



# City of Killeen

## Legislation Text

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File #: PH-23-046, Version: 1

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**HOLD** a public hearing and consider an ordinance submitted by CSH Avenue Heights, Ltd., on behalf of SSK Lodging, LLC (**Case #Z23-06**), to rezone approximately 3.92 acres out of the W. H. Cole Survey, Abstract No. 150, 701-1-4, Northside, from "B-5" (Business District) to "R-3A" (Multifamily Apartment Residential District). The property is locally addressed as 2600 Illinois Avenue, Killeen, Texas.

**DATE:** August 15, 2023

**TO:** Kent Cagle, City Manager

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

**SUBJECT:** Zoning Case #23-06: "B-5" (Business District) to "R-3A" (Multifamily Apartment Residential District).

### **BACKGROUND AND FINDINGS:**

#### **Property Information:**

**Property Owner:** SSK Lodging, LLC

**Agent:** CSH Avenue Heights, Ltd - Russ Michaels

**Current Zoning:** "B-5" (Business District)

**Proposed Zoning:** "R-3A" (Multifamily Apartment Residential District)

**Current FLUM Designation:** 'Urban Village and Floodplain'

#### **Summary of Request:**

CSH Avenue Heights, LTD, on behalf of SSK Lodging, LLC, has submitted a request to rezone approximately 3.92 acres out of the W. H. Cole Survey, Abstract No. 150, 701-1-4, Northside, from "B-5" (Business District) to "R-3A" (Multifamily Apartment Residential District).

If approved, the intended use of the property is the proposed Avenue Heights Apartments, which will be a mixed-income apartment community providing affordable housing choices to families and the workforce community of Killeen, Texas. The proposed development will include 69 units of Class A apartments and associated amenities. Of the 69 units proposed, 21 will be one-bedroom (600 sq. ft.) units and 48 will be two-bedroom (850 sq. ft.) units. Proposed amenities include a clubhouse and pool.

On February 7, 2023, the City Council approved a Resolution of Support for the application to The Texas Department of Housing & Community Affairs for the Avenue Heights proposed affordable housing development (Resolution No. 23-031R).

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

In accordance with section 31-256.1(a) of the City of Killeen Code of Ordinances, the "R-3A" zoning district allows apartment complexes by-right.

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

The property was annexed into the city in 1962. The subject property was zoned "B-5" (Business District) on September 12, 1978. The subject property has not been platted.

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

**North:** Existing residential properties zoned "R-1" (Single-Family Residential District).

**South:** Vacant non-residential property remainder zoned "B-5" (Business District).

**West:** Vacant non-residential property remainder zoned "B-5" (Business District).

**East:** Existing non-residential properties zoned "B-3" (Local Business District).

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

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and is designated as 'Urban Village' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan. There is a proposed trail on the Parks Masterplan located to the north of the property along the right-of-way of Illinois Avenue.

The 'Urban Village' place type is intended to be a center of activity with active streets focus on people, prioritizes walkability, and pedestrians take precedence over automobiles. This place type promotes a mix of uses including residential uses such as townhouses, small plex (2-6 units), and apartments; non-residential uses such as all scales of commercial development or industrial uses; and mixed-use such as live-work, few over, or many over.

The 'Neighborhood Infill' growth sector includes already developed areas with access to city services and infrastructure but have been vacant, underutilized, or were poorly developed properties. Development should match the existing character and improve walkable access to businesses and amenities for people living and working in the vicinity.

The request is consistent with the following recommendations of the 2022 Comprehensive Plan:

- LU3 - Encourage incremental evolution of neighborhoods
- LU4 - Prioritize infill and revitalization in north Killeen

The Comprehensive Plan highlights the importance of building a diverse mix of housing options at a different price point in order to keep housing in a community affordable and attract and retain people at different stages of life and at different socioeconomic levels. If approved, the proposed development will provide a mixed-income apartment community that provides affordable housing choices to families and the workforce community within the city.

### **Neighborhood Analysis:**

#### **Land Use:**

- This property is located within Killeen Development Zone #3.
- Current land use mix within this area comprises approximately:
  - 10% non-residential

- 90% residential uses

**Zoning district breakdown in DZ3:**

- 48% non-residential zoning districts
- 52% residential zoning districts

\*Excludes special districts such as conditional or special use permits and planned unit developments.

**'Urban Village'** promotes:

Use Mix: up to 80% non-residential, 40% residential uses

Primary Uses: Professional Offices, Corporate Office, Urban Residential, Restaurants, Retail, Entertainment

Secondary Uses: Civic Buildings, Institutions, Education, Parks, Senior Housing

**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 Illinois Avenue, which is classified as a 70-foot Collector on the City of Killeen Thoroughfare Plan. Staff estimates that there will be 381 trips generated per day, with 31 peak hour trips, and has determined that a Traffic Impact Analysis is not required for the proposed land use.

**Environmental Assessment:**

The property is not in 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 forty-one (41) surrounding property owners regarding this request. Of those property owners notified, twenty-five (25) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and fifteen (15) 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 may:

- Disapprove the applicant's request;
- Approve a more restrictive zoning district than requested; or

- Approve the request as presented by the applicant.

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

Staff recommends approval of the applicant's request to rezone the property from "B-5" (Business District) to "R-3A" (Multifamily Apartment Residential District).

Staff finds that the request is consistent with the recommendations of the 2022 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis.

In addition, the City Council has provided Resolution of Support (Resolution No. 23-031R) for the proposed affordable housing development funded through the Low Income Housing Tax Credit (LIHTC) program.

### **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 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:**

At their regular meeting on July 17, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 0.

### **DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Conceptual Site Plan  
Multifamily Site Plan  
Letter of Request  
Responses  
Minutes  
Ordinance  
Pharr vs. Tippitt considerations