

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-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Linda Nellis, Trustee 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 15.104 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-3A” (Multifamily Apartment Residential District) uses for a project named South Station Apartments, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 7th day of November 2016 with the following conditions:

- the applicant shall adhere to the submitted site plan, architectural elevations and floorplans, with consideration of moving the community amenities to a more centralized area;
 - 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 128 trees and 768 shrubs and screening around the north and south project boundaries;
- and

- the applicant shall provide a second amenity area (to include equipment) in the western portion of the development site; preferably the square shaped area located near buildings 11-13;

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 22nd day of November 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-3A" (Multifamily Apartment Residential District) uses, with those conditions stipulated by the Planning and Zoning Commission, for approximately 15.104 acres, being part of the R. Cunningham Survey, Abstract No. 199, for property located near the northeast corner of the intersection of Cunningham Road and 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 22nd day of November 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

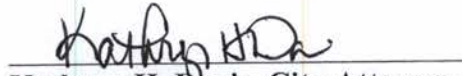


ATTEST:



Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

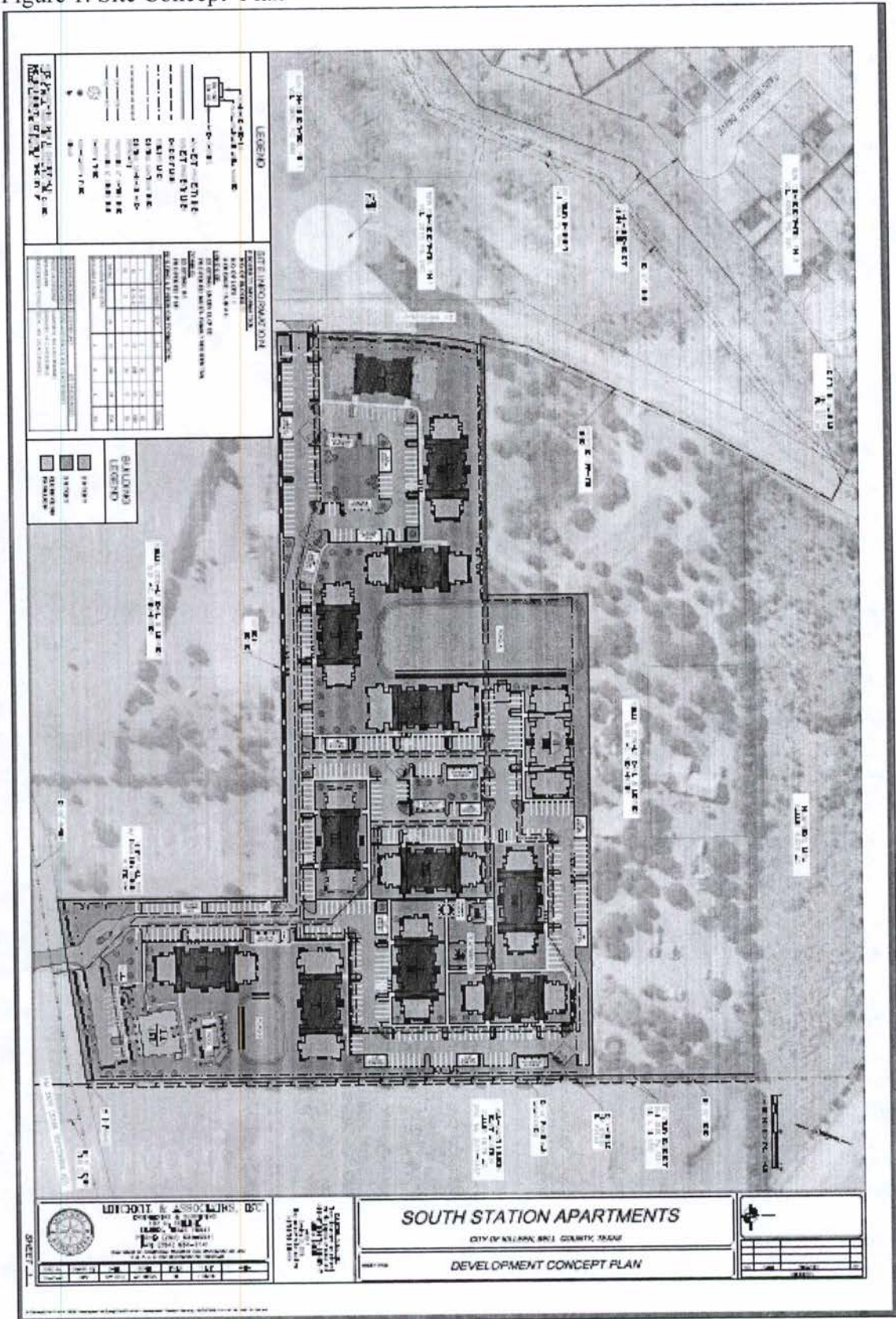


Kathryn H. Davis, City Attorney

Case #16-18

Ord. #

Figure 1. Site Concept Plan





Date Paid:	10/07/2016
Amount Paid:	\$ 300.00
Cash/MO #/Check #:	#335996
Receipt #:	461

CASE #: Z16-18

City of Killeen Zoning Change Application

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

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

Current Address: 21204 Bogie Road

City: Edmond State: OK Zip: 73102 - _____

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

Email: linda@nellisvineyards.com

Name of Applicant: Pedcor Investments, A Limited Liability Company
(If different than Property Owner)

Address: 770 3rd Ave SW

City: Carmel State: IN Zip: 46032

Home Phone: () _____ Business Phone: (317) 208-3767 Cell Phone (512) 470-7312

Email: jlatsha@pedcor.net

Address/Location of property to be rezoned: 4302 Cunningham Road

Legal Description: attached

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: vacant

Proposed Zoning: PUD Proposed Use: multifamily development (R-3A uses)

Conditional Use Permit for: N/A

This property was conveyed to owner by deed dated 8/31/1998 and recorded in Volume 3855,
Page 305, Instrument Number 030339 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 Jean Latsha and/or Craig Lintner, Pedcor Investments, A Limited Liability Company

Mailing Address: 770 3rd Ave SW


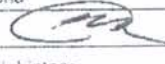
City Carmel State: IN Zip: 46032

Home Phone: (317) 432-XXXX Business Phone: (317) 208-3767 Email: jlatsha@pedcor.net

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 <u>Land Acquisition Manager</u>
Printed/Typed Name of Agent <u>Jean Latsha</u>	Date <u>9-27-16</u>
Signature of Agent 	Title <u>Senior Vice President</u>
Printed/Typed Name of Agent <u>Craig H. Lintner</u>	Date <u>9-27-16</u>
Signature of Applicant _____	Title _____
Printed/Typed Name of Applicant _____	Date _____
Signature of Property Owner _____	Title _____
Printed/Typed Name of Property Owner _____	Date _____
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.

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: Jean Latsha and/or Craig Lintner, Pedcor Investments, A Limited Liability Company

Mailing Address: 770 3rd Ave SW

City: Carmel State: IN Zip: 46032 -

Home Phone: (512) 470-7312 Business Phone: (317) 208-3767 Email: jlatsha@pedcor.net

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Signature of Agent _____ Title Land Acquisition Manager

Printed/Typed Name of Agent Jean Latsha Date 9-27-16

Signature of Agent _____ Title Senior Vice President

Printed/Typed Name of Agent Craig H. Lintner Date 9-27-16

Signature of Applicant _____ Title _____

Printed/Typed Name of Applicant _____ Date _____

Signature of Property Owner [Signature] Title Trustee

Printed/Typed Name of Property Owner Linda A. Nellis, Trustee Date _____

~~Signature of Property Owner of Donald + Lenner Nellis Revocable~~ Title _____

~~Printed/Typed Name of Property Owner~~ Living Trust 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:

Z16-18

ZONING FROM:

R-1 To PUD

APPLICANT:

PEDCOR INVESTMENTS




PROPERTY OWNER:

LINDA NELLIS TRUSTEE

LEGAL DESCRIPTION:

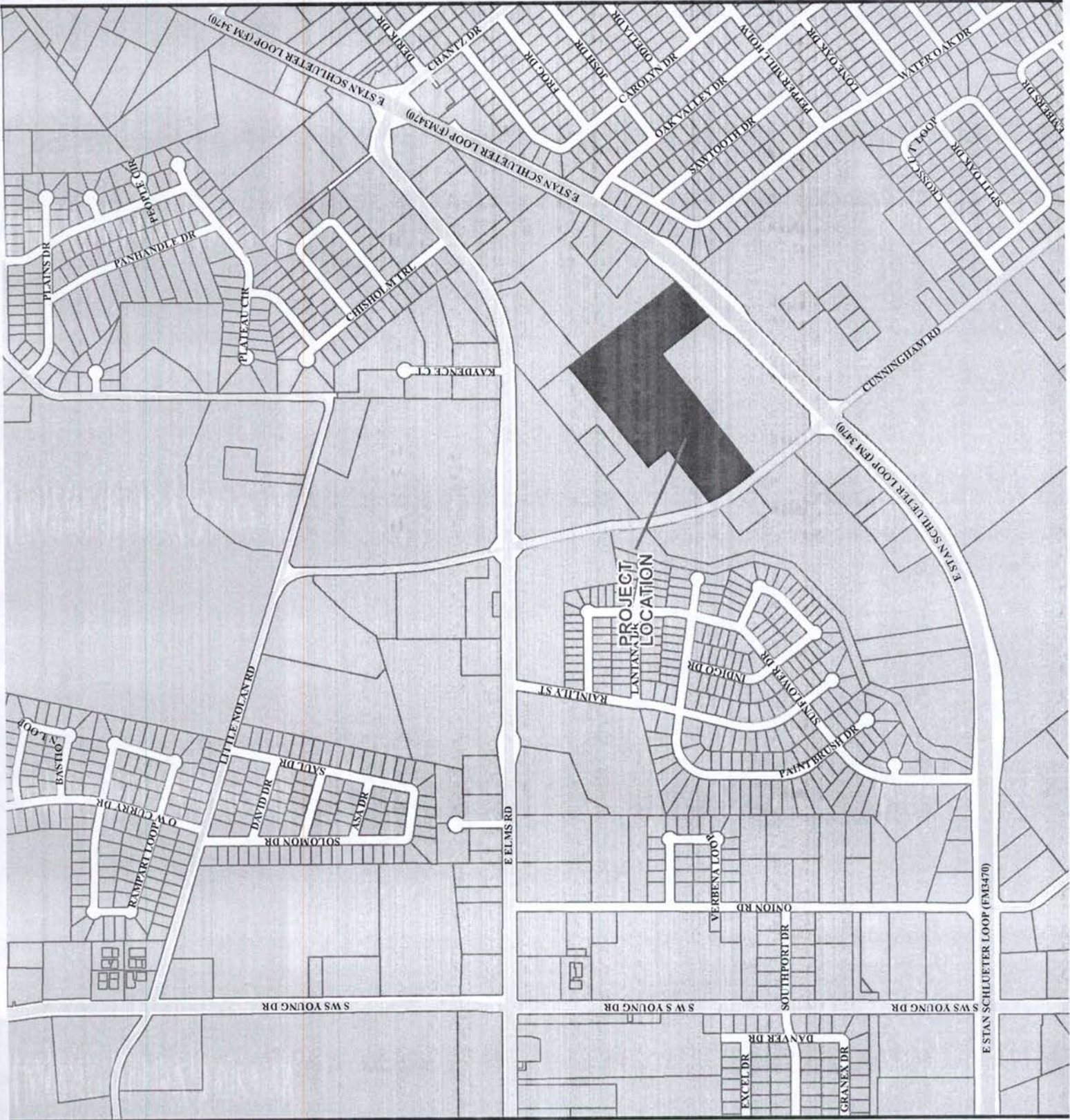
15 ACRES OUT OF
A0199BC R CUNNINGHAM,
2, (PT 31.597AC TRACT)
ACRES 25.166

