



City of Killeen

Legislation Details (With Text)

File #: PH-23-040 **Version:** 1 **Name:** Z23-14
Type: Ordinance/Public Hearing **Status:** Passed
File created: 5/23/2023 **In control:** City Council
On agenda: 6/27/2023 **Final action:** 6/27/2023
Title: HOLD a public hearing and consider an ordinance requested by ILI, LLC on behalf of CPB Investments, Inc.; House Cross Associates, LTD; and Melva L. Van Dyke (Case# Z23-14) to rezone approximately 31.005 acres out of Thomas Robinette Survey, Abstract No. 686 and Lot 1, Block 1 of Elms Creek Addition Phase 2 from "AR-1" (Agricultural Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District) uses. The property is generally located east of South Clear Creek Road and south of Janelle Drive, Killeen, Texas.
Sponsors: Development Services
Indexes:
Code sections:
Attachments: 1. Maps, 2. Site Photos, 3. Letter of Request, 4. PUD Standards, 5. Rendered Site Plan, 6. Civil Site Plan, 7. Developer Presentation, 8. Responses, 9. Minutes, 10. Ordinance, 11. Considerations, 12. Presentation

Date	Ver.	Action By	Action	Result
6/27/2023	1	City Council	Approved	Pass
6/20/2023	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by ILI, LLC on behalf of CPB Investments, Inc.; House Cross Associates, LTD; and Melva L. Van Dyke (**Case# Z23-14**) to rezone approximately 31.005 acres out of Thomas Robinette Survey, Abstract No. 686 and Lot 1, Block 1 of Elms Creek Addition Phase 2 from "AR-1" (Agricultural Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District) uses. The property is generally located east of South Clear Creek Road and south of Janelle Drive, Killeen, Texas.

DATE: June 20, 2023

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Zoning Case #23-14: "AR-1" (Agricultural Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District)

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: CPB Investments, Incorporated, House Cross Associates, LTD, Melva L Van Dyke

Agent: ILI, LLC

Current Zoning: "A-R1", "R-3A", and "B-3"

Proposed Zoning: "PUD" w/ "SF-2", "R-3A", and "B-3" uses

Current FLUM Designation: 'Regional Commercial' and 'Residential Mix'

Summary of Request:

ILI, LLC, on behalf of CPB Investments, Incorporated; House Cross Associates, LTD; and Melva L. Van Dyke, has submitted a request rezone approximately 31.005 acres out of Thomas Robinette Survey, Abstract No. 686 and Lot 1, Block 1 of Elms Creek Addition Phase 2 from "AR-1" (Agricultural Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District) to Planned Unit Development (PUD) w/ "SF-2" (Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District) uses.

If approved, the applicant intends to develop a horizontal mixed-use community with neighborhood retail, single-family rental, and multifamily uses, as follows:

- +/- 3.44 acres of neighborhood retail in "B-3" (Local Business District),
- +/- 17.88 acres of multifamily in "R-3A" (Multi-Family Residential),
- +/- 9.69 acres of single-family homes grouped in clusters in "SF-2" (Single-Family Residential District).

The applicant is proposing PUD development standards as described in the attached PUD Standards document. The proposed development standards include minimum requirements for landscaping, parking, setbacks, architectural design, etc.

Zoning/Plat Case History:

A portion of subject property adjacent to Clear Creek Road was annexed into the city limits on March 15, 1999, via Ordinance No. 99-16, and subsequently zoned to "B-3" (Local Business District). The other portion of the subject property was annexed into the city limits on October 19, 1999, via Ordinance No. 99-84, and subsequently zoned as "A-R1" (Agricultural Single-Family Residential District) on July 11, 2000, via Ordinance No. 00-54. Then, a portion was rezoned from "A-R1" to "B-3" on June 27, 2006. The portion of the subject property currently zoned as "R-3A" (Multifamily Apartment Residential District) was rezoned from "B-3" on June 25, 2013, via Ordinance No. 13-050.

