



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-21-028    **Version:** 1    **Name:** Zoning 21-10  
**Type:** Ordinance/Public Hearing    **Status:** Failed  
**File created:** 5/18/2021    **In control:** City Council  
**On agenda:** 6/22/2021    **Final action:** 6/22/2021  
**Title:** HOLD a public hearing and consider an ordinance requested by Ray Pratoft, on behalf of Yong Ballheimer (Case #Z21-10), to rezone a portion of Block 1, Lot 2, La Mer Addition Phase Two, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 403 East Stan Schlueter Loop, Suite 301, Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Staff Report, 2. Maps, 3. Minutes, 4. Ordinance, 5. Considerations, 6. Response, 7. Presentation

Date	Ver.	Action By	Action	Result
6/22/2021	1	City Council	Disapproved	Pass
6/15/2021	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Ray Pratoft, on behalf of Yong Ballheimer (**Case #Z21-10**), to rezone a portion of Block 1, Lot 2, La Mer Addition Phase Two, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 403 East Stan Schlueter Loop, Suite 301, Killeen, Texas.

**DATE:**        **June 15, 2021**

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

**FROM:**        **Tony McIlwain, Exec. Dir. of Development Services**

**SUBJECT: ZONING CASE #Z21-10 "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District).**

### **BACKGROUND AND FINDINGS:**

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

This request, submitted by Ray Pratoft on behalf of Yong Ballheimer, is to rezone a portion of Block 1, Lot 2, La Mer Addition Phase Two, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 403 East Stan Schlueter Loop, Suite 301, Killeen, Texas. Should this request be approved, the applicant intends to offer alcohol sales at his existing hookah bar.

The requested "B-C-1" (General Business and Alcohol Sales District) zoning district allows the on-premise consumption of alcohol without a Food and Beverage Certificate, and shall follow the rules and regulations established under the Texas Alcoholic Beverage Code (TABC) and/or promulgated by the Texas Alcoholic

Beverage Commission, as amended.

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

On January 24, 1995, the property was rezoned to "B-5" (Business District) via ordinance #95-02. The property is currently platted as Block 1, Lot 2, La Mer Addition Phase Two. The plat was approved on September 22, 2008.

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

The surrounding area is made up of a mix of residential and commercial properties. Adjacent land uses are as follows:

- North: Existing "R-1" (Single-Family Residential District), developed and undeveloped, directly abutting this parcel.
- South: Existing "R-1" (Single-Family Residential District) across East Stan Schlueter Loop.
- East: Existing "B-5" (Business District) and "B-C-1" (General Business and Alcohol Sales District).
- West: Existing "B-5" (Business District) and "B-3A" (Local Business and Retail Alcohol Sales District).

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

This property is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'General Commercial' (GC) designation encompasses a range of commercial retail and service uses, at varying scales and intensities depending on the site. Characteristics of this designation are auto-oriented character, which can be offset by enhanced building design, landscaping, reduced site coverage and well-designated signage.

The 'General Commercial' (GC) future land use designation recommends the following development types:

- Wide range of commercial, retail and service uses at varying scales and intensities depending on the site;
- Office (both large and/ or multi-story buildings and small-scale office uses depending on the site);
- Public and institutional uses; and
- Parks and public spaces.

This 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 drainage utility services are located within the City of Killeen municipal utility service area and may be available to the subject tract.

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

Ingress and Egress to the property will be from East Stan Schlueter Loop, which is classified as 120' wide principal arterial on the City of Killeen's adopted Thoroughfare Plan. The potential increase in vehicle traffic for the "B-C-1" (General Business and Alcohol Sales District) could result in an increase of one hundred and fifty (150) vehicle trips per day. This data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting.

### **Public Notification:**

Staff notified twenty-four (24) surrounding property owners regarding this request. As of the date of this report, staff has received one (1) written response in opposition to this request. Of those property owners notified, eighteen (18) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and four (4) reside outside of Killeen.

### **Staff Findings:**

Staff finds that the applicant's request to offer alcohol sales at his existing hookah bar will not negatively affect the surrounding properties, as there are two other alcohol related sales uses already located within this shopping center. One establishment offers beer and wines sales for off-premise consumption, and the other is a lounge offering on-premise consumption of alcoholic beverages.

The requested "B-C-1" (General Business and Alcohol Sales District) zoning district allows the on-premise consumption of alcohol, without a Food and Beverage Certificate, and shall follow the rules and regulations established under the Texas Alcoholic Beverage Code (TABC) and/or promulgated by the Texas Alcoholic Beverage Commission, as amended.

There are no known environmental constraints for this parcel. The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

### **THE ALTERNATIVES CONSIDERED:**

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

- Disapprove the applicant's request for "B-C-1" (General Business and Alcohol Sales District); or
- Approve the applicant's request for "B-C-1" (General Business and Alcohol Sales District).

**Which alternative is recommended?** Staff recommends approval of the applicant's request.

**Why?** The proposed change in use is compatible with the existing character of the area. Further, staff finds that the applicant's request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

### **CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the City of 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:**

The Planning & Zoning Commission, by a vote of 5 to 0, recommended approval of the applicants request to rezone the property to "B-C-1" (General Business and Alcohol Sales District).

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations  
Responses