

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH R-2 (TWO FAMILY RESIDENTIAL DISTRICT) AND R-3F (MULTIFAMILY RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Quintero Engineering submits this request on behalf of the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust to the City of Killeen for a request for an amendment of the Zoning Ordinance of the City of Killeen by changing the classification of approximately 13.556 acres, being part of the R. Cunningham Survey, Abstract No. 199, from “R-1” (Single-Family Residential District) to a Planned Unit Development (PUD) with “R-2” (Two-Family Residential District) and “R-3F” (Multifamily Residential District) uses for a Housing Tax Credit (HTC) eligible project named Hyde Estates, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 20th day of June 2016 with the following conditions:

- the applicant shall adhere to the submitted site plan, architectural elevations and floorplans attached as Figure 1, Figure 2, and Figure 3;
- the applicant shall match or exceed the façade standards as prescribed by the Texas Department of Housing and Community Affairs’ 2016 Qualified Allocation Plan (QAP); the QAP requires greater than 30 percent stucco or masonry (includes stone, cultured stone, and brick but excludes cementitious siding) on all building exteriors; the percentage calculation may exclude exterior glass entirely;
- the applicant shall provide a minimum of four different color variations within the

project;

- all buildings shall be one-story with the exception of those buildings containing 4-bedroom units;
- the applicant shall satisfy all landscaping and screening requirements set in Killeen Code of Ordinances Sections 31-255.5 and 31-255.7. Specifically, the requirements amount to 68 trees, 204 shrubs and screening around the north, east and south project boundaries;
- the applicant shall provide two play areas, to include universal designed, ADA compliant equipment, as illustrated on the site plan;
- the applicant shall provide an interior sidewalk plan subject to City Council review and approval;
- the applicant shall meet all Hill Country transit (HOP) guidelines and specifications for the bus stop shelter illustrated on the site plan; and
- the applicant shall satisfy City Code for trash receptacles.

and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 12th day of July 2016, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council that the request should be approved;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

Section I. That the zoning classification of the following described tract be changed from “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) with “R-2” (Two-Family Residential District) and “R-3F” (Multifamily Residential District) uses, with those conditions

stipulated by the Planning and Zoning Commission, for approximately 13.556 acres, being part of the R. Cunningham Survey, Abstract No. 199, for property located along the east right-of-way of Cunningham Road, approximately 600' south of its intersection with E. Stan Schlueter Loop (FM 3470), Killeen, Texas.

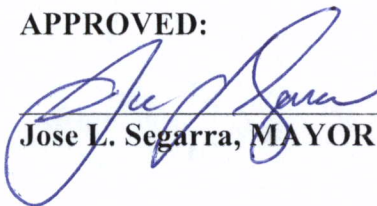
Section II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

Section III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section IV. That this ordinance shall take effect immediately upon passage of the ordinance.

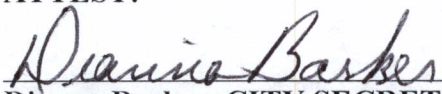
PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 26th day of July 2016, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED:

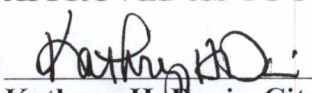

Jose L. Segarra, MAYOR



ATTEST:


Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM


Kathryn H. Davis, City Attorney

Case #16-09
Ord. #

Case #16-09
 Ord. #

Figure 1. Site Plan

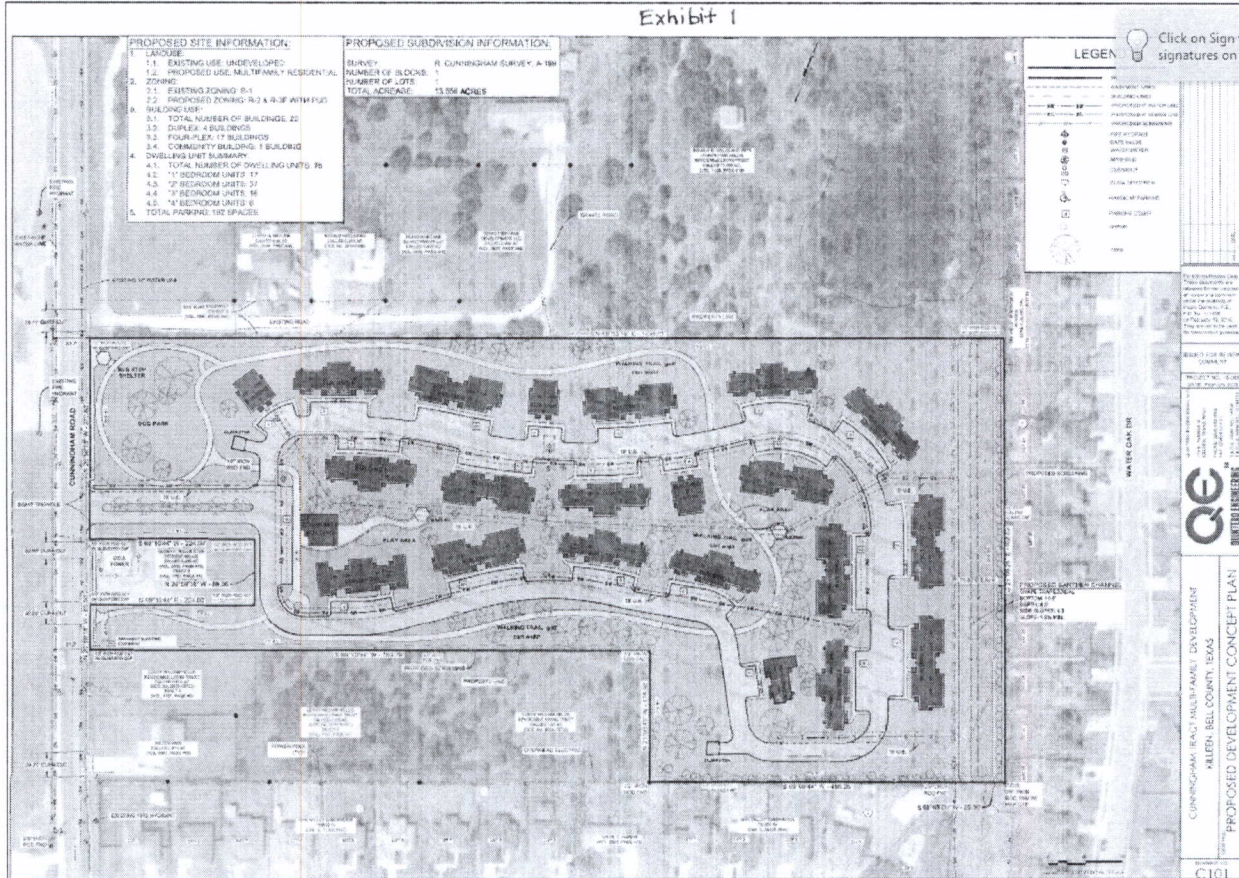
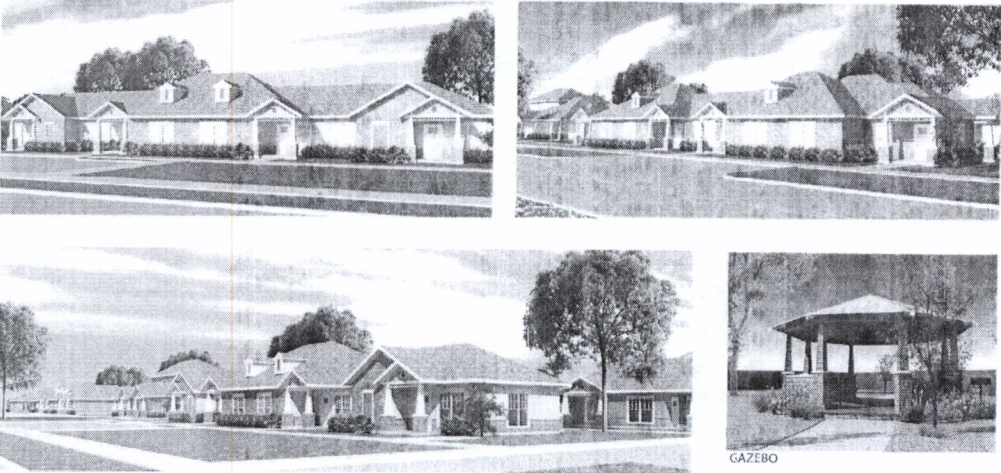


Figure 2. Elevations

EXHIBIT 2



HYDE ESTATES

A RESIDENTIAL COMMUNITY DEVELOPED BY
GREATER KILLEEN HOUSING ALLIANCE, INC.

KILLEEN TEXAS

SGB

2

Figure 3. Floorplans

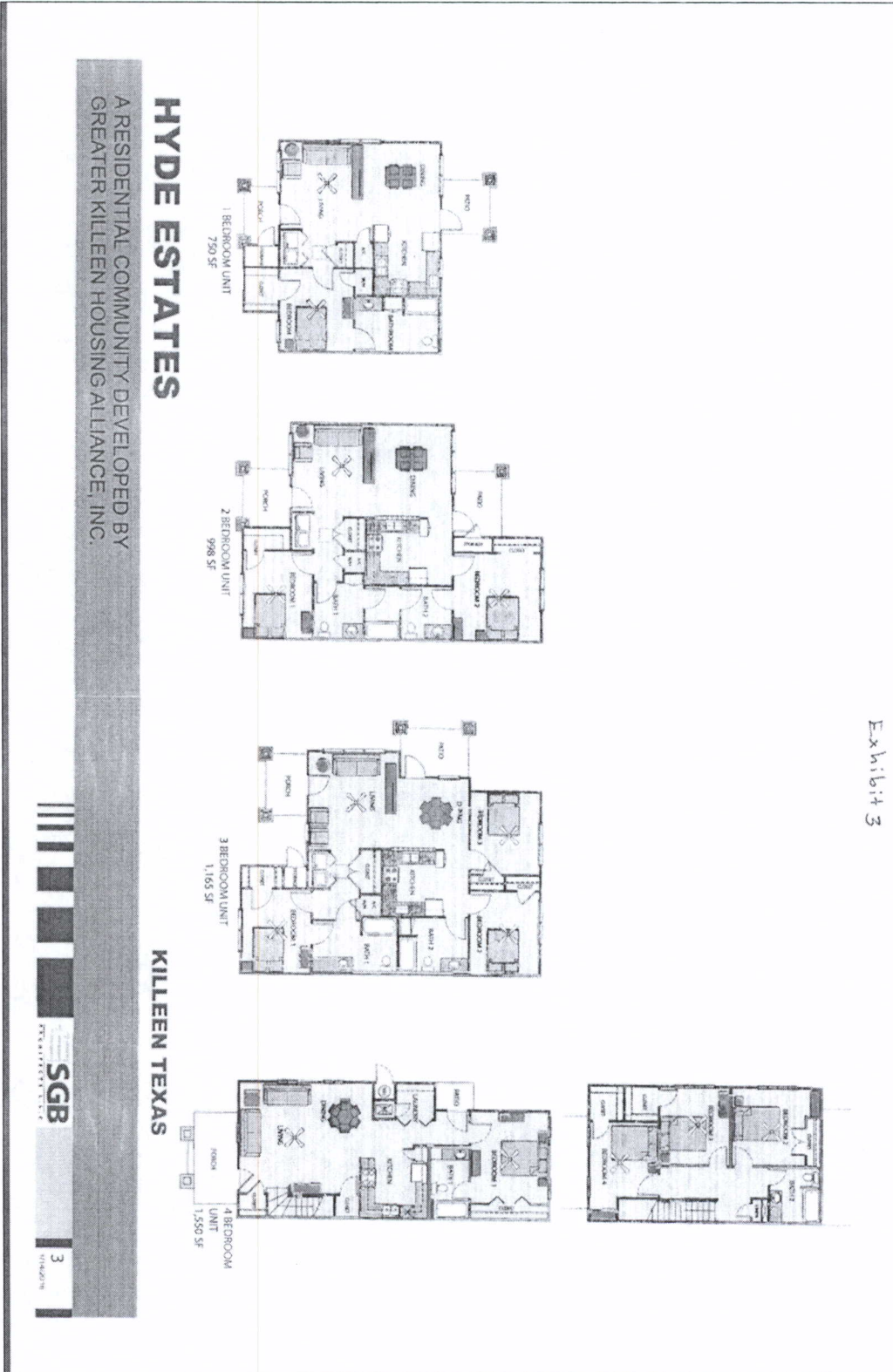


Exhibit 3



Date Paid:	2/19/2016
Amount Paid:	\$ 300
Cash/MO #/Check #:	# 1328
Receipt #:	0357

CASE # 216-09

City of Killeen Zoning Change Application

General Zoning Change \$300.00 [] Conditional Use Permit \$500.00

Name(s) of Property Owner: Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust

Current Address: 21204 Bogie Road

City: Edmond State: OK Zip: 73012

Home Phone: () _____ Business Phone: () _____ Cell Phone: (405) 826-5279

Email: linda@nellisvineyards.com

Name of Applicant: Housing Solutions Alliance, LLC
(If different than Property Owner)

Address: 1935 Airline Drive

City: Bossier City State: LA Zip: 71112

Home Phone: () _____ Business Phone: (318) 213-8502 Cell Phone () _____

Email: art@sgba.com

Address/Location of property to be rezoned: _____

Legal Description: A0199BC R Cunningham, 2, Acres 27.845

Surveyor's Sketch Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES NO
If NO, a FLUM amendment application must be submitted.

Type of Ownership: _____ Sole Ownership _____ Partnership _____ Corporation Other

Present Zoning: R-1 Present Use: Undeveloped

Proposed Zoning: R-2 & R-3F W/PUD Proposed Use: Multifamily Residential

Conditional Use Permit for: N/A

This property was conveyed to owner by deed dated 10/16/1996 and recorded in Volume 3536, Page 477, Instrument Number Doc. #: 000034382 of the Bell County Deed Records. (Attached)

Is this the first rezoning application on a unilaterally annexed tract?
Yes (Fee not required) No (Submit required fee)

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Quintero Engineering, LLC

Mailing Address: P.O. Box 4386

City: Killeen State: TX Zip: 76540

Home Phone: () _____ Business Phone: (254) 493-9962 Email: pquintero@quinteroeng.com

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific zoning request.

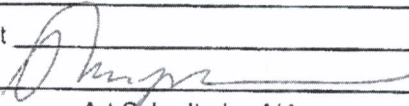
I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of Agent  Title President

Printed/Typed Name of Agent Pedro Quintero, P.E. Date 02/12/16

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Applicant  Title President

Printed/Typed Name of Applicant Art Schudt, Jr., AIA Date 2/16/16

Signature of Property Owner  Title Trustee

Printed/Typed Name of Property Owner Linda A. Nellis Date 2/15/16

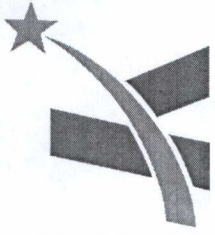
Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z16-09

ZONING FROM:

A-R1 To R-2 & R-3 W/PUD

APPLICANT:

**HOUSING SOLUTIONS
ALLIANCE, LLC**


PROPERTY OWNER:

**DONALD EARL NELLIS
LENNER HAIR NELLIS
REV. LIVING TRUST**

LEGAL DESCRIPTION:

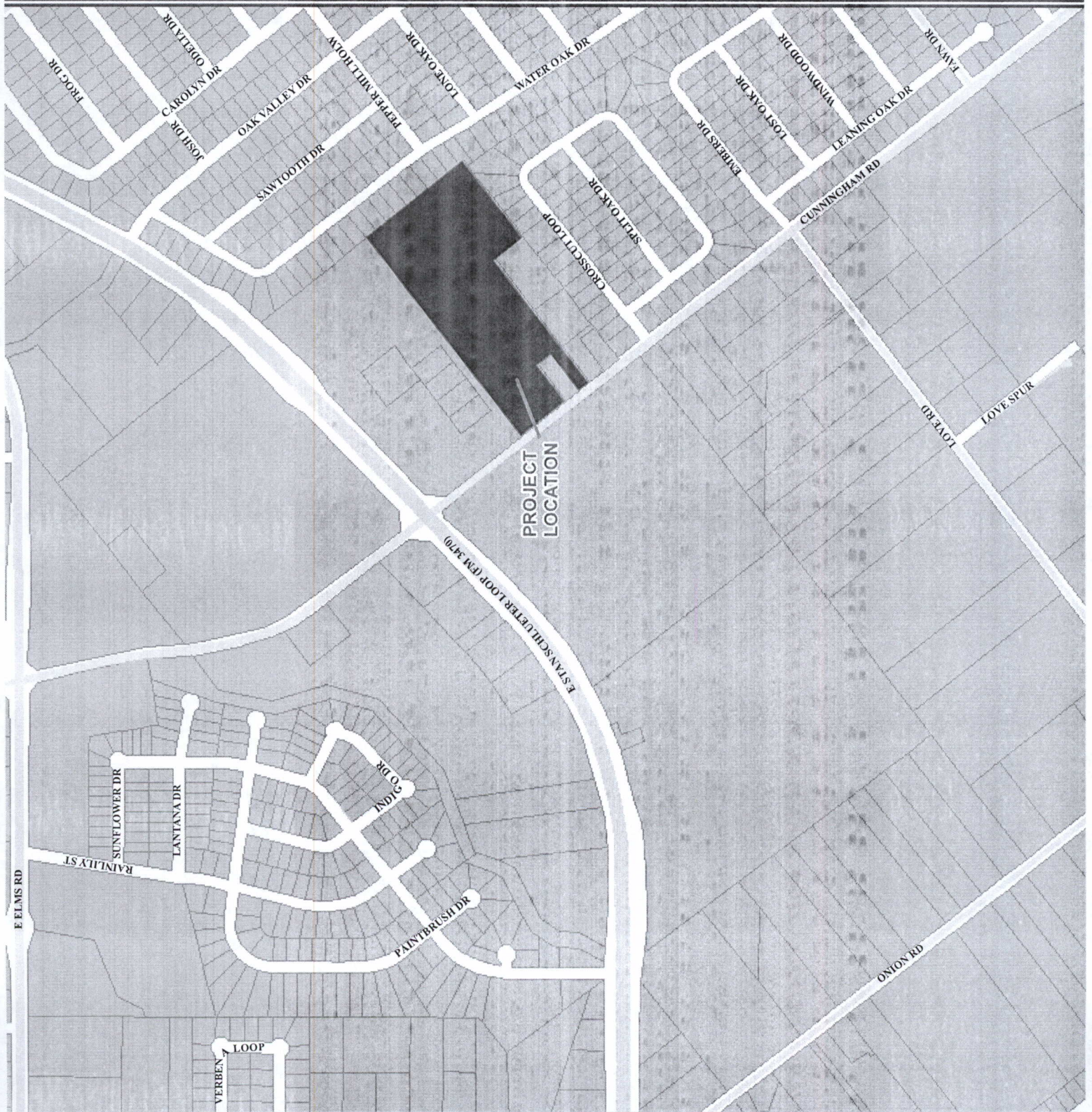
**13.556 ACRES A0199BC
R CUNNINGHAM, 2,
ACRES 27.845**

LEGEND

-  Zoning Case
-  Parcel
-  City Limits



Date: 5/25/2016





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z16-09

ZONING FROM:

A-R1 To R-2 & R-3 W/PUD

APPLICANT:

**HOUSING SOLUTIONS
ALLIANCE, LLC**

PROPERTY OWNER:

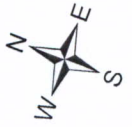
**DONALD EARL NELLIS
LENNER HAIR NELLIS
REV. LIVING TRUST**

LEGAL DESCRIPTION:

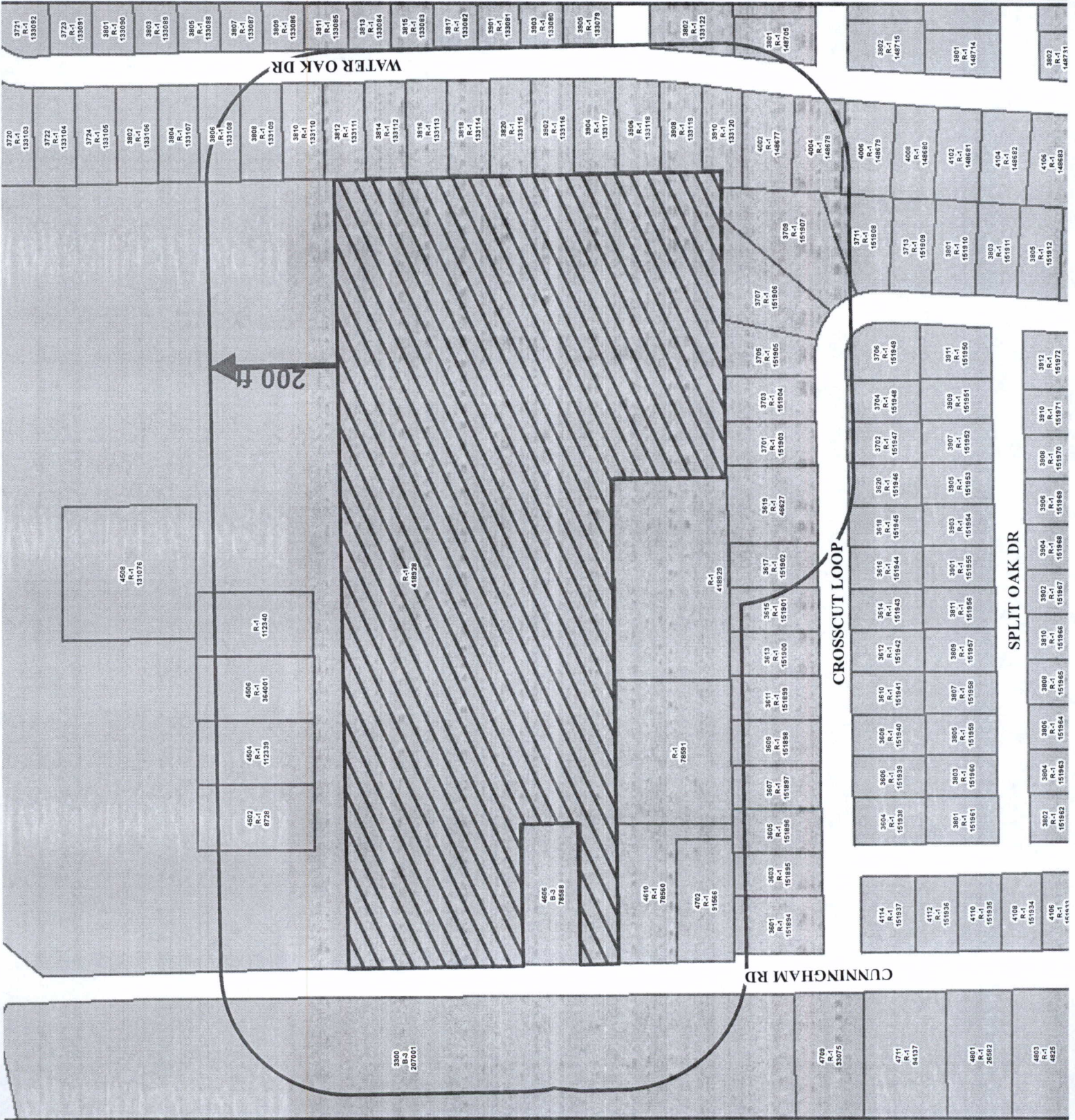
**13.556 ACRES A0199BC
R CUNNINGHAM, 2,
ACRES 27.845**

