH4 - Build complete neighborhoods

The Comprehensive Plan emphasizes place-based economic development and an increase in demand for "complete" neighborhoods where a variety of residential types, office, and retail are all integrated together.

In addition, the Comprehensive Plan explains that existing neighborhoods should provide a complete environment with various uses with the goal of cultivating a more fiscally productive, flexible, and resilient community.

**Neighborhood Analysis:**

- This property is located within Killeen Development Zone #8 (DZ8).
- Current land use mix within this area comprises approximately:
  - 1% non-residential
  - 99% residential

**Zoning district breakdown in DZ8:**

- 15% agricultural,
- 15% non-residential zoning districts

- 41% residential zoning districts.
- 29%\* Special Districts, SUP and PUD

\*These numbers exclude a breakdown of special districts such as conditional or special use permits and planned unit developments

The '**Residential Mix**' land use designation promotes:

**Use Mix:** up to 25% non-residential, 95% residential uses

**Primary Uses:** Single-Family, Accessory Dwelling Unit (ADU), Townhouses, Smallplex (2-4 Units), Live-work

**Secondary Uses:** Small Office, Small Retail, Restaurant, Accessory Commercial Unit (ACU), School, House of Worship

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

Water, Sewer, and Drainage Service

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 S. Fort Hood Street, which is classified as a 120' wide Principal Arterial on the City of Killeen Comprehensive Plan. Staff 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 thirty-eight (38) surrounding property owners regarding this request. Of those property owners notified, twenty (20) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and ten (10) reside outside of Killeen.

As of date of this staff report, staff has received two (2) written response in opposition to this request.

### **Staff Findings:**

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

### **THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Approve the applicant's request to amend the existing CUP; or
- Do not approve the applicant's request to amend the existing CUP.

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request to amend the existing CUP for Lot 1, Block 1, Splawn Ranch Retail to allow package stores (i.e., liquor stores) as a permitted use as presented.

Staff finds that the request is consistent with the policies and principles of the 2022 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis. Staff finds that the request is compatible with the existing land uses and prevailing community character. Further, staff finds that approval of this request would not negatively affect the surrounding community.

**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 February 6, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote 3 to 2 with Commissioners Gukeisen and Ploeckelmann in opposition.

Vice Chair Gukeisen expressed a desire to uphold the conditions attached to the CUP by the Council in 2013. Commissioner Ploeckelmann expressed concerns regarding safety and the proximity to the nearby BYOB bar and grill.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Exhibit  
Maps  
Site Photos  
Site Plan  
Minutes  
Ordinance  
Response  
Considerations