

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 “B-3” (LOCAL BUSINESS DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, JMJ Acquisitions, L.L.C. has presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 16.12 acres, being Lot 5, Block 1, Rosewood Commercial, from “B-3” (Local Business District) to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 1st day of October 2018, with exceptions to the maximum height limit of 35 feet per PUD general regulations contained in Code Section 31-802 and the minimum 36 feet continuous pavement requirement per PUD general regulations contained in Code section 31-802. Additionally the Planning and Zoning Commission recommends approval of the PUD with the following conditions:

- (i) the PUD concept Plan shall illustrate a 6’ tall screening fence (stone, brick or block, wrought iron) adjacent to Lots 5-10, Block 9, of the Morning Glen Subdivision;
- (ii) the brick veneer for the side (right and left) elevations of the nine multifamily structures shall be extended to the second floor as illustrated per the PUD documents;
- (iii) in accordance with Code Section 31-256.5, the developer shall provide three color variations (for non-masonry exterior building materials) between the nine buildings with buildings 1, 2, 4 and 5 as the first color variation; buildings 3 and 6 as the second color

variation; and buildings 7, 8 and 9 as the third color variation, as illustrated per the PUD documents; 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 30th day of October 2018, 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 being of the majority opinion that the PUD for “R-3A” zoning request should be approved with those exceptions and conditions as stipulated by the Planning and Zoning Commission;

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

SECTION I. That the zoning classification of 16.12 acres, being Lot 5, Block 1, Rosewood Commercial, be changed from “B-3” (Local Business District) to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District) with the exceptions and conditions listed above. The project site is located on the west side of Rosewood Drive and is addressed as 3701 Rosewood Drive, 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.

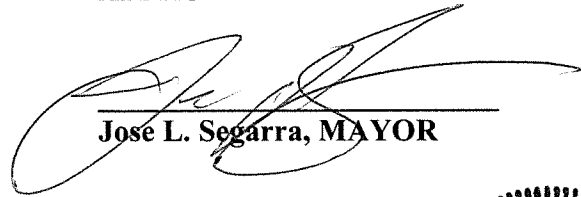
SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

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

ordinance.

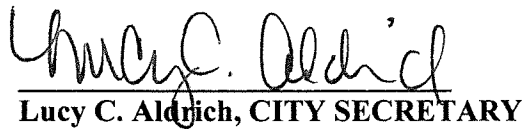
PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 30th day of October 2018, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:



Jose L. Segarra, MAYOR

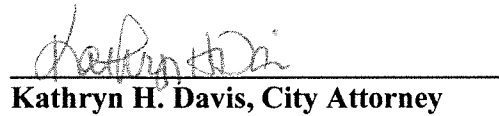
ATTEST:



Lucy C. Aldrich, CITY SECRETARY



APPROVED AS TO FORM



Kathryn H. Davis, City Attorney

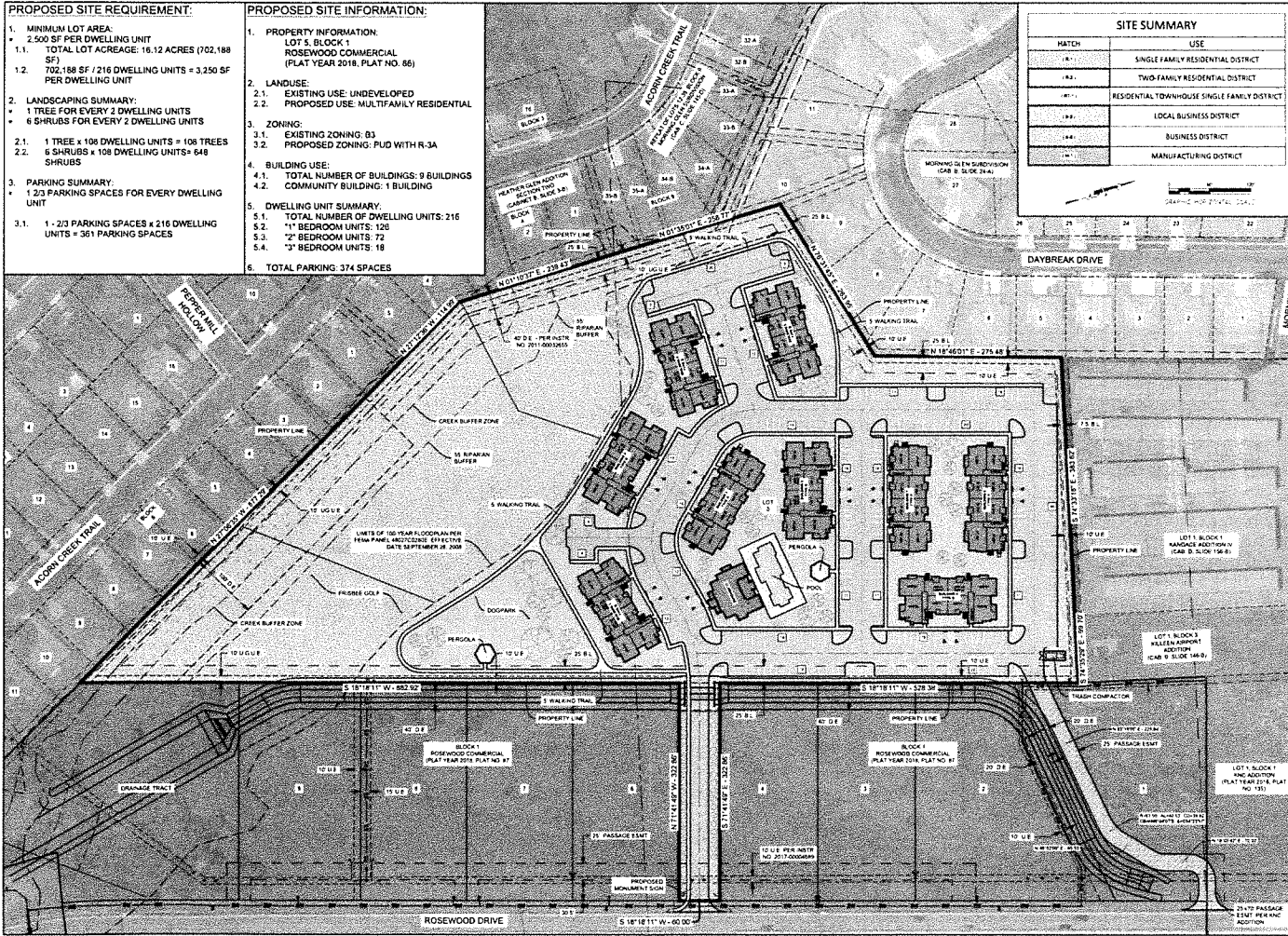
Case #18-08
Ord. #18-038

- PROPOSED SITE REQUIREMENT:**
- MINIMUM LOT AREA:
 - 2,500 SF PER DWELLING UNIT
 - TOTAL LOT ACREAGE: 16.12 ACRES (702,188 SF)
 - 702,188 SF / 216 DWELLING UNITS = 3,250 SF PER DWELLING UNIT
 - LANDSCAPING SUMMARY:
 - 1 TREE FOR EVERY 2 DWELLING UNITS
 - 6 SHRUBS FOR EVERY 2 DWELLING UNITS
 - PARKING SUMMARY:
 - 1-2/3 PARKING SPACES FOR EVERY DWELLING UNIT
 - 1-2/3 PARKING SPACES x 216 DWELLING UNITS = 361 PARKING SPACES

- PROPOSED SITE INFORMATION:**
- PROPERTY INFORMATION:
 - LOT 5, BLOCK 1
 - ROSEWOOD COMMERCIAL (PLAT YEAR 2018, PLAT NO. 66)
 - LANGUAGE:
 - EXISTING USE: UNDEVELOPED
 - PROPOSED USE: MULTIFAMILY RESIDENTIAL
 - ZONING:
 - EXISTING ZONING: B3
 - PROPOSED ZONING: PUD WITH R-3A
 - BUILDING USE:
 - TOTAL NUMBER OF BUILDINGS: 9 BUILDINGS
 - COMMUNITY BUILDING: 1 BUILDING
 - DWELLING UNIT SUMMARY:
 - TOTAL NUMBER OF DWELLING UNITS: 216
 - 1" BEDROOM UNITS: 126
 - 2" BEDROOM UNITS: 72
 - 3" BEDROOM UNITS: 18
 - TOTAL PARKING: 374 SPACES

SITE SUMMARY

MATCH	USE
18-1	SINGLE FAMILY RESIDENTIAL DISTRICT
18-2	TWO-FAMILY RESIDENTIAL DISTRICT
18-3	RESIDENTIAL TOWNHOUSE SINGLE FAMILY DISTRICT
18-4	LOCAL BUSINESS DISTRICT
18-5	BUSINESS DISTRICT
18-6	MANUFACTURING DISTRICT



PROJECT NO. 06A-19
 DATE: AUGUST 2019
 KILLEEN APARTMENTS
 3701 ROSEWOOD DRIVE
 KILLEEN, BELL COUNTY, TEXAS
PROPOSED DEVELOPMENT CONCEPT PLAN
 CP2

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
OCTOBER 1, 2018**

**CASE #Z18-08
“B-3” to “PUD” w/ “R-3A”**

HOLD a public hearing and consider a request submitted by Quintero Engineering, L.L.C. on behalf of JMJ Acquisitions, L.L.C., (**Case#Z18-08**) to rezone Lot 5, Block 1, Rosewood Commercial, from “B-3” (Local Business District) to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District) for an apartment complex. The property is locally known as 3701 Rosewood Drive, Killeen, Texas.

Chairman Peters requested staff comments.

