



# City of Killeen

## Legislation Text

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File #: PH-19-038, Version: 1

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**HOLD** a public hearing and consider an ordinance requested by Robert Craig on behalf of EKU Inc. (**Case #Z19-23**) to rezone Lots 10 and 11, Block 2, Marlboro Heights Replat, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 2704 E. Veterans Memorial Blvd., Killeen, Texas. (Tabled from October 8, 2019 Regular City Council Meeting)

**DATE: October 1, 2019**

**TO: David L. Ellison, Interim City Manager**

**FROM: Dr. Ray Shanaa, Exec. Dir. Of Planning and Development Services**

**SUBJECT: ZONING CASE #Z19-23 "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District)**

### **Background and Findings:**

This request, submitted by Robert Craig on behalf of EKU Inc. & Codra Commercial Ltd. to rezone Lots 10 and 11, Block 2, Marlboro Heights Replat, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 2704 E. Veterans Memorial Blvd., Killeen, Texas.

### **"B-C-1" District Description:**

A building or premise in a "B-C-1" General Business and Alcohol Sales District shall be used only for the following purposes:

- (1) Business establishments dispensing alcoholic beverages under the Texas Alcoholic Beverage Code, in accordance with permits issued, and the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, all of which are adopted hereby and made a part hereof for all purposes.
- (2) Any uses permitted in a "B-5" district, excluding the sale of beer, wine and/or any other alcoholic beverages for off-premises consumption.
- (3) Business establishments dispensing alcoholic beverages may not be within three hundred (300) feet of a church, public or private school or public or private hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and the church, public or private school or public or private hospital shall be as prescribed by the V.T.C.A., Alcohol Beverage Code § 109.33, as amended. New applications for a "B-C-1" general business and alcohol sales district zoning shall require the notification of all property owners within two hundred (200) feet in all directions of the area for which the B-C-1 zoning is requested, so long as those properties are within the corporate limits of the City of Killeen.

### **Property Specifics:**

Applicant / Property Owner: Robert Tyler Craig / EKU Inc. & Codra Commercial Ltd.

Property Location: The property is addressed as 2704 East Veterans Memorial Blvd., Killeen, Texas.

Legal Description: Lots 10 and 11, Block 2, Marlboro Heights Replat

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

Existing Land Use(s) on the Property: There are two existing commercial buildings on the subject property. The properties to the east and west of the subject parcel are zoned "B-5" (Business District). The property to the south, on the opposite side of Stetson Ave. is zoned "R-1" (Single-Family Residential District).

Historic Properties: None

### **Community Infrastructure and Environmental Assessment:**

#### **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 available to the subject tract.

#### **Transportation:**

Existing conditions: The current property is accessed via E. Veterans Memorial Blvd. and Hillside Drive, which are classified as Principal Arterial and a Local Street, respectively, on the City's adopted Thoroughfare Plan.

Proposed Improvements: None

Projected Traffic Generation: Undetermined.

#### **Environmental Assessment:**

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

#### **Land Use Analysis:**

Future Land Use Map: This area is designated as 'General Commercial' ('GC') on the Future Land Use Map (FLUM) of the Comprehensive Plan. Page 2.16 of the Comprehensive Plan defines the 'General Commercial' future land use designation as being auto-oriented in character, which can be offset by enhanced building design, landscaping, reduced site coverage, well-designed signage, etc.

'General Commercial' future land use and character recommended 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/ institutional
- Parks and public spaces

Consistency: The applicant's zoning request is consistent with the FLUM of the Comprehensive Plan.

### **Fort Hood Joint Land Use Study (JLUS) Analysis**

JLUS Plan: The property is not located in an “Encroachment Awareness Area” as identified within the JLUS.

Section 4.3 of the JLUS describes an “Encroachment Awareness Area” as intending “to serve the purpose of establishing the *current* area in which the partners in this study should maintain heightened vigilance with regard to potentially incompatible civilian land uses encroaching into critical areas that may experience the effects of military training, such as high noise levels.”

**Public Notification:**

Staff notified thirty-five (35) surrounding property owners regarding this request; as of the date of this staff report, one (1) response in support and fourteen (14) written responses in opposition to the request have been received. However, of the responses in opposition, only two (2) are property owners within the 200 ft. notification boundary.

**THE ALTERNATIVES CONSIDERED:**

The City Council has the following alternatives:

- Disapprove the applicant’s zoning request;
- Approve more restrictive zoning districts than requested by the applicant; or
- Approve the applicant’s zoning request.

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

**Why?** The request is consistent with the FLUM and will enhance commercial infill development options along the E. Veterans Memorial Blvd. corridor.

**CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City’s policies 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:**

The Planning and Zoning Commission recommended approval of the applicant's "B-C-1" zoning request by vote of 3 to 2, with Commissioners Gukeisen and O'Brien in opposition to the motion.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Pharr vs. Tippitt  
Responses