



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-21-039    **Version:** 1    **Name:** Zoning 21-18  
**Type:** Ordinance/Public Hearing    **Status:** Failed  
**File created:** 6/23/2021    **In control:** City Council  
**On agenda:** 8/10/2021    **Final action:** 8/10/2021  
**Title:** HOLD a public hearing and consider an ordinance requested by Dong Kim, on behalf of Willie J & OK Roberts (Case #Z21-18) to rezone approximately 0.44 acre from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District), being Lot 2A, Block 1, J. W. Norman Subdivision Amendment. The property is locally addressed as 810 West Rancier Avenue, Suite 600, Killeen, Texas.  
**Sponsors:** Development Services

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report, 2. Maps, 3. Minutes, 4. Ordinance, 5. Considerations, 6. Presentation

Date	Ver.	Action By	Action	Result
8/10/2021	1	City Council	Disapproved	Pass
8/3/2021	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Dong Kim, on behalf of Willie J & OK Roberts (**Case #Z21-18**) to rezone approximately 0.44 acre from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District), being Lot 2A, Block 1, J. W. Norman Subdivision Amendment. The property is locally addressed as 810 West Rancier Avenue, Suite 600, Killeen, Texas.

**DATE:** August 3, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** ZONING CASE #Z21-18 from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District).

### **BACKGROUND AND FINDINGS:**

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

This request, submitted Dong Kim, on behalf of Willie J & OK Roberts, is to rezone Lot 2A, Block 1, J. W. Norman Subdivision Amendment, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). If approved, the applicant intends to sell alcohol for on-premise consumption.

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

The parcel is currently zoned "B-5" (Business District). Staff is unable to determine the date of the zoning. The property was replatted as Lot 2A, Block 1, J. W. Norman Subdivision Amendment on March 10<sup>th</sup>, 2003.

### **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 medium-density strip mall zoned "B-5" (Business District).
- South: Existing undeveloped property zoned "R-2" (Two-Family Residential District).
- East: Existing medium-density strip mall zoned "B-5" (Business District).
- West: Existing medium-density strip mall zoned "B-5" (Business 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 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 is from Rancier Avenue, which is classified as 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified forty-six (46) surrounding property owners regarding this request. As of the date of this staff report, no responses have been received regarding this request.

Of those property owners notified, thirty-three (33) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and thirteen (13) 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 prevailing community character. Staff also 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); 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 to rezone the property from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District).

**Why?** The proposed zoning request doesn't involve a change in land use. The existing land 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:**

At their regular meeting on July 19, 2021, the Planning and Zoning Commission recommended 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) by a vote of 4 to 1, with Commissioner Sabree in opposition.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations