



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-23-057    **Version:** 1    **Name:** Z23-23  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 10/17/2023    **In control:** City Council  
**On agenda:** 11/28/2023    **Final action:** 11/28/2023  
**Title:** HOLD a public hearing and consider an ordinance submitted by Republic Engineering & Development Services, LLC, on behalf of BFF Construction LLC (Case #Z23-23) to rezone approximately 6.18 acres, being part of Tract C, out of the Killeen Area Investment Corp Industrial Tract, from "R-3" (Multifamily Residential District) to "PUD" (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District). The property is located west of Dogwood Blvd. and approximately 950 feet south of E. Veterans Memorial Blvd., Killeen, Texas.  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Maps, 2. Site Photos, 3. PUD Concept Plan, 4. PUD Development Standards, 5. Letter of Request, 6. Minutes, 7. Ordinance, 8. Considerations, 9. Presentation

Date	Ver.	Action By	Action	Result
11/28/2023	1	City Council	Approved	Pass
11/14/2023	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance submitted by Republic Engineering & Development Services, LLC, on behalf of BFF Construction LLC (**Case #Z23-23**) to rezone approximately 6.18 acres, being part of Tract C, out of the Killeen Area Investment Corp Industrial Tract, from "R-3" (Multifamily Residential District) to "PUD" (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District). The property is located west of Dogwood Blvd. and approximately 950 feet south of E. Veterans Memorial Blvd., Killeen, Texas.

**DATE:** November 14, 2023

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** Zoning Case #23-23: "R-3" (Multifamily Residential District) to "PUD" (Planned Unit Development) with "RT-1" (Residential Townhouses Single-Family District)

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** BFF Construction, LLC

**Agent:** Republic Engineering & Development Services, LLC

**Current Zoning:** "R-3" (Multifamily Residential District)

**Proposed Zoning:** "PUD" (Planned Unit Development) w/ "RT-1" (Residential Townhouse Single-Family District)

**Current FLUM Designation:** 'Neighborhood Commercial'

**Summary of Request:**

Republic Engineering & Development Services, LLC, on behalf of BFF Construction LLC, requests to rezone approximately 6.18 acres, being part of Tract C, out of the Killeen Area Investment Corp Industrial Tract from "R-3" (Multifamily Residential District) to PUD (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District) as the base zoning.

If the PUD (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District) is approved, the applicant intends to develop thirty (30) single-family attached units, with two (2) units per structure. The proposed units will have access via a public street ending in a cul-de-sac. The concept plan also includes a two (2) acre open space area with detention pond, which will be owned and maintained by a Homeowners' Association (HOA).

This subject property is currently zoned "R-3" (Multifamily Residential District). Duplexes are permitted by-right in "R-3". The PUD zoning classification is an overlay designation intended to provide flexibility and permit development projects that do not fit in a specific zoning classification. The distinction between the proposed development and a typical duplex development is that each dwelling unit will be on its own lot.

The proposed development pattern of attached single-family dwellings with only two (2) units per structure is currently not permitted by-right in any zoning district. For this reason, the applicant is proposing a PUD. However, if the PUD is not approved, the applicant can develop duplexes on the property by-right.

The proposed PUD includes the following development standards:

- Changes the definition of townhouse group in Sec. 31-217 to permit two (2) attached dwelling units instead of three (3) to five (5) units.
- Changes the separation requirement between each townhouse group in Sec. 31-220(1)(b) from fifteen (15) feet to ten (10) feet.
- Changes the standard in Sec. 31-221(2) to allow a driveway in the front yard to be up to 60% of the width of the lot, instead of 50%.
- Changes the standard in Sec. 31-219 to allow the proposed townhouses to be one story instead of two.
- Changes the front yard setback requirements in Sec. 31-220(2)(e)(1) from 15 ft. to 20 ft. This change will allow for protruding garages.
- Street trees will be required between the sidewalk and curb along the public street. Street trees are in lieu of front yard trees.
- A minimum of eight (8) three-gallon shrubs shall be planted in the front yard of each lot.
- Front yards will be fully sodded with automatic underground irrigation systems. Saint Augustine grass will be prohibited.
- Parks fees will be paid in accordance with single-family requirements and will total \$36,000.
- Wood privacy fencing along Dogwood Blvd. will have masonry columns at regular intervals.
- Townhouse groups of the same elevation shall not be placed within three (3) townhouse groups on the same side of the street, or within two (2) townhouse groups on the opposite side of the street. Four (4) unique elevations are required.