Legend

-  Zoning Case
-  Parcel
-  City Limits



Date: 10/12/2016





PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:
Z16-18

ZONING FROM:
R-1 To PUD

APPLICANT:
PEDCOR INVESTMENTS

PROPERTY OWNER:
LINDA NELLIS TRUSTEE

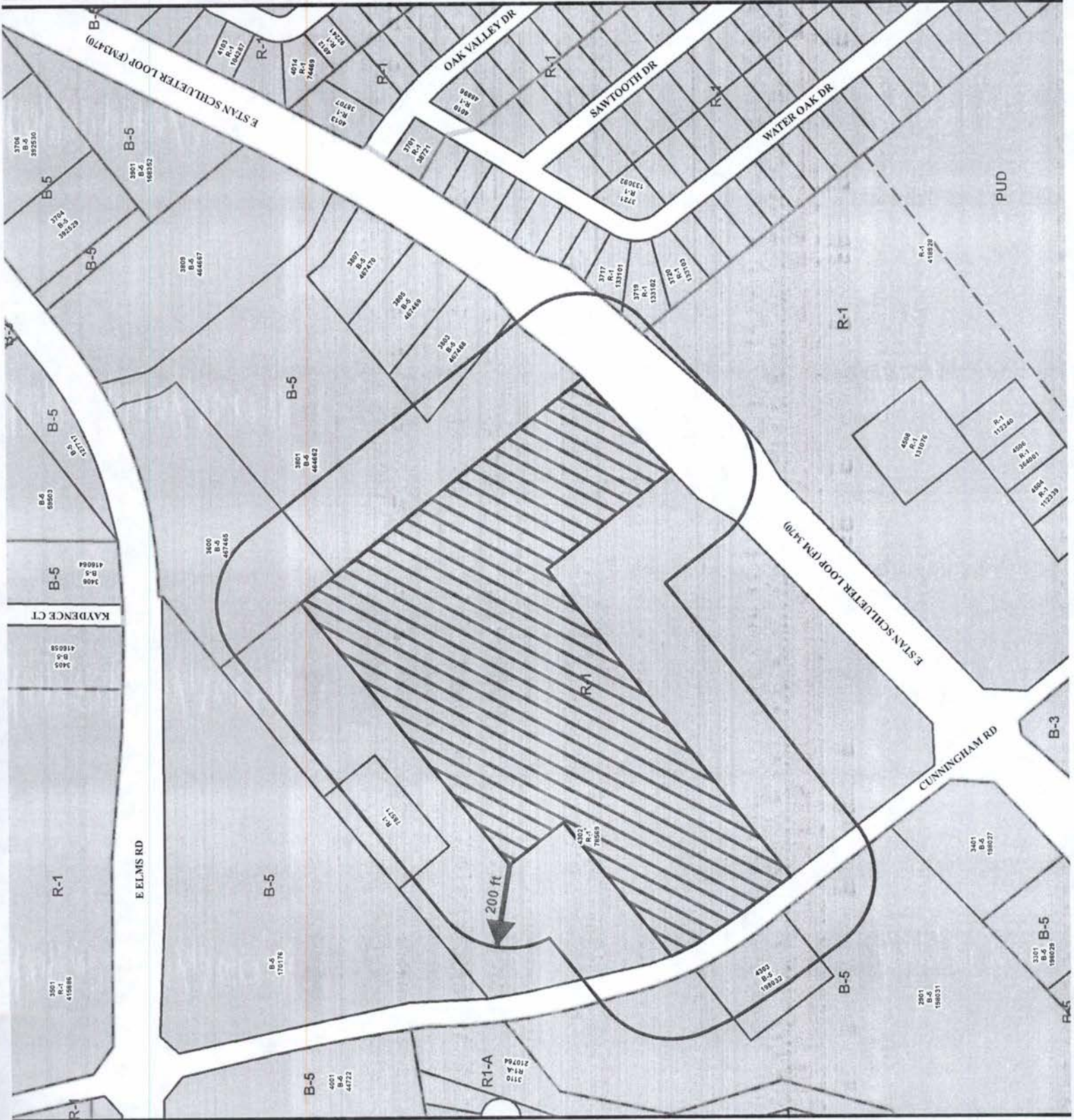
LEGAL DESCRIPTION:
15 ACRES OUT OF
A0199BC R CUNNINGHAM,
2, (PT 31.597AC TRACT)
ACRES 25.166

LEGEND

- 200' Buffer
- Zoning Case
- Current Zoning
- Subdivision
- Parcel
- City Limits



Date: 10/12/2016





Development Summary

Site/Community Assets and Development Details

Pedcor Investments, A Limited Liability Company ("Pedcor") is proposing to construct an apartment community, South Station Apartments, located at the northeast corner of Stan Schlueter Loop and Cunningham Road. While subject to change, current plans are for 256 units, consisting of 72 one-bedroom, 160 two-bedroom, and 24 three-bedroom units. The site is adjacent to a new Wal-Mart Neighborhood Store and within less than a mile of several community assets, including a pharmacy, restaurants, churches, convenience stores, retail shops and public schools. It is also just over a mile from the Lions Club park. A map of the site showing the location of some of these community assets is attached. The proximity to these amenities provides not only needed services but opportunities for residents to work close to home.

For those commuting, the site is located on a fixed route of the Central Texas HOP, with a stop at the southwest corner of Stan Schlueter Loop and Cunningham. Pedcor has already had conversations with the HOP about the best way for the residents of South Station Apartments to utilize this public transportation service and will continue to work with them as plans are finalized. Several options are being discussed, including the installation of a shelter, the relocation of the current stop, and/or the installation of a pad in anticipation of a future route change. At the very least, the current route and stop will undoubtedly benefit the residents.