City Planner, Tony McIlwain, stated that the proposed Planned Unit Development (PUD) includes nine (9) multifamily apartment buildings and a club house. It consists of a total of 216 units, with 138 one-bedroom units, 48 two bedroom units, 30 three-bedroom units and 372 parking spaces. The property will gain access to Rosewood Drive via two private drive features, with no connectivity to the surrounding residential neighborhoods.

Mr. McIlwain further explained that a Planned Unit Development (PUD) is a land use designation designed to provide flexibility from the strict application of existing development regulations and land use standards. The PUD designation serves as an overlay zoning district, which enables the developer to request that specific land use development regulations be applied to his development site.

Mr. McIlwain noted that Sec. 31-802(g) of the City of Killeen Code of Ordinances states that “no structures within the PUD that exceed thirty-five (35) feet in height may be constructed on lots adjacent to single-family and two-family districts.” However, staff recommended approval of the PUD which grants an exception to the thirty-five (35) feet requirement referenced in Chapter 31.

Mr. McIlwain noted that Sec. 31-806(b)(6) of the City of Killeen Code of Ordinances states that a private street which has an access control gate or cross arm must have a minimum uninterrupted pavement width of 36 feet. However, staff recommended approval of the PUD which grants an exception to the thirty-six (36) feet requirement referenced above for the illustrated 25’ passage easement.

In addition, staff recommended the following:

- (i) the PUD concept Plan shall illustrate a 6’ tall screening fence (stone, brick or block, wrought iron) adjacent to Lots 5-10, Block 9, of the Morning Glen Subdivision;
- (ii) the brick veneer for the right and left elevation of all building type A structures shall be increased to match the illustrated height of the brick watertable;

(iii) In accordance with Code Section 31-256.5, the developer shall provide three color variations (for non-masonry exterior building materials) between the nine buildings with buildings 1, 2, 4 and 5 being one color standard; buildings 3 and 6 as a second color standard; and buildings 7, 8 and 9 as a third color standards.

Mr. McIlwain noted that staff notified one hundred and twenty-one (121) surrounding property owners within 400 feet of this property regarding this request, and received three responses. Mr. John Llewellyn, the owner of 4812 Acorn Creek Trail, would like all expenses in the areas of drainage improvements and crime/ noise to be paid by the developer. Ms. Susan Nelson, the owner of 4802 Castlewood Drive, is in opposition to the rezoning request. Ms. Elba Rivera, the owner of 4814 Acorn Creek Trail is also in opposition to the request.

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

Chairman Peters opened the public hearing.

Melissa Brown, 6105 Melanie Drive, Killeen, Texas, stated that she was concerned with parking, congestion, noise, drainage and traffic.

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

Commissioner Cooper motioned to recommend approval of the request as recommended by staff. Commissioner Payton seconded, and the motion passed by a vote of 6 to 0, with Commissioner Alvarez abstaining.

Chairman Peters stated that the request will be forwarded to City Council with a recommendation to approve.

Commissioner Alvarez returned to the dais.

CUT HERE

YOUR NAME: John Llewellyn	PHONE NUMBER:
CURRENT ADDRESS: 4812 Acorn Creek Trail	
ADDRESS OF PROPERTY OWNED: Killeen, TX 76542	
COMMENTS: "B-3" to PUD with "R-3A"	
Crime	} all expenses paid by developer
Police	
Noise	
Water	
SIGNATURE:	SPO #Z18-08/078

RECEIVED
SEP 25 2018
PLANNING

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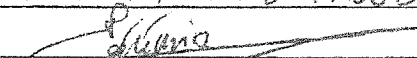
YOUR NAME: Elba R Rivera	PHONE NUMBER: 254 338-2457
CURRENT ADDRESS: 4814 Acorn Creek Trail, Killeen TX 76542	
ADDRESS OF PROPERTY OWNED:	
COMMENTS: Gentleman: Since you opened access "B-3" to PUD with "R-3A"	
road Rosewood to E Central Expressway, we had multiple car accidents. Also, the environment of our community has been affected with constant noise of police, ambulance, fire response. I oppose to rezoned property. This action will have a major impact in the value of our property and the environment of our community.	
SIGNATURE: Elba R. Rivera	SPO #Z18-08/078

RECEIVED

CUT HERE

YOUR NAME: Susan Nelson	PHONE NUMBER: 254-338-9977
CURRENT ADDRESS: 4802 Castlewood Dr, Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 4802 Castlewood Dr, Killeen, TX 76542	
COMMENTS: "B-3" to PUD with "R-3A"	
Myself and my family are property owners and residents of the neighborhood to be impacted by the proposed rezoning. We also own several rental properties in the City of Killeen and lived here over 50 years. We know far to well the negative impact apt complexes have on quality of life, property values, and crime rates. WE DO NOT WANT THIS REZONING!	
SIGNATURE: Susan Jaylu Nelson	SPO #Z18-08/085


RECEIVED

YOUR NAME: PHILIPPE GEREMIA PHONE NUMBER: 830-772-5072
 CURRENT ADDRESS: 230 MOLLY DR - LITTLE, TX 78052
 ADDRESS OF PROPERTY OWNED: 4516 ACORN CREEK TRL - KILLEEN, TX
 COMMENTS: "B-3" to PUD with "R-3A"
 I OPPOSE THE REZONING. MORNING GLEN IS A QUIET NEIGHBORHOOD. AN APARTMENT COMPLEX MULTI-FAMILY WILL BRING LOW-INCOME POPULATION AND CRIME. BUILDING ALL OVER THIS GREEN BELT DETRACTS FROM THE QUALITY OF LIFE OF RESIDENTS. IT WILL LOWER MY HOUSE VALUE, FAMILIES OF SOLDIERS
 SIGNATURE:  SPO #Z18-08/043

NEED TO BE ENCOURAGED TO OWN PROPERTY INSTEAD OF RENTING.

