



City of Killeen

Agenda - Final-Revised

City Council

Tuesday, July 12, 2022

5:00 PM

City Hall
Council Chambers
101 N. College Street
Killeen, Texas 76541

Call to Order and Roll Call

___ Debbie Nash-King, Mayor	___ Nina Cobb
___ Riakos Adams	___ Jessica Gonzalez
___ Ramon Alvarez	___ Jose Segarra
___ Michael Boyd	___ Ken Wilkerson

Invocation

Pledge of Allegiance

Approval of Agenda

Citizen Comments

This section allows members of the public to address the Council regarding any item(s), other than a public hearing item, on the agenda for Council's consideration. Each person shall sign up in advance, may speak only one time, and such address shall be limited to four (4) minutes. A majority of the City Council is required for any time extensions. The Mayor and Councilmembers shall have one (1) minute to respond to citizen comments with a statement or explanation without engaging in dialogue.

Consent Agenda

1. [MN-22-017](#) Consider Minutes of Regular City Council Meeting of June 14, 2022.
2. [RS-22-095](#) Consider a memorandum/resolution authorizing the Texas Department of Transportation-Aviation Division to act as the Agent for the Administration of Airfield Improvements at Skylark Field.
Attachments: [TxDOT Scope](#)
[Designation of Sponsor's Authorized Representative](#)
[Certification of Project Funds](#)
[Presentation](#)

Resolutions

3. [RS-22-097](#) Consider a memorandum/resolution authorizing the City Manager to negotiate and execute contracts with selected recipients for the North

Killeen Downtown Start-Up Program.

Attachments: [North Killeen Downtown Start-Up Program FAQ](#)
[Presentation](#)

Public Hearings

4. [PH-22-051](#) HOLD a public hearing and consider an ordinance requested by Killeen Engineering on behalf of JOF Developers (Case #Z22-26) to rezone approximately 2.90 acres out of the James Cook Survey, Abstract No. 161 from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is locally addressed as 5601 Clear Creek Road, Killeen, Texas.

Attachments: [Maps](#)
[Site Photos](#)
[Minutes](#)
[Ordinance](#)
[Letter of Request](#)
[Considerations](#)
[Presentation](#)

5. [PH-22-052](#) HOLD a public hearing and consider an ordinance requested by Turley & Associates Inc. on behalf of Randall Brown Inherited IRA, LLC (Case #Z22-27) to rezone approximately 0.277 acres out of the OakHill Heights Survey, Block 5, Lot 1 from "R-1" (Single-Family Residential District) to "SF-2" (Single-Family Residential District). The property is locally addressed as 501 Conder Street, Killeen, Texas.

Attachments: [Maps](#)
[Site Photos](#)
[Minutes](#)
[Ordinance](#)
[Letter of Request](#)
[Responses](#)
[Considerations](#)
[Presentation](#)

6. [PH-22-053](#) HOLD a public hearing and consider an ordinance requested by Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc. (Case #FLUM 22-03), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' (GR) to 'Multi-Family Residential' (MFR), being approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570. The property is the southern portion of the parcel addressed as 101 N WS Young Dr. The property is generally located west of N W.S. Young Drive and south of Azalea Drive, Killeen, Texas.

Attachments: [Maps](#)
[Minutes](#)
[Ordinance](#)
[Presentation](#)

7. [PH-22-054](#) HOLD a public hearing and consider an ordinance requested by Avanti Legacy Bell Square, LP, on behalf of Destiny World Outreach Center, Inc. (Case #Z22-03) to rezone approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570 from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) w/ "R-3A" (Multifamily Apartment Residential District). The property is generally located on the west side of North W. S. Young Drive, approximately 830 feet south of the intersection of Azalea Drive, Killeen, Texas.

Attachments: [Maps](#)
[Site Photos](#)
[Minutes](#)
[Ordinance](#)
[PUD Concept Plan](#)
[PUD Standards](#)
[Renderings](#)
[Considerations](#)

8. [PH-22-055](#) HOLD a public hearing and consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen; providing for emergency shelters, transitional housing, and permanent supportive housing for persons experiencing homelessness as permitted uses in "R-3A" (Multifamily Apartment Residential District).

Attachments: [Minutes](#)
[Ordinance](#)
[Presentation](#)

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on July 8, 2022.

Lucy C. Aldrich, City Secretary

The public is hereby informed that notices for City of Killeen meetings will no longer

distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the City Council may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7700, City Manager's Office, or TDD 1-800-734-2989.

Notice of Meetings

The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. No official action will be taken by Council.

- Korean War Veterans Association Banquet, July 30, 2022, 6:00 p.m., VFW 9192
- Chaparral High School Dedication Ceremony, August 4, 2022, 6:00 p.m., Chaparral High School
- Police Academy Graduation Ceremony, August 12, 2022, 10:00 a.m., Anderson Campus Center
- Chaparral High School First Day of School, August 15, 2022, 8:45 a.m., Chaparral High School

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Staff Report

File Number: MN-22-017

1	City Council Workshop	07/05/2022	Reviewed and Referred	City Council	07/12/2022
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Consider Minutes of Regular City Council Meeting of June 14, 2022.

City of Killeen
City Council Meeting
Killeen City Hall
June 14, 2022 at 5:00 p.m.

Presiding: Mayor Debbie Nash-King

Attending: Mayor Protem Ken Wilkerson, Councilmembers Jessica Gonzalez, Riakos Adams, Nina Cobb (arrived at 5:02 p.m.), Michael Boyd, Jose Segarra, and Ramon Alvarez

Also attending were City Manager Kent Cagle, City Attorney Traci Briggs, City Secretary Lucy Aldrich, and Sergeant-at-Arms Officer Burleson

Mayor Protem Wilkerson gave the invocation. Councilmember Boyd led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Protem Wilkerson to approve the agenda. Motion was seconded by Councilmember Boyd. Councilmember Cobb joined the meeting prior to the vote being taken. The motion carried unanimously.

Citizen Comments

Ms. Barbara Henke - spoke on agenda items RS-22-071, RS-22-072 and RS-22-073.
Mr. Leo Gukeisen - spoke on agenda item DS-22-076.
Mr. David Bass - spoke on agenda item DS-22-076.
Mr. Louie Minor - spoke on agenda item DS-22-076.
Mr. Donald Baker - spoke on agenda item DS-22-076.
Mr. Omar Marquez - spoke on agenda item DS-22-076.
Ms. Shirley Fleming - spoke on agenda item DS-22-076.
Ms. Alexandra Roberts- spoke on agenda item DS-22-076.
Dr. Eddie West - spoke on agenda item DS-22-076.
Ms. Araceli Cook - spoke on agenda item DS-22-076.
Mr. Michael Fornino - spoke on agenda item DS-22-076.

Discussion Items

DS-22-076 Discuss Certifying the Review of an Initiative Petition for an Ordinance to Eliminate Low-Level Marijuana Enforcement in the City of Killeen.

Staff Comments: Lucy Aldrich, City Secretary

Ms. Aldrich certified that an initiative petition that was filed on May 25, 2022 supporting an ordinance that would eliminate low-level marijuana enforcement is complete as required by the Charter. She further reviewed the next steps in the

initiative petition process which includes bringing the proposed ordinance to a future council meeting for a public hearing. Staff recommends City Council provide a motion of direction identifying when staff should bring back the proposed ordinance to City Council for a public hearing.

Motion of direction was made by Mayor Protem Wilkerson to bring back the proposed ordinance on the July 19, 2022 Workshop Meeting Agenda and to hold a public hearing on the proposed initiative ordinance during the Regular Council Meeting on July 26, 2022. Motion of direction was seconded by Councilmember Adams. The motion of direction carried unanimously.

Consent Agenda

- MN-22-013** Consider Minutes of Regular City Council Meeting of May 10, 2022.
- MN-22-014** Consider Minutes of Special City Council Meeting of May 17, 2022.
- MN-22-015** Consider Minutes of Special City Council Meeting of May 22, 2022.
- MN-22-016** Consider Minutes of Regular City Council Meeting of May 23, 2022.
- RS-22-068** Consider a memorandum/resolution appointing councilmembers to various boards and commissions. **(REMOVED FROM CONSENT AGENDA FOR SEPARATE CONSIDERATION)**
- RS-22-069** Consider a memorandum/resolution suspending the June 17, 2022, effective date of the requested rate change filed by Oncor Electric Delivery Company and approving cooperation with the Steering Committee of Cities Served by Oncor.
- RS-22-070** Consider a memorandum/resolution setting compensation for the mayor and councilmembers.
- RS-22-071** Consider a memorandum/resolution awarding Bid No. 22-17, Mowing Equipment Lease, to Austin Turf & Tractor authorizing a sixty (60) month lease agreement with Wells Fargo Financial Leasing, Inc. for seven (7) mowers in the amount of \$345,430.20 to maintain Stonetree Golf Club.
- RS-22-072** Consider a memorandum/resolution authorizing a professional services contract with American Ramp Company for renovation of Conder Skate Park in the amount of \$295,800.
- RS-22-073** Consider a memorandum/resolution awarding Bid No. 22-18, Golf Cart Lease, to E-Z-GO and authorizing a sixty (60) month lease agreement with Huntington National Bank for seventy-five (75) golf carts for Stonetree Golf Club in the amount of \$193,410.00.
- RS-22-074** Consider a memorandum/resolution authorizing the purchase of mechanical CPR devices and accessories in the amount of \$143,193.69 from Zoll Medical Corp.

- RS-22-075** Consider a memorandum/resolution approving the purchase of land at 9132 Trimmier Road from the Killeen Independent School District for Killeen Fire Department Facilities in the amount of \$360,000.
- RS-22-076** Consider a memorandum/resolution awarding RFP 22-23, Health Benefits Consultant, to Lockton Dunning in the amount of \$90,000.
- RS-22-077** Consider a memorandum/resolution authorizing an amended Interlocal Agreement with Bell County for the relocation of the Bell County Killeen Annex.

Motion was made by Mayor Protem Wilkerson to approve the consent agenda removing agenda item RS-22-068 for separate consideration. Motion was seconded by Councilmember Boyd. The motion carried 6 to 1 with Councilmember Alvarez in opposition.

- RS-22-068** Consider a memorandum/resolution appointing councilmembers to various boards and commissions.

Motion was made by Councilmember Boyd to postpone RS-22-068 to the next regularly scheduled meeting on June 28, 2022. Motion was seconded by Councilmember Adams. During discussions, Councilmember Adams called for the vote with Mayor Protem Wilkerson seconding. Since Mayor Nash-King had not had an opportunity to speak, voting on the call for the vote was paused. Following Mayor's comments, the call for the vote carried 6 to 1 with Councilmember Cobb in opposition. The motion to postpone RS-22-062 to June 28, 2022 carried 6 to 1 with Councilmember Segarra in opposition. An additional motion was made by Councilmember Boyd to bring the Governing Standards back for discussion during the next City Council Workshop meeting scheduled for June 21, 2022. Motion was seconded by Mayor Protem Wilkerson. Motion carried 6 to 1 with Councilmember Cobb in opposition.

Public Hearings

- PH-22-041** HOLD a public hearing and consider an ordinance requested by Republic Engineering & Development Services on behalf of Michael & Rhonda Jung (Case #FLUM 22-09) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'Suburban Commercial' (SC) designation for approximately 20.75 acres out of the Cosper Creek Addition, Block One, part of Lots 3 and 7. The property is addressed as 3288 and 3288-A Chaparral Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 20.75 ACRES OUT OF THE COSPER CREEK ADDITION, BLOCK ONE, PARTS OF LOTS 3 AND 7, FROM A 'GENERAL RESIDENTIAL' (GR) DESIGNATION TO A 'SUBURBAN COMMERCIAL' (SC) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their June 7, 2022 Workshop meeting. Mr. Revell was available to provide additional information and answer questions.

The applicant, Mr. Michael Jung, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Mr. Michael Fornino supports the storage as presented but expressed his concerns with development and growth in the city.

Ms. Mellisa Brown spoke in opposition of the request.

With no one else appearing, the public hearing was closed.

Motion was made by Mayor Protem Wilkerson to approve PH-22-041. Motion was seconded by Councilmember Adams. Motion carried unanimously.

PH-22-042 HOLD a public hearing and consider an ordinance requested by Mitchell and Associates, Inc. on behalf of CPB Investments, Inc. (Case #FLUM 22-17) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation for approximately 0.50 acre out of the Thomas Robinett Survey, Abstract No. 686. The property is generally located on the south side of Janelle Drive, approximately 500 feet east of the intersection with Clear Creek Road, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 0.50 ACRE OUT OF THE THOMAS ROBINETT SURVEY, ABSTRACT NO. 686, FROM A 'GENERAL RESIDENTIAL' (GR) DESIGNATION TO A 'GENERAL COMMERCIAL' (GC) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their June 7, 2022 Workshop meeting. Mr. Revell was available to provide additional information and answer questions.

The applicant was not in attendance.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Mayor Protem Wilkerson to approve PH-22-042. Motion was seconded by Councilmember Adams. Motion carried unanimously.

PH-22-043 HOLD a public hearing and consider an ordinance requested by Mitchell and

Associates on behalf of CPB Investments, Inc. (Case #Z22-23), to rezone approximately 0.500 acres out of the Thomas Robinett Survey, Abstract No. 686, from "A-R1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District). The property is generally located west of Clear Creek Road and south of Janelle Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 0.50 ACRE OUT OF THE THOMAS ROBINETT SURVEY, ABSTRACT NO. 686, FROM "A-R1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their June 7, 2022 Workshop meeting. Mr. Revell was available to provide additional information and answer questions.

The applicant was not in attendance.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Adams to approve PH-22-043. Motion was seconded by Councilmember Boyd. Motion carried unanimously.

PH-22-044 HOLD a public hearing and consider an ordinance requested by Lawrence Passariello, on behalf of PCW Investments LLC (FLUM# 22-19) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' (GC) designation to a 'Residential-Commercial Mix' (RC-MIX) designation, being approximately 0.71 acres out of the Norman's Addition Survey, Block 9, Lots 5 and 6. The property is locally addressed as 72 Arlee Street, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 0.71 ACRE OUT OF THE NORMAN'S ADDITION SURVEY, BLOCK 9, LOTS 5 AND 6, FROM A 'GENERAL COMMERCIAL' (GC) DESIGNATION TO A 'RESIDENTIAL-COMMERCIAL MIX' (RC-MIX) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their June 7, 2022 Workshop meeting. Mr. Revell was available to provide additional information and answer questions.

The applicant, Mr. Passariello, was available to provide additional information and

answer questions.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Mayor Protem Wilkerson to approve PH-22-044 as requested by the applicant. Motion was seconded by Councilmember Boyd. Motion carried unanimously.

PH-22-045 HOLD a public hearing and consider an ordinance requested by Lawrence Passariello, on behalf of PCW Investments LLC (Case #Z22-25), to rezone approximately 0.71 acres out of the Norman's Addition Survey, Block 9, Lots 5 and 6 from "B-5"(Local Business District) to "R-3F" (Multifamily Residential District). The property is locally addressed as 72 Arlee Street, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 0.71 ACRE OUT OF THE NORMAN'S ADDITION SURVEY, BLOCK 9, LOTS 5 AND 6, FROM "B-5" (BUSINESS DISTRICT) TO "R-3F" (MULTIFAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Edwin Revell, Executive Director of Development Services

This item was presented to City Council during their June 7, 2022 Workshop meeting. Mr. Revell was available to provide additional information and answer questions.

The applicant did not speak but was available in the audience to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Adams to approve PH-22-045. Motion was seconded by Mayor Protem Wilkerson. Motion carried 6 to 0 with Councilmember Cobb being absent during the vote.

Adjournment

With no further business, upon motion being made by Mayor Protem Wilkerson, seconded by Councilmember Boyd, and unanimously approved, the meeting was adjourned at 6:47 p.m.



City of Killeen

Staff Report

File Number: RS-22-095

1	City Council Workshop	07/05/2022	Reviewed and Referred	City Council	07/12/2022
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Consider a memorandum/resolution authorizing the Texas Department of Transportation-Aviation Division to act as the Agent for the Administration of Airfield Improvements at Skylark Field.

DATE: July 5, 2022

TO: Kent Cagle, City Manager

FROM: Mike Wilson, Executive Director of Aviation

SUBJECT: RESOLUTION TO AUTHORIZE TxDOT-AVIATION AS THE AGENT FOR AIRFIELD IMPROVEMENTS AT SKYLARK FIELD

BACKGROUND AND FINDINGS:

The Texas Department of Transportation (TxDOT) Aviation Division is responsible for the administration of Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grants for General Aviation airports in Texas.

In July 2021, TxDOT published the Aviation Capital Improvement Program list for general aviation airports in Texas. This includes Skylark Field Airport for FY22 and FY23. The approved project for Skylark Field includes the rehabilitation of the parallel taxiway, connector taxiways, taxi lanes and apron. The FY22 phase of the project will include engineering and design services in the amount of \$200,000. The construction phase of the project will be started in FY23 and is estimated at this time to be approximately \$2,980,000.

The Aviation Department was informed by TxDOT, that the City will receive a grant offer in FY22 for the design phase and a grant offer in FY23 for the construction phase. TxDOT Aviation is the acting agent for the project and is responsible for applying for (from the FAA), receiving and disbursing all funds for the grant. The City will be responsible for a 10% match of the project costs which will be \$20,000 for the design phase in FY22, and it is estimated at this time that \$298,000 will be needed for the construction phase match. This project is included in the City's FY23 CIP.

As a condition of the funding, the City of Killeen is required to name the Texas Department of Transportation Aviation Division as its agent for the purpose of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements.

THE ALTERNATIVES CONSIDERED:

The alternatives for the project are: (1) reject TxDOT as agent; or (2) designate TxDOT as agent for the City of Killeen for the purpose of applying for and administering programmed funds for airfield improvements at Skylark Field.

Which alternative is recommended? Why?

Staff recommends Alternative 2. Selecting alternate 1 would result in the loss of the grant and there

are no other reasonable alternative funding sources; TxDOT Aviation Division funds 90% of the project and handles all administration of the grant. City is responsible for 10% of total project cost.

CONFORMITY TO CITY POLICY:

Yes

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

FY22 - \$20,000

FY23 - \$298,000

Is this a one-time or recurring expenditure?

One-time

Is this expenditure budgeted?

Yes, \$20,000 is available in the Skylark Field Fund in account 527-0505-521.69-01 and \$298,000 will be included in the FY 2023 Proposed Budget and Capital Improvement Plan.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes

RECOMMENDATION:

City Council approve a resolution for TxDOT-Aviation to act as the authorized agent and administrator for the airfield improvements of the runway and apron at Skylark Field for the purpose of applying for, receiving and disbursing all federal and state funds for this project and for the administration of contracts necessary for the initiation of the work; to provide the required 10% matching funding; and authorize the City Manager to execute any and all required documents including any and all amendments within the amounts set by state and local law.

DEPARTMENTAL CLEARANCES:

Finance

Legal

ATTACHED SUPPORTING DOCUMENTS:

TxDOT Scope

Designation of Sponsor's Authorized Representative
Certification of Project Funds

INDEX BY CITY - AVIATION CAPITAL IMPROVEMENT PROGRAM - 2022 -- 2024

July 18, 2021

Associated City	Facility Name	Estimated Project Costs and Fiscal Year in Which Project Will Be Implemented					
		Total	Federal	State	Local	FY	Status
GONZALES	ROGER M DREYER MEMORIAL	100,000	0	90,000	10,000	2024	PENDING
GRAFORD	POSSUM KINGDOM	391,200	0	348,640	42,560	2023	PENDING
GRAHAM	GRAHAM MUNI	245,000	122,500	0	122,500	2023	PENDING
GRANBURY	GRANBURY RGNL	64,400	57,960	0	6,440	2022	PENDING
GRAND PRAIRIE	GRAND PRAIRIE MUNI	175,000	157,500	0	17,500	2023	PENDING
GRAND PRAIRIE	GRAND PRAIRIE MUNI	2,350,000	2,051,500	0	298,500	2024	PENDING
HAMILTON	HAMILTON MUNI	110,000	99,000	0	11,000	2022	PENDING
HAMILTON	HAMILTON MUNI	1,350,000	849,500	0	500,500	2023	PENDING
HASKELL	HASKELL MUNI	110,000	99,000	0	11,000	2022	PENDING
HASKELL	HASKELL MUNI	1,375,000	1,237,500	0	137,500	2023	PENDING
HENDERSON	RUSK COUNTY	2,010,000	1,809,000	0	201,000	2023	PENDING
HEREFORD	HEREFORD MUNI	180,000	162,000	0	18,000	2022	PENDING
HEREFORD	HEREFORD MUNI	1,032,100	928,890	0	103,210	2023	PENDING
HILLSBORO	HILLSBORO MUNI	50,000	45,000	0	5,000	2022	PENDING
HILLSBORO	HILLSBORO MUNI	674,900	607,410	0	67,490	2023	PENDING
HOUSTON	CONROE-NORTH HOUSTON RGNL	520,000	468,000	0	52,000	2023	PENDING
HOUSTON	CONROE-NORTH HOUSTON RGNL	850,000	765,000	0	85,000	2024	PENDING
HOUSTON	HOUSTON-SOUTHWEST	580,000	522,000	0	58,000	2023	PENDING
HOUSTON	SUGAR LAND RGNL	7,850,000	6,986,500	0	863,500	2022	PENDING
JASPER	JASPER COUNTY-BELL FIELD	2,515,000	1,836,000	0	679,000	2022	PENDING
KERRVILLE	KERRVILLE MUNI/LOUIS SCHREINER FIELD	1,790,500	0	1,611,450	179,050	2023	PENDING
KERRVILLE	KERRVILLE MUNI/LOUIS SCHREINER FIELD	250,000	225,000	0	25,000	2023	PENDING
KILLEEN	SKYLARK FIELD	200,000	180,000	0	20,000	2022	PENDING
KILLEEN	SKYLARK FIELD	2,980,000	2,682,000	0	298,000	2023	PENDING
KINGSVILLE	KLEBERG COUNTY	1,410,000	1,269,000	0	141,000	2022	PENDING
KINGSVILLE	KLEBERG COUNTY	150,000	135,000	0	15,000	2024	PENDING
KOUNTZE/SILSBEE	HAWTHORNE FIELD	1,053,300	947,970	0	105,330	2022	PENDING
LA GRANGE	FAYETTE RGNL AIR CENTER	666,666	599,999	0	66,667	2022	PENDING
LAMESA	LAMESA MUNI	956,870	861,183	0	95,687	2023	PENDING
LANCASTER	LANCASTER RGNL	440,000	396,000	0	44,000	2024	PENDING
LEVELLAND	LEVELLAND MUNI	200,000	180,000	0	20,000	2023	PENDING
LEVELLAND	LEVELLAND MUNI	1,095,000	985,500	0	109,500	2024	PENDING
LIBERTY	LIBERTY MUNI	500,000	450,000	0	50,000	2024	PENDING
LIBERTY	LIBERTY MUNI	40,000	0	36,000	4,000	2024	PENDING

