



## Legislation Text

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**File #:** PH-22-020, **Version:** 1

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HOLD a public hearing and consider an ordinance requested by Jim Wright, on behalf of Kerry Property, LLC (Case #Z22-09), to rezone a part of approximately 3.04 acres out of the Neimac Addition Phase Two Amending, Block 1, Lot 3A, from "B-3" (Local Business District) to "B-4" (Business District). The property is located at 3000 W. Stan Schlueter Loop, Suites 108-109, Killeen, Texas.

**DATE:** March 1, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Wallis Meshier, CNU-A, Director of Planning

**SUBJECT:** ZONING CASE #22-09: "B-3" (LOCAL BUSINESS DISTRICT) TO "B-4" (BUSINESS DISTRICT)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** Kerry Property, LLC

**Agent:** Jim Wright

**Current Zoning:** "B-3" (Local Business District)

**Requested Zoning:** "B-4" (Business District)

**Current FLUM Designation:** 'General Commercial' (GC)

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

Jim Wright, on behalf of Kerry Property, LLC, has submitted a request to rezone approximately three-thousand seven-hundred and five (3,705) square feet out of the Neimac Addition Phase Two Amending, Block 1, Lot 3A, from "B-3" (Local Business District) to "B-4" (Business District). If approved, the applicant intends to lease the space for use as a liquor store.

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

The subject property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on November 10, 2009 via Ordinance No. 09-071. The property was platted as Neimac Addition Phase Two Amending, Lot 3A, Block One on September 23, 2019.

In May 2020, Chapter 31 was amended in via Ordinance No. 20-024 to make the "B-3A" (Local Business and Retail Alcohol Sales) district inactive and allow liquor stores by-right in "B-4" (Business District).

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

|       | Current Land Use      | Zoning District               | Future Land Use          |
|-------|-----------------------|-------------------------------|--------------------------|
| North | Commercial properties | B-5 (Business District)       | General Commercial (GC)  |
| East  | Commercial properties | B-3 (Local Business District) | General Commercial (GC)  |
| South | Single-family homes   | R-2 (Two-Family Residential)  | General Residential (GR) |
| West  | Vacant                | B-3 (Local Business District) | General Commercial (GC)  |

### **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 encourages 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/institutional; and
- Parks and public spaces.

The 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 service is 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 properties is from Stan Schlueter Loop, which is classified as a 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan.

### **Environmental Assessment:**

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified thirty (30) surrounding property owners regarding this request. Of those property owners notified, twenty-two (22) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and nine (9) reside outside the city limits of Killeen. As of the date of this report, no written responses have been received regarding this request.

### **Staff Findings:**

Staff finds that the applicant's request is inconsistent with the adjacent zoning. The subject property is surrounded on all sides by property zoned "B-3" (Local Business District). Further, staff finds that there is ample property on the north side of W. Stan Schlueter Loop that is already zoned "B-5" (Business District), and which would allow a liquor store by-right. Staff finds that granting this request would constitute special dispensation for the applicant, as the rest of the parcel is zoned "B-3" (Local Business District).

### **THE ALTERNATIVES CONSIDERED:**

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

- Disapprove the applicant's request; or
- Approve the applicant's request.

### **Which alternative is recommended? Why?**

Staff recommends disapproval of the applicant's request to rezone the property from "B-3" (Local Business District) to "B-4" (Business District).

Staff finds that the applicant's request is inconsistent with the surrounding "B-3" (Local Business District) zoning and that approving the request would constitute special dispensation for the applicant.

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

This zoning request conforms to the City's policy 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:**

At their regular meeting on February 7, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 2 with Commissioners Sabree and Ploeckelmann in opposition.

Commissioner Sabree noted concerns regarding the proximity of the property to the nearby elementary school. Commissioner Ploeckelmann noted that there are existing properties across the street that are zoned "B-5" (Business District), and which would allow a liquor store by-right.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinance  
Considerations