The development consists of twelve 2-and-3-story residential buildings and one 2-story residential building as well as a community center and leasing office. While final determinations regarding common amenities have not been made, the current plan, which is typical of Pedcor properties, includes a pool with a splash pad, covered pavilion with grills and picnic tables, a playground and tot lot, fully furnished clubhouse with business center, perimeter fencing and controlled access gates, a laundry room, and a fitness center. In addition, Pedcor provides common area wi-fi in order to provide the residents greater connectivity.

The units in the development are also amenity-rich and include 9-foot ceilings, self-cleaning ovens, Energy Star refrigerators with icemakers, Energy Star dishwashers and windows, storage rooms, covered patios/balconies and entries, ceiling fans, and laundry connections, amongst others. Proposed floor plans are attached here.

Developer Experience

Pedcor has been developing, constructing and managing affordable rental housing communities since the inception of the tax credit program in 1987. The company has developed over 16,800 units across

17 states, and of these units, just under half were financed with tax-exempt bonds and 4% HTCs, with the remaining being financed with either competitive (9%) HTCs or conventionally, providing unrestricted market rate units. Pedcor has raised over \$1 billion in debt and \$640 million in HTC equity proceeds and have successfully closed 127 partnerships. The organization is vertically integrated, managing the architecture and engineering in-house through its plan production and engineering departments. Pedcor serves as a long term partner in the community, continuing to own and manage the properties that they develop throughout the period that they are income and rent restricted, and in many cases even longer. In addition, while affordable housing is its primary business, Pedcor has two financial institutions that are part of our ownership structure.

Conformance with City of Killeen Requirements for PUD Classification

Pedcor is requesting a planned unit development ("PUD") classification pursuant to Division 8B, Section 31-256.9 of the Code of Ordinances of the City of Killeen ("Ordinance"). Pursuant to Division 8, Section 31-800 of the Ordinance, the parcel must be assigned a standard zoning district classification, and Pedcor is seeking a base zoning of R-3A. The development use regulations for R-3A zoning include multifamily structures containing five or more separate dwelling units, including large apartments complexes. The proposed development will conform with the height and area regulations, architectural design, landscaping, parking regulations, and screening requirements found in Division 8B, Sections 31-256.1 through 31-256.8 of the Ordinance, related to Multifamily Apartment Residential District.

Section 31-802 of the Ordinance includes several requirements of a PUD classification, all of which will be met by the proposed development. The site is L-shaped with access to both an existing minor arterial street (Cunningham Road) and principal arterial (Stan Schlueter Loop), as indicated on the 2015 Thoroughfare Plan, a portion of which is attached here. As stated above, the PUD will conform with the R-3A zoning requirements. The proposed site is approximately 15 acres, so exceeds the general minimum requirement of 5 acres. Landscape buffers and a perimeter fence will separate the PUD from adjacent land uses, and the minimum size requirement of such buffers will be met as shown in the conceptual site plan.

Section 31-803 of the Ordinance states that no PUD shall be approved if it found that the development:

1. Does not conform with applicable regulations and standards established by this article;
2. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, setbacks and open spaces, landscaping, drainage, or access and traffic circulation;
3. Potentially create unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot mitigated by imposed conditions, screening, or other provision of this section;
4. Adversely affects the safety and convenience of vehicular and pedestrian circulation and parking in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses anticipated considering existing zoning and land uses in the area;
5. Fails to reasonably protect persons and property from infrastructure failure, erosion, flood or water damage, fire, odors, dust, noise, fumes, vibrations, glare, and similar hazards or impacts;
6. Adversely affects emergency access, traffic control, or adjacent properties by inappropriate infrastructure standards, location, access, lighting, or type of signs; or

7. Will be detrimental to the public health, safety and welfare, or injurious to property or improvements in the vicinity, for reasons specifically articulated by the planning and zoning commission or the city council.

As stated previously, South Station Apartments will conform to the applicable (R-3A) zoning regulations. The existing adjacent uses include a commercial development (zoned B-5) to the east of the property and vacant land to the south. Although currently zoned for residential use (R-1), the property to the south is anticipated to be re-zoned for commercial use by the owner (not Pedcor). On the west side of the property is Cunningham Road, and on the other side of the road is vacant land zoned B-5. There is one single family home (zoned R-1) to the north of the site, but the proposed PUD includes a 100-foot buffer between the South Station property line and the property line of the home owner. A portion of the Killeen zoning map showing the location of the site is attached here.

The proposed development will provide adequate landscaping, open space, and setbacks as shown in the conceptual site plan attached. The plan also indicates that the site drains partly to the north and partly to the south, and there are two detention ponds included in the plan. There are two access drives, one on Stan Schlueter Loop and one on Cunningham Road, which will serve to mitigate the additional traffic on each individual road and provide for better circulation, as well as giving emergency vehicles two points of ingress/egress. The site as currently designed also exceeds parking requirements. In addition, the on-site amenities such as a pool, fitness room, and playgrounds will allow the residents of the development access to them without having to get in their cars and generate more traffic.

The development will not adversely impact the safety of the surrounding properties or produce odors, dust, noise, fumes, glare, or other hazards. It will have adequate emergency access and will not include any inappropriate lighting, signs, etc. Finally, the development will not be detrimental to the public health, safety, and welfare of the properties in the vicinity. The development will instead provide quality housing for its residents and be an asset to the community.

Attachments

Map with community assets

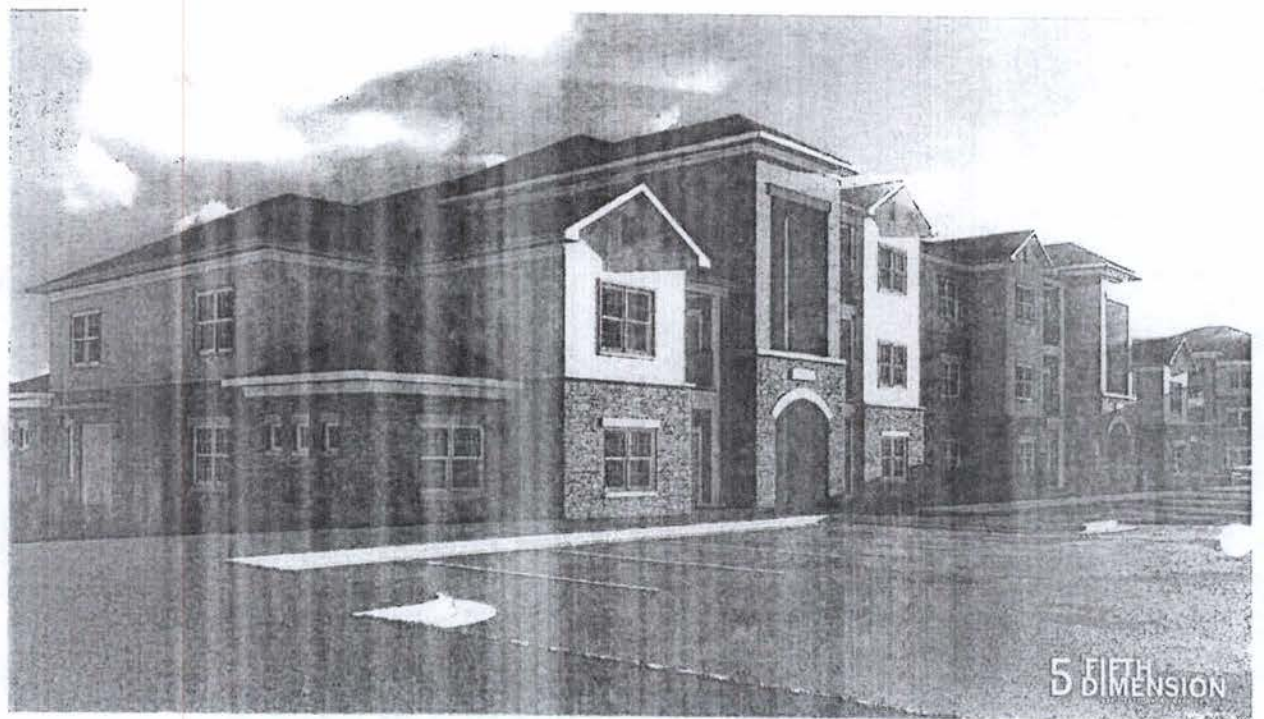
Proposed Building elevation and Floor plans

