

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z15-22 "B-3" (LOCAL BUSINESS DISTRICT) AND "A-R1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH "B-2" (LOCAL RETAIL DISTRICT) AND "R-3A" (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

Killeen Engineering and Surveying submits this request on behalf of Texas Sunflower Ltd., to rezone approximately 23.52 acres out of the J.E. Maddera Survey, Abstract No. 600, from "A-R1" (Agricultural Single-Family Residential District) and "B-3" (Local Business District) to Planned Unit Development (PUD) with underlying zoning of "B-2" (Local Retail District) for approximately 4.88 acres and "R-3A" (Multifamily Apartment Residential District) for approximately 18.64 acres. The property is located southeast of the intersection of W. Stan Schlueter Loop (FM 3470) and Clear Creek Road (S.H. 201), Killeen, Texas.

The applicant is proposing the following items as an amenities package:

Resort style pool with nice decking and pool furniture

Outdoor grilling areas with pavers, stone, etc.

Pet park

Sand volleyball court

Coffee bar in the front office

Very modern, upscale 24 hour fitness center

Garages

Covered parking with pergola look

Media/business center

Upscale clubhouse/recreation room

Full landscaping package at entries/business office, and ornamental shade trees around the property/perimeter

Balcony at every unit

The skilled nursing facility will have similar architectural features and material palette to give high-end residential feel to building, and cohesive look between the two properties.

District Descriptions:

(a) Uses. A building or premises in a "R-3A" Multifamily Apartment Residential District shall be used only for the following purposes:

(1) Any use permitted in the R-1 or R-2 districts.

- (2) Multifamily structures containing five (5) or more separate dwelling units, including large apartment complexes with high rise structures.
 - (3) Boarding and lodging houses.
 - (4) Fraternity or sorority houses.
 - (5) Licensed group or community homes housing six (6) or more persons.
 - (6) Dormitories for educational or employment purposes as a primary use.
 - (7) Any group housing activity not otherwise identified in another multifamily or business district.
 - (8) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business.
- (b) Planned unit development required. Rezoning applications requesting zoning under this division shall be subject to the requirements of 31-256.9 of this division, if applicable.

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

- (a) A Planned Unit Development (PUD) as provided in Chapter 31, Article V, Division 8, Killeen Code of Ordinances shall be required for any request for an "R-3F" and/or "R-3A" district when the total acreage of the request alone, or when the total acreage of the request combined with all adjacent areas zoned "R-2", "R-3", "R-3F", and "R-3A", and/or areas within a two-thousand feet radius of any of the property seeking to be rezoned, consist of twenty-five (25) acres or more. The purpose for requiring a PUD is to provide the Planning and Zoning Commission and the City Council with the ability to determine the proposed development's impact on surrounding properties, existing infrastructure and open/recreational space and also to determine whether additional public improvements to serve denser multifamily development are necessary to promote the health, safety and welfare of the development's residents.
- (b) Properties are considered adjacent and subject to the computation of this section if they are continuously zoned for multifamily and/or two family residential use regardless of ownership, property lines, easements or rights-of-way.
- (c) The applicant shall provide any public infrastructure beyond the city's minimum development standards that is required to service the proposed development, including open/recreational space and oversized water, sewer and drainage facilities and greater street widths.
- (d) The applicant is responsible for determining whether or not a PUD is required. However, if the Director of Planning and Development Services determines at any time that a PUD is required and one was not submitted the applicant shall be informed in writing and they shall either modify their application to include the PUD or withdraw the application and have all associated application fee(s) returned.

A Planned Unit Development (PUD) is a land use design incorporating the concepts of density and common open space. Common open space shall include, but is not limited to, community amenities such as parks, gardens, pedestrian trails, recreation areas, and usable undisturbed, natural areas. The PUD designation serves as an "overlay zoning and development

classification." In this capacity, the designation permits specific negotiated development regulations to be applied to the base land use zoning district(s) in which the property is located. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site. Such specific land use and development regulations shall not take effect until they are reviewed, public hearings held and approved by both the Planning and Zoning Commission and the City Council.

A building or premises in the district "B-2" Local Retail District shall be used only for the following purposes:

- (1) Any use permitted in district "B-1" or "B-DC."
- (2) Appliance (household) sales.
- (3) Bakery shop (retail sales only).
- (4) Barbershop, beauty shop, to include permanent cosmetics (licensed per Texas Health and Safety Code, chapter 146, as amended).
- (5) Construction field office and yard: on the job site; for duration of construction only.
- (6) Cleaning or laundry (pick-up station).
- (7) Cleaning or laundry (self-service) using fully automatic equipment, as follows:
 - a. Washers, capacity of not more than forty (40) pounds.
 - b. Dryers or extractors, capacity of not more than sixty (60) pounds.
 - c. Dry cleaning machines.
- (8) Custom personal service shops, such as a health studio (to include massage establishments as defined in Texas Occupations Code section 455, as amended), answering service, typing service, tailor, employment agency, FM piped music, income tax service, letter or mailing service, marriage counselor, secretarial service or shoe repair.
- (9) Drugstore or pharmacy.
- (10) Electric utility substation.
- (11) Florist (retail): retail sales of flowers and small plants. No flower or plant raising or outside display or storage.
- (12) Grocery store (drive-in).
- (13) Home for the aged.
- (14) Registered public surveyor.
- (15) Restaurant, coffee shop, or café (no drive-in service).
- (16) Retail stores, (other than listed): offering all types of personal consumer goods for retail sales.
- (17) Studio for photography, interior decoration, fine arts instruction, or sale of art objects.
- (18) Telephone exchange building.
- (19) A customarily incidental use.
- (20) Drop-in care centers.