Character of the Area:

North: Undeveloped lots and existing commercial businesses zoned "A-R1" (Agricultural Single-Family Residential District) and "B-3" (Local Business District)

South: Vacant lots, existing single-family homes, and existing commercial businesses zoned "A-R1" (Agricultural Single-Family Residential District), "R-1" (Single-Family Residential District), and "B-3" (Local Business District)

West: Existing commercial businesses zoned "B-3" (Local Business District)

East: Existing single-family homes zoned "R-1" (Single-Family Residential District)

Future Land Use Map Analysis:

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

The 'Regional Commercial' place type is typically auto-oriented and appear near high-traffic intersections. Typical uses include regional businesses including but not limited to restaurants, retail, gas stations, and offices. To create a more sustainable development, care should be given to make the experience for users pleasant once they exit their vehicle. This place type promotes most non-residential uses and mixed-use such as many overs.

The 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Aside from large multiplex garden apartments, most housing types should be allowed here. This place type encourages most residential uses such as single-family detached, townhouses, small-plex (2-4 units), etc. Commercial uses need to be context sensitive and neighborhood scale commercial should be allowed along avenues and higher intensity roadways.

The 'Intended Growth' growth sector includes vacant tracts currently under development or already have development approvals secured for future buildout. It also includes property that is in close proximity to existing development and has access to existing or planned infrastructure. Development in this sector should align with the Big Ideas of this plan, particularly those related to diversifying the housing and neighborhood options in the city.

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 development or redevelopment of these properties with accessory dwelling units, smallplexes, 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 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)
- NH4 - Build complete neighborhoods
- MC1 - Adjust planning approach to consider non-vehicular trips
- MC2 - Coordinate land use and mobility strategies to create commercial nodes in each development zone of the city and within neighborhoods
- 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 in order to keep housing in a community affordable and to attract and retain people in different stages of life and different socioeconomic levels. Several elements that contribute to creating a neighborhood include housing and commercial options, parks and public spaces, and street design that prioritizes walkability and human interaction over automobiles. The applicant's proposed PUD includes a mix of housing types including, single-family detached, and multifamily apartments, neighborhood amenities such as common clubhouse with leasing center, fitness, postal/package pavilion and outdoor amenity and activity areas, and streets that include sidewalks and street trees.

Neighborhood Analysis:

- This property is located within Killeen Development Zone #4.
- Current land use mix within this area comprises approximately:
 - 03% non-residential uses
 - 97% residential uses

Zoning district breakdown in Development Zone 4:

- 20% agricultural,
- 18% non-residential zoning districts
- 62% residential zoning districts

*These numbers exclude special districts such as conditional or special use permits and planned unit developments.

The '**Residential Mix**' land use designation promotes:

Use Mix: up to 25% non-residential, 95% residential uses

Primary Uses: Single-family, Accessory Dwelling Unit (ADU), Townhouses, Smallplex (2-4 Units), Live-work

Secondary Uses: Small Office, Small Retail, Restaurant, Accessory Commercial Unit (ACU), School, House of Worship

The '**Regional Commercial**' land use designation promotes:

Use Mix: up to 100% non-residential, 50% residential uses

Primary Uses: Restaurants, Grocery Stores, Banks, Retail

Secondary Uses: Entertainment, Office

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 is from South Clear Creek Road, which is classified as a 110-foot wide Principal Arterial, and Janelle Dr., which is classified as a 60-foot wide Local Street on the City of Killeen Thoroughfare Plan. A traffic impact analysis will be required with an estimated total of 3,707 vehicle trips per day.

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 one-hundred and thirty-one (131) surrounding property owners regarding this request. Of those property owners notified, seventy-two (72) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and thirty-two (32) reside outside of Killeen. As of date of this staff report, staff has received one (1) written response in opposition regarding the request.

Staff Findings:

Please see the Future Land Use Map Analysis and Neighborhood Analysis sections.

THE ALTERNATIVES CONSIDERED:

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 presented by the applicant.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request for Planned Unit Development (PUD) as presented.

Staff finds that the request is consistent with the policies and principles of the 2022 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis. The request promotes Big Idea #5: "Neighborhoods are more than subdivisions." Staff finds that the proposed development will provide for a diverse mix of housing options in a walkable, pedestrian friendly, mixed-use setting. Staff finds that the request is compatible with the existing land uses and prevailing community character and presents an opportunity to strengthen neighborhoods by providing character that residents can take pride in.

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 May 1, 2023, the Planning and Zoning Commission recommended approval of the request as presented by staff by a vote of 5 to 0.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Letter of Request
PUD Standards
Rendered Site Plan
Civil Site Plan
Developer Presentation
Responses
Minutes
Ordinances
Considerations
Presentation