LEGEND

- 200' BUFFER
- Zoning Case
- Parcel
- Parcel



Date: 5/25/2016



CONSIDERATIONS

Texas Supreme Court in *Pharr v. Tippitt*, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

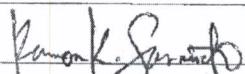
B. Conditional Use Permit (if applicable)

Whether the use is harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

-----CUT HERE-----

YOUR NAME: Sarmiento, Ramon K.	PHONE NUMBER: 702-544-2285
CURRENT ADDRESS: 3613 Crosscut Loop, Killeen TX 76542	
ADDRESS OF PROPERTY OWNED: Same as above.	
COMMENTS:	R-1 to R-2 and R-3F w/PUD
I am concerned that the result of rezoning the property will have a negative effect on our privacy and safety. This may also lead to an increase in noise. All these may have a negative effect on my property's value	
RECEIVED	
JUN 20 2016	
PLANNING	
SIGNATURE: 	SPO #Z16-09/ 17

PO BOX 1329 KILLEEN TEXAS 76540 1329 254 501 7630 254 501 7628 FAX
WWW.CIKILLEENTX.US

CUT HERE
YOUR NAME: LEROY W. NELLIS PHONE NUMBER: 512-983-9025

CURRENT ADDRESS: 6418 ZADOCK WOODS, AUSTIN, TX 78749

ADDRESS OF PROPERTY OWNED: 3 PARCELS ADJACENT TO PROPERTY TO REZONE:

COMMENTS: 4600 CUNNINGHAM ST R-1 to R-2 and R-3F w/PUD

3 ACRES
Fully support proposed zoning request.

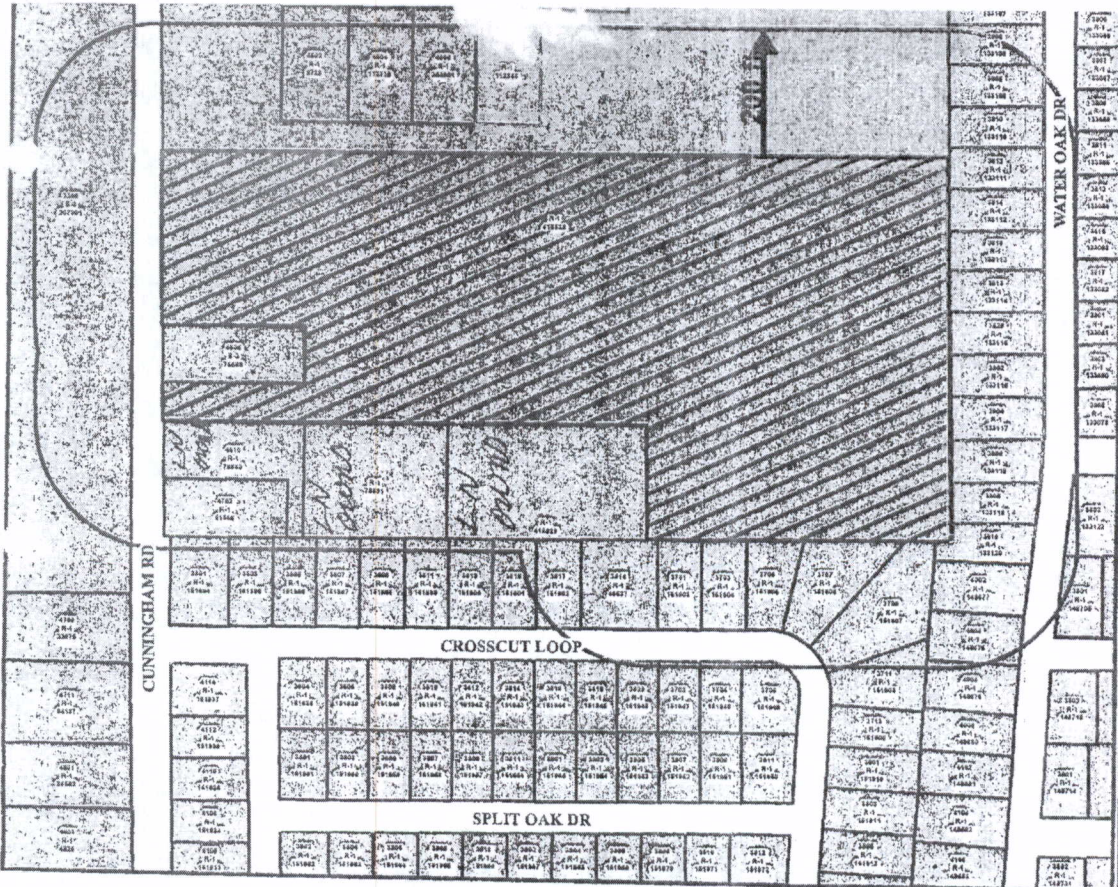
on attached map.