AVIATION CAPITAL IMPROVEMENT PROGRAM -- 2022 --2024

Texas Department of Transportation -- Aviation Division

Locations, Projects, and Costs

July 18, 2021

FEDERAL & STATE FY 2022

Federal FY 2022 (October 2021 - September 2022)/State FY 2022 (September 2021 - August 2022)

City & Airport	Project Description	Project Costs			
		Total	Federal	State	Local
HEREFORD					
<u>HEREFORD MUNI</u>					
	Airfield Pavement Rehab Design	180,000	162,000	0	18,000
	Project Totals:	\$ 180,000	\$ 162,000	\$ 0	\$ 18,000
HILLSBORO					
<u>HILLSBORO MUNI</u>					
	Engineering design additional drainage improvements (NPE '21)	50,000	45,000	0	5,000
	Project Totals:	\$ 50,000	\$ 45,000	\$ 0	\$ 5,000
HOUSTON					
<u>SUGAR LAND RGNL</u>					
	Construction contingency North TWY F Phase II	535,000	476,150	0	58,850
	Construct North TWY F Phase II	6,400,000	5,696,000	0	704,000
	Engineering and design - repackaging for final phase	60,000	53,400	0	6,600
	Demolish existing parallel and cross taxiways for relocated North TWY F Phase II	855,000	760,950	0	94,050
	Project Totals:	\$ 7,850,000	\$ 6,986,500	\$ 0	\$ 863,500
JASPER					
<u>JASPER COUNTY-BELL FIELD</u>					
	Widen runway (5')	475,000	0	0	475,000
	Construction contingency, mobilization, RPR, testing, admin	425,000	382,500	0	42,500
	Mark RW 18-36 (23,650 sf)	60,000	54,000	0	6,000
	Replace MIRL's. PAPI, signage, beacon and windcone (including flight check)	625,000	562,500	0	62,500
	Replace Vault	75,000	67,500	0	7,500
	Overlay RW 18-36 (5500 x 70)	855,000	769,500	0	85,500
	Project Totals:	\$ 2,515,000	\$ 1,836,000	\$ 0	\$ 679,000
KILLEEN					
<u>SKYLARK FIELD</u>					
	Engineering/Design rehabilitate parallel taxiway, connector taxiways, taxilanes, and apron	200,000	180,000	0	20,000
	Project Totals:	\$ 200,000	\$ 180,000	\$ 0	\$ 20,000

AVIATION CAPITAL IMPROVEMENT PROGRAM -- 2022 --2024

Texas Department of Transportation – Aviation Division

Locations, Projects, and Costs

July 18, 2021

FEDERAL & STATE FY 2023

Federal FY 2023 (October 2022 - September 2023)/State FY 2023 (September 2022 - August 2023)

City & Airport	Project Description	Project Costs			
		Total	Federal	State	Local
HOUSTON					
CONROE-NORTH HOUSTON RGNL					
	Construction admin, RPR, testing, contingency	100,000	90,000	0	10,000
	Project Totals:	\$ 520,000	\$ 468,000	\$ 0	\$ 52,000
HOUSTON					
HOUSTON-SOUTHWEST					
	Construction admin, RPR, testing, contingency	110,000	99,000	0	11,000
	Rehab apron	75,000	67,500	0	7,500
	Engineering and design for TW and apron rehab	45,000	40,500	0	4,500
	Rehabilitate & mark TWs (7000 x 50)	350,000	315,000	0	35,000
	Project Totals:	\$ 580,000	\$ 522,000	\$ 0	\$ 58,000
KERRVILLE					
KERRVILLE MUNI/LOUIS SCHREINER FIELD					
	Surface Treat & Mark RW 12-30 (Statewide)	600,500	0	540,450	60,050
	Rehabilitate apron (25,000 sy)	300,000	0	270,000	30,000
	Surface Treat & Mark RW 3-21 (1,225 x 58)	75,000	0	67,500	7,500
	CADMIN, RPR, Testing, Contingency	200,000	0	180,000	20,000
	E/D for Statewide Surface Treatment (NPE 19,20,21,22)	40,000	0	36,000	4,000
	Surface Treat & Mark Taxiways	575,000	0	517,500	57,500
	Project Totals:	\$ 1,790,500	\$ 0	\$ 1,611,450	\$ 179,050
KERRVILLE					
KERRVILLE MUNI/LOUIS SCHREINER FIELD					
	Airport Planning Study	250,000	225,000	0	25,000
	Project Totals:	\$ 250,000	\$ 225,000	\$ 0	\$ 25,000
KILLEEN					
SKYLARK FIELD					
	RPR, Contingency, Testing	380,000	342,000	0	38,000
	Rehabilitate and mark parallel taxiway and connector taxiways	1,400,000	1,260,000	0	140,000
	Rehabilitate apron and taxilanes	1,200,000	1,080,000	0	120,000
	Project Totals:	\$ 2,980,000	\$ 2,682,000	\$ 0	\$ 298,000

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

I, Kent Cagle, City Manager,
(Name) (Title)

with City of Killeen designates Mike Wilson, Executive Director of Aviation
(Name , Title)

as the City of Killeen authorized representative for the 2209KILEN project, who shall have the authority to make approvals and disapprovals as required on behalf of City of Killeen.

City of Killeen, Texas
(Sponsor)

By: Kent Cagle

Title: City Manager

Date: _____

DESIGNATED REPRESENTATIVE

Mailing Address: Mike Wilson

Killeen-Fort Hood Regional Airport

8101 Clear Creek Rd., Box C

Killeen, Texas 76549

Physical/Overnight Address: Killeen-Fort Hood Regional Airport

8101 Clear Creek Rd., 3rd Floor, Killeen, Texas 76549

Telephone Number: 254-501-8701

E-mail Address: mwilson@killeentexas.gov

CERTIFICATION OF PROJECT FUNDS

I, Kent Cagle, City Manager,
(Name) (Title)

do certify that sufficient funds to meet the City of Killeen's share of project costs as identified for the project and will be available in accordance with the schedule shown below:

SPONSOR FUNDS

<u>Source</u>	<u>Amount</u>	<u>Date Available</u>
Airport Enterprise Fund	\$20,000	4/26/2022

City of Killeen, Texas
(Sponsor)

By: Kent Cagle

Title: City Manager

Date: _____



RESOLUTION TO AUTHORIZE TXDOT- AVIATION AS THE AGENT FOR AIRFIELD IMPROVEMENTS AT SKYLARK FIELD

RS-22-095

July 05, 2022

Background

2

- The Texas Department of Transportation (TxDOT) Aviation Division is responsible for the administration of Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grants for General Aviation Airports in Texas.
- Staff met with TxDOT Aviation Division in February 2020 regarding funding for airfield improvements at Skylark Field.

Discussion

3

- TxDOT has programmed \$3,180,000 for the rehabilitation of the parallel taxiway, connector taxiways, taxi lanes and apron at Skylark Field for FY 22 and FY 23.
- Design in FY 22 and Construction in FY 23.

Discussion

4

- Total project cost is programmed for \$3,180,000
 - City would be responsible for the 10% match of \$318,000
 - ▣ FY 22 - \$20,000 for design (currently budgeted)
 - ▣ FY 23 - \$298,000 for construction
- (funds available through Aviation Fund Balance)

Alternatives

5

- ❑ Reject TxDOT as agent for airfield improvements at Skylark Field
- ❑ Designate TxDOT as agent for the City of Killeen for Airfield Improvement at Skylark Field

Recommendation

6

- Approve a resolution for TxDOT-Aviation to act as the authorized agent and administrator for the airfield improvement project at Skylark Field, provide the required 10% matching funding, and authorize the City Manager to execute any and all required documents including any and all amendments within the amounts set by state and local law



City of Killeen

Staff Report

File Number: RS-22-097

Consider a memorandum/resolution authorizing the City Manager to negotiate and execute contracts with selected recipients for the North Killeen Downtown Start-Up Program.

DATE: July 12, 2022

TO: Kent Cagle, City Manager

FROM: Danielle Singh, Assistant City Manager

SUBJECT: North Killeen Downtown Start-Up Program Contracts

BACKGROUND AND FINDINGS:

The City Council allocated American Rescue Plan Act Funds to make assistance available to Killeen entrepreneurs interested in starting or expanding businesses within the North Killeen Downtown Area. This program is intended to build stronger communities and allow more access to economic opportunities in the areas of Killeen that were disproportionately impacted by the coronavirus pandemic.

Applications were received from February 1, 2022 to April 13, 2022. The City Council reviewed applications on May 18, 2022 and selected nine applications to move forward for further consideration. The City Council directed staff to meet with these nine applicants and asked for additional information to be provided at a later date.

On July 5, 2022, the City Council directed staff to prepare a resolution to allow the City Manager to negotiate and execute contracts with seven applicants in the following amounts:

Business	Funding Request
Twice as Funny	\$306,000
Let's Eat Texas	\$89,000
Space Create	\$128,578
Khaniesiology	\$95,000
Aromas Cigar Lounge	\$239,953
Rincon de Panama	\$87,500
Braids and Brows by Chris	\$19,781

THE ALTERNATIVES CONSIDERED:

1. Do not authorize the City Manager to negotiate and execute contracts.
2. Authorize the City Manager to negotiate contracts but bring back to the City Council for final approval.
3. Authorize the City Manager to negotiate and execute contracts with some or all applicants and/or change the amounts authorized.
4. Authorize the City Manager to negotiate and execute contracts with the applicants in the amounts specified.

Which alternative is recommended? Why?

Alternative 4 is recommended based on previous City Council direction. This will allow applicants to move forward in the most expeditious way possible.

CONFORMITY TO CITY POLICY:

This item conforms to all applicable City Policies.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

The total financial impact is \$965,812, which is likely to occur in multiple fiscal years.

Is this a one-time or recurring expenditure?

This is a one-time expenditure.

Is this expenditure budgeted?

There was a total of \$1,000,000 budgeted for this program as well as the Business Relief Program. Additional American Rescue Plan Act Funds will need to be allocated for the Business Relief Program once those numbers are finalized.

If not, where will the money come from?

Additional funding for the Business Relief Program will be budgeted from American Rescue Plan Act Funds.

Is there a sufficient amount in the budgeted line-item for this expenditure?

There is a sufficient amount for the North Killeen Downtown Start-Up Programs, but additional Business Relief Program funds will need to be budgeted in the future.

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to negotiate and execute contracts with the applicants in the amounts specified.

DEPARTMENTAL CLEARANCES:

Finance

Legal

ATTACHED SUPPORTING DOCUMENTS:

North Killeen Downtown Business Start-Up Program FAQ



NORTH KILLEEN DOWNTOWN START-UP PROGRAM

What is the North Killeen Downtown Start-Up Program?

Through the American Rescue Plan Act, the City of Killeen is making assistance available to entrepreneurs interested in starting or expanding businesses within the North Killeen and Historic Downtown Area. This program will build stronger communities and allow more access to economic opportunities in areas disproportionately impacted by the coronavirus pandemic.

When can businesses apply for the grant?

Killeen small businesses located in or interested in the North Killeen or Historic Downtown area can apply starting on February 1, 2022. Applications will remain open until funds are fully allocated. Applications will be available on the City of Killeen website soon.

How will the program be funded?

The program will be funded using a portion of the City's allocated American Rescue Plan Act funds. The Small Business Relief Program and the North Killeen Downtown Start-up Program have been allocated \$1M.

How much can a small business receive through this program?

There are no specific limitations on the amount of funding that can be requested under this program; each request will be evaluated on an individual basis until all funds are allocated.

Why is this program limited to the North Killeen and Historic Downtown Areas?

The American Rescue Plan Act acknowledges the pre-existing economic disparities experienced by certain communities and families that were exacerbated by the COVID-19 pandemic. Funds are encouraged to be used to reduce these disparities and create stronger neighborhoods in certain Qualified Census Tracts. North Killeen and the Historic Downtown are located within Qualified Census Tracts.

What are the requirements to apply for a grant under the North Killeen Downtown Start-Up Program?

To qualify for grant funding under this program, the business must:

- ✓ Be located in the North Killeen, Historic Downtown, or other Qualified Census Tract within the corporate limits of Killeen
- ✓ Improve the built environment, provide economic opportunities, or improve access to goods and services for nearby neighborhoods
- ✓ Have a business plan addressing financial needs
- ✓ Have the support of a local Killeen-based chamber of commerce (or equivalent) to providing ongoing support and resources

Who is not eligible to apply for a grant under the North Killeen Downtown Start-Up Program?

Non-profits, publicly traded companies, and franchises are not eligible under this category. Non-profits may be eligible for other City of Killeen American Rescue Plan Act funds to be announced at a later date.

Are there additional criteria that will be considered in awarding these grant funds?

The merits of individual applications will be evaluated on a point-based system. In evaluating applications, the ability to drive additional economic activities and provide sustainable economic investments will be considered. Businesses meeting these criteria may:

- ✓ Create additional pedestrian traffic for surrounding businesses
- ✓ Make noticeable differences in the built environment through building improvements
- ✓ Be located within the North Killeen Revitalization Area
- ✓ Include additional capital investment
- ✓ Generate sales tax or additional property tax revenue
- ✓ Create a destination or catalyze other private investment
- ✓ Plan to hire full-time employees
- ✓ Have participated in other City of Killeen programs such as the Façade Improvement Program
- ✓ Be an existing business wishing to expand or a closed business planning to reopen

The American Rescue Plan Act encourages funding to be used for significantly impacted industries such as the tourism, travel, hospitality, leisure, and entertainment industries. Businesses focused on creating cultural, artistic, entertainment or culinary opportunities may qualify for additional points.

Please check www.killeentexas.gov for additional information.



ARPA NORTH KILLEEN DOWNTOWN START-UP APPLICATIONS

RS-22-097

July 12, 2022

Background

2

- City Council allocated funds from the American Rescue Plan Act for the North Killeen Downtown Start-Up Program
 - ▣ \$1M to be shared with the Business Relief Program
 - ▣ Applications were received February 1 - April 13, 2022
- On May 18, 2022, Council selected nine North Killeen Downtown Start-Up applicants to move forward
 - ▣ One applicant withdrew their application
 - ▣ One applicant has not provided all of the requested information
- Council directed staff to meet with applicants and bring back additional information

	Funding Request	Owner Contribution	City vs Owner Contribution	Employees	ROI (YR)
Twice as Funny	\$306,000	\$1,408,000	22%	66	5.3
Let's Eat Texas	\$89,000	\$325,000	27%	7	17.9
Space Create	\$128,578	\$465,431	28%	14	25.6
Khaniesiology	\$95,000	\$252,000	38%	15	35.1
Aromas Cigar Lounge	\$239,953	\$174,528	137%	6	31.2
Rincon de Panama	\$87,500	\$56,700	154%	3	41.8
Braids and Brows by Chris	\$19,781	\$4,900	404%	12	36.8
Total	\$965,812				

Alternatives

4

- ❑ Do not authorize the City Manager to negotiate and execute contracts
- ❑ Authorize the City Manager to negotiate contracts but bring back to the City Council for final approval
- ❑ Authorize the City Manager to negotiate and execute contracts with some or all applicants and/or change the amounts authorized
- ❑ Authorize the City Manager to negotiate and execute contracts with the applicants in the amounts specified

Recommendation

5

- Authorize the City Manager to negotiate and execute contracts with the applicants in the amounts specified



City of Killeen

Staff Report

File Number: PH-22-051

1	City Council Workshop	07/05/2022	Reviewed and Referred	City Council	07/12/2022
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HOLD a public hearing and consider an ordinance requested by Killeen Engineering on behalf of JOF Developers (**Case #Z22-26**) to rezone approximately 2.90 acres out of the James Cook Survey, Abstract No. 161 from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is locally addressed as 5601 Clear Creek Road, Killeen, Texas.

DATE: July 5, 2022

TO: Kent Cagle, City Manager.

FROM: Edwin Revell, Executive Director of Development Services.

SUBJECT: ZONING CASE #Z22-26: "B-3" to "R-2"

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: JOF Developers

Agent: Killeen Engineering & Surveying

Current Zoning: "B-3" (Local Business District)

Requested Zoning: "R-2" (Two-Family Residential District)

Current FLUM Designation: 'General Residential' (GR)

Summary of Request:

Killeen Engineering & Surveying, on behalf of JOF Developers, has submitted a request to rezone being approximately 2.90 acres out of the James Cook Survey, Abstract No. 161, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). If approved, the applicant intends to replat a few lots in McGregor Estates and extend a cul-de-sac into this area to create approximately nine (9) residential lots.

Zoning/Plat Case History:

The subject property was annexed into the City limits on March 16, 1999 via Ordinance No. 99-16. The property was subsequently zoned "B-3" (Local Business District) on January 25, 2000 via Ordinance No. 00-5.

The FLUM designation for this property was changed from 'GC' (General Commercial) to 'GR' (General Residential) on April 4, 2022 via Ordinance No. 22-031.

Character of the Area:

North: Existing commercial property (Texas Humane Heroes animal shelter) zoned "A" (Agricultural District), "B-3" (Local Business District), and "B-4" (Business District);

South: Undeveloped commercial property zoned "B-3" (Local Business District);

East: Undeveloped commercial properties zoned "B-3" (Local Business District);

West: Undeveloped two-family residential lots zoned "R-2" (Two-Family Residential District) (McGregor Estates Phase Three subdivision).

Future Land Use Map Analysis:

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

The 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus;
- Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes);
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards;
- Public/ institutional; and
- Parks and public spaces.

The request to rezone the property from "B-3" (Local Business District) to "R-2" (Two-Family Residential District) is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

Transportation and Thoroughfare Plan:

There is an existing ingress and egress from Golden Gate Dr. which is classified as a 70' collector street on the City of Killeen adopted Thoroughfare Plan. The property has frontage on Clear Creek Road which is classified as a 120' principal arterial street on the City of Killeen adopted Thoroughfare Plan; however, Clear Creek Rd is SH 201 and TxDOT will not allow access to it. The applicant does propose to replat a portion of McGregor Estate Phase Three to provide ingress and egress via McGregor Loop which is classified as a 60' local street.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the properties as identified on the National Wetlands Inventory.

Public Notification:

Staff notified thirty-two (32) surrounding property owners regarding this request. Of those property owners notified, sixteen (16) resides outside of the 200-foot notification boundary required by the

State, but within the 400-foot notification boundary required by Council; and six (6) reside outside the city limits of Killeen. As of the date of this staff report, no written responses have been received regarding this request.

Staff Findings:

The 'General Residential' (GR) land use category is characterized by auto-oriented character (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

The current zoning of the subject property is "B-3" (Local Business District). The surrounding area includes an existing commercial property and undeveloped properties. The area to the north is existing commercial property (Texas Humane Heroes animal shelter). To the west are undeveloped residential lots and to the south and east are undeveloped commercial properties.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's zoning request;
- Approve a more restrictive zoning district than requested; or
- Approve the applicant's zoning request as presented.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request to rezone the property from "B-3" (Local Business District) to "R-2" (Two-Family Residential District) as presented. Staff finds that the applicant's request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

At their regular meeting on June 6, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 0. Commissioner O'Brien abstained from the voting after filing a conflict-of-interest affidavit.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance
Letter of Request
Considerations



AERIAL MAP

Council District: 4

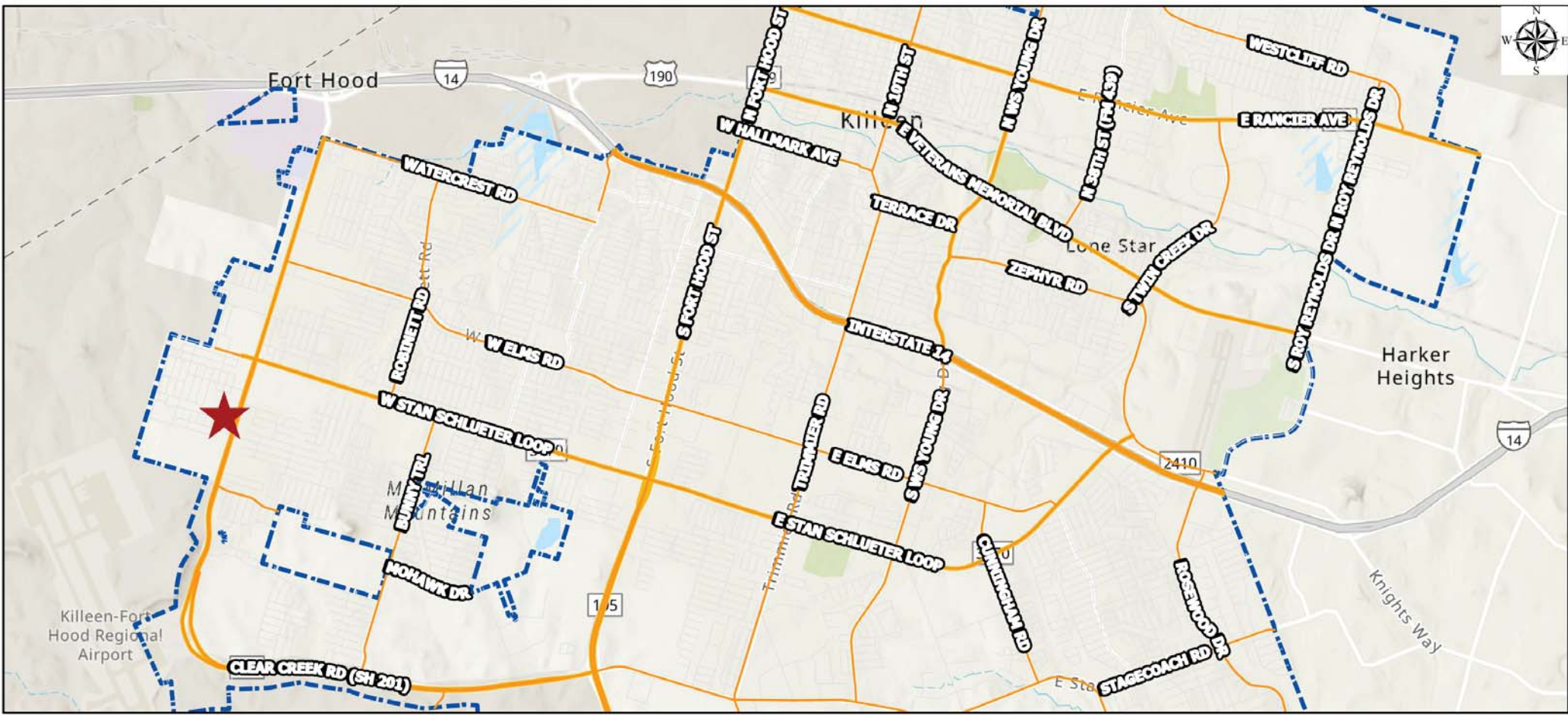
0 150 300
Feet

Zoning Case 2022-26
B-3 TO R-2

Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508

Legend

-  Citylimits
-  Zoning Case



LOCATION MAP
Council District: 4

0 1 2
Miles

Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508

Zoning Case 2022-26

B-3 TO R-2

Legend

- Major Roads
- - - City Limits
- ★ Zoning Case Location

SITE PHOTOS

Case #Z22-26: "B-3" TO "R-2"



View of the subject property looking north:



View of the surrounding property looking south:



SITE PHOTOS

Case #Z22-26: "B-3" TO "R-2"



View of the surrounding property to the west:



View of Clear Creek to the east of the subject property:



MINUTES
PLANNING AND ZONING COMMISSION MEETING
June 6, 2022

CASE #Z22-26
“B-3” to “R-2”

HOLD a public hearing and consider a request submitted by Killeen Engineering & Surveying on behalf of JOF Developers (**Case #Z22-26**) to rezone approximately 2.90 acres out of the James Cook Survey, Abstract No. 161 from “B-3” (Local Business District) to “R-2” (Two-Family Residential District). The property is locally addressed as 5601 Clear Creek Road, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request, as it is consistent with the character of the area. The agent Michele Lee of Killeen Engineering and Surveying was present to represent the case.