Property Specifics

Applicant/Property Owner: Texas Sunflower, Ltd.

Property Location: The property is located southeast of the intersection of W. Stan Schlueter Loop (FM 3470) and Clear Creek Road (S. H. 201), Killeen, Texas.

Legal Description: 23.52 acres out of the J.E. Maddera Survey, Abstract No. 600, Killeen, Texas.

Zoning/ Plat Case History:

This property was rezoned from "A" (Agricultural District) to "A-R1" and "B-3" on July 11, 2000, per Ordinance #00-54.

The property is not platted.

Character of the Area

Existing Land Use(s) on the Property: The property is vacant and undeveloped.

Figure 1. Zoning Map

See Attachment

Historic Properties: None

Infrastructure and Community Facilities

Water, Sewer and Drainage Services

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility services are available to the above subject tract located within the City of Killeen municipal utility service area. Adequate potable water and sanitary sewer capacity is currently available to the tract. An existing potable water transmission main borders the Stan Schlueter Loop frontage of the subject tract. An existing sanitary sewer gravity interceptor crosses the southeast corner of the subject tract. City of Killeen development criteria require the extension of public sanitary sewer utilities to the subject tract should a development permit application be filed for the property. In addition, any existing on-site sanitary sewer facility (OSSF) within the subject tract must be closed in accordance with all applicable state and local OSSF regulations. No new development within the property may be served by an OSSF.

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

Transportation

Existing conditions: The tract has direct access to both Clear Creek Road (S.H. 201) and Stan Schlueter Loop (FM 3470), which are classified as 110' principal arterials on the City's adopted Thoroughfare Plan. The applicant is advised that ingress/egress for FM 3470 and S.H. 201 is controlled by the state and will be disciplined by TxDOT's Access Management Policies when the property is developed.

Proposed Improvements: No improvements are being proposed to those arterials as part of this development.

Projected Traffic Generation: Significant.

Environmental Assessment

Topography: The property slopes downward in a southeasterly orientation; the elevation ranges from 1,014' on the northern property boundary to 982' on the southeastern property boundary.

Regulated Floodplain/Floodway/Creek: This property is located in a Zone X Special Flood Hazard Area (SFHA). The soils for the site are classified as follows: approximately 15 acres are Denton silty clay with 1 to 3 percent slopes, and approximately 8 acres are Slidell silty clay with 0 to 2 percent slopes (SIB). All 23.52 acres are considered prime farmland. There are no known wetlands on this parcel. This parcel is currently un-platted and has undisturbed drainage patterns. The current Drainage Design Manual (DDM) and Post Construction requirements will apply to any development on this parcel.

Currently runoff on this development concentrates in two historic low points and flows in both a point discharge and sheet flow manner southeast into the headwaters of South Nolan Creek. South Nolan Creek flows into Bell County Water Control and Improvement District #6's impoundment site #1, which is locally known as Pershing Lake on Fort Hood. The runoff then flows into Nolan Creek prior to leaving the City. Nolan Creek is currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

Land Use Analysis

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

Plan Recommendation: The 'General Residential' designation encompasses detached, residential dwelling units, attached housing types, planned developments, as well as parks and public/ institutional places. The 'Suburban Commercial' designation encompasses a range of commercial retail and service uses, at varying scales and intensities depending on the site. Characteristics of this designation are their close proximity to residential areas, reduced site coverage and the exclusion of some auto-oriented uses.

Consistency: The PUD proposal is consistent with the Comprehensive Plan. The PUD contemplates a mix of residential and low-intensity commercial uses; therefore an amendment to the FLUM is not required.

Public Notification

The staff notified fourteen (14) surrounding property owners within a 200' notification boundary. Staff has received no protests.

Recommendation

The applicant's PUD submittal is a result of the amount of land zoned "R-2" and "R-3" within 2,000 feet of the subject property. It shall be noted that the applicant has not sought nor requested any deviations from zoning requirements of the "B-2" and "R-3A" zoning districts except to have the screening requirement be waived for the interior of the property.

The Planning & Zoning Commission unanimously recommended approval of the applicant's PUD zoning request with the following standards and conditions:

- (i) the multifamily development shall not exceed a total of 190 apartment units;
- (ii) the PUD shall adhere to the attached site plan;
- (iii) the development shall provide the following community amenities: volleyball area; dog/ pet park, pool and clubhouse; and
- (iv) the architectural façade standard for the nursing home and apartment development shall be consistent with the current standards for the "R-3A" zoning district.
- (v) the screening requirement between the proposed nursing home and multi-family units shall be waived on the applicant's property.