



# City of Killeen

## Legislation Text

---

**File #:** PH-21-046, **Version:** 1

---

**HOLD** a public hearing and consider an ordinance requested by Ian Paulin on behalf of Killeen Square Inc. (**Case #Z21-25**) to rezone approximately 0.065 acre out of Lot 12, Block 1, of the Killeen Mall Subdivision Replat, from "RC-1" (Restaurant and Alcohol Sales District) to "B-C-1" (General Business and Alcohol Sales District). The property is locally addressed as 2301 East Central Texas Expressway, Suite 105, Killeen, Texas.

**DATE:** August 17, 2021

**TO:** Kent Cagle, City Manager

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

**SUBJECT: ZONING CASE #Z21-25 from "RC-1" (Restaurant and Alcohol Sales District) to "B-C-1" (General Business and Alcohol Sales District).**

### **BACKGROUND AND FINDINGS:**

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

This request, submitted by Ian Paulin on behalf of Killeen Square Inc., is to rezone approximately 0.065 acre out of Lot 12, Block 1, of the Killeen Mall Subdivision Replat, from "RC-1" (Restaurant and Alcohol Sales District) to "B-C-1" (General Business and Alcohol Sales District). If approved, the applicant intends to open a daiquiri shop of approximately 2,380 square feet for on-premise consumption and to-go sales of daiquiris.

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 property was platted as Lot 12, Block 1, of the Killeen Mall Subdivision Replat, on January 30, 1981. The property was rezoned from "B-5" (Business District) to "RC-1" (Restaurant and Alcohol Sales District) on November 10, 1981, via Ordinance No. 81-60.

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

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

- North: Killeen Mall parking lot, zoned "B-5" (Business District)
- South: Commercial property zoned "B-5" (Business District) and "RC-1" (Restaurant and Alcohol Sales District) across Interstate Highway 14
- East: Existing commercial development zoned "B-5" (Business District) and "RC-1" (Restaurant and

Alcohol Sales District)

- West: Existing commercial development 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 utility services are 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 from the west bound frontage of E. Central Texas Expressway, which is classified as 70' wide Collector street on the City of Killeen Thoroughfare Plan.

### **Public Notification:**

Staff notified seven (7) 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, four (4) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and six (6) 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 tract. The tract is not located within any FEMA

regulatory Special Flood Hazard Area (SFHA) although the tract is adjacent to the SFHA of the Trimmier Road Ditch. The Trimmier Road Ditch is also identified as a riverine habitat on the National Wetlands Mapper.

### **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 requested "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 "RC-1" (Restaurant and Alcohol Sales District) to "B-C-1" (General Business and Alcohol Sales District).

### **Why?**

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.

### **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 August 2, 2021, the Planning and Zoning Commission recommended approval of

the applicant's request to rezone the property from "RC-1" (Restaurant and Alcohol Sales District) to "B-C-1" (General Business and Alcohol Sales District) by a vote to 5 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations