



City of Killeen

Legislation Details (With Text)

File #: PH-16-040A **Version:** 1 **Name:** Zoning 16-18
Type: Ordinance/Public Hearing **Status:** Passed
File created: 11/4/2016 **In control:** City Council
On agenda: 11/22/2016 **Final action:** 11/22/2016

Title: HOLD a public hearing and consider an ordinance requested by Linda Nellis, Trustee of the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust (Case #Z16-18) to rezone 15.104 acres out of the R. Cunningham Survey, Abstract No. 199, from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) use for a project named South Station Apartments. The property is located near the northeast corner of Cunningham Road and E. Stan Schlueter Loop (FM 3470).

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. Council Memorandum, 2. Attachment to CCMO, 3. Minutes, 4. Ordinance, 5. Application, 6. Location map, 7. Buffer map, 8. Development Summary, 9. Concept Plan, 10. Considerations

Date	Ver.	Action By	Action	Result
11/22/2016	1	City Council	Approved	Pass
11/15/2016	1	City Council Workshop		

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AGENDA ITEM

ZONING CASE #Z16-18 "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) WITH "R-3A" (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Pedcor Investments, L.L.C. submits this request on behalf of Linda Nellis, Trustee of the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust to rezone 15.104 acres out of the R. Cunningham Survey, Abstract No. 199, from "R-1" (Single-Family Residential District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) use for a project named South Station Apartments. The developer for the project is proposing to construct a 256 dwelling unit project with twelve (12) two and three-story buildings, one (1) two-story building, one leasing office and a community center. The development will consist of 72 one-bedroom units; 160 two-bedroom units and 24 three-bedroom units.

District Descriptions:

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, 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: 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; 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: Linda Nellis on behalf of the Donald Earl Nellis and Lenner Hair Nellis Revocable Living Trust

Property Location: The property is located near the northeast corner of Cunningham Road and E. Stan Schlueter Loop (FM 3470).

Legal Description: 15.104 acres out of the R. Cunningham Survey, Abstract No. 199, 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 currently contains several small structures. The property is bounded to the north and east by "B-5" (Business District) zoned sites, one of which contains a Walmart Neighborhood Market retail store. The property is bounded by "R-1" zoned land along its southern boundary.

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: The existing potable water main that would serve the property is a 4-inch diameter transmission main running parallel to the lot frontage within the right-of-way of Cunningham Road and/or 12-inch diameter transmission main. 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
- an 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.

It shall be noted that 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 applicant is advised that ingress/egress to and from E. Stan Schlueter Loop (FM 3470), which is classified as a principal arterial (110') by the City's adopted Thoroughfare Plan, will be disciplined through TXDOT's access management guidelines. It is functioning at its desired level of service. Ingress/egress to and from Cunningham Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is developed. Cunningham Road - classified as a minor arterial (90') street by the City's adopted Thoroughfare Plan - is constructed as an urban section road functioning at its desired level of service. City Code requires that capacity analysis related to development is the responsibility of the developer.

Proposed Improvements: No proposed improvements are contemplated as part of this zoning request.

Projected Traffic Generation: Significant upon build out.

Environmental Assessment

Topography: The property ranges in elevation from 840 feet to 876 feet in elevation.

Regulated Floodplain/Floodway/Creek: This parcel is located within a Zone X FEMA regulatory Special Flood Hazard Area (SFHA). The Little Nolan Creek Watershed is located northwest of the subject area, but does not encroach onto the property.

Land Use Analysis

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

Plan Recommendation: The 'General Residential' character encourages detached residential dwellings as the primary focus, attached housing types subject to compatibility and open space standards (e.g. duplexes), planned developments with a mix of housing types subject to compatibility and open space standards, public/institutional, parks, and other public spaces. The characteristics of this designation include:

- Predominantly "R-1" zoning district with less openness and separation between dwellings compared to Suburban Residential areas.
- Auto-oriented character that can be offset with architectural standards, landscaping, and limited uniform subdivision designs.
- Neighborhood-scale commercial emerging over time for well-suited areas.

Consistency: The zoning request is consistent with the intent of the Comprehensive Plan.

Public Notification

The staff notified seven (7) surrounding property owners regarding this request. Staff received no responses.

Recommendation

The Planning & Zoning Commission recommended approval of the applicant's PUD zoning request by a vote of 7 to 0. The Planning and Zoning Commission recommends the following conditions as part of the approval:

- the applicant shall adhere to the submitted site plan, architectural elevations and floorplans, with consideration of moving the community amenities to a more centralized location;
- the applicant shall satisfy all landscaping and screening requirements set in Killeen Code of Ordinances Sections 31-255.5 and 31-255.7. Specifically, the requirements amount to 128 trees and 768 shrubs and screening around the north, east and south project boundaries; and
- the applicant shall provide a second amenity area (to include equipment) in the eastern portion of the development site; preferably the square shaped area located near buildings 11-13.