

## CITY COUNCIL MEMORANDUM

### AGENDA ITEM

**ZONING CASE #Z17-05 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT), "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT) AND "B-5" (BUSINESS DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH "R-3A" (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT)**

### ORIGINATING DEPARTMENT

### PLANNING & DEVELOPMENT SERVICES

Payton Senior L.L.C. submits this request on behalf of Franklin Harris, L.L.C. to rezone approximately 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, from "R-1" (Single-Family Residential District), "R-3" (Multifamily Residential District) and "B-5" (Business District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) uses for a project named *Payton Senior Housing*. The project site is located on an undeveloped tract of land, south of E. Central Texas Expressway, east of O.W. Curry Drive, and west of Cunningham Road. The developer is proposing to construct a 92 dwelling unit project with three (3) apartment buildings, one common building, a pool and 161 parking spaces. The proposed building heights are as follows:

Building 1: 20'  
Building 2: 32' 6"  
Building 3: 13' 2"  
Building 4: 32' 6"

It shall be noted that the applicant's plan is to construct Building 3 as a one story building since it will be located adjacent to an existing single-family neighborhood.

### **District Description:**

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

- (a) Uses. A building or premises in an "R-3A" multifamily apartment residential district shall be used only for the following purposes:
- (1) Any use permitted in the "R-1" or "R-2" districts
  - (2) Multifamily structures containing five (5) or more separate dwelling units, including large apartment complexes with high rise structures
  - (3) Boarding and lodging houses
  - (4) Fraternity or sorority houses
  - (5) Licensed group or community homes housing six (6) or more persons
  - (6) Dormitories for educational or employment purposes as a primary use
  - (7) Any group housing activity not otherwise identified in another multifamily or business district

- (8) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business
- (b) Planned unit development required. Rezoning applications requesting zoning under this division shall be subject to the requirements of 31-256.9 of this division, if applicable

A planned unit development (PUD) is a land use design incorporating the concepts of density and common open space. Common open space shall include, but is not limited to, community amenities such as parks, gardens, pedestrian trails, recreation areas, and usable undisturbed, natural areas. The PUD designation serves as an "overlay zoning and development classification." In this capacity, the designation permits specific negotiated development regulations to be applied to the base land use zoning district(s) in which the property is located. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site. Such specific land use and development regulations shall not take effect until they are reviewed and public hearings held and approved by both the Planning and Zoning Commission and the City Council. The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

- (a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
- (b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and promote pedestrian circulation;
- (c) Allow developers greater freedom to be innovative in selecting the means to provide access, light, open space and amenities; and
- (d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

The regulatory provisions of this classification are intended to achieve the above purposes while maintaining the spirit of the current City of Killeen Development Regulations, as amended. As such, these provisions represent the governing body's minimum quality of life standard and no variance or exception shall be granted thereto.

### **Property Specifics**

**Applicant/Property Owner:** Franklin Harris, L.L.C.

**Property Location:** The property is located on an undeveloped tract of land, south of E. Central Texas Expressway, east of O.W. Curry Drive and west of Cunningham Road.

**Legal Description:** 8.5 acres out of the W. H. Cole Survey, Abstract No. 150, Killeen, Texas.

### **Zoning/ Plat Case History:**

- There is no recent zoning activity for the property.
- The subject property is not platted.

### **Character of the Area**

**Existing Land Use(s) on the Property:** The project area is undeveloped. The surrounding land uses are single-family (south); the Arbors of Killeen apartment complex is located to the west and various commercial uses to the north. Additionally, there is a dense multifamily residential apartment complex (Bridgemoor at Killeen Apartments) across the Cunningham Road right-of-way.

**Historic Properties:** None

### **Figure 1. Zoning Map**

See attachment.

### **Infrastructure and Community Facilities**

#### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: The applicant shall extend water and sewer service to the property. Upon approval of a future development permit application, the developer would be required to extend public water mains across the property to provide adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of, all required testing of the public water mains to confirm adequate flow and pressure exists to support any Code-mandated fire protection measures.

Various scenarios are available for retail potable water supply to a multifamily development:

- a master meter (with backflow/crossflow isolation) set at a tap on a public water main, with a multi-service-unit-equivalent yard line with or without (owner-side) sub-metering
- a looped dedicated public water main (the means of water distribution required per the City's adopted Infrastructure Development & Design Standards Manual) internal to the complex with one or more service connections
- individual service connections from an abutting public water main to individual buildings, and in some cases individual units

Please note that transmission of potable water to individual “customers” through a private potable water transmission system that does not conform with 30 TAC 290 and Killeen Code of Ordinances Chapter 30 rules would result in regulation of the supplier as a retail water purveyor by the TCEQ. Public sanitary sewer utility service is immediately available to the property. An existing 12-inch diameter gravity sanitary sewer interceptor that serves the entire contributing wastewater drainage basin crosses the full extent of the eastern portion of the subject tract. Upon approval of a future development permit application, the developer would be required to extend a public sanitary sewer main to provide adequate collection capacity in accordance with City of Killeen Code of Ordinances and other applicable development criteria.

According to section 31-804 of the Killeen Code of Ordinances, the PUD concept plan shall be accompanied with the topography (2-foot contours), existing and proposed drainage patterns, and existing and proposed drainage areas. The submitted PUD application does not contain any of these items. Based on the existing contours illustrated on the City’s website, this existing site appears to drain in two locations. The first is onto the remainder tract to the southeast of the proposed PUD area. The second point is directly onto Cunningham Road to the east. From both of these discharge points, the runoff will flow east into Little Nolan Creek via drainage easements, private infrastructure, and existing concentration areas. Little Nolan Creek flows into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are listed on the TCEQ’s current 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

**Transportation:**

Existing Conditions: Ingress/egress to and from Cunningham Road and O.W. Curry Drive will be disciplined through the policies of the City’s Thoroughfare Development Manual when the property is developed. Cunningham Road and O.W. Curry Drive are classified (respectively) as a 70’ collector street and 60’ local street on the City’s adopted Thoroughfare Plan.

Proposed Improvements: No proposed improvements to either right-of-way are contemplated as part of this zoning request.

Projected Traffic Generation: Significant upon build out

**Environmental Assessment**

**Topography/Regulated Floodplain/Floodway/Creek:** The property ranges in elevation from 834’ to 858’ above sea level. This parcel is not located within a FEMA regulatory Special Flood Hazard Area (SFHA). The Little Nolan Creek Watershed is located east of the subject area, but does not encroach onto the property.

**Land Use Analysis**

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

**Plan Recommendation:** The 'Suburban Residential' character encourages detached residential dwellings, planned developments to provide for other housing types (e.g., townhouse, patio) in a suburban character setting, public/institutional, parks, and public spaces. The characteristics of this designation include:

- Larger baseline minimum lot sizes to allow for larger front yards, building setbacks, and side yard separation
- Less noticeable accommodation of vehicles
- Encourages smaller lot sizes in exchange for greater open space set asides
- Encourages conservation design or cluster development

The 'General Commercial' character encourages a wide range of commercial, retail, and service uses, at varying scales and intensities depending on the site.

**Consistency:** The zoning request is not consistent with the intent of the Comprehensive Plan; therefore, the applicant has submitted a FLUM amendment request to 'Multi-Family Residential' (MFR) to align this project with the existing adjacent area that is already designated as MFR.

### **Public Notification**

The staff notified twenty-nine (29) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no responses.

### **Recommendation**

The Planning and Zoning Commission recommended approval of the applicant's PUD request by a vote of 7 to 0. The approval is subject to adherence to the submitted site plan and a maximum impervious area calculation of no more than 47%. The 92 units are less than the 148 units allowed under the City's current "R-3A" density ratio and the PUD concept plan provides ample open space. These factors combined with the City's architectural design, landscaping, and screening requirements will yield an attractive development.