Commissioner O’Brien stepped down from the dais.

Chairman Latham opened the public hearing.

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

Commissioner Gukeisen made a motion to recommend approval of the request as presented. Commissioner Ploeckelmann seconded, and the motion passed by a vote of 4 to 0 with Commissioner O’Brien abstaining from the vote after filing a conflict of interest affidavit.

Commissioner O’Brien returned to the dais.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 2.90 ACRES OUT OF THE JAMES COOK SURVEY, ABSTRACT NO. 161, FROM “B-3” (LOCAL BUSINESS DISTRICT) TO “R-2” (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Killeen Engineering & Surveying, on behalf of JOF Developers, 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 2.90 acres out of the James Cook Survey, Abstract No. 161, from “B-3” (Local Business District) to “R-2” (Two-Family Residential District), said request having been duly recommended for approval of the “R-2” (Two-Family Residential District) by the Planning and Zoning Commission of the City of Killeen on the 6th day of June 2022, 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 2022, 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 applicant’s zoning request should be approved as recommended 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 approximately 2.90 acres out of the James Cook Survey, Abstract No. 161, from “B-3” (Local Business District) to “R-2” (Two-Family Residential District), said request having been duly recommended for approval of the “R-2” (Two-Family Residential District), for the property locally addressed as 5601 Clear Creek Road, 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 12th day of July 2022, 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:

Debbie Nash-King, MAYOR

ATTEST:

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, Interim City Attorney
Case #22-26
Ord. #22-____



2901 East Stan Schlueter Loop, Killeen, Texas 76542 Phone: (254) 526-3981 Fax: (254) 526-4351

TBPE Registration No. F-4200, TBPLS Registration No. 10194541

Visit our website at: www.kesltd.com

April 4, 2022

Wallis Meshier, Director of Planning
City of Killeen, TX

Re: JOF Developers, Inc. Rezone B3-R2

Ms. Meshier,

JOF Developers, Inc. is the property owner to the West of Clear Creek Road and to the East of McGregor Estates. They wish to submit a rezone application changing a 2.9-acre portion of the property from B-3 zoning to R-2 zoning. The request is consistent with the Future Land Use Map (FLUM).

The property shown on the attached exhibit borders a large drainage ditch to the South which would be very difficult to cross if the property were all to remain commercial. The developer wishes to replat a few lots in McGregor Estates and extend a cul-de-sac into this area creating about nine residential lots.

The developer feels that this proposed change will create a better situation for the property itself as well as the surrounding property owners by allowing access through McGregor Loop and not having commercial development cross the drainage easement.

The developer has also met with a TxDOT representative on site, and TxDOT will not allow driveway access onto Clear Creek Road from this property.

Respectfully,

Michelle E. Lee, PE, RPLS, CFM, CPESC
Manager – Killeen Engineering & Surveying, Ltd.
mlee@kesltd.com

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.



CASE #Z22-26: “B-3” TO “R-2”

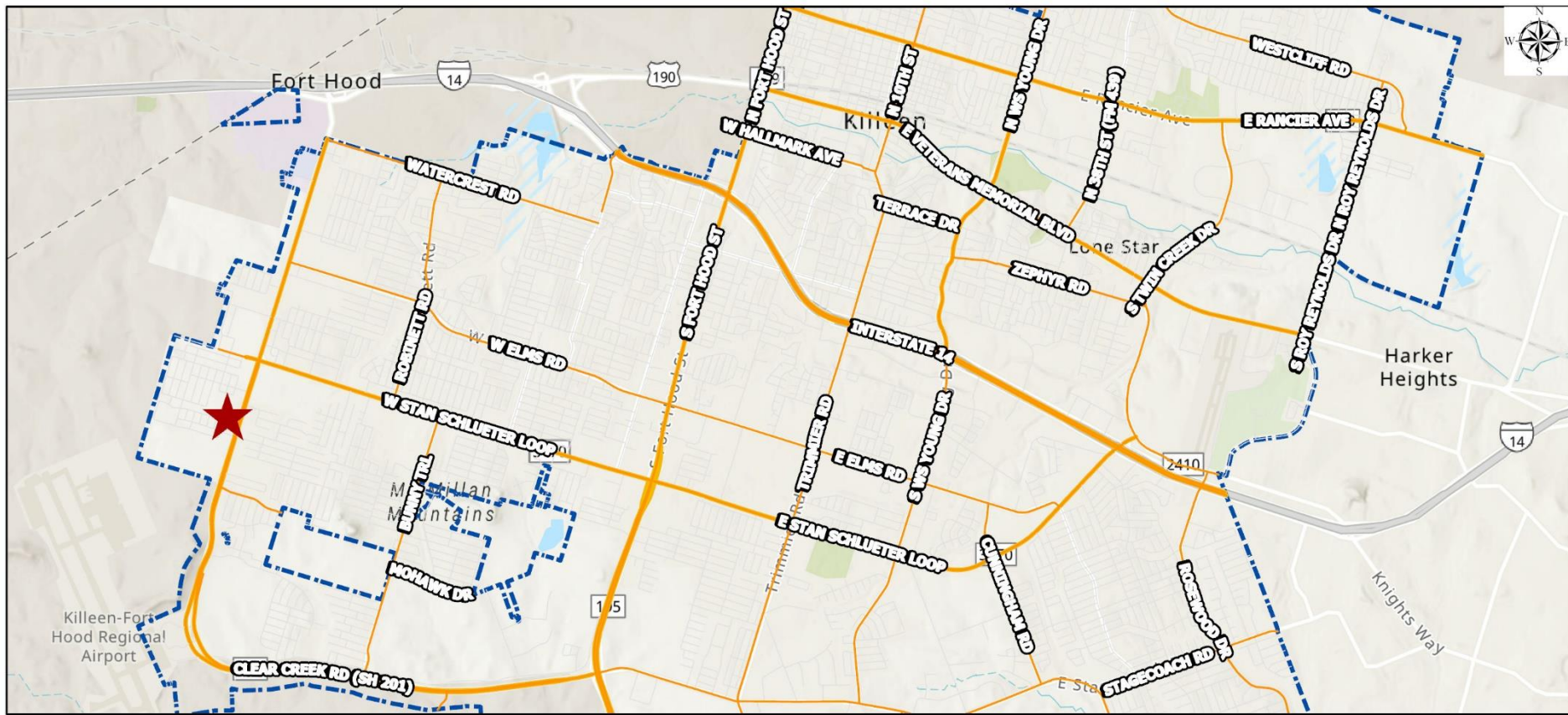
PH-22-051

July 5, 2022

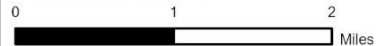
53

Case #Z22-26: “B-3” to “R-2”

- ❑ **HOLD** a public hearing and consider an ordinance requested by Killeen Engineering & Surveying, on behalf of JOF Developers (**Case #Z22-26**), to rezone approximately 2.90 acres out of the James Cook Survey, Abstract No. 161, from “B-3” (Local Business District) to “R-2” (Two-Family Residential District).
- ❑ The property is locally addressed as 5601 Clear Creek Road, Killeen, Texas.



LOCATION MAP
Council District: 4



Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508

Zoning Case 2022-26

B-3 TO R-2

Legend

- Major Roads
- [] City Limits
- ★ Zoning Case Location



AERIAL MAP

Council District: 4



Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508

Zoning Case 2022-26 B-3 TO R-2

Legend

- Citylimits
- Zoning Case

Case #Z22-26: “B-3” to “R-2”

5

- If approved, the applicant intends to replat a few lots in McGregor Estates and extend a cul-de-sac into this area to create about nine (9) residential lots.
- This property is designated as ‘General Residential’ (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- The FLUM designation for this property was changed from ‘GC’ (General Commercial) to ‘GR’ (General Residential) on April 4, 2022 via Ordinance No. 22-031.

Case #Z22-26: “B-3” to “R-2”

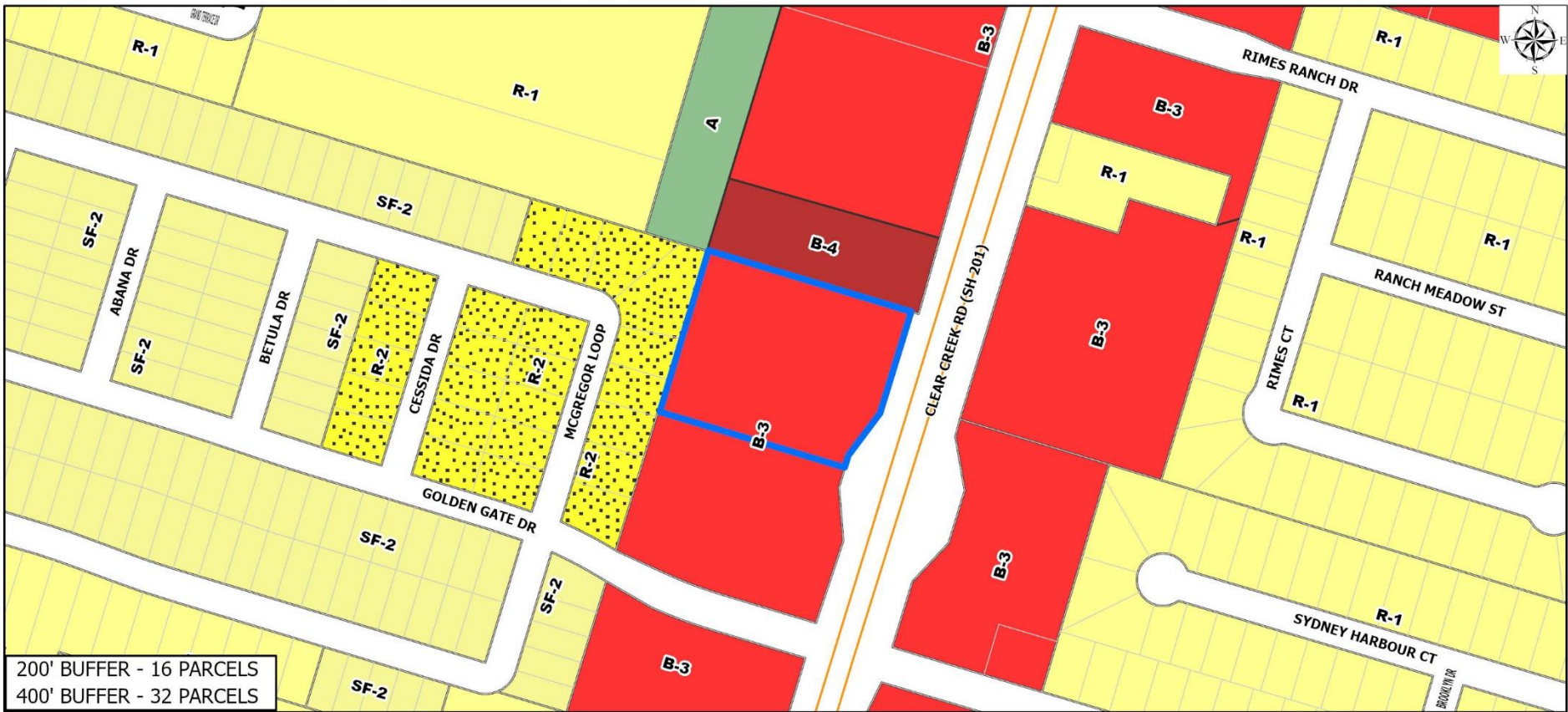
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- The ‘General Residential’ (GR) designation encourages the following development types:
 - ▣ Detached residential dwellings as a primary focus;
 - ▣ Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes);
 - ▣ Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards;
 - ▣ Public/ institutional; and
 - ▣ Parks and public spaces.

Case #Z22-26: “B-3” to “R-2”

7

- The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the properties as identified on the National Wetlands Inventory.



200' BUFFER - 16 PARCELS
400' BUFFER - 32 PARCELS

ZONING MAP
Council District: 4

0 135 270
Feet

Zoning Case 2022-26

B-3 TO R-2

Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508

Case #Z22-26: “B-3” to “R-2”

9

View of the subject property looking north:



Case #Z22-26: “B-3” to “R-2”

10

View of the surrounding property looking south:



Case #Z22-26: “B-3” to “R-2”

11

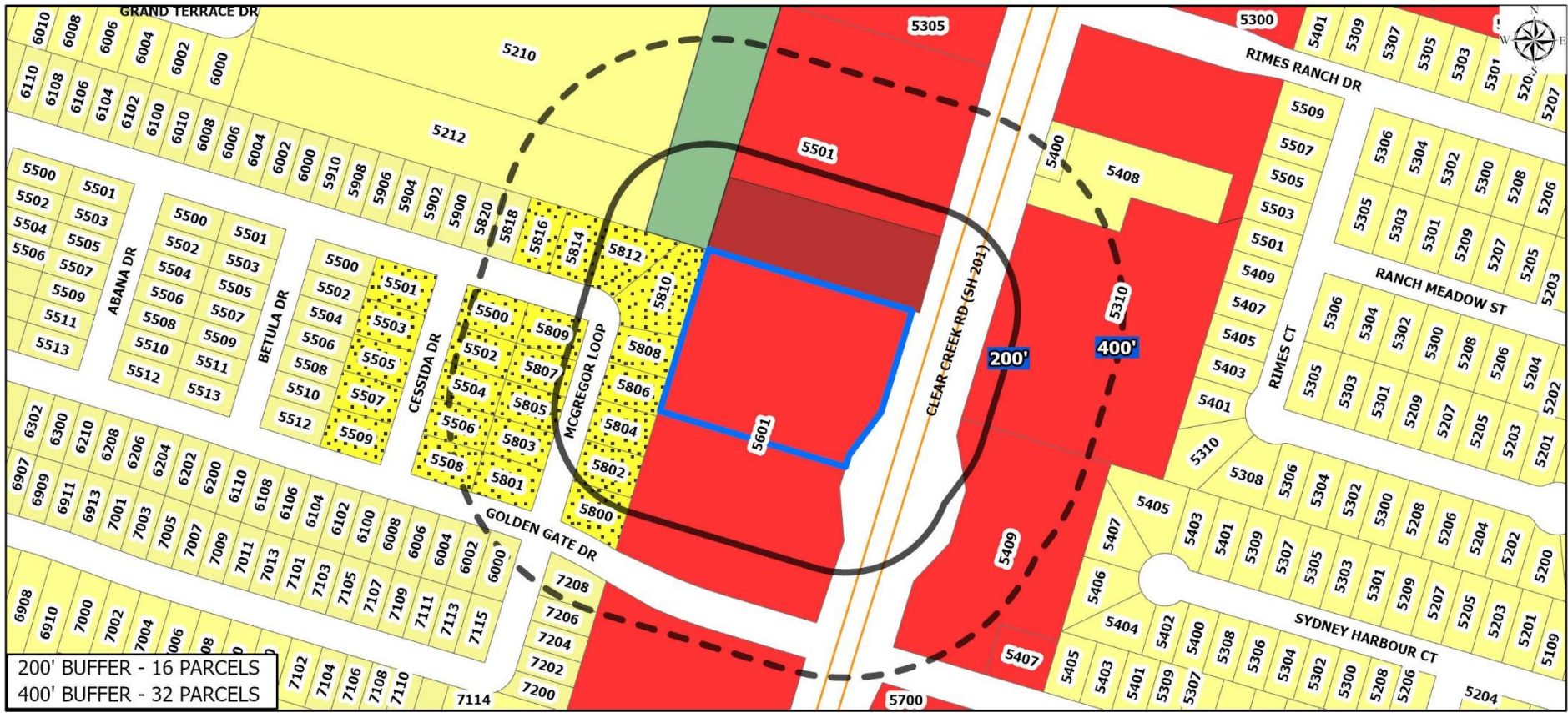
View of the surrounding property to the west:



Public Notification

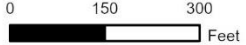
12

- ❑ Staff notified thirty-two (32) surrounding property owners regarding this request.
- ❑ Of those notified, sixteen (16) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and six (6) property owners reside outside of Killeen.
- ❑ To date, staff has received no written responses regarding this request.



NOTIFICATION MAP

Council District: 4



Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508

Zoning Case 2022-26

B-3 TO R-2

Legend	CurrentZoning	B-4	SF-2
	A	R-1	
	B-3	R-2	

Alternatives

14

- ❑ The City Council has three (3) alternatives. The Council may:
 - ▣ Disapprove the applicant's zoning request;
 - ▣ Approve a more restrictive zoning district than requested by the applicant; or
 - ▣ Approve the applicant's zoning request as presented.

Staff Recommendation

15

- Staff finds that the applicant's request is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.
- Staff recommends approval of the applicant's request to rezone the property from "B-3" (Local Business District) to "R-2" (Two-Family Residential District) as presented.

Commission Recommendation

16

- At their regular meeting on June 6, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 0.



City of Killeen

Staff Report

File Number: PH-22-052

1	City Council Workshop	07/05/2022	Reviewed and Referred	City Council	07/12/2022
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HOLD a public hearing and consider an ordinance requested by Turley & Associates Inc, on behalf of Randall Brown Inherited IRA, LLC (**Case #Z22-27**), to rezone approximately 0.277 acres out of the OakHill Heights Survey, Block 5, Lot 1 from "R-1" (Single-Family Residential District) to "SF-2" (Single-Family Residential District). The property is locally addressed as 501 Conder Street, Killeen, Texas.

DATE: July 05, 2022

TO: Kent Cagle, City Manager.

FROM: Edwin Revell, Executive Director of Development Services.

SUBJECT: ZONING CASE #Z22-27: "R-1" to "SF-2"

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Randall Brown Inherited IRA, LLC

Agent: Turley & Associates, Inc

Current Zoning: "R-1" (Single-Family Residential District)

Requested Zoning: "SF-2" (Single-Family Residential District)

Current FLUM Designation: 'Neighborhood Conservation' (NC)

Summary of Request:

Turley & Associates, Inc, on behalf of Randall Brown Inherited IRA, LLC, has submitted a request to rezone being approximately 0.277 acres out of the Oakhill Heights Survey, Block 5, Lot 1 from "R-1" (Single-Family Residential District) to "SF-2" (Single-Family Residential District). If approved, the applicant intends to develop two (2) single-family homes on the property.

Zoning/Plat Case History:

The subject property is currently zoned "R-1" (Single-Family Residential District). Staff is unable to determine the exact date of zoning. The property was platted as Oakhill Heights, Block 5, Lot 1 on March 7, 1956.

Character of the Area:

North: Existing commercial property zoned "B-5" (Business District)

South: Existing single-family residential home zoned "R-1" (Single-Family Residential District)

East: Conder Park zoned "R-1" (Single-Family Residential District)

West: Existing single-family residential home zoned "R-1" (Single-Family Residential District)

Future Land Use Map Analysis:

This property is designated as 'Neighborhood Conservation' (NC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Neighborhood Conservation' (NC) designation encourages the following development types:

- Detached residential dwellings
- Public/institutional; and
- Parks and public spaces.

The request to rezone the property from "R-1" (Single-Family Residential District) to "SF-2" (Single-Family Residential District) is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan.

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

Transportation and Thoroughfare Plan:

There is an existing ingress and egress from Conder Street and Oak Hill Drive which are classified as a 60' wide local streets on the City of Killeen adopted Thoroughfare Plan.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified thirty-seven (37) surrounding property owners regarding this request. Of those property owners notified, fifteen (15) resides outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twelve (12) reside outside the city limits of Killeen. As of the date of this staff report, one (1) written response in opposition have been received regarding this request.

Staff Findings:

The 'Neighborhood Conservation' (NC) designation promotes the integrity of older, intact neighborhoods, ensures no significant change in the development type or pattern, and reinforce existing physical conditions. It is designed to preserve existing housing stock (and avoid excessive nonconformities and variance requests), and also to govern periodic infill and/or redevelopment activity within a neighborhood to ensure compatibility.

The current zoning of the subject property is "R-1" (Single-Family Residential District). The

surrounding area includes an existing single-family homes, park, and open space.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's zoning request;
- Approve a more restrictive zoning district than requested; or
- Approve the applicant's zoning request as presented.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "SF-2" (Single-Family Residential District) as presented. Staff is of the determination that the request is consistent with the Neighborhood Conservation designation which is designed to preserve existing housing stock and allows for periodic infill and/or redevelopment activity within a neighborhood to ensure compatibility.