SIGNATURE: [Signature]

SPO #Z16-09/07,08,09

PO BOX 1329 KILLEEN TEXAS 76540 1329 254 501 7630 254 501 7628 FAX
WWW.CIKILLEEN.TX.US

RECEIVED
JUN 17 2016
PLANNING



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:
Z16-09
ZONING FROM:
A-R1 To R-2 & R-3 W/PUD
APPLICANT:
HOUSING SOLUTIONS ALLIANCE, LLC
PROPERTY OWNER:
DONALD EARL NELLIS
LENNER HAIR NELLIS
REV. LIVING TRUST
LEGAL DESCRIPTION:
13.556 ACRES A0199BC
R CUNNINGHAM, 2,
ACRES 27.845

- LEGEND**
- 200' BUFFER
 - Zoning Case
 - Parcel
 - Parcel



Date: 5/25/2016

-CUT HERE-

YOUR NAME:	<i>Linda Williams</i>	PHONE NUMBER:	<i>254-681-8641</i>
CURRENT ADDRESS:	<i>1426 Corner Lane Harker Heights, Tx 76548</i>		
ADDRESS OF PROPERTY OWNED:	<i>3817 Water Oak Drive Killren Tx 76542</i>		
COMMENTS:	R-1 to R-2 and R-3F w/PUD		
<i>I am protesting changing the property code to R-2 and R-3F. Leave it as R-1</i>			
RECEIVED			
JUN 27 2016			
PLANNING			
SIGNATURE:	<i>L Williams</i>	SPO #Z16-09/	<i>52</i>



PROPOSED SITE INFORMATION:

- LAND USE:
 - EXISTING USE: UNDEVELOPED
 - PROPOSED USE: MULTIFAMILY RESIDENTIAL
- EXISTING ZONING: R-4
- PROPOSED ZONING: R-2 & R-3F WITH PAD
- BUILDING USE:
 - TOTAL NUMBER OF BUILDINGS: 22
 - DUPLEX: 4 BUILDINGS
 - COMPLEX: 7 BUILDINGS
 - CONDO: 1 BUILDING
- DWELLING UNIT SUMMARY:
 - TOTAL NUMBER OF DWELLING UNITS: 76
 - 1+ BEDROOM UNITS: 17
 - 2+ BEDROOM UNITS: 37
 - 3+ BEDROOM UNITS: 16
 - TOTAL PARKING: 182 SPACES

PROPOSED SUBDIVISION INFORMATION:

SURVEY: R CUNNINGHAM SURVEY, A-199

NUMBER OF BLOCKS: 1

NUMBER OF LOTS: 13,556 ACRES

TOTAL ACRES: 13,556 ACRES

LEGEND

- PROPERTY LINE
- EXISTING LINES
- BUILDING LINES
- PROPOSED PROPERTY LINE
- PROPOSED WATER LINE
- PROPOSED SANITARY LINE
- PROPOSED SCREENING
- FIRE HYDRANT
- GATE VALVE
- WATER METER
- MANHOLE
- FLOW DIRECTION
- HANDICAP PARKING
- PARKING COUNT
- SHRUB
- TREE

CUNNINGHAM TRACT MULTI-FAMILY DEVELOPMENT
KILLEEN, BELL COUNTY, TEXAS

PROPOSED DEVELOPMENT CONCEPT PLAN

DATE: 08/11/2011

PROJECT NO: 1008

ISSUED FOR REVIEW

COMMENTS

QUINTERO ENGINEERING, LLC
410 E. AVENUE D
KILLEEN, TEXAS 76541
PHONE: (254) 493-9962
FAX: (254) 432-7070
T.A.P.E. FIRM NO. 14709
T.A.P.E. FIRM NO. 1016411

DATE: 08/11/2011

PROJECT NO: 1008

ISSUED FOR REVIEW

COMMENTS

DATE: _____

REVISIONS

NO. _____

DATE _____

REVISIONS _____

PH-022

CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

ZONING CASE #Z16-09 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) WITH "R-2" (TWO FAMILY RESIDENTIAL DISTRICT) AND "R-3F" (MULTIFAMILY RESIDENTIAL DISTRICT) USES

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Quintero Engineering submits this request on behalf of the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust to rezone 13.556 acres out of the R. Cunningham Survey, Abstract No. 199 from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-2" (Two-Family Residential District) and "R-3F" (Multifamily Residential District) uses for a Housing Tax Credit (HTC) eligible project named *Hyde Estates*. The developer for the project, Housing Solutions Alliance L.L.C. is proposing to construct a 76 dwelling unit project with 4 duplex buildings and 17 fourplex buildings. The development is proposing 17 one-bedroom units; 37 two-bedroom units; 16 three-bedroom units; 6 four-bedroom units; and one office building proposed for this development. This project was presented to the City Council on February 23, 2016 and received a resolution of Local Government Support and a Commitment of Development funding by a Local Political Subdivision (LPS Funding) for the project. The Texas Department of Housing and Community Affairs (TDHCA) is the State administering agency for the HTC.

