



STAFF REPORT

DATE: **October 23, 2018**

TO: **Ronald L. Olson, City Manager**

FROM: **Dr. Ray Shanaa, AICP, Exec. Dir. of Planning and Development Services**

SUBJECT: **Zoning Case #Z18-08 "B-3" (Local Business District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District)**

Background and Findings

This request is submitted by Quintero Engineering, L.L.C. on behalf of JMJ Acquisitions, L.L.C. to rezone Lot 5, Block 1, Rosewood Commercial, from "B-3" (Local Business District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) for an apartment complex. The property is addressed as 3701 Rosewood Drive, Killeen, Texas.

District Descriptions:

Sec. 31-256.1. - Use regulations - "R-3A."

(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 Executive 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.

The PUD concept plan illustrates nine (9) multifamily apartment buildings and a club house. The dwelling unit summary consists of a total of 216 units with 126 one-bedroom units, 72 two-bedroom units, 18 three-bedroom units and 374 parking spaces. The property will gain access to Rosewood Drive via two private drive features, with no connectivity to the surrounding residential neighborhoods.

Property Specifics

Applicant / Property Owner: JMJ Acquisitions, L.L.C.

Property Location: The property is addressed as 3701 Rosewood Drive, Killeen, Texas.

Legal Description: Lot 5, Block 1, Rosewood Commercial

Zoning/ Plat Case History:

- The property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on January 27, 2015, per Ordinance No. 15-005.
- The area was most recently platted as Rosewood Commercial, which was filed for record on June 11, 2018, as Dedication Instrument No. 2018-00023595, Official Records of Real Property, Bell County, Texas.

Character of the Area: The properties west and south of the subject site consist of single-family homes, townhomes and duplexes. The properties north and east of the site consist of commercial and manufacturing zoned properties.

Existing Land Use(s) on the Property: Vacant

Historic Properties: None

Community Infrastructure and Environmental Assessment

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. There is an existing 6" diameter sewer line that is located adjacent to Rosewood Drive. Upon development, it will be necessary to extend water, sewer and drainage infrastructure to the site.

Transportation:

Existing conditions: The tract has direct access to Rosewood Drive, which is classified as a 110' wide minor arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: No additional right-of-way improvements are proposed at this time.

Proposed Traffic Generation: If approved, at full build-out, the PUD will include 216 multifamily units. These units will generate 1,436 daily trips with 110 total generated trips during AM peak hour and 134 total generated trips during PM peak hour [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

Environmental Assessment: Acorn Creek is located along the western boundary of the property and approximately 5.43 acres of the site lies within a FEMA 100-year floodplain.

Land Use Analysis

Land Use Plan: This area is designated as Planned Unit Development ('PD') on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The 'PD' designation allows for mixed use (retail, office, residential, public), a variety of housing types and parks/ public spaces. The 'PD' designation

characteristics include the potential for distinct character areas within an overall development design, superior site design and development quality as well as being transit supportive.

Consistency: The PUD proposal is consistent with the Comprehensive Plan's FLUM.

Public Notification

Staff notified one hundred and twenty-one (121) surrounding property owners within 400 feet of this property regarding this request. Staff has received opposition from Susan Nelson (4802 Castlewood Drive), Elba Rivera (4814 Acorn Creek Trail), Phillippe Geremia (4516 Acorn Creek Trail) and Jeffry Reed (4814 Castlewood Drive). Mr. John Llewellyn (4812 Acorn Creek Trail) is not opposed to the project, but he would like all expenses in the areas of drainage improvements and crime/ noise to be paid by the developer. Additionally, Walter and Susan Galdenzi (5400 E. Central Texas Expressway) are in favor of the request. Mellisa Brown (6105 Melanie Drive) spoke in opposition to the request during the Planning and Zoning Commission's public hearing on this matter.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff is not recommending any alternatives.

Why?

Staff supports the PUD zoning request as an option as it allows flexibility and a negotiated process.

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.

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:

The Planning and Zoning Commission recommends approval of the the PUD (by a vote of 6 to 0, with Commissioner Alvarez abstaining) subject to the conditions listed below and granting the following exceptions to:

1. The maximum height limit of 35 feet per PUD general regulations contained in Code Section 31-802;
2. The minimum 36 feet continuous pavement requirement per PUD general regulations contained in Code section 31-802;

The following are conditions of approval:

- (i) ***the PUD concept Plan shall illustrate a 6' tall screening fence (stone, brick or block, wrought iron) adjacent to Lots 5-10, Block 9, of the Morning Glen Subdivision;***
- (ii) ***the brick veneer for the side (right and left) elevations of the nine multifamily structures shall be extended to the second floor as illustrated per the PUD documents;***
- (iii) ***in accordance with Code Section 31-256.5, the developer shall provide three color variations (for non-masonry exterior building materials) between the nine buildings with buildings 1, 2, 4 and 5 as the first color variation; buildings 3 and 6 as the second color variation; and buildings 7, 8 and 9 as the third color variation, as illustrated per the PUD documents.***

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Zoning map and notification area
Minutes
Responses
Ordinance
Overall PUD concept plan
Apartment architectural elevation
Pharr v. Tippitt Considerations