RECEIVED

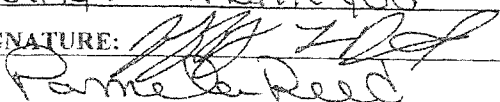
P.O. BOX 1329 - KILLEEN, TEXAS 76540-1329 - 254 501.7630 - 254 501.7628 FAX

YOUR NAME: Walter + Susan Guldenz; PHONE NUMBER: 281-893-1542
 CURRENT ADDRESS: 5625 FM 1960 Rd W. STE 500 Houston TX 77069
 ADDRESS OF PROPERTY OWNED: 5400 E. Central Texas Expw. Killeen, TX 76543
 COMMENTS: "B-3" to PUD with "R-3A"
 I support this request.
 SIGNATURE:  SPO #Z18-08/ 121

RECEIVED

PLANNING

CUT HERE

YOUR NAME: Jeffrey Reed - PHONE NUMBER: 252-~~256~~-5960
 CURRENT ADDRESS: Pamela Reed 4814 Castlewood Dr Killeen, TX
 ADDRESS OF PROPERTY OWNED: 4814 Castlewood Dr Killeen, TX 76542
 COMMENTS: "B-3" to PUD with "R-3A"
 We are opposed to this because of the following reasons: 1. Safety Issues
 2. Noise 3. Character of my quiet neighborhood.
 4. Our property values to decrease.
 We love our neighborhood the way it is - more people will only effect our value of living. Thank You
 SIGNATURE:  SPO #Z18-08/0097

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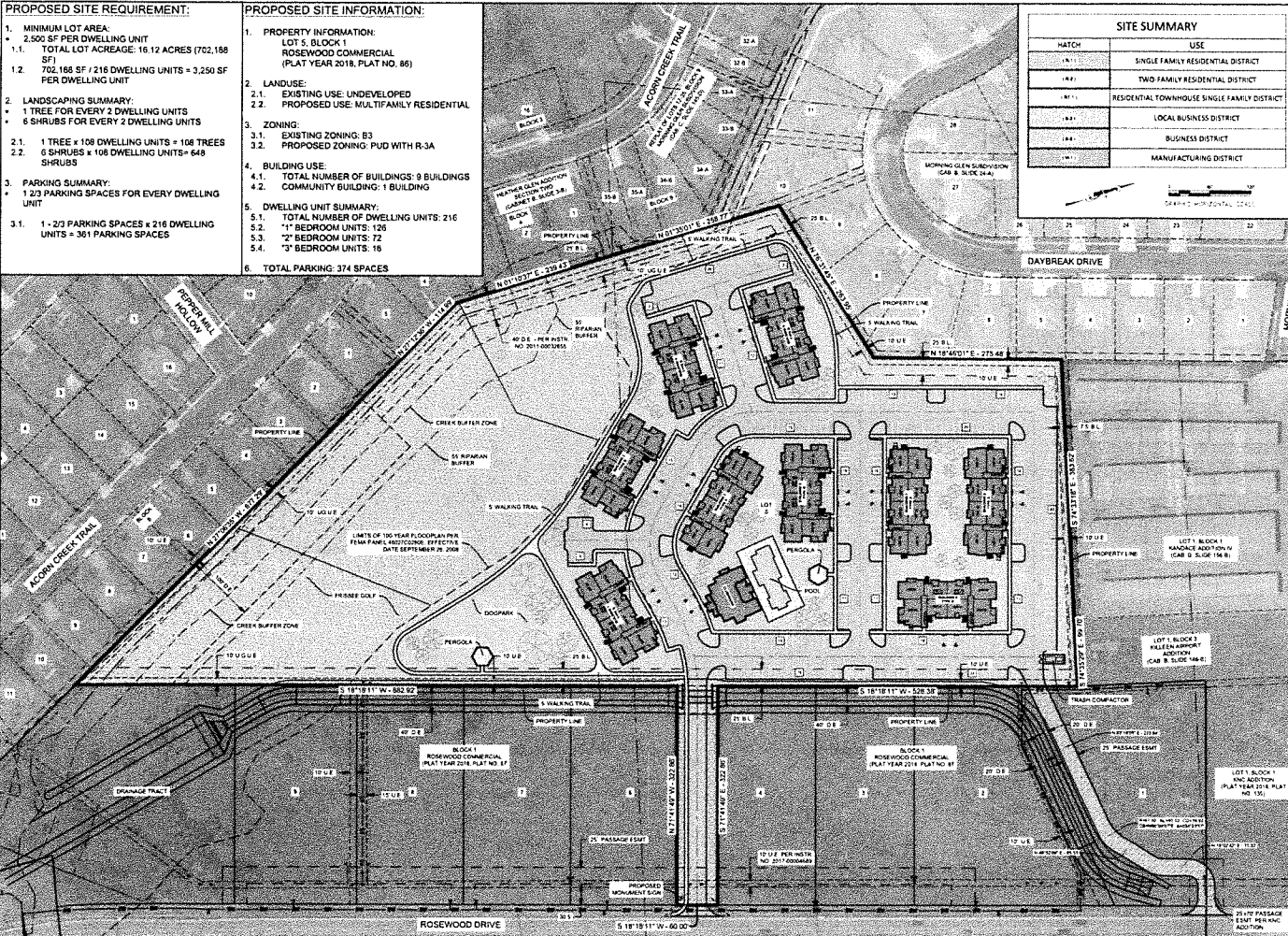
- PROPOSED SITE REQUIREMENT:**
- MINIMUM LOT AREA:
 - 2,500 SF PER DWELLING UNIT
 - TOTAL LOT ACREAGE: 16.12 ACRES (702,188 SF)
 - LANDSCAPING SUMMARY:
 - 1 TREE FOR EVERY 2 DWELLING UNITS
 - 6 SHRUBS FOR EVERY 2 DWELLING UNITS
 - PARKING SUMMARY:
 - 1 2/3 PARKING SPACES PER DWELLING UNIT
 - 1 2/3 PARKING SPACES x 216 DWELLING UNITS = 361 PARKING SPACES