District Descriptions:

A building or premises in a "R-2" Two-Family Residential District shall be used only for the following purposes:

- (1) Any use permitted in district "R-1"
- (2) Two-family dwellings

A building or premises in a "R-3F" Multifamily Residential District shall be used only for the following purposes:

- (a) Uses. A building or premises in an R-3F multifamily residential district shall be used only for the following purposes:
 - (1) All uses allowed in section 31-186
 - (2) Multifamily structures containing three (3) or four (4) separate dwelling units
 - (3) Institutions of a religious, educational, charitable or philanthropic nature, but not a penal or mental institution
 - (4) Licensed group or community home housing five (5) or fewer persons

(5) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business

(b) When a planned unit development required, rezoning applications under this division shall be subject to the requirements of 31-256.9 of Division 8B of this article, if applicable.

A planned unit development (PUD) is a land use design incorporating the concepts of density and common open space. Common open space shall include, but is not limited to, community amenities such as parks, gardens, pedestrian trails, recreation areas, and usable undisturbed, natural areas. The PUD designation serves as an "overlay zoning and development classification." In this capacity, the designation permits specific negotiated development regulations to be applied to the base land use zoning district(s) in which the property is located. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site. Such specific land use and development regulations shall not take effect until they are reviewed, public hearings are held and approval is obtained from both the Planning and Zoning Commission and the City Council. The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

- (a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots.
- (b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and promote pedestrian circulation.
- (c) Allow developers greater freedom to be innovative in selecting the means to provide access, light, open space, and amenities.
- (d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

The regulatory provisions of this classification are intended to achieve the above purposes while maintaining the spirit of the current City of Killeen Development Regulations, as amended. As such, these provisions represent the governing body's minimum quality of life standard and no variance or exception shall be granted thereto.

Property Specifics

Applicant/Property Owner: The Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust

Property Location: The property is located along the east right-of-way of Cunningham Road, approximately 600' south of its intersection with E. Stan Schlueter Loop (FM 3470).

Legal Description: 13.556 acres out of the R. Cunningham Survey, Abstract No. 199, Killeen, Texas

Zoning/ Plat Case History:

- There is no recent zoning activity for the property.
- The subject property is not platted.

Character of the Area

Existing Land Use(s) on the Property: The project area is currently undeveloped. Oak Valley Subdivision Phases II and IV are located south and east of the subject site.

Figure 1. Zoning Map

See attachment.

Figure 2. Water and Wastewater Map

See attachment.

Historic Properties: None

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: The existing potable water main that would serve the property is a 16-inch diameter transmission main running parallel to the lot frontage within the right-of-way of Cunningham Road. Upon approval of a future development permit application, the developer would be required to extend public water mains across the property to provide adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for and shall perform and submit the results of all required testing of the public water mains to confirm adequate flow and pressure exists to support any Code-mandated fire protection measures.

Various scenarios are available for retail potable water supply to a multifamily development:

- A master meter (with backflow/crossflow isolation) set at a tap on a public water main, with a multi-service-unit-equivalent yard line with or without (owner-side) sub-metering
- A looped dedicated public water main (the means of water distribution required per the City's adopted Infrastructure Development & Design Standards Manual) internal to the complex with one or more service connections or
- An individual service connections from an abutting public water main to individual buildings and, in some cases, individual units

Please note that transmission of potable water to individual "customers" through a private potable water transmission system that does not conform with 30 TAC 290 and Killeen Code of Ordinances Chapter 30 rules would result in regulation of the supplier as a retail water purveyor by the TCEQ. Public sanitary sewer utility service is immediately available to the property. An

existing 12-inch diameter gravity sanitary sewer interceptor that serves the entire contributing wastewater drainage basin crosses the full extent of the eastern portion of the subject tract. Upon approval of a future development permit application, the developer would be required to extend a public sanitary sewer main to provide adequate collection capacity in accordance with City of Killeen Code of Ordinances and other applicable development criteria.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for redevelopment of the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:

Existing conditions: The applicant is advised that ingress/egress to and from Cunningham Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is developed. Cunningham Road, classified as a minor arterial (90 feet right-of-way) street by the City's adopted Thoroughfare Plan, is constructed as an urban section road functioning at its desired level of service. City Code requires that capacity analysis related to development is the responsibility of the developer. Accordingly, the developer may be required to conduct a traffic impact analysis to demonstrate that the transportation demand from the proposed development will not negatively impact (i.e., downgrade) the transportation level of service for Cunningham Road.

Proposed Improvements: No proposed improvements are contemplated as part of this zoning request.

Projected Traffic Generation: Significant upon build out

Environmental Assessment

Topography: The property ranges in elevation from 838 feet to 868 feet in elevation.