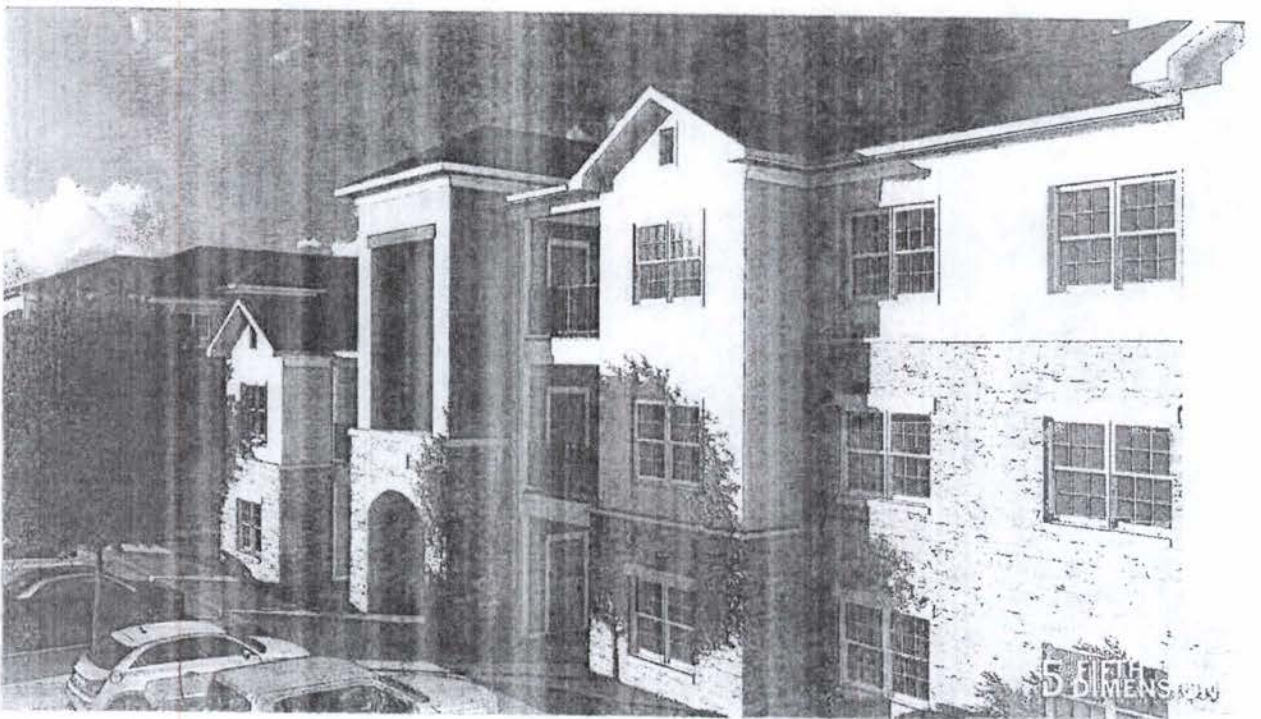
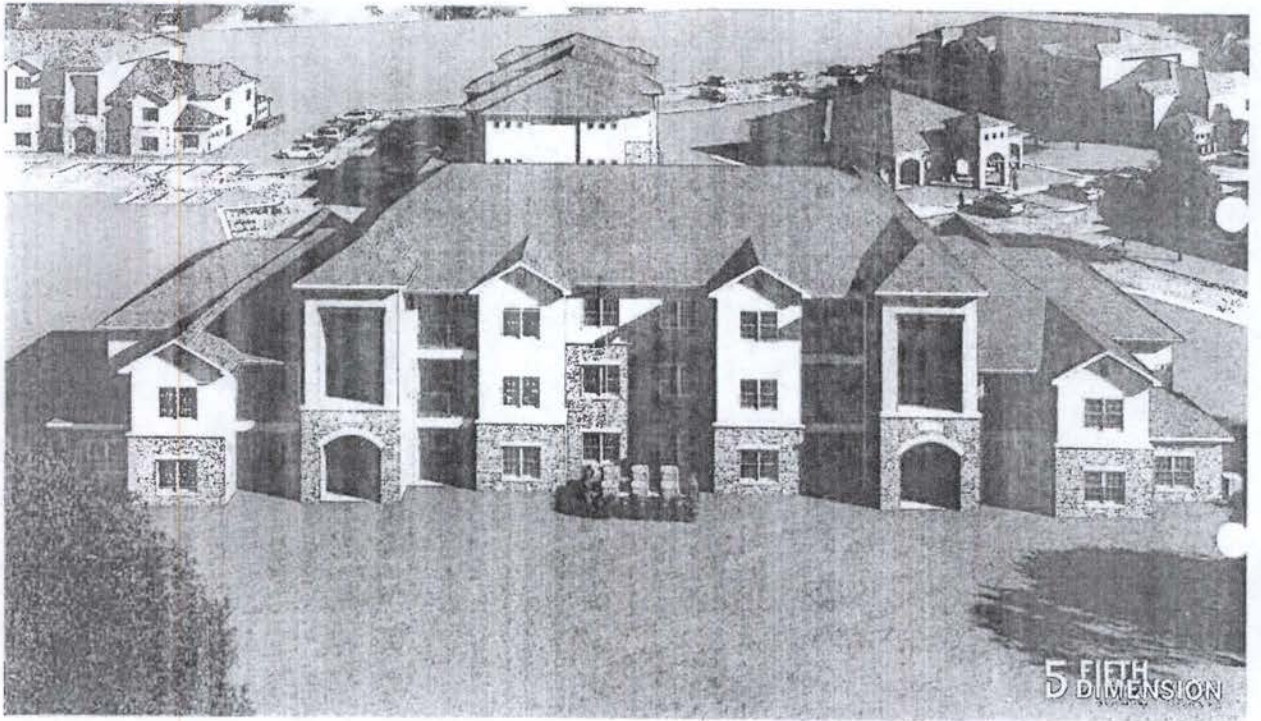
Portion of 2015 City of Killeen Thoroughfare Plan map

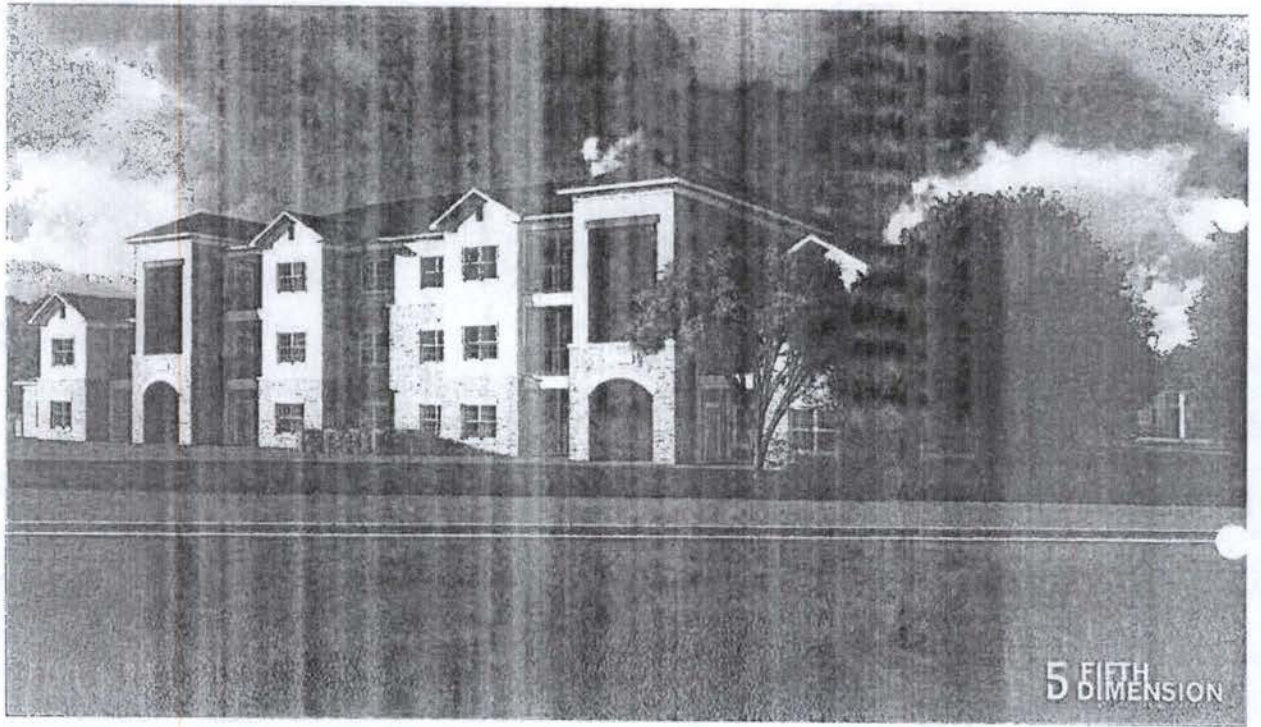
Portion of City of Killeen Zoning map

Conceptual Site Plan for South Station Apartments









NO.	DATE	REVISIONS

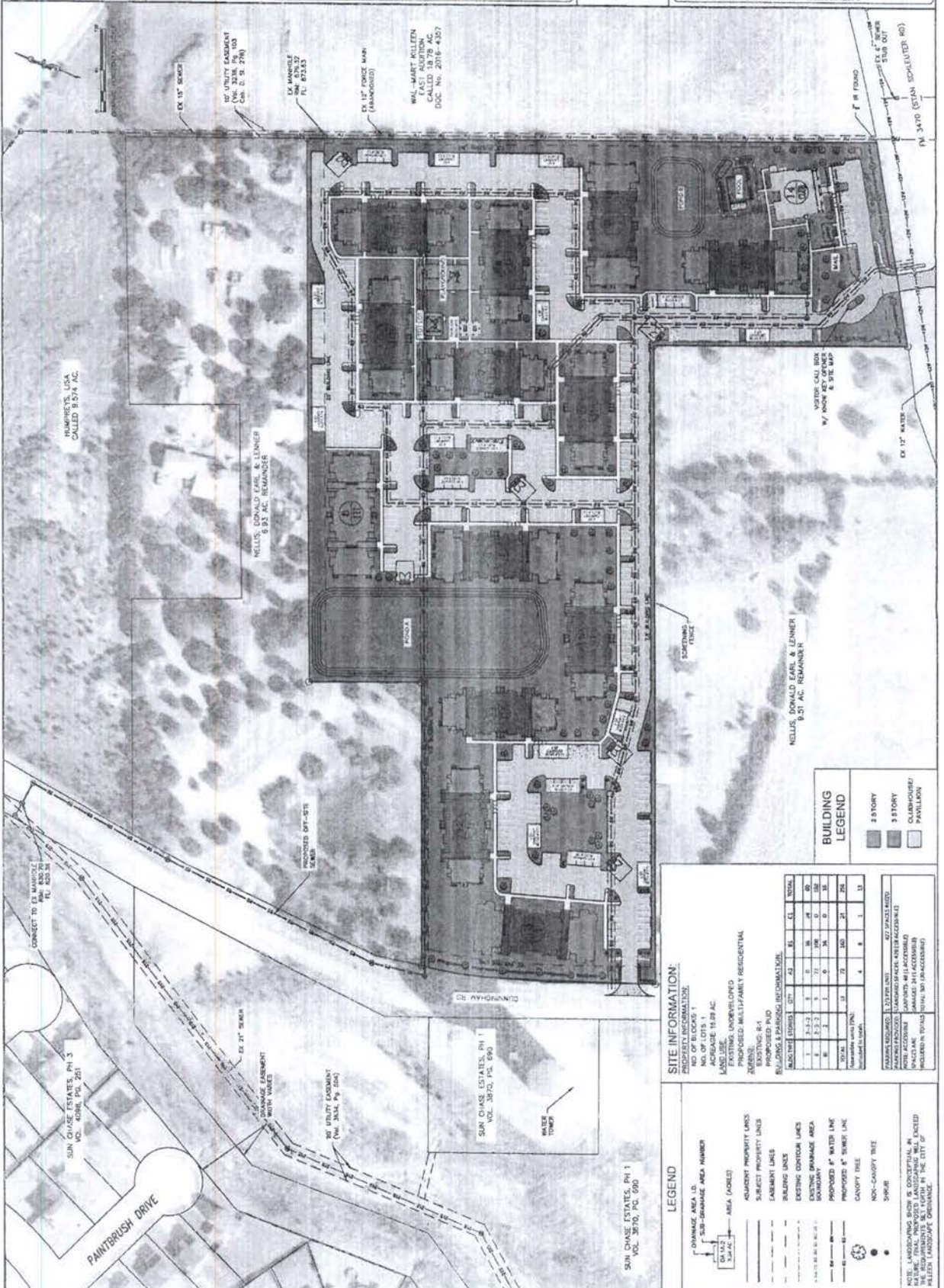
SOUTH STATION APARTMENTS
CITY OF KILLEEN, BELL COUNTY, TEXAS

DEVELOPMENT CONCEPT PLAN

10/10/2023
This document is prepared for the City of Killeen, Texas, and is not to be used for any other purpose without the written consent of the architect.

MITCHILL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
107 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 834-8241
FAX: (254) 834-2141

SHEET 1



SUN CHASE ESTATES, PH 1
VOL. 3870, PLS. 990

SUN CHASE ESTATES, PH 2
VOL. 4096, PLS. 261

SUN CHASE ESTATES, PH 3
VOL. 4096, PLS. 261

PAINTBRUSH DRIVE

WAL-MART KILLEEN
EAST ADDITION
CALLED 3079 AND
DCC No. 2019-1457

NELLS, DONALD EARL & LENNER
8.31 AC. REMAINDER

W/ MOBILE HOME & SITE WAP

CONNECT TO EX MANHOLE #1
IN 800 SW
PL 102-20

EX 12' SEWER

EX 12' FORCE MAIN
(ABANDONED)

EX 12' WATER

EX 6" WATER
STAB OUT

WATER TOWER

SEWERING FENCE

LEGEND

- DRAINAGE AREA L.D.
- SUB-DRAINAGE AREA NUMBER
- AREA (ACRES)
- ADJACENT PROPERTY LINES
- SUBJECT PROPERTY LINES
- EMBANKMENT LINES
- EXISTING CORRIDOR LINES
- EXISTING DRAINAGE AREA BOUNDARY
- PROPOSED 1/2" WATER LINE
- PROPOSED 8" SEWER LINE
- CONDUIT TIE
- NON-CANOPY TREE
- SHAR

NOTE: LANDSCAPING SHALL BE CONSIDERABLE IN EXCEEDING THE REQUIREMENTS SET FORTH IN THE CITY OF KILLEEN LANDSCAPE ORDINANCE.

