

**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.