City of Killeen

Legislation Details (With Text)

File #:	PH-21-034 **Version:** 1	**Name:**	Zoning 21-16
Type:	Ordinance/Public Hearing	**Status:**	Passed
File created:	6/17/2021	**In control:**	City Council
On agenda:	7/13/2021	**Final action:**	7/13/2021
Title:	HOLD a public hearing and consider an ordinance submitted by Quintero Engineering LLC on behalf of E. Construction, LLC (Case #Z21-16) to rezone approximately 1.50 acres from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District), being Lot 1, in Block 1, Faucett Commercial Subdivision. The property is locally addressed as 3700 South W.S. Young Drive, Killeen, Texas.		
Sponsors:	Development Services		
Indexes:			
Code sections:			
Attachments:	1. Staff Report, 2. Maps, 3. Minutes, 4. Ordinance, 5. Considerations, 6. Responses, 7. Presentation		

Date	Ver.	Action By	Action	Result
7/13/2021	1	City Council	Approved	Pass
7/6/2021	1	City Council Workshop		

HOLD a public hearing and consider an ordinance submitted by Quintero Engineering LLC on behalf of E. Construction, LLC **(Case #Z21-16)** to rezone approximately 1.50 acres from "B-5" (Business District) to "B-C -1" (General Business and Alcohol Sales District), being Lot 1, in Block 1, Faucett Commercial Subdivision. The property is locally addressed as 3700 South W.S. Young Drive, Killeen, Texas.

DATE: **July 6, 2021**

TO: **Kent Cagle, City Manager**

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

SUBJECT: **ZONING CASE #Z21-16 "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District).**

BACKGROUND AND FINDINGS:

Summary of Request:

This request, submitted by Quintero Engineering, LLC on behalf of E. Construction, LLC, is to rezone Lot 1, Block 1, Faucett Commercial Subdivision, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The subject property is a newly constructed commercial shopping center known as Copper Mountain Plaza. If approved, the applicant intends to lease a portion of the property to a prospective business for the sale of alcohol for on-premise consumption.

The requested "B-C-1" (General Business and Alcohol Sales District) zoning district allows for on-premise

consumption of alcohol without a Food and Beverage Certificate in accordance with 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 February 11th, 1997, the property was rezoned from "R-1" (Single-Family Residential District) to "B-5" (Business District). The property was platted as Lot 1, Block 1, Faucett Commercial Subdivision.

Character of the Area:

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

- To the north: Existing high-density apartment complex zoned "R-3" (Multi-Family Residential District).
- To the south: Existing commercial business plaza zoned "B-5" (Business District) on the opposite side of East Elms Road.
- To the east: Undeveloped commercial property zoned "B-5" (Business District).
- To the west: Existing hotel with restaurant zoned "B-C-1" (General Business and Alcohol Sales District) on the opposite side of South WS Young Drive.

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 and character 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 for the proposed "B-C-1" (General Business and Alcohol Sales District).

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 from East Elms Road and South W.S. Young Drive, which are both classified as 110' wide Minor Arterials on the City of Killeen Thoroughfare Plan. This site is already developed,

so staff does not anticipate any significant increase in traffic volume as a result of this request.

Public Notification:

Staff notified thirteen (13) surrounding property owners regarding this request. As of the date of this staff report, two responses have been received in favor to the request.

Of those property owners notified, five (5) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and three (3) reside outside of Killeen.

Staff Findings:

Staff finds that the applicant's request is consistent with the surrounding property uses and is compatible with the existing land uses and prevailing community character. In addition, staff finds that the request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. There are no known environmental constraints for this lot. The lot 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);
- 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.

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 6 to 0, recommended approval of the applicant's 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