**Killeen Code of Ordinances Chapter 31 Compliance:**

This property is currently zoned as "R-3" (Multifamily Residential District). In accordance with the Killeen Code of Ordinances Sec. 31-246(1), duplexes are permitted by right in the district. However, the developer is choosing to amend the language, in accordance with the proposed "PUD" (Planned Unit Development), to allow a townhouse group to include only two (2) connected units versus three (3) to five (5) units and a minimum separation between structures of ten (10) instead of a minimum of fifteen (15) feet of separation in accordance with Sec. 31-217 and Sec. 31-220(1)b. Approving the development of duplex residential units as townhomes will allow the developer to sell individual units as it will be platted as a townhome development and each side of the duplex will be platted on separate lots.

Additionally, in accordance with Killeen Code of Ordinances Sec. 31-801, the "PUD" (Planned Unit Development) classification is an overlay designation to provide the flexibility to permit development projects, and this classification serves to:

1. 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;
2. Ensure structured review and approval procedures are applied to unique development projects that are intended to take advantage of common open space and promote pedestrian circulation;
3. Allow developers greater freedom to be innovative in selecting the means to provide access, light, open space, and amenities and
4. 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 locations.

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

The property was annexed into the City's corporate limits on or prior to September 9, 1962. The property was rezoned from "M-1" (Manufacturing District) to "R-3" (Multifamily Residential District) on May 23, 2006. The property was platted as part of Tract C, out of the Killeen Area Investment Corp Industrial Tract, and recorded on December 10, 1974.

### **Character of the Area:**

**North:** Existing residential mobile homes zoned "R-MP" (Mobile Home and Travel Trailer Park)

**South:** Existing undeveloped property zoned "PUD" (Planned Unit Development), Anthem Park

**West:** Existing residential mobile homes zoned "R-MP" (Mobile Home and Travel Trailer Park)

**East:** Existing commercial uses zoned "M-1" (Manufacturing District)

### **Future Land Use Map Analysis:**

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and is designated as 'Neighborhood Commercial' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Neighborhood Infill' growth sector includes areas of the city that are already developed and have access to city services and infrastructure but have vacant, underutilized, or poorly developed properties. Growth policies for this sector should encourage the development or redevelopment of these properties with

accessory dwelling units, small-plex (2-4 units), and micro commercial that provides incremental increases in density. Development should match the existing character and improve walkable access to businesses and amenities for people living and working in the vicinity.

The 'Neighborhood Commercial' designation on the Future Land Use Map (FLUM) is a predominantly commercial extension of a traditional neighborhood. These places generally grow along with a neighborhood and need to be allowed to change over time to intensify as its surrounding neighborhood does. Generally speaking, these are placed along a corridor of some kind, often a higher-traffic roadway that serves as the edge of a neighborhood. These areas bridge pedestrian and auto-oriented development patterns. Street parking and continuous building frontages are very important here as they create a pleasant experience for people who traverse the area on foot. Large parking lots which separate the building from the street would be out of scale here. If larger parking already exists here, sharing of parking should be encouraged. These areas often begin as transitional spaces; thus, higher intensity small lot residential is also acceptable here. Public spaces can be created through good architectural practices like forecourts and pedestrian amenities in building setbacks.

The request supports or furthers the following 2022 Comprehensive Plan recommendations:

- LU1 - Use place types and complete neighborhoods as building blocks
- LU2 - Improve the fiscal productivity of development
- LU3 - Encourage incremental evolution of neighborhoods
- NH3 - Diversify housing mix (types and price points)
- MC4 - Design neighborhood streets to prioritize people, place, and fiscal productivity

The Comprehensive Plan's Big Idea #5 promotes neighborhoods, not subdivisions, designed and built to intentionally mix housing and commercial opportunities together so that the majority of daily needs are accessible within a safe and walkable distance that fosters a unique sense of place. Neighborhoods are flexible places with a mixture of housing and services that provide value directly to the people who reside there. The Comprehensive Plan also emphasizes the need for expanding the variety of neighborhood styles, housing types and price points available in the city since affordability and quality of life mean different things to different people.

Additionally, the Comprehensive Plan highlights building a diverse mix of housing options to keep housing in a community affordable and attract and retain people in different stages of life and socioeconomic levels. Several elements that contribute to creating a neighborhood include housing and commercial options, parks and public spaces, and street design, prioritizing walkability and human interaction over automobiles. The applicant's proposed PUD includes a housing type, residential townhomes, that are not readily available in this area. This development will include sidewalks and street trees.

## **Neighborhood Analysis:**

### **Land Use:**

- This property is located within Killeen Development Zone #3.
- Current land use mix within this area comprises approximately:
  - 47.5% non-residential uses
  - 52.5% of residential uses

**Zoning district breakdown in DZ3:**

- 45% non-residential zoning districts
- 52% of residential zoning districts
- 3% Special Districts\*

\*These numbers exclude a detailed breakdown of special districts, such as conditional or special use permits and planned unit developments.

**'Neighborhood Commercial'** promotes:

**Use Mix:** up to 100% non-residential, 25% residential uses

**Primary Uses:** Small Format Retail and Office Uses

**Secondary Uses:** Home-Based Businesses and Urban Residential

**Parks Master Plan Review:**

- The project site is located in park growth benefit area number one.
- There are no future trail corridors in the vicinity of the proposed development. The Anthem Park PUD to the south will be dedicating public parkland.

**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 Dogwood Blvd., which is classified as a 60-foot wide Local Street on the 2022 Thoroughfare Plan. Staff estimates that the proposed development will generate approximately 283 vehicle trips per day and has determined that a Traffic Impact Analysis (TIA) is not required for the proposed development.

**Environmental Assessment:**

The subject property is not within any FEMA regulatory Special Flood Hazard Areas (SFHA). There is a known wetland area on or adjacent to the property, as identified on the National Wetlands Inventory labeled R4SBC, a riverine habitat.

**Public Notification:**

Staff notified seven (7) surrounding property owners regarding this request. Of those property owners notified, two (2) reside outside of the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by the Council, and six (6) reside outside of Killeen. As of the date of this staff report, staff has received zero (0) written responses regarding the request.

**Staff Findings:**

Staff finds that the applicant's request is consistent with the policies and principles of the Killeen 2040 Comprehensive Plan. The proposed development will provide for a diverse mix of housing options in this area.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may:

- Disapprove the applicant's PUD request;
- Approve the applicant's PUD request with conditions; or
- Approve the applicant's PUD request as presented.

### **Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request to rezone the subject property from "R-3" (Multifamily Residential District) to "PUD" (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District) as presented. Staff finds that the request is consistent with the policies and principles of the Killeen 2040 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, long-term maintenance of all proposed municipal infrastructure will be the City's responsibility.

#### **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 October 16, 2023, the Planning and Zoning Commission recommended approval of the applicant's request as presented to rezone the subject property from "R-3" (Multifamily Residential District) to "PUD" with "RT-1" (Residential Townhouses Single-Family District) 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  
PUD Concept Plan  
PUD Development Standards  
Letter of Request  
Minutes  
Ordinance  
Considerations  
Presentation