SITE INFORMATION:

EXISTING DEVELOPMENT: 0

NO. OF BLOCKS: 1

NO. OF LOTS: 1

ACREAGE: 15.89 AC

EXISTING DEVELOPMENT: 0

EXISTING LANDSCAPING: 0

PROPOSED MULTIFAMILY RESIDENTIAL: 0

ZONING: R-1

PROPOSED: 0

EXISTING: 0

REMAINING TO BE PAID: 0

BUILDING FINISHES INFORMATION:

FINISHES	GT	A3	B1	C1	TOTAL
1	0	0	0	0	0
2	0	0	0	0	0
3	0	0	0	0	0
4	0	0	0	0	0
5	0	0	0	0	0
6	0	0	0	0	0
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BUILDING LEGEND

- 2 STORY
- 3 STORY
- CLUBHOUSE/PAVILION

LEGEND

- DRAINAGE AREA L.D.
- SUB-DRAINAGE AREA NUMBER
- AREA (ACRES)
- ADJACENT PROPERTY LINES
- SUBJECT PROPERTY LINES
- EMBANKMENT LINES
- EXISTING CORRIDOR LINES
- EXISTING DRAINAGE AREA BOUNDARY
- PROPOSED 1/2" WATER LINE
- PROPOSED 8" SEWER LINE
- CONDUIT TIE
- NON-CANOPY TREE
- SHAR

NOTE: LANDSCAPING SHALL BE CONSIDERABLE IN EXCEEDING THE REQUIREMENTS SET FORTH IN THE CITY OF KILLEEN LANDSCAPE ORDINANCE.

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.

CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

ZONING CASE #Z16-18 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) WITH "R-3A" (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Pedcor Investments, L.L.C. submits this request on behalf of Linda Nellis, Trustee of the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust to rezone 15.104 acres out of the R. Cunningham Survey, Abstract No. 199, from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) use for a project named South Station Apartments. The developer for the project is proposing to construct a 256 dwelling unit project with twelve (12) two and three-story buildings, one (1) two-story building, one leasing office and a community center. The development will consist of 72 one-bedroom units; 160 two-bedroom units and 24 three-bedroom units.

District Descriptions:

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

(a) Uses. A building or premises in an "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.

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 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: 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; 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; and

(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: Linda Nellis on behalf of the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust

Property Location: The property is located near the northeast corner of Cunningham Road and E. Stan Schlueter Loop (FM 3470).

Legal Description: 15.104 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 currently contains several small structures. The property is bounded to the north and east by "B-5" (Business District) zoned sites, one of which contains a Walmart Neighborhood Market retail store. The property is bounded by "R-1" zoned land along its southern boundary.

Figure 1. Zoning 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 4-inch diameter transmission main running parallel to the lot frontage within the right-of-way of Cunningham Road and/or 12-inch diameter transmission main. 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
- 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 re-development 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 E. Stan Schlueter Loop (FM 3470), which is classified as a principal arterial (110') by the City's adopted Thoroughfare Plan, will be disciplined through TXDOT's access management guidelines. It is functioning at its desired level of service. 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') 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.

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 840 feet to 876 feet in elevation.

Regulated Floodplain/Floodway/Creek: This parcel is located within a Zone X FEMA regulatory Special Flood Hazard Area (SFHA). The Little Nolan Creek Watershed is located northwest of the subject area, but does not encroach onto the property.

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 seven (7) surrounding property owners regarding this request. Staff received no responses.

Recommendation

The Planning & Zoning Commission recommended approval of the applicant's PUD zoning request by a vote of 7 to 0. 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, with consideration of moving the community amenities to a more centralized location;
- 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 128 trees and 768 shrubs and screening around the north, east and south project boundaries; and
- the applicant shall provide a second amenity area (to include equipment) in the eastern portion of the development site; preferably the square shaped area located near buildings 11-13.

Figure 1. Zoning Map



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 7, 2016**

**CASE #Z16-18
R-1 to PUD w/R-3A**

HOLD a public hearing and consider a request by Linda Nellis, Trustee of the Donald Earl and Lenner Hair Nellis Revocable Living Trust to rezone approximately 15.104 acres out of the Robert Cunningham Survey, Abstract No. 199, from “R-1” (Single-Family Residential District) zoning district to a Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District) zoning district. The property is located on the northeast corner of Stan Schlueter Loop and Cunningham Road. The property is locally known as 4302 Cunningham Road, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner Tony McIlwain stated that Pedcor Investments, L.L.C. submits this request to develop a project named *South Station Apartments*. The developer for the project is proposing to construct a 256 dwelling unit project with twelve (12) two and three-story buildings, one two-story building, one leasing office and a community center. The development will consist of 72 one-bedroom units; 160 two-bedroom units and 24 three-bedroom units. The applicant is advised that ingress/egress to and from E. Stan Schlueter Loop (FM 3470) is classified as a principal arterial (110') by the City's adopted Thoroughfare Plan and will be disciplined through TXDOT's access management guidelines. It is functioning at its desired level of service. 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') 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.

The staff notified 7 (seven) surrounding property owners regarding this request. No responses have been received.

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;
- 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 128 trees and 768 shrubs and screening around the north, east and south project boundaries; and
- the applicant shall provide a second amenity area (to include equipment) in the eastern portion of the development site; preferably the square shaped area located near buildings 11-13.

Ms. Jean Latsha, Pedcor Investments, LLC, 5014 W. Frances Pl, Austin, Texas, was present to represent this request. Ms. Latsha asked for some flexibility while the plans are being developed. Commissioner Cooper asked Ms. Latsha if they could consider the relocation of the amenities. Ms. Latsha stated they could consider the relocation of the amenities, but she could not make any promises. She also stated that they will meet all requirements.

Chairman Frederick opened the public hearing. With no one requesting to speak, the public hearing was closed.

The Commission recognized Kristina Ramirez, Director of Environmental Services, who stated that the illustrated detention ponds could change in size and the conceptual plan for the PUD wasn't the final design of the pond. She also clarified that a detention pond only requires a fence if the pond is greater than 4 feet and does not have an inner ledge. Ms. Ramirez also explained other options for the developer.

Commissioner Harkin had concerns with more traffic on Cunningham Road.

Commissioner Cooper motioned to approve the request with the recommendation from staff. Vice Chair Dorroh seconded the motion. The motion passed 7-0.

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