Regulated Floodplain/Floodway/Creek: This parcel is located within a FEMA regulatory Special Flood Hazard Area (SFHA) Zone X. This area has an unmapped creek that connects the upstream pond to the downstream FEMA identified creek. The north part of the parcel is a known high ground water and flood prone area. A creek buffer zone and/or a riparian buffer zone will need to be established for this development.

Land Use Analysis

Land Use Plan: This area is designated as 'General Residential' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The 'General Residential' character encourages detached residential dwellings as the primary focus, attached housing types subject to compatibility and open space standards (e.g. duplexes), planned developments with a mix of housing types subject to compatibility and open space standards, public/institutional, parks, and other public spaces. The characteristics of this designation include:

- Predominantly "R-1" zoning district with less openness and separation between dwellings compared to Suburban Residential areas
- Auto-oriented character that can be offset with architectural standards, landscaping, and limited uniform subdivision designs
- Neighborhood-scale commercial emerging over time for well-suited areas

Consistency: The zoning request is consistent with the intent of the Comprehensive Plan.

Public Notification

The staff notified fifty-seven (57) surrounding property owners regarding this request. Staff received a protest from Ramon K. Sarmiento, the owner of 3613 Crosscut Loop, Killeen, Texas. Additionally, Kyle Wheatley, the owner of 5118 Spring Drive, Killeen, spoke in opposition to the request. Leroy W. Nellis, the owner of 4600 Cunningham Road, submitted a response in support of the project.

Recommendation

The Planning & Zoning Commission recommended approval of the applicant's PUD zoning request by a vote of 4 to 2 with Vice Chair Dorroh and Commissioner Harkin in opposition. The Planning and Zoning Commission recommends the following conditions as part of the approval:

- the applicant shall adhere to the submitted site plan, architectural elevations and floorplans;
- the applicant shall match or exceed the façade standards as prescribed by the Texas Department of Housing and Community Affairs 2016 Qualified Allocation Plan (QAP); the QAP requires greater than 30 percent stucco or masonry (includes stone, cultured stone, and brick but excludes cementitious siding) on all building exteriors; the percentage calculation may exclude exterior glass entirely;
- the applicant shall provide a minimum of four different color variations within the project;
- all buildings shall be one-story with the exception of those buildings containing 4-bedroom units;
- the applicant shall satisfy all landscaping and screening requirements set in Killeen Code of Ordinances Sections 31-255.5 and 31-255.7. Specifically, the requirements amount to 68 trees, 204 shrubs and screening around the north, east and south project boundaries;
- the applicant shall provide two play areas, each to include universal designed, ADA compliant equipment, as illustrated on the site plan;
- the applicant shall provide an interior sidewalk plan subject to City Council review and approval;
- the applicant shall meet all Hill Country transit (HOP) guidelines and specifications for the bus stop shelter illustrated on the site plan; and
- the applicant shall satisfy City Code for trash receptacles.

Figure 1. Zoning Map



Figure 2. Water/Wastewater Map



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
JUNE 20, 2016**

**CASE #Z16-09
R-1 TO PUD with R-2 and R-3F**

HOLD a public hearing and consider a request by the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust to rezone approximately 13.556 acres out of the Robert Cunningham Survey, Abstract No. 199, from “R-1” (Single-Family Residential District) to a Planned Unit Development (PUD) with “R-2” (Two-Family Residential District) and “R-3F” (Multi-Family Residential District) uses. The property is located along the east right-of-way of Cunningham Road, approximately 600’ south of its intersection with E. Stan Schlueter Loop (FM 3470).

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated that the developer for the project, Housing Solutions Alliance L.L.C. is proposing to construct a 76 dwelling unit project with 4 duplex buildings and 17 fourplex buildings. The development is proposing 17 one-bedroom units; 37 two-bedroom units; 16 three-bedroom units; 6 four-bedroom units; and one office building proposed for this development. This project was presented to the City Council in February 2016.

The staff notified 57 (fifty seven) surrounding property owners regarding this request. Staff received one protest and one response in support.

Staff recommends approval of the applicant’s PUD request subject to the following:

- the applicant shall adhere to the submitted site plan, architectural elevations and floorplans (i.e. exhibits 1, 2 and 3);
- the applicant shall provide a minimum of four different color variations within the project;
- all buildings shall be one-story with the exception of those buildings containing 4-bedroom units;
- the applicant shall satisfy all landscaping and screening requirements set in Killeen Code of Ordinances Sections 31-255.5 and 31-255.7. Specifically, the requirements amount to 68 trees, 204 shrubs and screening around the north, east and south project boundaries; and
- the applicant shall provide a second play area (to include equipment) in the eastern portion of the development site.

Vice Chair Dorroh suggested that the following be added to the recommendations: the playground equipment needs to be universal designed, ADA compliant equipment for both playground areas; provide an interior sidewalk plan; meet all Hill Country transit (HOP) guidelines and specifications for the bus stop shelter illustrated on the site plan; the applicant

shall match or exceed the masonry standards as prescribed by the Texas Department of Housing and Community Affairs 2016 Qualified Allocation Plan (QAP); the applicant shall satisfy City Code for trash receptacles.

Mr. Pedro Quintero, Quintero Engineering, LLC, 415 E. Avenue D, Killeen, Texas, was present to represent this request.

Chairman Frederick opened the public hearing.

Mr. Kyle Wheatley, the owner of 5118 Spring Drive, Killeen, Texas spoke against the request.

With no one else requesting to speak, the public hearing was closed.

Commissioner Dillard motioned to recommend approval of the request with the recommendations. Commissioner Alvarez seconded the motion. The motion passed 4-2 with Vice Chair Dorroh and Commissioner Harkin in opposition.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.