- PROPOSED SITE INFORMATION:**
- PROPERTY INFORMATION:
 - LOT 5, BLOCK 1
 - ROSEWOOD COMMERCIAL (PLAT YEAR 2018, PLAT NO. 86)
 - LANDUSE:
 - EXISTING USE: UNDEVELOPED
 - PROPOSED USE: MULTIFAMILY RESIDENTIAL
 - ZONING:
 - EXISTING ZONING: B3
 - PROPOSED ZONING: PUD WITH R-3A
 - BUILDING USE:
 - TOTAL NUMBER OF BUILDINGS: 9 BUILDINGS
 - COMMUNITY BUILDING: 1 BUILDING
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 - TOTAL PARKING: 374 SPACES

SITE SUMMARY

HATCH	USE
(Symbol)	SINGLE FAMILY RESIDENTIAL DISTRICT
(Symbol)	TWO FAMILY RESIDENTIAL DISTRICT
(Symbol)	RESIDENTIAL TOWNHOUSE SINGLE FAMILY DISTRICT
(Symbol)	LOCAL BUSINESS DISTRICT
(Symbol)	BUSINESS DISTRICT
(Symbol)	MANUFACTURING DISTRICT

Scale: 1" = 50' (GRAPHIC HORIZONTAL SCALE)



FOR REVIEW ONLY
 PROJECT NO. 2024-12
 DATE: AUGUST 2024

ISSUED FOR REVIEW ONLY
 PROJECT NO. 2024-12
 DATE: AUGUST 2024

UNIVERSITY ENGINEERS INC.
 3701 ROSEWOOD DRIVE
 KILLEEN, TEXAS 76789
 (817) 251-1111
 www.universityEngineers.com

KILLEEN APARTMENTS
 3701 ROSEWOOD DRIVE
 KILLEEN, BELL COUNTY, TEXAS
PROPOSED DEVELOPMENT CONCEPT PLAN

CP2

MATERIAL BREAKDOWN
 SANDSTONE 20%
 BRICK 35%
 SIDING 45%

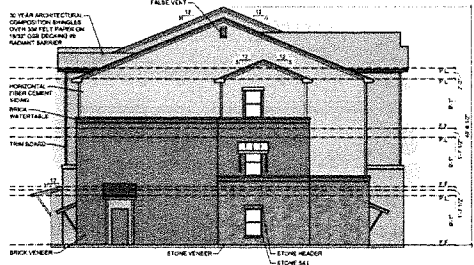
30-YEAR ARCHITECTURAL
 COMPOSITION BRICKS
 OVER 5/8" FELT PAPER ON
 1/2" GIP OVER 2" X 4" W/ 1/2"
 RADIANT BARRIER



04 BUILDING TYPE 'A' REAR ELEVATION
 SCALE: 1/8" = 1'-0"

MATERIAL BREAKDOWN
 SANDSTONE 10%
 BRICK 45%
 SIDING 45%

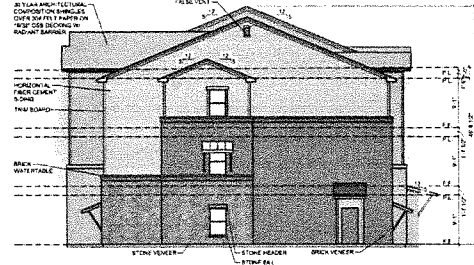
30-YEAR ARCHITECTURAL
 COMPOSITION BRICKS
 OVER 5/8" FELT PAPER ON
 1/2" GIP OVER 2" X 4" W/ 1/2"
 RADIANT BARRIER



03 BUILDING TYPE 'A' RIGHT ELEVATION
 SCALE: 1/8" = 1'-0"

MATERIAL BREAKDOWN
 SANDSTONE 10%
 BRICK 45%
 SIDING 45%

30-YEAR ARCHITECTURAL
 COMPOSITION BRICKS
 OVER 5/8" FELT PAPER ON
 1/2" GIP OVER 2" X 4" W/ 1/2"
 RADIANT BARRIER



02 BUILDING TYPE 'A' LEFT ELEVATION
 SCALE: 1/8" = 1'-0"

MATERIAL BREAKDOWN
 SANDSTONE 20%
 BRICK 35%
 SIDING 45%

30-YEAR ARCHITECTURAL
 COMPOSITION BRICKS
 OVER 5/8" FELT PAPER ON
 1/2" GIP OVER 2" X 4" W/ 1/2"
 RADIANT BARRIER



01 BUILDING TYPE 'A' FRONT ELEVATION
 SCALE: 1/8" = 1'-0"

PRELIMINARY
 DRAWINGS



ARCHITECT:
 CROSS ARCHITECTS, P.C.
 15000 WINDY HILLS, SUITE 105
 PLANO, TEXAS 75025
 P: 972.332.8666
 F: 972.332.8666
 WWW.CROSSARCHITECTS.COM

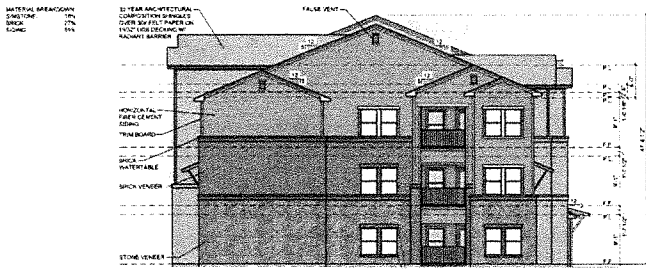
KILLEN APARTMENTS
 KILLEN, TEXAS

DATE: 09/21/2018
 PROJECT NUMBER: 19115
 PRELIMINARY

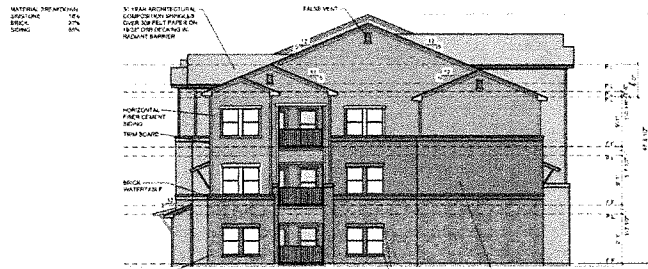
SHEET NUMBER:
A4.5
 BUILDING TYPE 'A'
 EXTERIOR
 ELEVATIONS
 10/20/18 4:00 PM



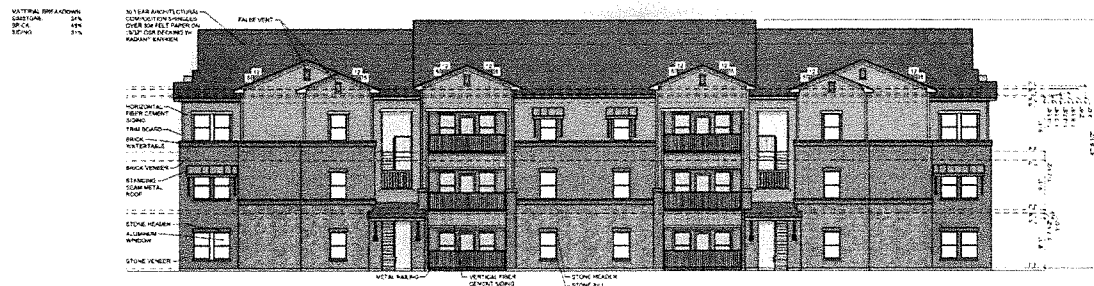
04 BUILDING TYPE 'B' REAR ELEVATION
SCALE: 1/8" = 1'-0"



03 BUILDING TYPE 'B' RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



02 BUILDING TYPE 'B' LEFT ELEVATION
SCALE: 1/8" = 1'-0"



01 BUILDING TYPE 'B' FRONT ELEVATION
SCALE: 1/8" = 1'-0"

PRELIMINARY DRAWINGS

Cross
ARCHITECTS, PLLC

ARCHITECT:
CROSS ARCHITECTS, PLLC
1000 W. SHILOH BLVD. SUITE 205
PLANO, TEXAS 75075
P: 972.333.6666
F: 972.333.6667
WWW.CROSSARCHITECTS.COM

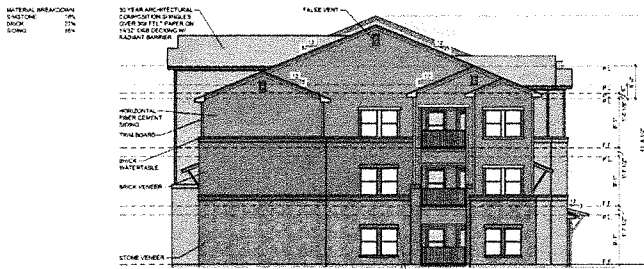
KILLEN APARTMENTS
KILLEN, TEXAS

DATE: 09/21/2018
PROJECT NUMBER: 18115
PRELIMINARY
DATE:

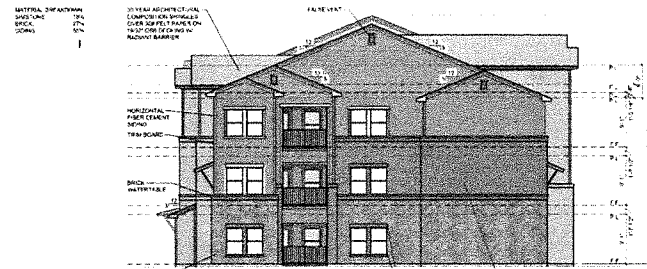
DATE PLOTTED: 09/21/2018
A4.10
BUILDING TYPE 'B'
EXTERIOR ELEVATIONS
DATE PLOTTED: 09/21/2018



04 BUILDING TYPE 'B' REAR ELEVATION
SCALE: 1/8" = 1'-0"



03 BUILDING TYPE 'B' RIGHT ELEVATION
SCALE: 1/8" = 1'-0"



02 BUILDING TYPE 'B' LEFT ELEVATION
SCALE: 1/8" = 1'-0"



01 BUILDING TYPE 'B' FRONT ELEVATION
SCALE: 1/8" = 1'-0"

PRELIMINARY DRAWINGS



ARCHITECT: CROSS ARCHITECTS, P.C.
3225 W. 15TH STREET, SUITE 225
PLANO, TEXAS 75075
P: 972.332.8666
F: 972.332.8666
WWW.CROSSARCHITECTS.COM

KILLEEN APARTMENTS
KILLEEN, TEXAS

09/21/2016
18115
PRELIMINARY
DATE

PROJECT NUMBER
A4.11
BUILDING TYPE B
EXTERIOR
ELEVATIONS
DATE

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 in 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.

CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: October 23, 2018
TO: Ronald L. Olson, City Manager
FROM: Dr. Ray Shanaa, AICP, Exec. Dir. of Planning and Development Services
SUBJECT: Zoning Case #Z18-08 "B-3" (Local Business District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District)

Background and Findings

This request is submitted by Quintero Engineering, L.L.C. on behalf of JMJ Acquisitions, L.L.C. to rezone Lot 5, Block 1, Rosewood Commercial, from "B-3" (Local Business District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) for an apartment complex. The property is addressed as 3701 Rosewood Drive, Killeen, Texas.

District Descriptions:

Sec. 31-256.1. - Use regulations - "R-3A."

- (a) Uses. A building or premises in a "R-3A" Multifamily Apartment Residential District shall be used only for the following purposes:
- (1) Any use permitted in the "R-1" or "R-2" districts.
 - (2) Multifamily structures containing five (5) or more separate dwelling units, including large apartment complexes with high rise structures.
 - (3) Boarding and lodging houses.
 - (4) Fraternity or sorority houses.
 - (5) Licensed group or community homes housing six (6) or more persons.
 - (6) Dormitories for educational or employment purposes as a primary use.
 - (7) Any group housing activity not otherwise identified in another multifamily or business district.
 - (8) 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) Planned unit development required. Rezoning applications requesting zoning under this division shall be subject to the requirements of 31-256.9 of this division, if applicable.

Sec. 31-256.9. - Planned Unit Development (PUD) required.

- (a) A Planned Unit Development (PUD) as provided in Chapter 31, Article V, Division 8, Killeen Code of Ordinances shall be required for any request for an "R-3F" and/or "R-3A"

district when the total acreage of the request alone, or when the total acreage of the request combined with all adjacent areas zoned "R-2", "R-3", "R-3F", and "R-3A", and/or areas within a two-thousand feet radius of any of the property seeking to be rezoned, consist of twenty-five (25) acres or more. The purpose for requiring a PUD is to provide the Planning and Zoning Commission and the City Council with the ability to determine the proposed development's impact on surrounding properties, existing infrastructure and open/recreational space and also to determine whether additional public improvements to serve denser multifamily development are necessary to promote the health, safety and welfare of the development's residents.

- (b) Properties are considered adjacent and subject to the computation of this section if they are continuously zoned for multifamily and/or two family residential use regardless of ownership, property lines, easements or rights-of-way.
- (c) The applicant shall provide any public infrastructure beyond the city's minimum development standards that is required to service the proposed development, including open/recreational space and oversized water, sewer and drainage facilities and greater street widths.
- (d) The applicant is responsible for determining whether or not a PUD is required. However, if the Executive Director of Planning and Development Services determines at any time that a PUD is required and one was not submitted the applicant shall be informed in writing and they shall either modify their application to include the PUD or withdraw the application and have all associated application fee(s) returned.

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 held and approved by both the Planning and Zoning Commission and the City Council.

The PUD concept plan illustrates nine (9) multifamily apartment buildings and a club house. The dwelling unit summary consists of a total of 216 units with 126 one-bedroom units, 72 two-bedroom units, 18 three-bedroom units and 374 parking spaces. The property will gain access to Rosewood Drive via two private drive features, with no connectivity to the surrounding residential neighborhoods.

Property Specifics

Applicant / Property Owner: JMJ Acquisitions, L.L.C.

Property Location: The property is addressed as 3701 Rosewood Drive, Killeen, Texas.

Legal Description: Lot 5, Block 1, Rosewood Commercial

Zoning/ Plat Case History:

- The property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on January 27, 2015, per Ordinance No. 15-005.
- The area was most recently platted as Rosewood Commercial, which was filed for record on June 11, 2018, as Dedication Instrument No. 2018-00023595, Official Records of Real Property, Bell County, Texas.

Character of the Area: The properties west and south of the subject site consist of single-family homes, townhomes and duplexes. The properties north and east of the site consist of commercial and manufacturing zoned properties.

Existing Land Use(s) on the Property: Vacant

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 available to the above subject tract located within the City of Killeen municipal utility service area. There is an existing 6" diameter sewer line that is located adjacent to Rosewood Drive. Upon development, it will be necessary to extend water, sewer and drainage infrastructure to the site.

Transportation:

Existing conditions: The tract has direct access to Rosewood Drive, which is classified as a 110' wide minor arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: No additional right-of-way improvements are proposed at this time.

Proposed Traffic Generation: If approved, at full build-out, the PUD will include 216 multifamily units. These units will generate 1,436 daily trips with 110 total generated trips during AM peak hour and 134 total generated trips during PM peak hour [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

Environmental Assessment: Acorn Creek is located along the western boundary of the property and approximately 5.43 acres of the site lies within a FEMA 100-year floodplain.

Land Use Analysis

Land Use Plan: This area is designated as Planned Unit Development ('PD') on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The 'PD' designation allows for mixed use (retail, office, residential, public), a variety of housing types and parks/ public spaces. The 'PD' designation characteristics include the potential for distinct character areas within an overall development design, superior site design and development quality as well as being transit supportive.

Consistency: The PUD proposal is consistent with the Comprehensive Plan's FLUM.

Public Notification

Staff notified one hundred and twenty-one (121) surrounding property owners within 400 feet of this property regarding this request. Staff has received opposition from Susan Nelson (4802 Castlewood Drive), Elba Rivera (4814 Acorn Creek Trail), Phillippe Geremia (4516 Acorn Creek Trail) and Jeffry Reed (4814 Castlewood Drive). Mr. John Llewellyn (4812 Acorn Creek Trail) is not opposed to the project, but he would like all expenses in the areas of drainage improvements and crime/ noise to be paid by the developer. Additionally, Walter and Susan Galdenzi (5400 E. Central Texas Expressway) are in favor of the request. Mellisa Brown (6105 Melanie Drive) spoke in opposition to the request during the Planning and Zoning Commission's public hearing on this matter.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternatives.

Why?

Staff supports the PUD zoning request as an option as it allows flexibility and a negotiated process.

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:

The Planning and Zoning Commission recommends approval of the the PUD (by a vote of 6 to 0, with Commissioner Alvarez abstaining) subject to the conditions listed below and granting the following exceptions to:

1. The maximum height limit of 35 feet per PUD general regulations contained in Code Section 31-802;
2. The minimum 36 feet continuous pavement requirement per PUD general regulations contained in Code section 31-802;

The following are conditions of approval:

- (i) the PUD concept Plan shall illustrate a 6' tall screening fence (stone, brick or block, wrought iron) adjacent to Lots 5-10, Block 9, of the Morning Glen Subdivision;*
- (ii) the brick veneer for the side (right and left) elevations of the nine multifamily structures shall be extended to the second floor as illustrated per the PUD documents;*
- (ii) in accordance with Code Section 31-256.5, the developer shall provide three color variations (for non-masonry exterior building materials) between the nine buildings with buildings 1, 2, 4 and 5 as the first color variation; buildings 3 and 6 as the second color variation; and buildings 7, 8 and 9 as the third color variation, as illustrated per the PUD documents.*

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Zoning map and notification area
Minutes
Responses
Ordinance
Overall PUD concept plan
Apartment architectural elevation
Pharr v. Tippitt Considerations