In addition, staff finds that the request is compatible with the surrounding land uses and consistent with the prevailing community character. The character of the area includes existing single-family homes, park, and open space.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

Commissioner Ploeckelmann made a motion to recommend approval of the request as presented. Commissioner Minor seconded, and the motion passed by a vote of 4 to 1 with Commissioner Gukeisen in opposition. Commissioner Gukeisen noted concerns regarding the lack of on-street parking on Oakhill Drive.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance
Letter of Request
Responses
Considerations



AERIAL MAP

Council District: 1

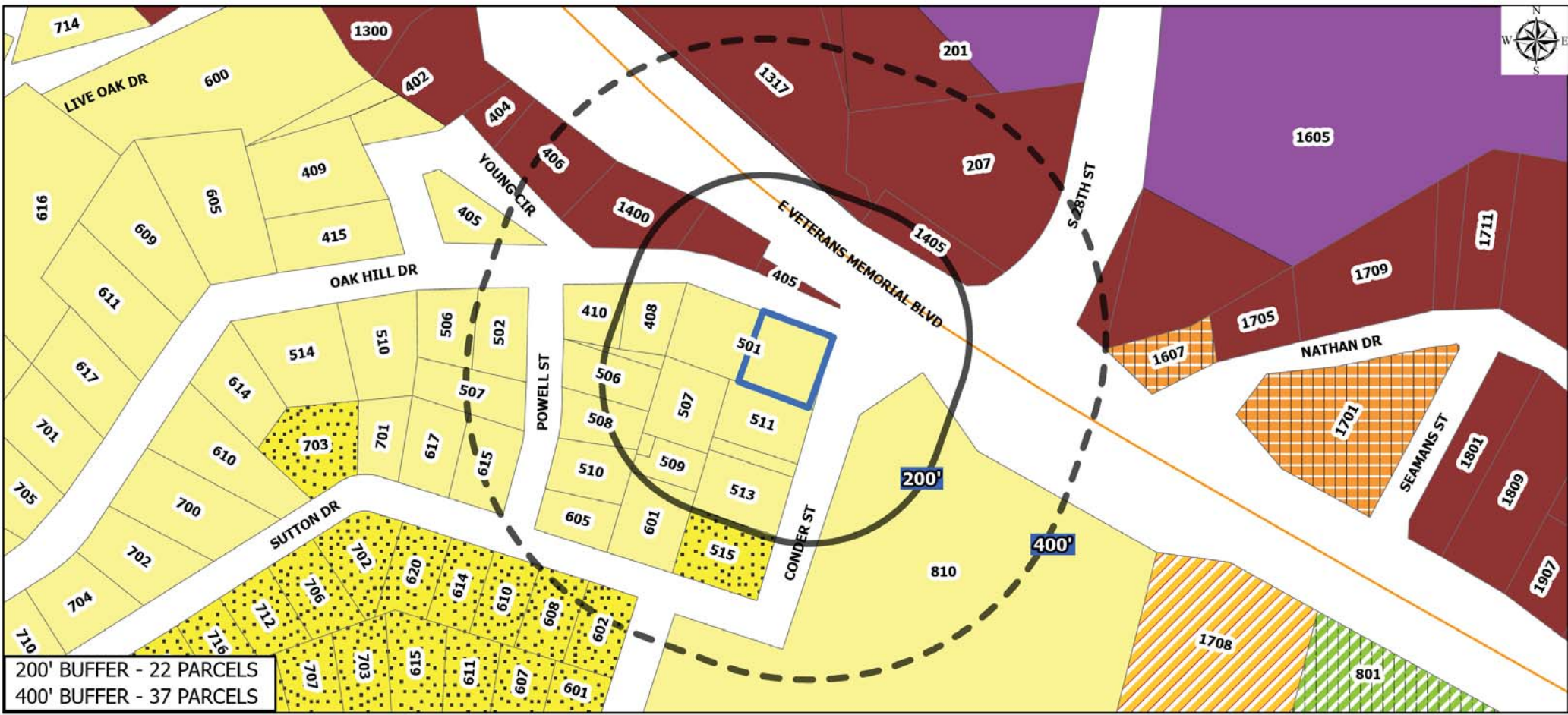
0 100 200
Feet

Subject Property Legal Description: PART OF OAKHILL HEIGHTS, BLOCK 005, LOT 0001

Zoning Case 2022-27 R-1 TO SF-2

Legend

- Citylimits
- Zoning Case



SITE PHOTOS

Case #Z22-27: "R-1" to "SF-2"



View of the subject property looking west:



View of the surrounding property to the south:



SITE PHOTOS

Case #Z22-27: "R-1" to "SF-2"



View of the surrounding property to the east (Conder Park):



View of the surrounding property to the north (across Oak Hill Dr):



MINUTES
PLANNING AND ZONING COMMISSION MEETING
June 6, 2022

CASE #Z22-27
“R-1” to “SF-2”

HOLD a public hearing and consider a request submitted by Turley & Associates Inc. on behalf of Randall Brown Inherited IRA, LLC (**Case #Z22-27**) to rezone approximately 0.277 acres out of the Oakhill Heights, Block 5, Lot 1 from “R-1” (Single-Family Residential District) to “SF-2” (Single-Family Residential District). The property is locally addressed as 501 Conder Street, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request, as it is consistent with the character of the area.

Chairman Latham opened the public hearing.

The applicant’s agent, B.J. Little of Turley Associates, Inc., was present to represent the case.

Ms. Alice Bladen of Foremost Signs, 405 Oakhill Drive, spoke in opposition to the request. She noted concerns regarding the availability of on-street parking on Oakhill Drive.

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

Commissioner Ploeckelmann made a motion to recommend approval of the request as presented. Commissioner Minor seconded, and the motion passed by a vote of 4 to 1 with Commissioner Gukeisen in opposition. Commissioner Gukeisen noted concerns regarding parking on Oakhill Drive.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 0.277 ACRE OUT OF THE OAKHILL HEIGHTS, BLOCK 5, LOT 1, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “SF-2” (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Turley & Associates, Inc, on behalf of Randall Brown Inherited IRA, LLC, 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 0.277 acre out of the Oakhill Heights Survey, Block 5, Lot 1 from “R-1” (Single-Family Residential District) to “SF-2” (Single-Family Residential District), said request having been duly recommended for approval of the “SF-2” (Single-Family Residential District) by the Planning and Zoning Commission of the City of Killeen on the 6th day of June 2022, 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 2022, 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 applicant’s zoning request should be approved as recommended 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 approximately 0.277 acre out of the Oakhill Heights Survey, Block 5, Lot 1, be changed from “R-1” (Single-Family Residential District) to “SF-2” (Single-Family Residential District), said request having been duly recommended for approval of the “SF-2” (Single-Family Residential District), for the property locally addressed as 501 Conder Street, 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 12th day of July 2022, 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:

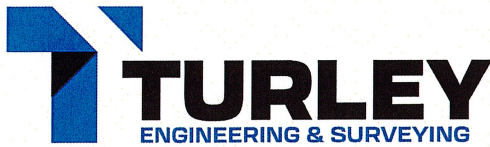
Debbie Nash-King, MAYOR

ATTEST:

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, Interim City Attorney
Case #22-27
Ord. #22-____



April 5, 2022

City of Killeen
Attn: Wallis Meshier, CNU-A
Director of Planning
200 E Avenue D
Killeen, TX 76541

RE: Letter of Request for Zoning Change
0.277 Acres – Lot 1, Block 5 Oak Hill Heights Subdivision

Dear Ms. Meshier:

This letter is to serve as the Letter of Request per the City of Killeen Zoning Change Application Checklist, for the property identified by the Bell County Tax Appraisal District as 22427, located at the intersection of Oakhill Drive and Conder Street in Killeen. The property is 0.277 acres and is currently owned by Randall Brown Inherited IRA LLC.

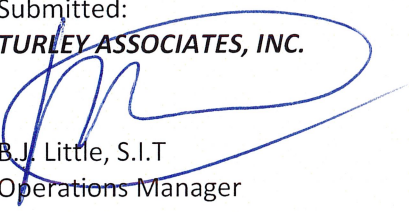
The 0.277 acre tract is currently zoned Single Family Residential (R-1) and the property owner and/or developer are requesting a zone change to Single-Family Residential (SF-2) which will allow for two (2) single-family residential homes. The Future Land Use Map (FLUM) designates this area as "Neighborhood Conservation" which promotes the single-family character of the neighborhood. The SF-2 designation supports the Neighborhood Conservation and would not require a FLUM amendment.

The proposed re-zoning of the property is compatible with the surrounding area since there are numerous single-family housing types in proximity to the subject property. There are available utilities and existing drainage facilities servicing the property and it is our opinion that this zoning will enhance the surrounding area.

On behalf of the owners of this property, Turley Associates, Inc. respectfully requests that the Planning and Zoning Commission and the City Council approve the rezoning request of the above referenced property from R-1 to SF-2. Please feel free to call or email to discuss further.

Submitted:

TURLEY ASSOCIATES, INC.


B.J. Little, S.I.T.
Operations Manager

Page 1 of 1

TURLEY ASSOCIATES, INC.

301 NORTH 3rd STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
TBPE No. F-1658 • TBPLS No. 10056000



CITY OF KILLEEN
DEVELOPMENT SERVICES DEPARTMENT
PLANNING & ECONOMIC DEVELOPMENT DIVISION

May 25, 2022

RE: Case# Z22-27

HOLD a public hearing and consider a request submitted by Turley & Associates Inc, on behalf of Randall Brown Inherited IRA, LLC (Case #Z22-27), to rezone approximately 0.277 acres out of the OakHill Heights Survey, Block 5, Lot 1 from "R-1" (Single-Family Residential District) to "SF-2" (Single-Family Residential District). The property is locally addressed as 501 Conder Street, Killeen, Texas.

Dear Property Owner:

The enclosed map shows the property to be rezoned. This property is marked by a solid blue line, and the outer dashed circular line indicates those properties within the four hundred (400) foot radius. We are required to notify you since you own property within the 400' notification boundary.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **June 06, 2022, 5:00 p.m.** in the Utility Collections Conference Room, which is located at 210 W. Avenue C. The Utility Collections Conference Room is located at the northwest corner of the building. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

You may also indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: **City of Killeen, Planning & Development Services, 200 E. Avenue D, Suite 6, Killeen, Texas 76541.** To be considered a protest under Sec. 211.006 (d) of the Texas Local Government Code, the protest must be written and signed by the owner of property located within 200 feet of the notification area. Any petition, whether in support of or opposition to this request, must be received by the Planning Department no later than **4:00 p.m., June 06, 2022.** After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **July 12, 2022, at 5:00 p.m. in Council Chambers, at City Hall, 101 North College Street., Killeen Texas,** where you may also appear and speak. If you desire additional information relative to this matter, please call (254) 501-7631.

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

YOUR NAME:	<i>Alice Bladen</i>	PHONE NUMBER:	<i>680-7446</i>
CURRENT ADDRESS:			
ADDRESS OF PROPERTY OWNED:	<i>405 Oakhill Dr Killeen TX 76541</i>		
COMMENTS:	<i>Concerned about parking on Oakhill</i>		
	<i>and how building would impact my business</i>		
SIGNATURE:	<i>Alice Bladen</i>	REQUEST: "R-1" to "SF-2"	SPO #Z22-27/ <i>37</i>

CUT HERE

YOUR NAME:	Wanda J. Morris	PHONE NUMBER:	254-542-2427
CURRENT ADDRESS:	1742 Fort Pan's Copperas Cove, TX 76522		
ADDRESS OF PROPERTY OWNED:	615 Sutton Drive Killeen, TX 76522		
COMMENTS:	"No Business of any kind in homes" is what I agree to. = = = = =		
This is what I understood this letter states. or ask.			
SIGNATURE:	Wanda J. Morris	REQUEST: "R-1" to "SF-2"	SPO #Z22-27/ 20

P.O. BOX 1329, KILLEEN, TEXAS 76540-1329, 254-501-7631, FAX 254-501-7628
WWW.KILLEENTEXAS.GOV

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.



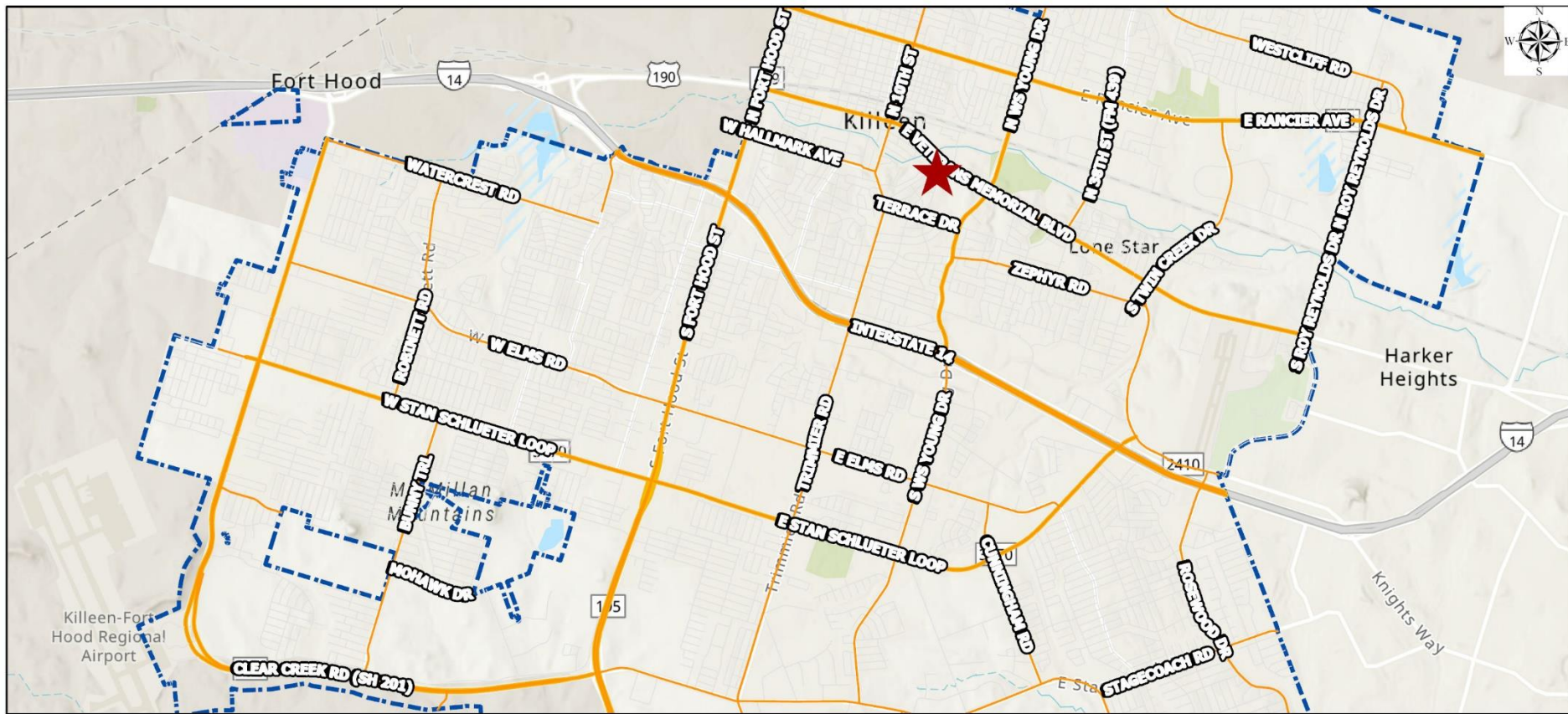
CASE #Z22-25: “B-5” TO “R-3F”

PH-22-052

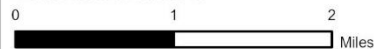
July 5, 2022

Case #Z22-27: “R-1” to “SF-2”

- ❑ **HOLD** a public hearing and consider an ordinance requested by Turley & Associates Inc, on behalf of Randall Brown Inherited IRA, LLC (**Case #Z22-27**), to rezone approximately 0.277 acres out of the Oakhill Heights, Block 5, Lot 1 from “R-1” (Single-Family Residential District) to “SF-2” (Single-Family Residential District).
- ❑ The property is locally addressed as 501 Conder Street, Killeen, Texas.



LOCATION MAP
Council District: 1



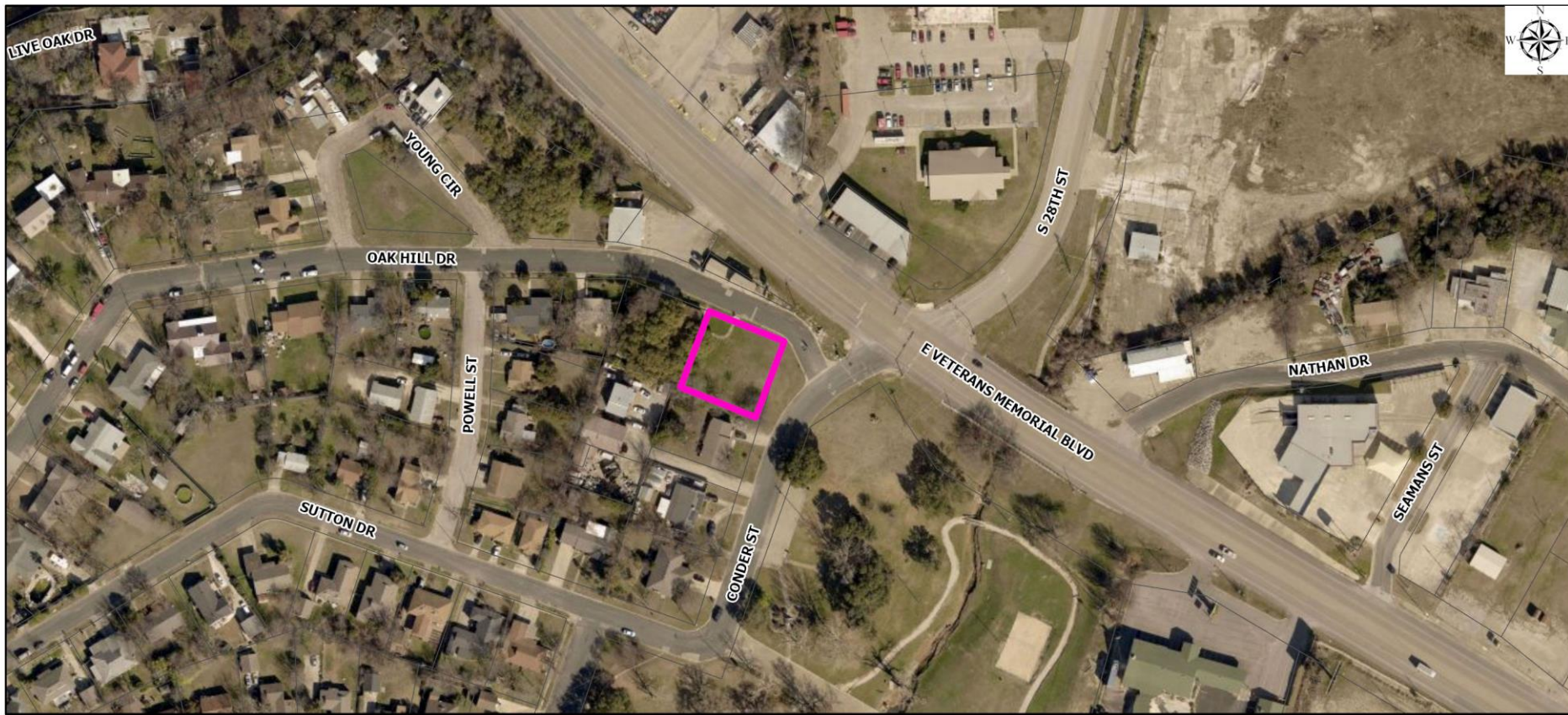
Subject Property Legal Description: PART OF OAKHILL HEIGHTS, BLOCK 005, LOT 0001

Zoning Case 2022-27

R-1 TO SF-2

Legend

- Major Roads
- [] City Limits
- ★ Zoning Case Location



AERIAL MAP

Council District: 1

0 100 200
Feet

Subject Property Legal Description: PART OF OAKHILL HEIGHTS, BLOCK 005, LOT 0001

Zoning Case 2022-27

R-1 TO SF-2

Legend

 Citylimits

 Zoning Case

Case #Z22-27: “R-1” to “SF-2”

5

- If approved, the applicant intends to develop two (2) single-family homes on the property.

Case #Z22-27: “R-1” to “SF-2”

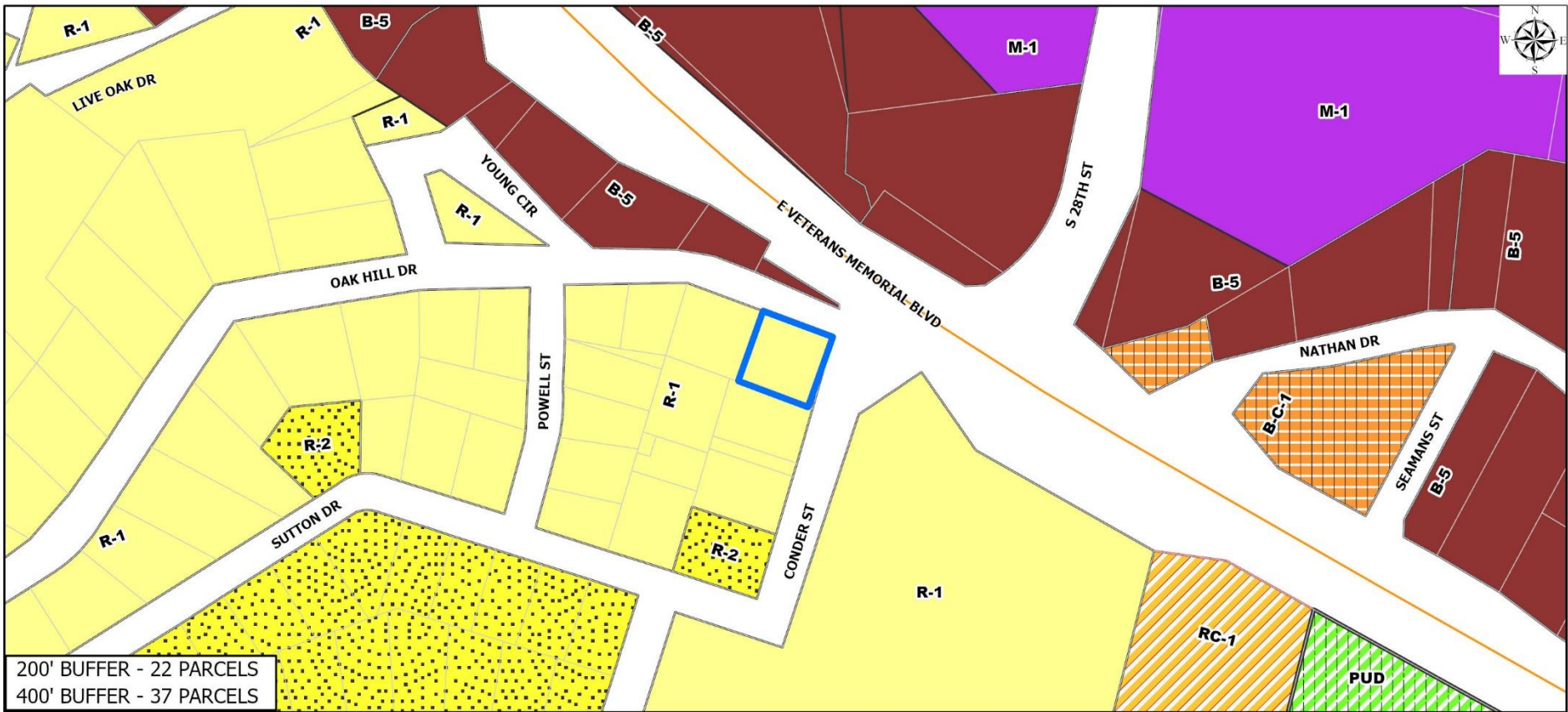
6

- This property is designated as ‘Neighborhood Conservation’ (NC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- The ‘Neighborhood Conservation’ (NC) designation encourages the following development types:
 - ▣ Detached residential dwellings
 - ▣ Public/institutional; and
 - ▣ Parks and public spaces.

Case #Z22-27: “R-1” to “SF-2”

7

- The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the properties as identified on the National Wetlands Inventory.



Zoning Case 2022-27

R-1 TO SF-2

Case #Z22-27: “R-1” to “SF-2”

9

View of the subject property looking west:



Case #Z22-27: “R-1” to “SF-2”

10

View of the surrounding property to the south:



Case #Z22-27: “R-1” to “SF-2”

11

View of the surrounding property to the east (Conder Park):



Case #Z22-27: “R-1” to “SF-2”

12

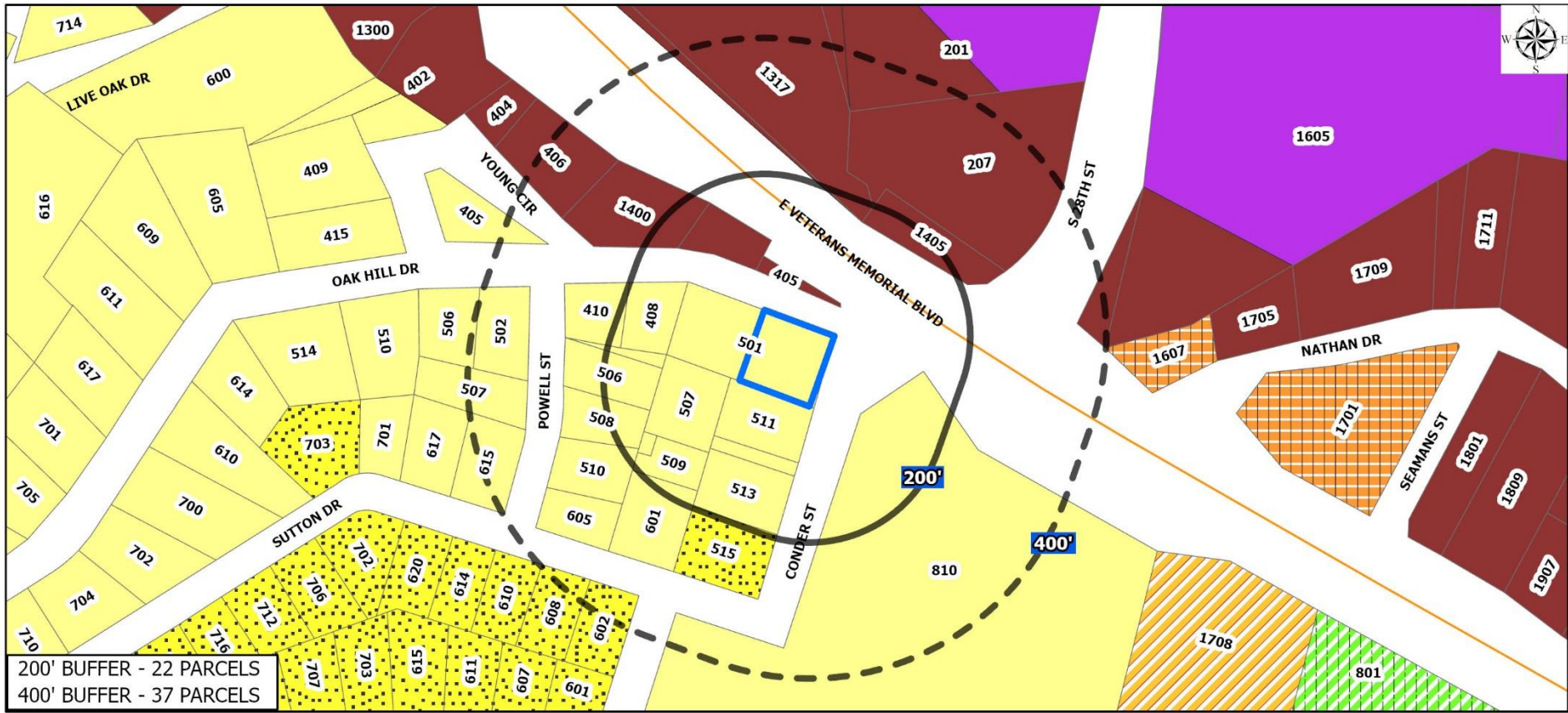
View of the surrounding property to the north (across Oak Hill Dr):



Public Notification

13

- Staff notified thirty-seven (37) surrounding property owners regarding this request.
- Of those notified, fifteen (15) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and twelve (12) property owners reside outside of Killeen.
- To date, staff has received one (1) written response in opposition to this request.



NOTIFICATION MAP

Council District: 1



Subject Property Legal Description: PART OF OAKHILL HEIGHTS, BLOCK 005, LOT 0001

Zoning Case 2022-27

R-1 TO SF-2

Legend

Current Zoning

B-5

B-C-1

RC-1

M-1

PUD

R-1

R-2

Alternatives

15

- ❑ The City Council has three (3) alternatives. The Council may:
 - ▣ Disapprove the applicant's zoning request;
 - ▣ Approve a more restrictive zoning district than requested by the applicant; or
 - ▣ Approve the applicant's zoning request as presented.

Staff Findings

16

- Staff finds that the request is consistent with the ‘Neighborhood Conservation’ (NC) designation, which is designed to preserve existing housing stock and allows for periodic infill and/or redevelopment activity within a neighborhood to ensure compatibility.
- In addition, staff finds that the request is compatible with the surrounding land uses and consistent with the prevailing community character. The character of the area includes existing single-family homes, park, and open space.

Staff Recommendation

17

- Staff recommends approval of the applicant's request to rezone the property from "R-1" (Single-Family Residential District) to "SF-2" (Single-Family Residential District) as presented.

Commission Recommendation

18

- At their regular meeting on June 6, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 1 with Commissioner Gukeisen in opposition.
- Commissioner Gukeisen noted concerns regarding the availability of on-street parking on Oakhill Drive.



City of Killeen

Staff Report

File Number: PH-22-053

1	City Council Workshop	07/05/2022	Reviewed and Referred	City Council	07/12/2022
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HOLD a public hearing and consider an ordinance requested by Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc. **(Case #FLUM 22-03)**, to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' (GR) to 'Multi-Family Residential' (MFR), being approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570. The property is the southern portion of the parcel addressed as 101 N WS Young Dr. The property is generally located west of N W.S. Young Drive and south of Azalea Drive, Killeen, Texas.

DATE: July 05, 2022

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: FLUM CASE #22-03: 'GR to 'MFR'

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Destiny World Outreach Center, Inc.

Agent: Avanti Legacy Parkview, LP

Current FLUM Designation: 'General Residential' (GR)

Requested FLUM Designation: 'Multi-Family Residential' (MFR)

Current Zoning: "R-1" (Single-Family Residential District)

Proposed Zoning: Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District)

Summary of Request:

Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc., has submitted a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Residential' (GR) to 'Multi-Family Residential' (MFR), being approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570.

If approved, the applicant intends to develop the property into a multifamily housing complex which includes a kitchen that will be occupied by Killeen Meals on Wheels organization, in partnership with the City of Killeen. The proposed apartment complex will include a single four-story apartment building, surface parking, and a variety of amenities including a pool, fitness center, business center, and resident services space. The community will provide one hundred eight (108) units, which will be dedicated to people 55 years and older. The development is within the North Killeen Revitalization Area and has received a resolution of support from the City Council (Resolution No. 22-028R).

Zoning/Plat Case History:

The subject property is currently zoned "R-1" (Single-Family Residential District). Staff is unable to

determine the exact date of zoning. The property is currently platted as part of Destiny World Outreach Addition Phase Two, Block 1, Lot PT 1A.

Character of the Area:

Surrounding Land Use and Zoning:

	Current Land Use	Zoning District*	FLUM Designation
North	Religious institution	R-1	General Residential (GR)
East	KISD Administrative Building	B-5	Industrial (I)
South	Park and open space (Andy K. Wells & Rotary Club Neighborhood Children's Park)	M-1	Industrial (I)
West	Duplexes and undeveloped residential properties	R-1	General Residential (GR)

* R-1 (Single-Family Residential District), B-5 (Business District), & M-1 (Manufacturing District)

Future Land Use Map Analysis:

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

The 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus
- Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes)
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
- Public/ institutional; or
- Parks and public spaces

If approved, the 'Multi-Family Residential' (MFR) designation encourages the following development types:

- Multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums); or
- Parks and public spaces

The applicant has submitted a concurrent request to rezone the property from "R-1" (Single-Family Residential District) to a Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District).

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility service is located within the City of Killeen municipal utility service area and available to the subject tract.

Transportation and Thoroughfare Plan:

Ingress and egress to the property are from W. S. Young Drive, which is classified as a 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

Public Notification:

Staff mailed courtesy notices to twenty-four (24) surrounding property owners regarding this request. Of those property owners notified, four (4) reside outside of Killeen.

Staff Findings:

The character of the 'General Residential' (GR) land use category is auto-oriented (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'GR' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

The 'Multi-Family Residential' (MFR) designation is typically auto-oriented but can be softened by perimeter and on-site landscaping, minimum spacing between buildings, site coverage limits, and on-site recreation or open space criteria.

The current zoning of the subject property is "R-1" (Single-Family Residential District). The surrounding area includes predominantly residential uses and institutional uses including religious institution, parks and open space, and educational facilities.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's FLUM amendment request;
- Approve a more restrictive FLUM designation; or
- Approve the applicant's FLUM amendment request.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request as presented. Staff finds that the proposed development will provide housing options within the area and promote aging in place and inclusionary housing by providing high-quality affordable housing for elderly members of the community with various open space amenities.

In addition, staff is of the determination that the proposed development is compatible with the

prevailing community character of the area. The character of the area includes predominantly residential uses and institutional uses including religious institution, parks and open space, and educational facilities.

CONFORMITY TO CITY POLICY:

This FLUM amendment request conforms to the City's policy as detailed in the Comprehensive Plan.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

The proposed FLUM amendment 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:

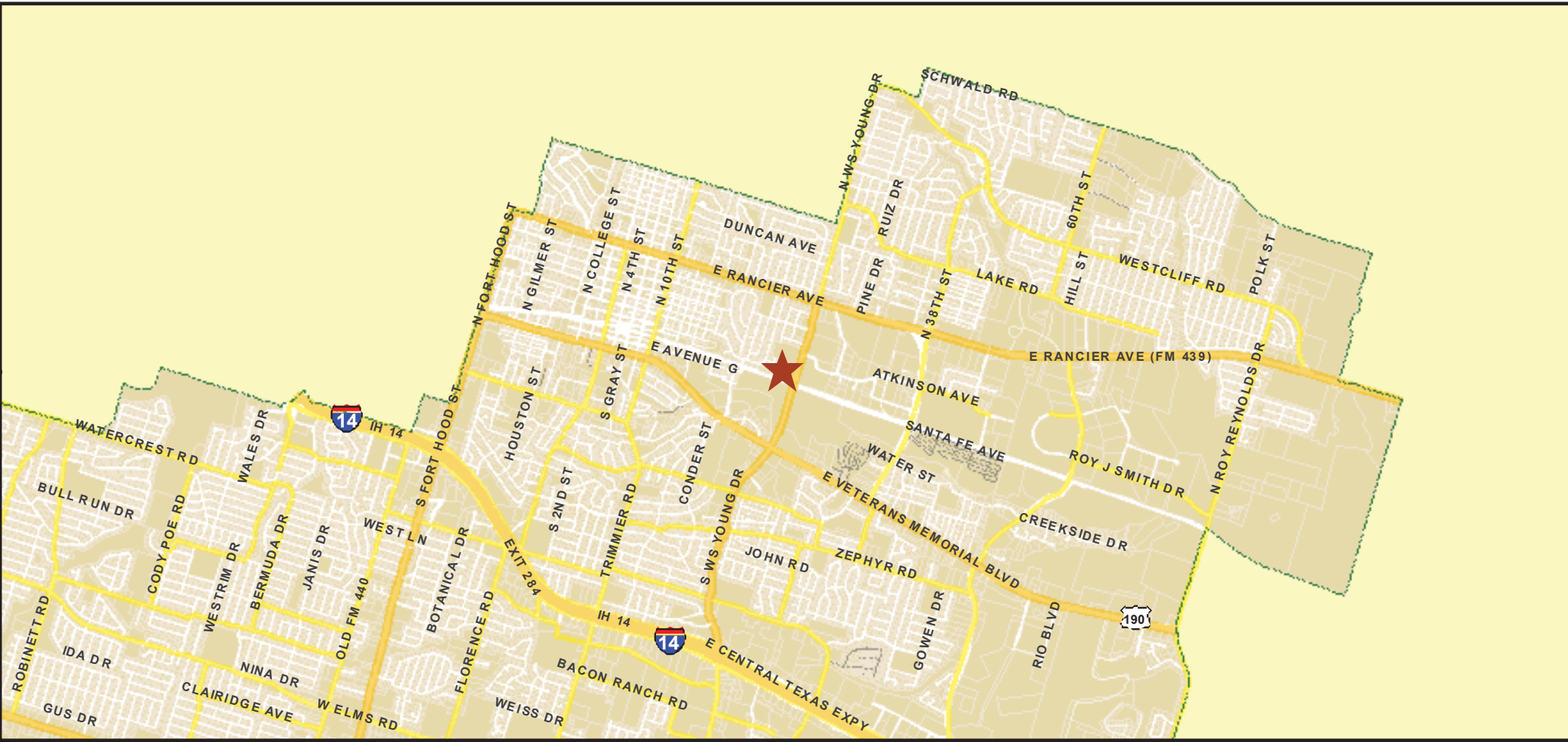
At their regular meeting on June 6, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Minutes
Ordinance



LOCATION MAP

Case: FLUM AMENDMENT 2022-03

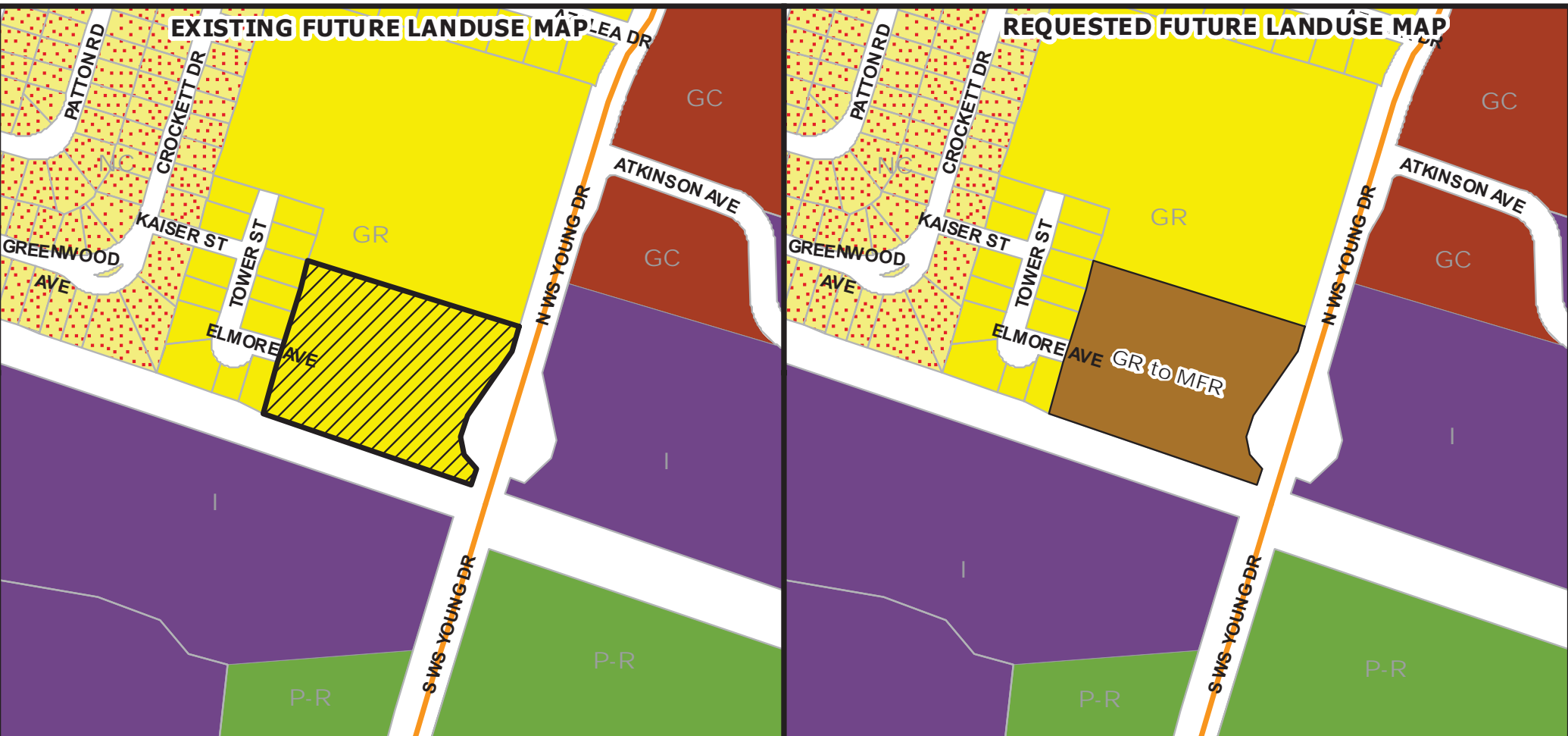
Council District: 1
FROM GR TO MFR
Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A, (NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571



FLUM LOCATION



1 inch = 5,000 feet
Date: 1/13/2022



FUTURE LAND USE MAP

Case: FLUM AMENDMENT 2022-03

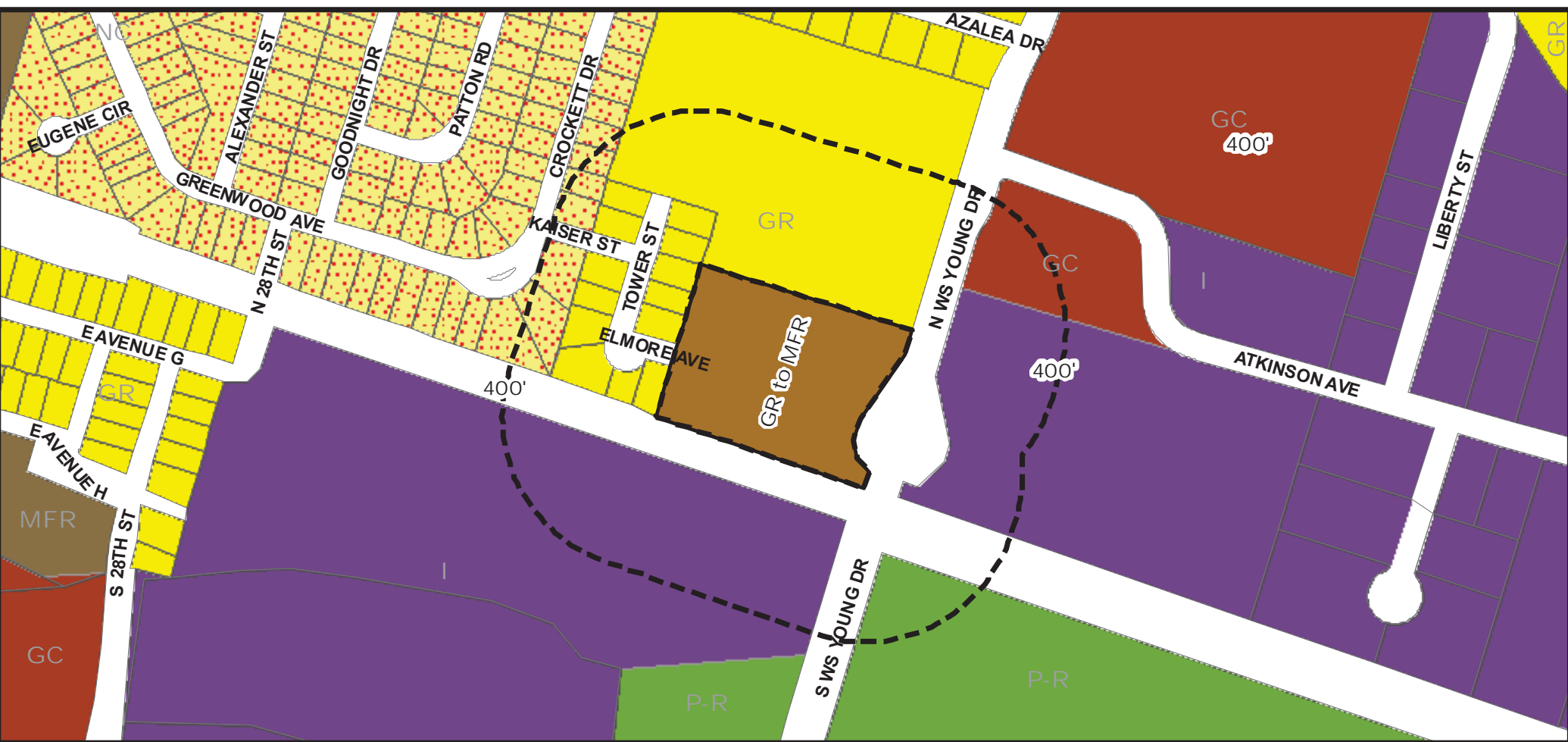
Council District: 1
 FROM GR TO MFR
 Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A, (NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571

Future Land Use Legend

- FLUM Case Location
- Industrial (I)
- Neighborhood Conservation (GC)
- General Residential (GR)
- General Commercial (GC)
- Parks-Recreation (P-R)



1 inch = 417 feet
 Date: 1/13/2022



NOTIFICATION MAP

Case: FLUM AMENDMENT 2022-03

Council District: 1

FROM GR TO MFR

Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A, (NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571

- Legend**
- Killeen City Limits
 - Bell County Area
 - Principal Arterial, Existing
 - Multi-Family Residential (MFR)
 - Industrial (I)
 - Neighborhood Conservation (GC)
 - General Residential (GR)
 - General Commercial (GC)
 - Parks-Recreation (P-R)



Date: 1/13/2022

MINUTES
PLANNING AND ZONING COMMISSION MEETING
June 06, 2022

CASE #FLUM22-03
'GR' to 'MFR'

HOLD a public hearing and consider a request submitted by Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc. (**Case #FLUM 22-03**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'Multi-Family Residential' (MFR) designation for approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570. The property is generally located on the west side of North W. S. Young Drive, approximately 830 feet south of the intersection of Azalea Drive, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant's request. She stated that staff recommends approval of the request, as it is consistent with the character of the area.

Chairman Latham opened the public hearing.

The applicant's agent, Mr. Michael Tamez of Madhouse Development, was present to represent the case.

Ms. Bennie Smith of 402 Tower Street spoke about traffic concerns and how it would impact the area.

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

Commissioner Gukeisen made a motion to recommend approval of the request as presented. Commissioner Jones seconded, and the motion passed by a vote of 6 to 0.

ORDINANCE _____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 5.30 ACRES OUT OF THE H. C. MCCLUNG SURVEY, ABSTRACT NO. 570, FROM AN 'GENERAL RESIDENTIAL' (GR) DESIGNATION TO A 'MULTI-FAMILY RESIDENTIAL' (MFR) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen finds that Chapter 213.003 of the Local Government Code enables municipalities to adopt and amend comprehensive plans in the interest of coordinating long-range development of the municipality.

WHEREAS, the Planning and Zoning Commission has received a request from Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc., for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan to change the from a 'General Residential' (GR) designation to a 'Multi-Family Residential' (MFR) designation, said property being legally described as being approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570; said revision having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6th day of June, 2022, 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, 2022, 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 opinion that the amendment should be approved;

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

SECTION I: That the future land use designation of approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570, be amended from 'General Residential' (GR) designation to a 'Multi-Family Residential' (MFR) designation, for the property which is the southern portion of the parcel addressed as 101 N WS Young Drive, Killeen, Texas and generally located west of N WS Young Drive and south of Azalea 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 12th day of July, 2022, 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:

Debbie Nash-King, MAYOR

ATTEST:

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

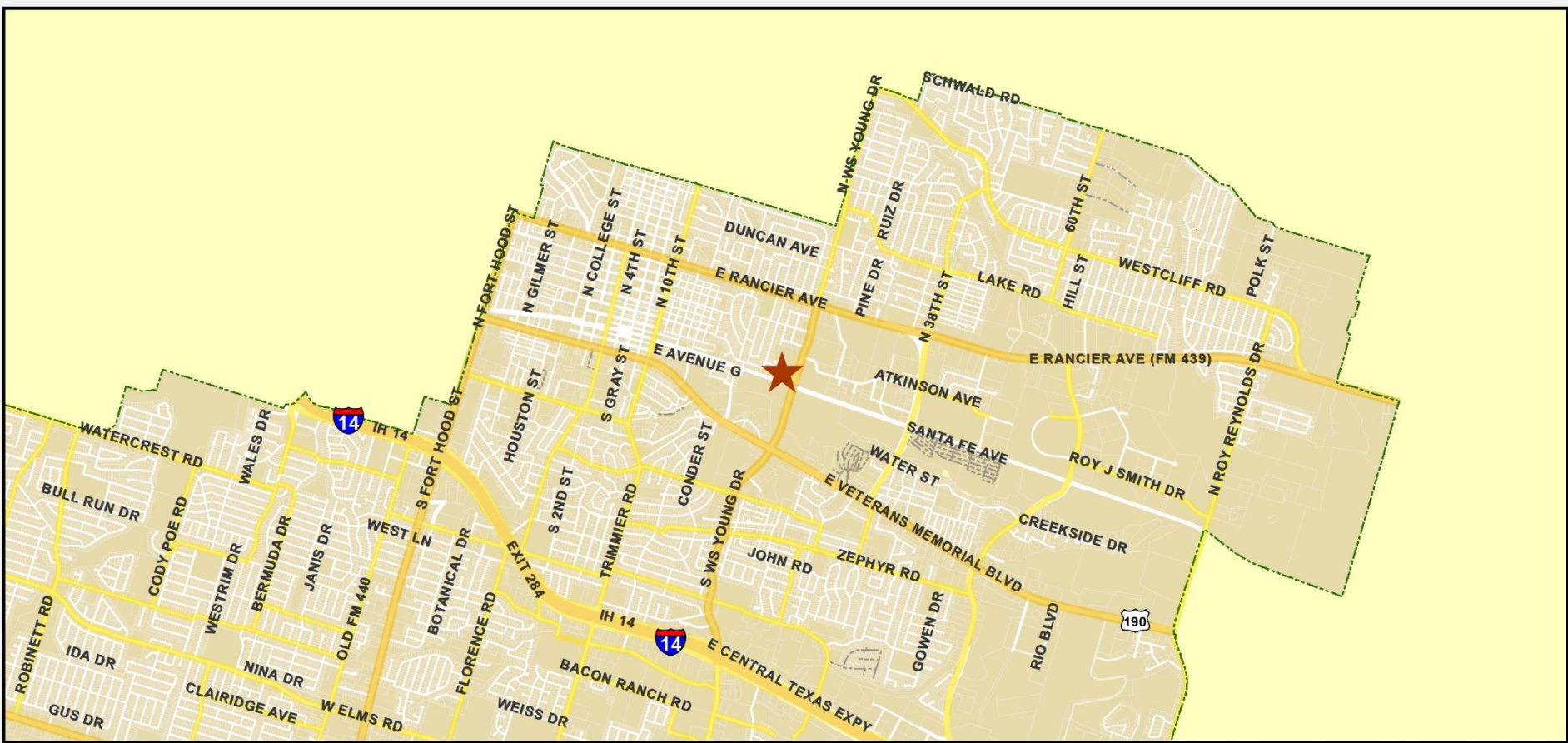
Holli C. Clements, Interim City Attorney
Case #: FLUM 22-03
Ord#: 22-____



CASE #FLUM22-03: 'GR' TO 'MFR'
CASE #Z22-03: "R-1" TO PUD

Case #FLUM 22-03 & Z22-03

- ❑ **Case #FLUM 22-03:** ‘General Residential’ (GR) to ‘Multi-Family Residential’ (MFR)
- ❑ **Case #Z 22-03:** “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) w/ “R-3A” (Multifamily Apartment Residential District)
- ❑ 5.30 acres out of the H.C. McClung Survey, Abstract No. 570
- ❑ The property is locally addressed as 101 North W.S. Young Drive



LOCATION MAP

Case: FLUM AMENDMENT 2022-03

Council District: 1
FROM GR TO MFR
Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A, (NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571



FLUM LOCATION



118
1 inch = 5,000
Date: 1/13/2022

Avanti Legacy Parkview

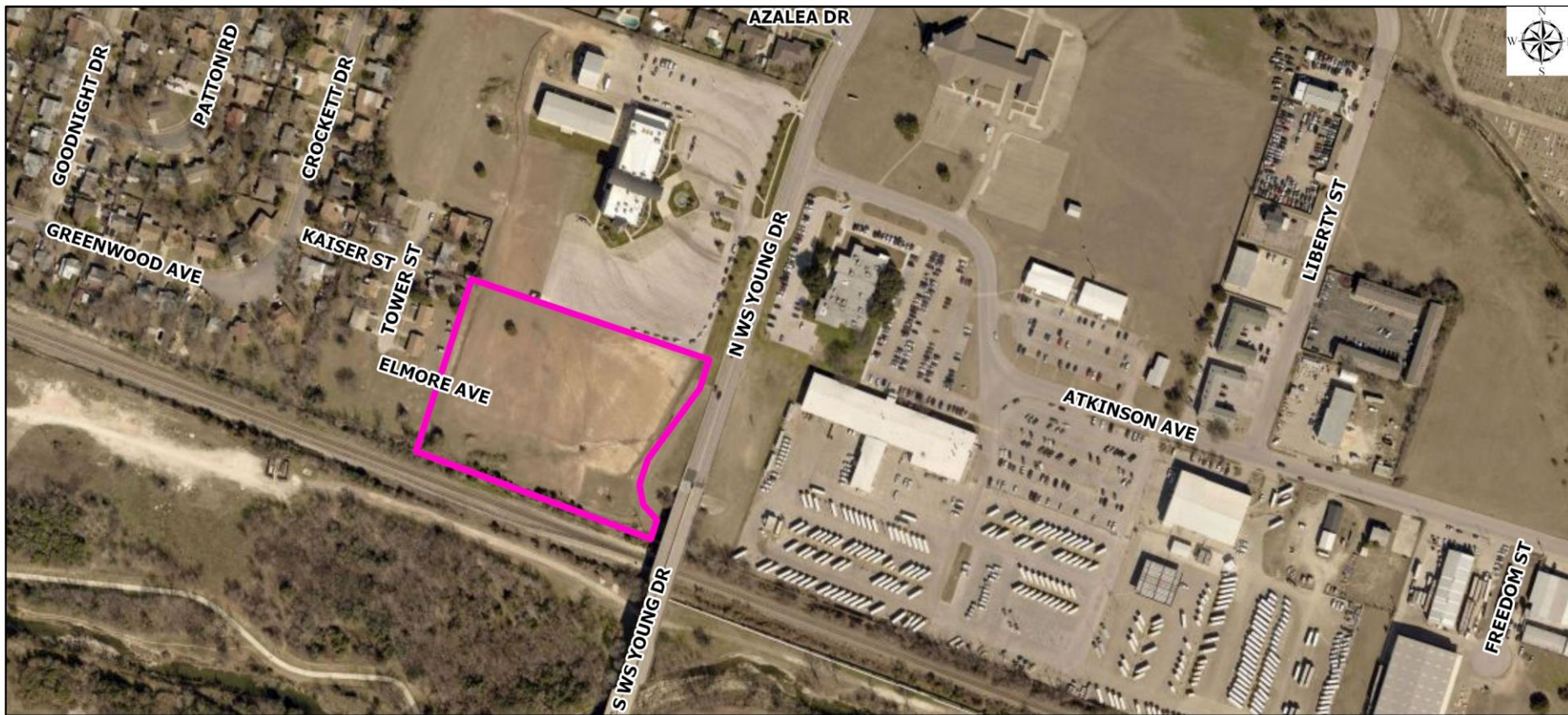
4

- ❑ If approved, the applicant intends to develop a multifamily housing complex for seniors age 55+.
- ❑ The proposed development will include 108 dwelling units and a kitchen for the Meals on Wheels program, in partnership with the City of Killeen.
- ❑ The proposed apartment complex will include a single 4-story apartment building, surface parking, and a variety of amenities including a pool, fitness center, business center, and resident services space.

Avanti Legacy Parkview

5

- The applicant has submitted an application for the Texas Department of Housing & Community Affairs (TDHCA) for housing tax credit for affordable housing development.
- The development is within the North Killeen Revitalization Area and has received a resolution of support from the City Council (Resolution No. 22-028R).



AERIAL MAP

Council District: 1

0 200 400

Feet

Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A,
(NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571

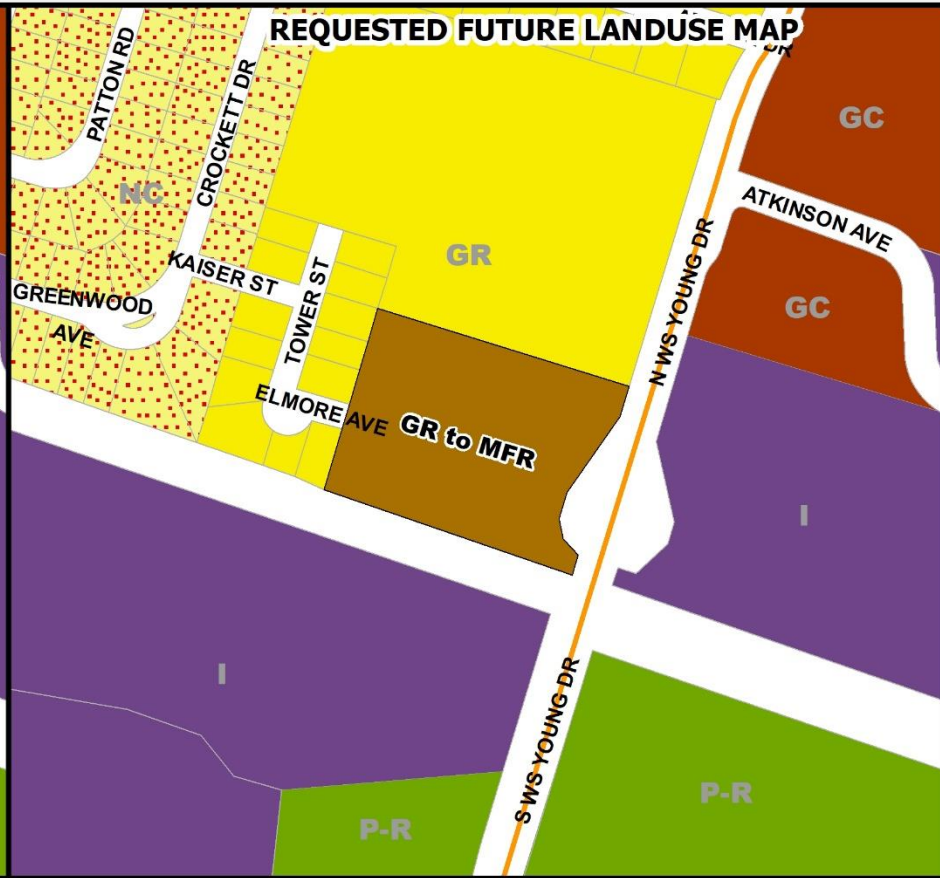
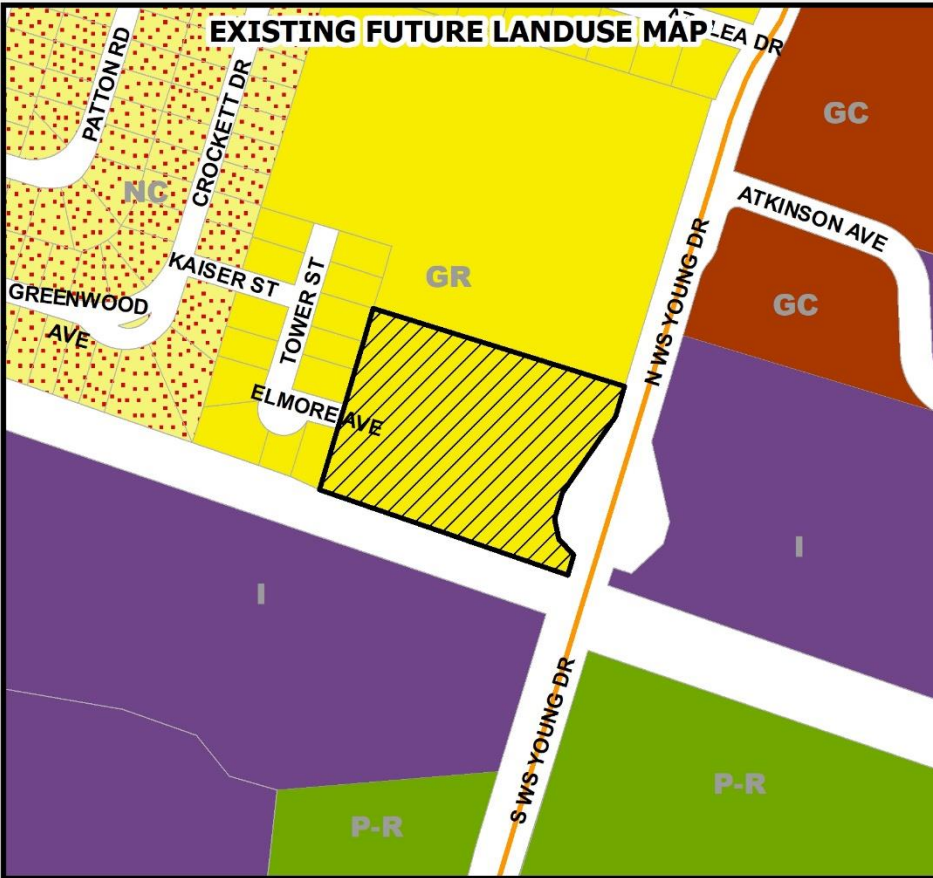
Zoning Case 2022-03

R-1 TO PUD W/ R-3A

Legend

 Citylimits

 Zoning Case 2022



FUTURE LAND USE MAP

Case: FLUM AMENDMENT 2022-03

Council District: 1
FROM GR TO MFR

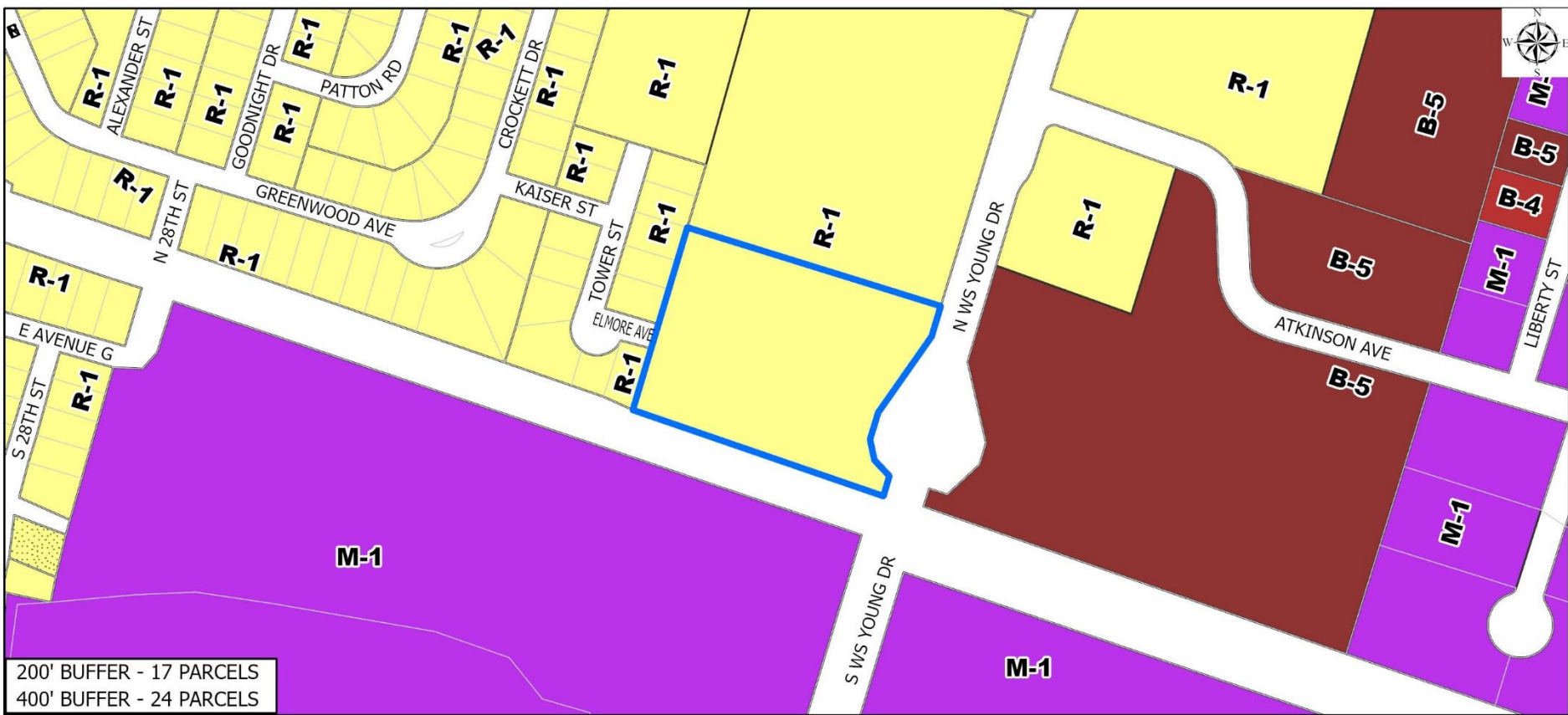
Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A, (NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571

Future Land Use Legend	
	FLUM Case Location
	Industrial (I)
	Neighborhood Conservation (GC)
	General Residential (GR)
	General Commercial (GC)
	Parks-Recreation (P-R)

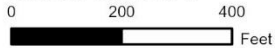


1 inch = 122

Date: 1/13/2022



ZONING MAP
Council District: 1



Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A,
(NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571

Zoning Case 2022-03 R-1 TO PUD W/ R-3A

Case #FLUM 22-03 & Z22-03

9

View of Destiny World Outreach to the north:



Case #FLUM 22-03 & Z22-03

10

View of the surrounding property to the west:



Case #FLUM 22-03 & Z22-03

11

View of the surrounding property to the east (across N. W.S. Young Dr.):

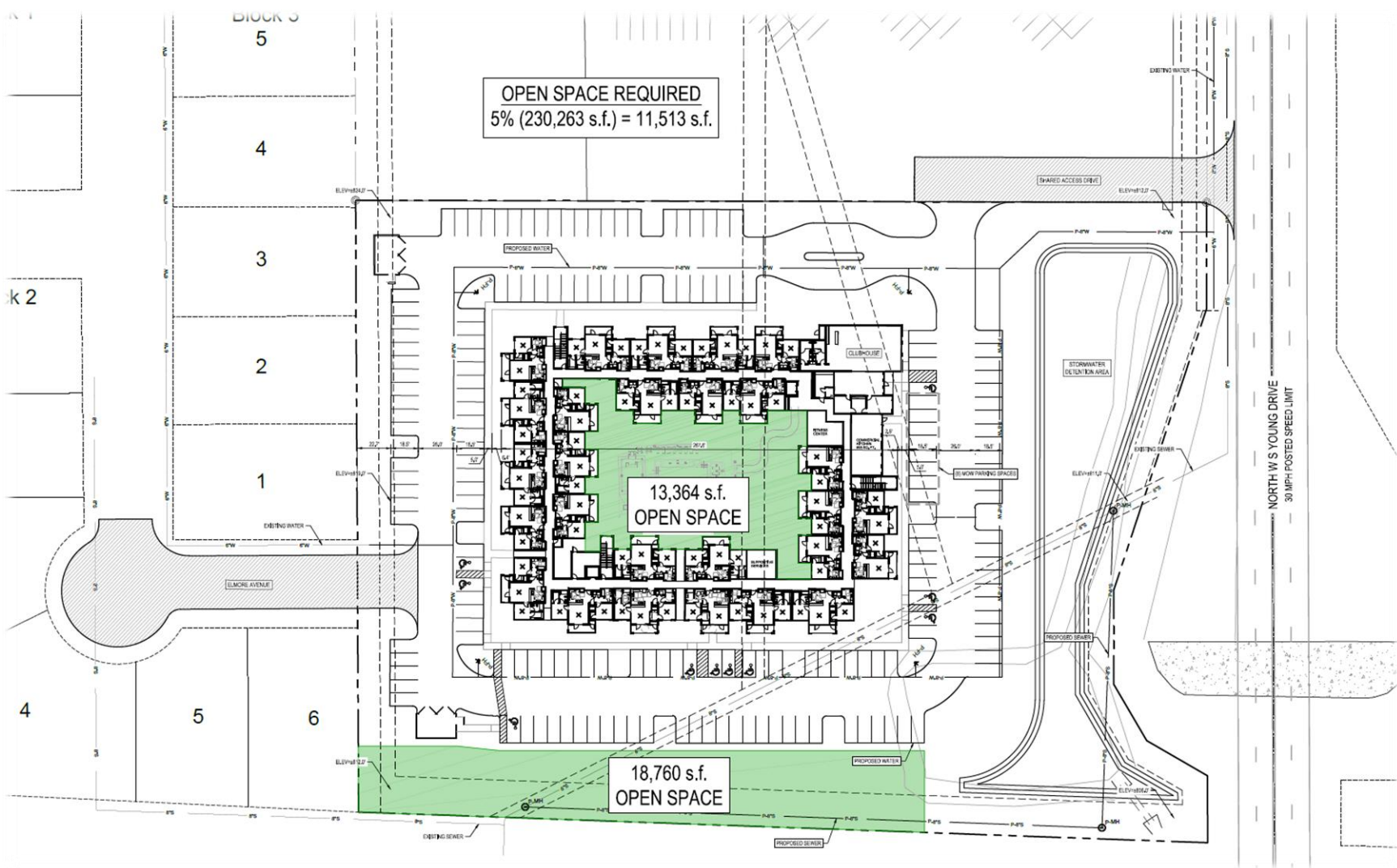


Case #FLUM 22-03 & Z22-03

12

- The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

OPEN SPACE REQUIRED
5% (230,263 s.f.) = 11,513 s.f.





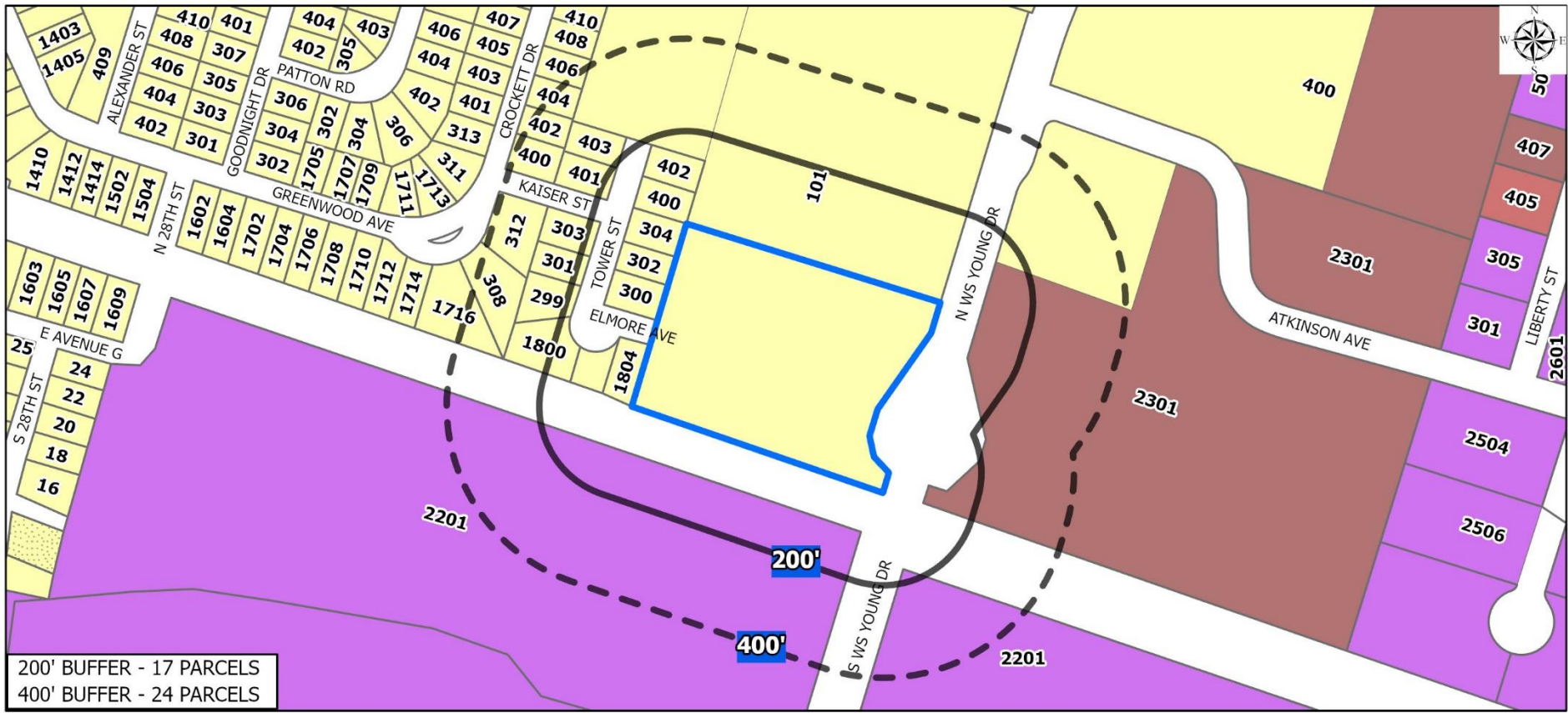




Public Notification

17

- ❑ Staff notified to twenty-four (24) surrounding property owners regarding this request.
- ❑ Of those notified, four (4) property owners reside outside of Killeen.
- ❑ To date, staff has received no written responses regarding this request.



NOTIFICATION MAP

Council District: 1



Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A,
(NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571

Zoning Case 2022-03 R-1 TO PUD W/ R-3A

Legend

CurrentZoning

B-4

B-5

M-1

R-1

R-1X

Alternatives - FLUM

19

- ❑ The City Council has three (3) alternatives. The Council may:
 - ▣ Disapprove the applicant's FLUM amendment request;
 - ▣ Approve a more restrictive FLUM designation, such as 'Planned Development' (PD); or
 - ▣ Approve the applicant's FLUM amendment request as presented.

Alternatives - Zoning

20

- ❑ The City Council has three (3) alternatives. The Council may:
 - ▣ Disapprove the applicant's PUD request;
 - ▣ Approve the proposed PUD with conditions; or
 - ▣ Approve the PUD as requested by the applicant.

Staff Findings

21

- Staff finds that the proposed development will provide housing options within the area and promote aging in place and inclusionary housing by providing high-quality affordable housing for elderly members of the community with available miscellaneous amenities.
- In addition, staff is of the determination that the proposed development is compatible with the prevailing community character of the area. The character of the area includes predominantly residential uses and institutional uses including religious institution, parks and open space, and educational facilities.

Staff Recommendation

22

- Therefore, staff recommends approval of both the FLUM and zoning requests as presented.

Commission Recommendation

23

- At their regular meeting on June 6, 2022, the Planning and Zoning Commission recommended approval of both the FLUM amendment and zoning request by a vote of 6 to 0.



City of Killeen

Staff Report

File Number: PH-22-054

1	City Council Workshop	07/05/2022	Reviewed and Referred	City Council	07/12/2022
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HOLD a public hearing and consider an ordinance requested by Avanti Legacy Bell Square, LP, on behalf of Destiny World Outreach Center, Inc. (**Case #Z22-03**) to rezone approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570 from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) w/ "R-3A" (Multifamily Apartment Residential District). The property is generally located on the west side of North W. S. Young Drive, approximately 830 feet south of the intersection of Azalea Drive, Killeen, Texas.

DATE: July 5, 2022

TO: Kent Cagle, City Manager.

FROM: Edwin Revell, Executive Director of Development Services.

SUBJECT: ZONING CASE #Z22-03: "R-1" to (PUD) W/ "R-3A".

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Destiny World Outreach Center, Inc.

Agent: Avanti Legacy Parkview, LP

Current Zoning: "R-1" (Single-Family Residential District District)

Proposed Zoning: Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District)

Current FLUM Designation: 'General Residential' (GR)

Requested FLUM Designation: 'Multi-Family Residential' (MFR)

Summary of Request:

Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc., has submitted a request to rezone approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570, from "R-1" (Single-Family Residential District), to Planned Unit Development (PUD) w/ "R-3A" (Multifamily Apartment Residential District).

If approved, the applicant intends to develop the property into a multifamily housing complex which includes a kitchen that will be occupied by Killeen Meals on Wheels organization, in partnership with the City of Killeen. The proposed apartment complex will include a single four-story apartment building, surface parking, and a variety of amenities including a pool, fitness center, business center, and resident services space. The community will provide one hundred eight (108) units, which will be dedicated to people 55 years and older. The development is within the North Killeen Revitalization Area and has received a resolution of support from the City Council (Resolution No. 22-028R).

All lots within the proposed PUD will meet the minimum standards for lot size and area requirements in accordance with the underlying base zoning. The applicant is proposing PUD standards as

described in the attached PUD Features and Regulations document. Proposed standards include increased site standards, enhanced architectural design, provision for a variety of amenities including community laundry room, fitness center, and open space including a standard pool with sitting area.

Zoning/Plat Case History:

The subject property is currently zoned "R-1" (Single-Family Residential District). Staff is unable to determine the exact date of zoning. The property is currently platted as part of Destiny World Outreach Addition Phase Two, Block 1, Lot PT 1A.

Character of the Area:

North: Religious institution (Destiny World Outreach Center) zoned "R-1" (Single-Family Residential District)

East: KISD administrative building zoned "B-5" (Business District)

South: Park and open space (Andy K Wells Hike and Bike Trail and Rotary Club Neighborhood Children's Park) across the railroad track zoned "M-1" (Manufacturing District)

West: Undeveloped residential property and duplexes zoned "R-1" (Single-Family Residential District)

Future Land Use Map Analysis:

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

The 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus
- Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes)
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
- Public/ institutional; or
- Parks and public spaces

If approved, the 'Multi-Family Residential' (MFR) designation encourages the following development types:

- Multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums); or
- Parks and public spaces

The request is not consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant submitted a concurrent request to amend the Future Land Use Map (FLUM) from 'General Residential' (GR) designation to 'Multi-Family Residential' (MFR) designation.

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and utility services are located within

the City of Killeen municipal utility service area and available to the subject tract.

Transportation and Thoroughfare Plan:

Ingress and egress to the property are from W. S. Young Drive, which is classified as a 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified twenty-four (24) surrounding property owners regarding this request. Of those property owners notified, seven (7) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and four (4) reside outside of Killeen.

As of the date of this staff report, staff has received no written responses regarding this request.

Staff Findings:

The character of the 'General Residential' (GR) land use category is auto-oriented (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'GR' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

The 'Multi-Family Residential' (MFR) designation is typically auto-oriented but can be softened by perimeter and on-site landscaping, minimum spacing between buildings, site coverage limits, and on-site recreation or open space criteria.

The current zoning of the subject property is "R-1" (Single-Family Residential District). The surrounding area includes predominantly residential uses and institutional uses including religious institution, parks and open space, and educational facilities.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives. The Council may:

- Disapprove the proposed PUD;
- Approve the PUD with additional/ and/or amended conditions; or
- Approve the proposed PUD as presented.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's PUD request as presented. Staff finds that the proposed development will provide housing options within the area and promote aging in place and inclusionary housing by providing high-quality affordable housing for elderly members of the community with various open space amenities.

In addition, staff is of the determination that the proposed development is compatible with the prevailing community character of the area. The character of the area includes predominantly residential uses and institutional uses including religious institution, parks and open space, and educational facilities.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

RECOMMENDATION:

At their regular meeting on June 6, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

DEPARTMENTAL CLEARANCES:

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

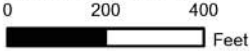
ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance
PUD Concept Plan
PUD Standards
Renderings
Considerations



Attachment #3

Council District: 1



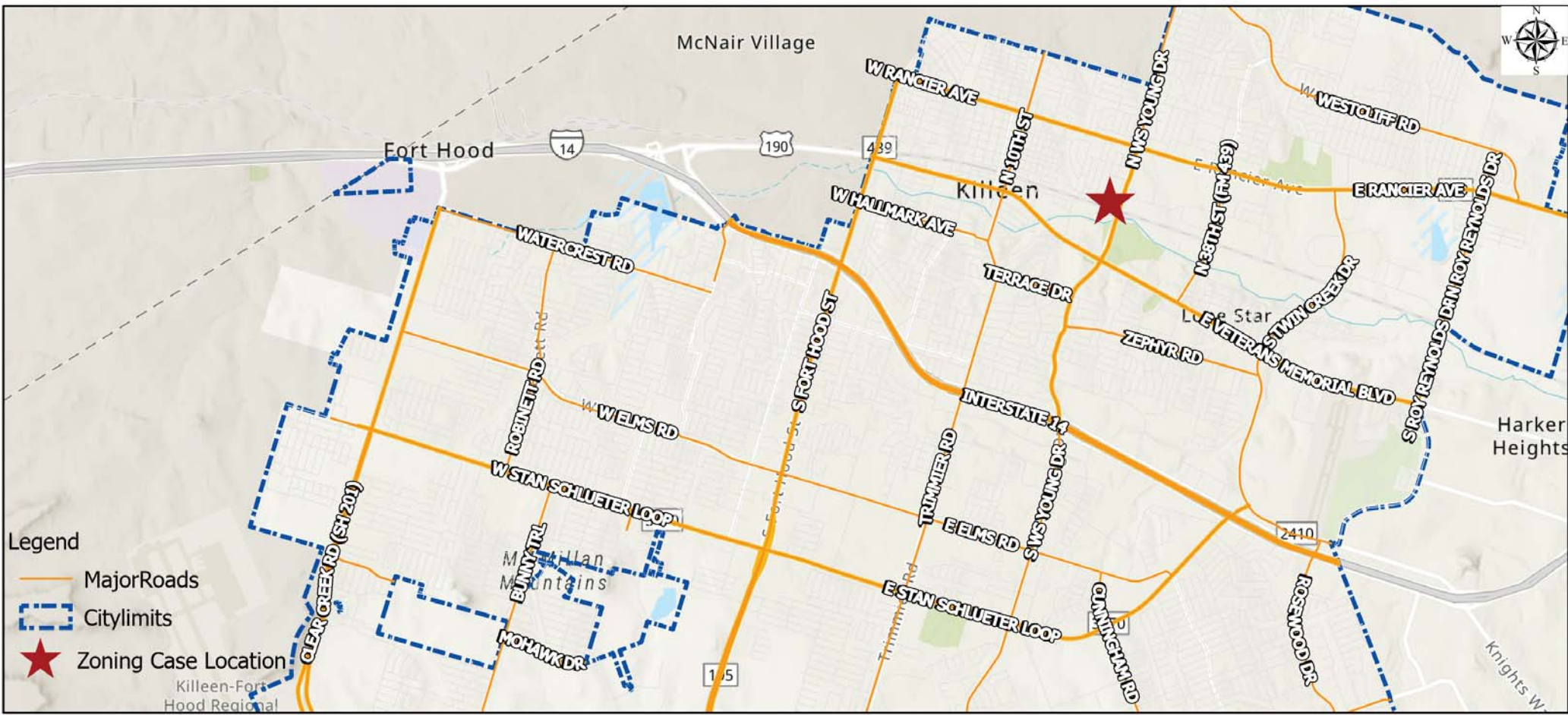
Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A,
(NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571

Zoning Case 2022-03

R-1 TO R-3A

Legend

- Citylimits
- Zoning Case 2022



Attachment #2

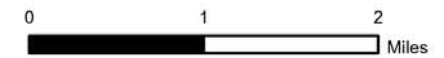
Location Map

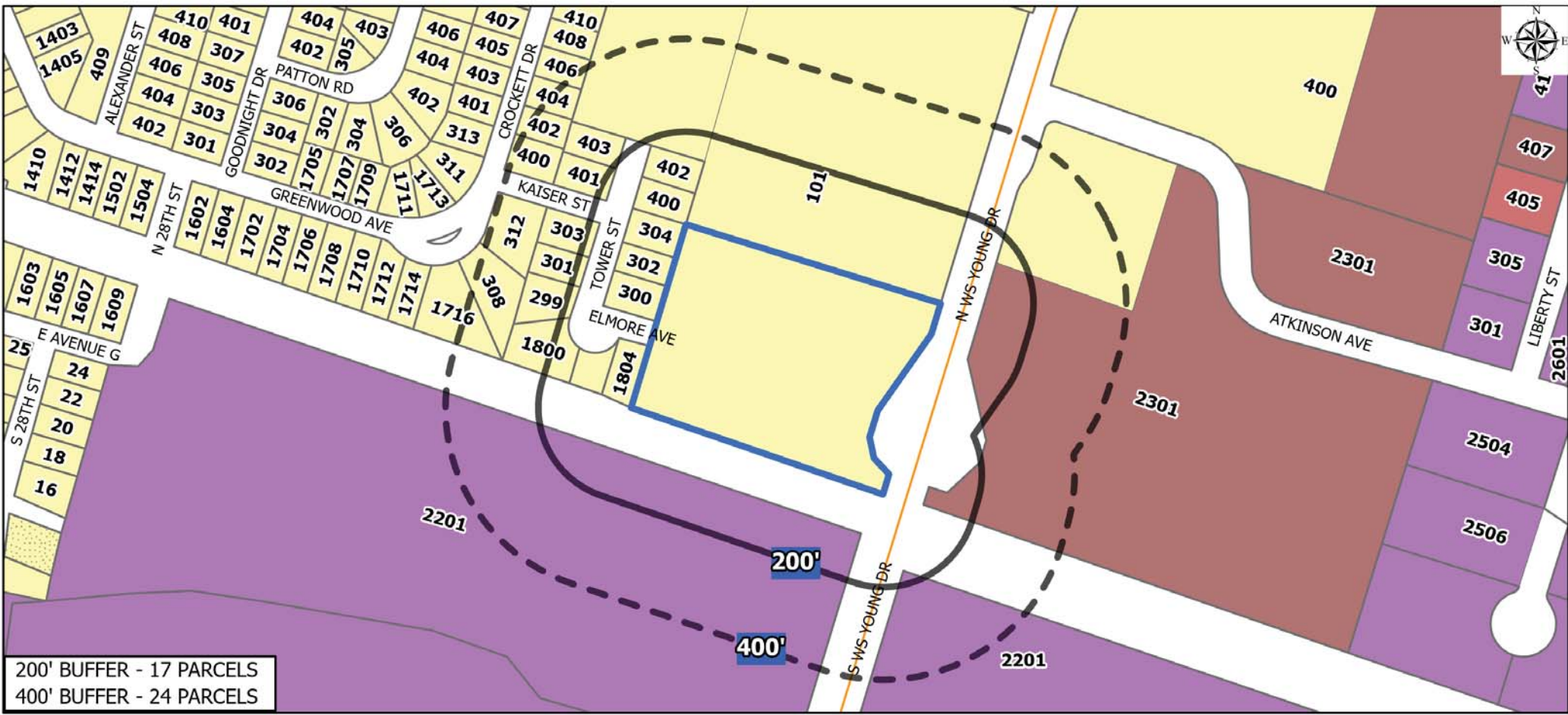
Council District: 1

Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A,
(NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571

Zoning Case 2022-03

R-1 TO R-3A





Attachment #1
Council District: 1
Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A,
(NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571

Zoning Case 2022-03

R-1 TO R-3A

Legend	Current Zoning	M-1
	B-4	R-1
	B-5	R-1X

SITE PHOTOS

Case #Z22-03: "R-1" to PUD w/ "R-3A"



View of the subject property looking west:



View of Destiny World Outreach to the north:



SITE PHOTOS

Case #Z22-03: "R-1" to PUD w/ "R-3A"



View of the surrounding property to the west:



View of the surrounding property to the east (across N WS Young Dr):



MINUTES
PLANNING AND ZONING COMMISSION MEETING
June 6, 2022

CASE #Z22-03
“R-1” to “R-3A”

HOLD a public hearing and consider a request submitted by Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc. (**Case #Z22-03**) to rezone approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570 from “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) w/ “R-3A” (Multifamily Apartment Residential District). The property is generally located on the west side of North W. S. Young Drive, approximately 830 feet south of the intersection of Azalea Drive, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request, as it is consistent with the character of the area.

Chairman Latham opened the public hearing.

The applicant’s agent, Mr. Michael Tamez of Madhouse Development, was present to represent the case.

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

Commissioner Gukeisen made a motion to recommend approval of the request as presented. Commissioner Jones seconded, and the motion passed by a vote of 6 to 0.

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 5.30 ACRES OUT OF THE H. C. MCCLUNG SURVEY, ABSTRACT NO. 570, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO A 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, Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc, 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 5.30 acres out of the H.C. McClung Survey, Abstract No. 570, from “R-1” (Single-Family Residential District), to Planned Unit Development (PUD) w/ “R-3A” (Multifamily Apartment Residential District), said request having been duly recommended for approval of the Planned Unit Development (PUD) w/ “R-3A” (Multifamily Apartment Residential District) by the Planning and Zoning Commission of the City of Killeen on the 6th day of June 2022, 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 2022, 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 applicant’s zoning request should be approved as recommended 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 approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570, from “R-1” (Single-Family Residential District), to

Planned Unit Development (PUD) w/ “R-3A” (Multifamily Apartment Residential District), said request having been duly recommended for approval of the Planned Unit Development (PUD) w/ “R-3A” (Multifamily Apartment Residential District), for the property which is the southern portion of the parcel addressed as 101 N WS Young Drive, Killeen, Texas and generally located west of N WS Young Drive and south of Azalea 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 12th day of July 2022, 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:

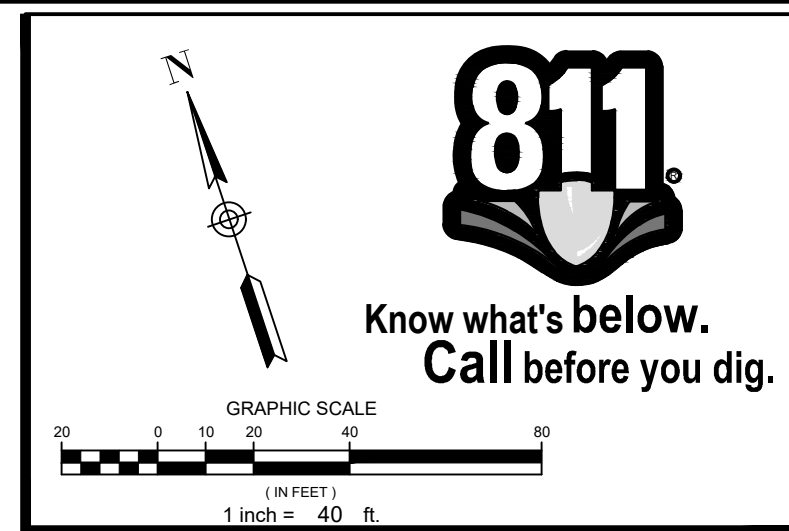
Debbie Nash-King, MAYOR

ATTEST:

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

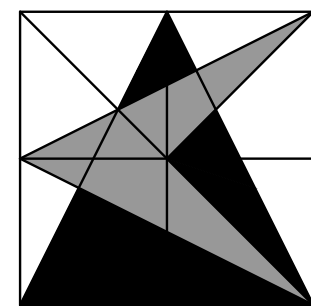
Holli C. Clements, Interim City Attorney
Case #22-03
Ord. #22-____



NOTES

1. THE ENGINEER HAS RESEARCHED CODES, ORDINANCES, AND OTHER DEVELOPMENTAL REQUIREMENTS OF LOCAL GOVERNMENT, INCLUDING FIRE, WITH JURISDICTION OVER THE SITE, AND VERIFIES THAT THE SITE PLAN CONFORMS TO ALL APPLICABLE ZONING, SITE DEVELOPMENT, AND BUILDING CODE ORDINANCES.
2. THERE ARE NO KNOWN VARIANCES THAT WILL BE REQUIRED FOR THIS PROJECT.
3. DIMENSIONS ARE TO BACK OF CURB. RADII ARE TO BACK OF CURB, OR CENTER OF STRIPING UNLESS NOTED OTHERWISE.
4. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF BUILDING EXIT PORCHES, RAMPS, SIDEWALKS, DOWN SPOUTS AND OTHER APPURTENANCES WHICH ARE CONNECTED TO THE BUILDING, PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY LOCATIONS.
5. CONTRACTOR SHALL REFER TO ELECTRICAL PLANS FOR TYPES OF LIGHT FIXTURES AND CONDUIT ROUTING.
6. ALL FACE OF CURB RADII/USES NOT NOTED SHALL BE 2.0' RADIUS.
7. CONTRACTOR SHALL PROVIDE FIRE LANE STRIPING AS PER GOVERNING ENTITY.
8. TOPOGRAPHIC INFORMATION WAS OBTAINED FROM GOOGLE EARTH.
9. THE MINIMUM HORIZONTAL SEPARATION BETWEEN PARALLEL WATER AND SEWER LINES IS NINE (9) FEET, OR MINIMUM VERTICAL SEPARATION BETWEEN CROSSING WATER AND SEWER LINES IS EIGHTEEN (18) INCHES.
10. STORM WATER DETENTION IS ANTICIPATED FOR THIS DEVELOPMENT.
11. RETAINING WALLS ARE ANTICIPATED FOR THIS SITE.
12. ACCESSIBLE ROUTES SHALL BE PROVIDED IN COMPLIANCE AND IN ACCORDANCE TO THE FAIR HOUSING DESIGN MANUAL.
13. SUBJECT PROPERTY DOES NOT APPEAR TO BE SITUATED WITHIN THE 100-YR FLOODPLAIN, PANEL 48027C0280E DATED 9/26/2008.
14. FINISHED GROUND FLOOR ELEVATION FOR BUILDINGS LOCATED WITHIN 100-YR FLOODPLAIN SHALL BE AT LEAST ONE FOOT ABOVE 100-YR FLOOD ELEVATION.
15. PAVEMENT ELEVATION LOCATED WITHIN THE 100-YR FLOODPLAIN SHALL BE EQUAL TO 100-YR FLOOD ELEVATION.
16. SETBACKS:
FRONT YARD - 25'
SIDE YARD - 25'
REAR YARD - 25'

PARKING REQUIREMENT CHART			
TOTAL UNITS	PARKING CALCULATION	PARKING REQUIRED	PARKING PROVIDED
108	1 2/3 SPACES PER UNIT	180	180



CARNEY
ENGINEERING,
PLLC.

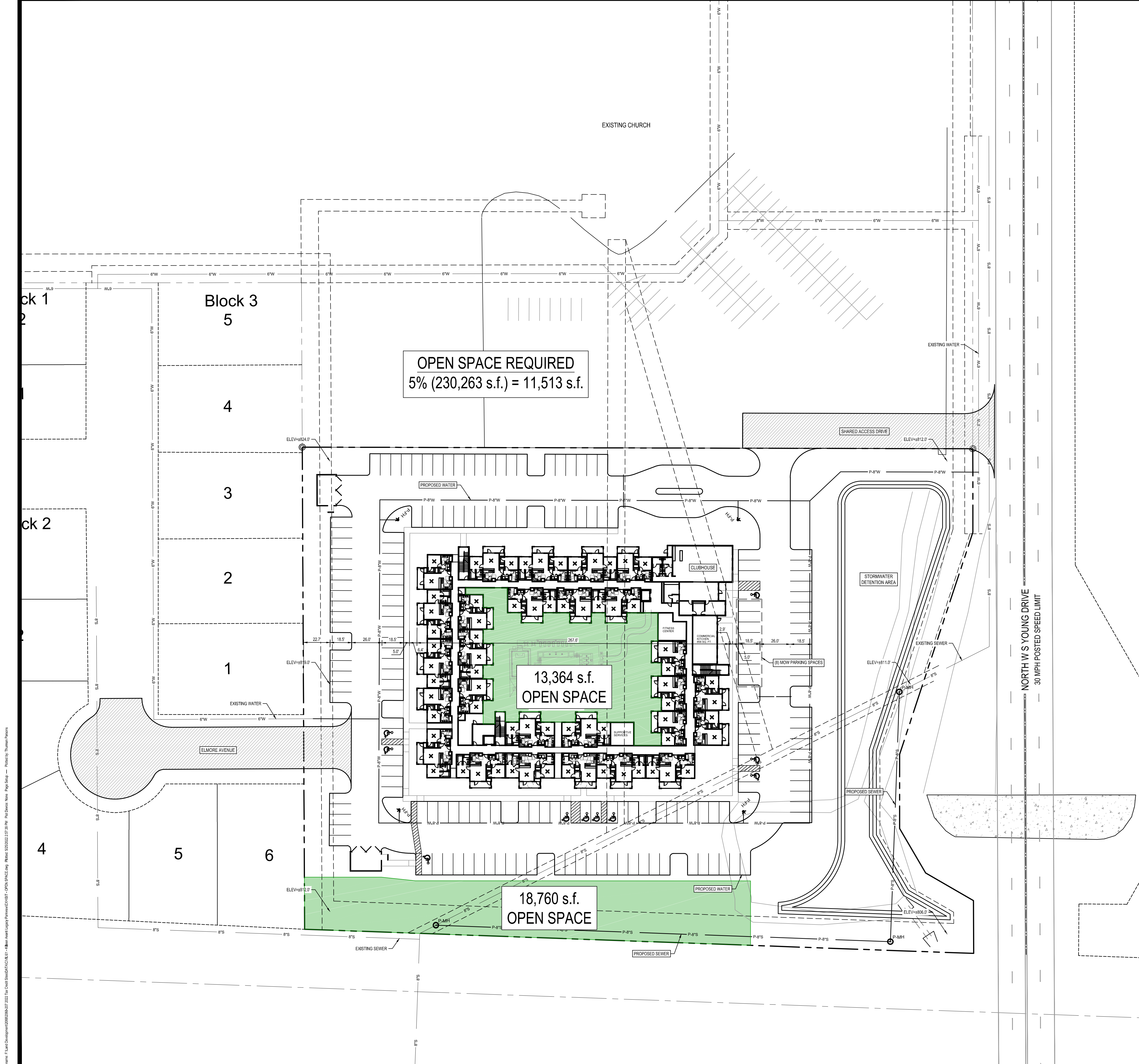
5700 GRANITE PARKWAY, SUITE 200
Plano, Texas 75024
PH (469) 443-0861
FAX (469) 443-0863

This document is released for the purpose of interim review under the authority of Craig Carney, P.E. # 55714 on May 25, 2022. It is not to be used for construction or permitting.

TBPE FIRM REGISTRATION NO: F-5033

DRAWN BY:	TCF
CHECKED BY:	JAH
START DATE:	02/10/2022
SCALE:	SEE PLAN
PROJECT NO.:	2068-207

C4.0



AVANTI LEGACY PARKVIEW, LP

ZONING CASE #22-03

I. Description of Subject Property

The subject property is an approximately 5.268-acre undeveloped tract located south of Atkinson Drive and west of N. W. S. Young Drive. The property is more particularly described by metes and bounds within the property survey attached as **EXHIBIT A**.

II. Purpose Statement

The purpose of this Planned Unit Development (PUD) is to establish land use and building design concepts for development of a multifamily housing complex which includes a Kitchen that will be occupied by the Killeen Meals on Wheels organization, in partnership with the City of Killeen. The proposed apartment complex will include a single four-story apartment building, surface parking, and a variety of amenities including a pool, fitness center, business center, and resident services space. The community will provide 108 units, which will be dedicated to people 55 years and older. The development is also in the North Killeen Revitalization Area, and has received a resolution of support from the City Council (Resolution No. 22-028R).

III. Amendments and Severability

Boundary changes and other amendments to this ordinance shall follow the same policies and procedures for considering zoning change applications prescribed in the City of Killeen Zoning Ordinance.

IV. General Regulations

The base zoning of this Planned Unit Development (PUD) is R-3A Multifamily Apartment Residential District. All regulations of the R-3A Multifamily Apartment Residential District as set forth in Division 8B of the City of Killeen Code of Ordinances shall apply, except as otherwise specified by the Planned Unit Development (PUD) Conditions.

V. Additional Permitted Use

The development site will also include a large kitchen, which will be used by the Killeen Meals on Wheels program to prepare and distribute meals to the community. Through this PUD, this use will be considered a permitted use and will meet all development requirements as set forth by City of Killeen Code of Ordinances.

VI. Concept Plan

Development shall be in general conformance with the Conceptual Site Plan labeled **EXHIBIT B**. In the event there is a conflict between the approved Conceptual Site Plan and the Specific Regulations below, the Specific Regulations shall apply.

Avanti Legacy Parkview, LP
8500 Shoal Creek Blvd, Bldg. 4, Ste. 208, Austin, TX 78757
Phone – (512) 982-1342 | Fax – (512) 900-2860
contact@madhousedevelopment.net

VII. Building Elevation

Development shall be in general conformance with the building elevation labeled **EXHIBIT C**. In the event there is a conflict between the elevations and the Specific Regulations below, the Specific Regulations shall apply.

VIII. Specific Regulations

- A. Height regulations: The height of the building within this district shall not exceed Four (4) stories. In accordance with the R-3A district regulations, one (1) foot of setback shall be dedicated for every additional Two (2) feet of building height above thirty-five (35) feet.
- B. Roof pitch: Residential buildings shall provide a gable roof with pitch no less than four (4) over twelve (12) and not to exceed nine (9) foot to twelve (12) foot slope. Sections of flat roof are permissible to allow parapet accents on the buildings. Architectural asphalt shingles shall be used to incorporate gables, hips, and undulating massing. Horizontal venting is allowed provided that the vents are painted to match the adjacent facade. A vent hood system will be installed to accommodate the kitchen, rooftop venting for this will be painted or concealed as required.
- C. Site regulations:
 - a. Side and rear elevations of buildings shall incorporate architectural features and exterior materials that are generally consistent with the front elevation.
 - b. All buildings and structures, including accessory structures and dumpster enclosures, must share a common, identifiable, complementary design or style.
 - c. Drainage features such as detention ponds and associated landscaping, screening, and facilities may encroach the front, side, or rear yard setback.
 - d. The property shall meet all the landscaping code requirements and shall be maintained by the use of an irrigation system and adequate maintenance. Additionally, the development will use landscaping to meet the land disturbance code requirements, which are inspected annually through the life of the building.
- D. Density: The development will be permitted to have a unit density of twenty-one (21) units per acre or less. The development will also contain a large kitchen that will be used by the Meals on Wheels program.
- E. Architectural design:
 - a. Building elevations will vary based on building layout, but generally shall be a consistent theme with consistent materials and colors used on all sides of the buildings. Architectural features will be highlighted by using two (2) or more paint colors and two (2) or more materials per building.

- b. Nominal nine (9) foot ceilings will be provided on all residential buildings.
 - c. Building massing shall create visual movement in the facade through the use of projections, recesses, balconies, awnings, canopies, shutters and windows. Exterior wall shall not have an uninterrupted length greater than thirty-six (36) feet in length. Recesses and projections shall be at least thirty (30) inches in depth. Flat facade expanses exceeding thirty-six (36) feet in width are prohibited. Fully recessed balconies and windows can be used to comply with section.
 - d. All stairs (except entry stairs and stoops to individual units and shared hallways) and elevated walkways shall be fully integrated into the architectural design of the building.
 - e. Building shall be elevator served.
- F. Windows and doors: Windows shall be trimmed with fiber cement board. Allowed window materials include vinyl, fiberglass, or aluminum. Covered building entry ways are required.
- G. Amenities: The apartment complex will be provided a fully furnished integrated clubhouse and amenity spaces. The clubhouse shall have a minimum average ceiling height of ten (10) feet. The development will provide a community laundry room, business center equipped with computers and a printer, and a fitness center.
- H. Ancillary Structures/Accessory Buildings: Buildings for storage, maintenance, and equipment shall be consistent with the design and material of the residential buildings.
- I. Open Space: A minimum of five (5) percent of the area shall be maintained as open space, as defined in the Code of Ordinances. The development shall include a standard pool with sitting area in the Open Space calculation.
- J. Fencing: Perimeter fencing shall be a minimum of six (6) feet in height with black, powder-coated metal vinyl chain-link designed or decorative metal fencing. Screening from the adjacent park is not required in order to preserve connectivity and resident views of the parkland. Six (6) privacy fencing will be installed along the adjacent single-family residences.
- K. Dumpster Enclosure: Dumpsters shall be screened from view on all sides by a masonry wall at least eight (8) feet in height with a gate.
- L. Parking regulations: The development site shall have a total of 150 parking spaces. Up to five (5) percent of these shall be designated for the Meals on Wheels facility and used for loading as well as employee parking.
- M. Noise Mitigation: A qualified third party has been engaged to perform a noise assessment and the development site to assess the impact of the railroad and road on the noise levels. Sound mitigation will be provided in accordance with HUD standards based on the findings by the study.







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 of Killeen

Staff Report

File Number: PH-22-055

1	City Council Workshop	07/05/2022	Reviewed and Referred	City Council	07/12/2022
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HOLD a public hearing and consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen; providing for emergency shelters, transitional housing, and permanent supportive housing for persons experiencing homelessness as permitted uses in "R-3A" (Multifamily Apartment Residential District).

DATE: July 5, 2022

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Chapter 31 - Shelters for Persons Experiencing Homelessness

BACKGROUND AND FINDINGS:

The City's zoning ordinance currently does not have established use categories for permanent or temporary shelters for persons experiencing homelessness. Presently, permanent and temporary housing is permitted by right in "B-5" (Business District) under the "any commercial use not included in any other district" category.

If approved, the proposed ordinance will provide definitions for "emergency shelter," "transitional housing," and "permanent supportive housing for persons experiencing homelessness." It will also establish these use categories as permitted by right within the "R-3A" (Multifamily Apartment Residential) zoning district.

Proposed definitions are as follows:

Emergency shelter for persons experiencing homelessness shall mean a supervised private facility that provides temporary living accommodations for persons experiencing homelessness.

Permanent supportive housing shall mean a facility providing indefinite leasing or rental assistance with supportive services for disabled persons experiencing homelessness.

Transitional housing shall mean a facility providing temporary housing with supportive services to individuals and families experiencing homelessness with the goal of interim stability and support to successfully move to and maintain permanent housing.

THE ALTERNATIVES CONSIDERED:

The City Council has three (3) alternatives:

- Do not approve the ordinance;
- Approve the ordinance with modifications; or
- Approve the ordinance as presented.

Which alternative is recommended? Why?

Staff recommends approval of the ordinance as presented.

CONFORMITY TO CITY POLICY:

This ordinance conforms to all policies outlined in the City's zoning ordinance.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This is not applicable

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:

On June 6, 2022, the Planning and Zoning Commission recommended approval of the ordinance as presented by a vote of 5 to 0.

DEPARTMENTAL CLEARANCES:

The items have been reviewed by the Planning and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Ordinance
Minutes

MINUTES
PLANNING AND ZONING COMMISSION MEETING
June 6, 2022

HOLD a public hearing and consider an ordinance amending Chapter 31 of the Code of Ordinances of the City of Killeen to allow emergency shelters, transitional housing, and permanent supportive housing for persons experiencing homelessness as permitted uses in “R-3A” (Multi-Family Apartments Residential District).

Ms. Meshier briefed the Commission regarding the proposed ordinance. She stated that the intent of the ordinance is to establish definitions for emergency shelters, permanent supportive housing, and transitional housing, and to allow those uses by-right in “R-3A” (Multifamily Apartment Residential District).

Chairman Latham opened the public hearing.

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

Commissioner Ploeckelmann made a motion to recommend approval of the request as presented. Commissioner Gukeisen seconded, and the motion passed by a vote of 5 to 0.

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND PERMANENT SUPPORTIVE HOUSING FOR PERSONS EXPERIENCING HOMELESSNESS AS PERMITTED USES IN “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, the City of Killeen has declared the application and enforcement of the City’s zoning regulations to be necessary for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare of the City; and,

WHEREAS, the City Council desires to amend district regulations to preserve and enhance surrounding property values; and,

WHEREAS, the City Council finds that such amendments are necessary and will provide consistent and even application of zoning regulations to all applicants;

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

SECTION I. That Chapter 31 of the City of Killeen Code of Ordinances is hereby amended as follows:

Sec. 31-2. Definitions.

Emergency shelter for persons experiencing homelessness shall mean a supervised private facility that provides temporary living accommodations for persons experiencing homelessness.

Permanent supportive housing shall mean a facility providing indefinite leasing or rental assistance with supportive services for disabled persons experiencing homelessness.

Transitional housing shall mean a facility providing temporary housing with supportive services to individuals and families experiencing homelessness with the goal of interim stability and support to successfully move to and maintain permanent housing.

Sec. 31-256.1. Use regulations.

- (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) Apartment complexes.
 - (3) Boarding and lodging houses.
 - (4) Fraternity or sorority houses.
 - (5) Dormitories for educational or employment purposes as a primary use.
 - (6) Any group housing activity not otherwise identified in another multifamily or business district.
 - (7) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business.
 - (8) Emergency shelter for persons experiencing homelessness.
 - (9) Transitional housing.
 - (10) Permanent supportive housing.
- (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.

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

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 12th day of July, 2022, 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

Debbie Nash-King, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lucy C. Aldrich, CITY SECRETARY

~~Traci S. Briggs~~ Holli C. Clements, Interim
CITY ATTORNEY



ORDINANCE AMENDING CHAPTER 31 – HOMELESS SHELTERS

PH-22-055

July 5, 2022

168

Background

2

- The City's zoning ordinance currently does not have established use categories for permanent or temporary shelters for persons experiencing homelessness.
- Presently, permanent and temporary housing is permitted in "B-5" (Business District) under the *"any commercial use not included in any other district"* category.

Background

3

- The purpose of the proposed ordinance is to:
 - ▣ Establish definitions for “emergency shelter,” “transitional housing,” and “permanent supportive housing for persons experiencing homelessness,” and
 - ▣ Permit these uses by-right within the “R-3A” (Multifamily Apartment Residential) zoning district.

Definitions

4

- ***Emergency shelter for persons experiencing homelessness*** shall mean a supervised private facility that provides temporary living accommodations for persons experiencing homelessness.
- ***Permanent supportive housing*** shall mean a facility providing indefinite leasing or rental assistance with supportive services for disabled persons experiencing homelessness.
- ***Transitional housing*** shall mean a facility providing temporary housing with supportive services to individuals and families experiencing homelessness with the goal of interim stability and support to successfully move to and maintain permanent housing.

Alternatives

5

- ❑ The City Council has three (3) alternatives:
 - ▣ Do not approve the ordinance;
 - ▣ Approve the ordinance with modifications; or
 - ▣ Approve the ordinance as presented.

Recommendations

6

- Staff recommends approval of the ordinance as presented.
- On June 6, 2022, the Planning and Zoning Commission recommended approval of the ordinance as presented by a vote of 5 to 0.