



# City of Killeen

## Legislation Text

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**File #:** PH-22-037, **Version:** 1

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HOLD a public hearing and consider an ordinance requested by Donald Ray Myers on behalf of James Myers (Case #Z22-19) to rezone approximately 0.443 acres out of the Ernest Bridges Replat 3, Block 2, Lot 2, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). The property is addressed as 903 W. Rancier Avenue, Killeen, Texas.

**DATE:** May 17, 2022.

**TO:** Kent Cagle, City Manager.

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** ZONING CASE #Z22-19: "B-5" (BUSINESS DISTRICT) TO B-C-1 (GENERAL BUSINESS AND ALCOHOL SALES DISTRICT).

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** James Myers

**Agent:** Donald Ray Myers

**Current Zoning:** "B-5" (Business District)

**Requested Zoning:** "B-C-1" (General Business and Alcohol Sales District)

**Future Land Use Designation:** 'General Commercial' (GC)

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

Donald Ray Myers, on behalf of James Myers, has submitted a request to rezone approximately 0.443 acres out of the Ernest Bridges Replat 3, Block 2, Lot 2, from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). If approved, the applicant intends to continue using the property as a daquiri shop.

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 and requires that businesses 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 platted as Lot 2A, Block 2, Ernest Bridges Replat #3 on August 15, 2006.

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

	Current Land Use	Zoning District	Future Land Use
North	Vacant Duplex	B-5 (Business)	General Commercial (GC)
East	Commercial businesses	B-5 (Business)	General Commercial (GC)
South	Commercial businesses	B-5 (Business)	General Commercial (GC)
West	Commercial businesses	B-5 (Business)	General Commercial (GC)

### **Future Land Use Map Analysis:**

The subject 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;
- Office (both large and/or multi-story buildings and small-scale office uses);
- Public/institutional; and
- Parks and public spaces.

The request to rezone the property from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District) 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 property is from W. Rancier Ave., which is classified as a 120' wide Principal Arterial; and Rocky Lane, which is classified as a 60' wide Local Street on the City of Killeen Thoroughfare Plan.

In accordance with the 1984 Thoroughfare Design Manual, access to corner lots shall be to the lesser street and located at the property line most distant from the intersection. Therefore, if the property is ever redeveloped, access from W. Rancier will be prohibited.

### **Environmental Assessment:**

The property is not within a 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 sixty-one (61) surrounding property owners regarding this request. Of those property owners notified, forty (40) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twenty-one (21) reside outside the city limits of

Killeen. As of the date of this staff report, staff has received one (1) written response in support of this request.

### **Staff Findings:**

The 'General Commercial' (GC) character is typically auto-oriented, which can be offset by enhanced building design, landscaping, reduced site coverage, well-designed signage, etc.

The property is currently zoned as "B-5" (Business District). To the north is a nonconforming vacant duplex zoned "B-5" (Business District). To the east, south, and west, there are existing commercial businesses zoned "B-5" (Business District).

### **THE ALTERNATIVES CONSIDERED:**

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

- Disapprove the applicant's zoning request; or
- Approve the applicant's zoning request as presented.

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

Staff recommends disapproval of the applicant's request to rezone the property from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District).

On August 10, 2021, the City Council disapproved a similar rezoning request (Case #Z21-18) to rezone property located directly across the street (810 W. Rancier, Suite 600) from "B-5" (Business District) to "B-C-1" (General Business and Alcohol Sales District). Based on City Council's previous action regarding a similar request, staff recommends disapproval of the applicant's request to rezone the property to "B-C-1" (General Business and Alcohol Sales District).

### **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. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

#### **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 April 18, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 1 with Commissioner Sabree abstaining from the vote without filing a conflict affidavit which resulted in being officially recorded as a negative vote pursuant to City Council's Governing Standards.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Letter of Request  
TABC Application  
Minutes  
Ordinance  
Response  
Considerations