



City of Killeen

Legislation Text

File #: PH-23-047, Version: 1

HOLD a public hearing and consider an ordinance requested by Quintero Engineering, LLC on behalf of nine (9) property owners (**Case #Z23-15**) to amend the Planned Unit Development (PUD) standards for the Rosewood Springs Planned Unit Development (Ordinance No. 19-017) to increase the maximum square footage of leased/owned business area within the commercial properties from 5,000 sq. ft. to 10,000 sq. ft. The properties are generally located on the east side of Rosewood Drive at the intersections of Rosewood Drive and Rose Garden Loop, Killeen, Texas.

DATE: August 15, 2023

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Zoning Case #23-15: PUD Amendment

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Nine (9) property owners (Abbott Springs, LTD, CE & CP Construction LLC, CE & CP LLC, CNL LP, Cobra Development Inc, E Construction LLC, Eleanor Cornell, SS Springs LLC, Gretchen & Paul Williams, Yellowstone Builders LLC)

Agent: Quintero Engineering, LLC

Current Zoning: Planned Unit Development (PUD)

Proposed Zoning: Planned Unit Development (PUD) Amendment

Current FLUM Designation: 'Residential Mix'

Summary of Request:

Quintero Engineering, LLC, on behalf of nine (9) property owners, has submitted a request to amend the Planned Unit Development (PUD) standards for the Rosewood Springs Planned Unit Development (Ordinance No. 19-017) to increase the maximum square footage of leased/owned business area within the commercial properties from 5,000 square feet to 10,000 square feet.

If approved, the applicant intends to develop a 22,000 sq. ft. commercial building, which will consist of one 10,000 sq. ft. lease space, and an additional 12,000 sq. ft. of commercial lease spaces, which can be broken down into six individual 2,000 sq. ft. lease spaces.

In accordance with the approved Rosewood Springs PUD (Ordinance No. 19-017), "a building or premises [...] shall not exceed a gross building size of thirty thousand (30,000) square feet, and no single leased/owned business shall exceed five thousand (5,000) square feet". The intent of the requested PUD amendment is to

allow for a single leased/owned business to be up to ten thousand (10,000) square feet instead of five thousand (5,000).

Zoning/Plat Case History:

This subject property was rezoned from "B-3" (Local Business District) to a Planned Unit Development (PUD) on May 14, 2019, via Ordinance No. 19-017. The current zoning includes PUD w/ customized "RBD" (Rosewood Business District), "SR-1" (Suburban Residential Single-Family Residential District), "R-1" (Single-Family Residential District), "SF-2" (Single-Family Residential District), customized "V" (Villa District), "R-2" (Two-Family Residential District), and Flex Lots with "SR-1", "R-1", "SF-2", "V", and "R-2" uses. The subject property is platted as parts of Rosewood Addition, Rosewood Commercial, and Rosewood Springs Phase One.

Character of the Area:

North: Undeveloped lots and existing commercial businesses zoned "B-3" (Local Business District)

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

West: Undeveloped lots and existing multifamily zoned "B-3" (Local Business District) and Planned Unit Development (PUD)

East: Outside of the City limits

Future Land Use Map Analysis:

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

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 request supports or furthers the following 2022 Comprehensive Plan recommendations:

- LU1 - Use place types and complete neighborhoods as building blocks
- NH4 - Build complete neighborhoods

The Comprehensive Plan emphasizes place-based economic development and an increase in demand for "complete" neighborhoods where a variety of residential types, office, and retail are all integrated together.

Neighborhood Analysis:

Land Use:

- This property is located within Killeen Development Zone #7.
- Current land use mix within this area comprises approximately:

- 1% non-residential uses
- 99% residential uses

Zoning district breakdown in DZ7:

- 3% agricultural
- 6% non-residential zoning districts
- 91% residential zoning districts.

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

'Residential Mix' 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

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 Rosewood Drive, which is classified as a 100-foot wide Minor Arterial on the City of Killeen Thoroughfare Plan. Staff estimates that this development will generate 1,398 trips per day, with 160 peak hour trips. The development is already constructed and was not required to submit a Traffic Impact Analysis based on the date of the preliminary plat.

Environmental Assessment:

The southwest corner of the subject property is within the FEMA Zone AE regulatory Special Flood Hazard Area (SFHA). There is a riverine habitat and freshwater pond located on or adjacent to the property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified one-hundred and seven (107) surrounding property owners regarding this request. Of those property owners notified, forty-two (42) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and thirteen (13) reside outside of Killeen. As of date of this staff report, staff has received thirteen (13) written responses from two (2) different property owners in support of the request (KNC Associates and Abbott Springs, Ltd.), and one (1) written response in opposition (5405 Birmingham Circle).

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 PUD amendment request;
- Approve the PUD amendment request with conditions; or
- Approve the PUD amendment request as presented by the applicant.

Which alternative is recommended? Why?

Staff recommends approval of the requested PUD amendment with condition that number 16 on the list of permitted uses be amended as follows:

16. "Retail uses and businesses ~~of all sizes to include secondhand goods and antiques with no outside storage or display of secondhand goods; excluding the sale of~~ secondhand goods".

Staff finds that approval of the request will allow development of a ten thousand (10,000) sq. ft. retail store, while also ensuring that the sale of secondhand goods will not be permitted within the development.

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:

At their regular meeting on July 17, 2023, the Planning and Zoning Commission recommended approval of the

requested PUD amendment with condition that No. 16 on the list of permitted uses be amended to exclude secondhand goods, but allow for antique stores, as follows:

"Retail uses and businesses ~~of all sizes to include secondhand goods and antiques with no outside storage or display of secondhand goods, excluding the sale of secondhand goods, but allowing for the sale of antiques.~~"

The motion passed by a vote of 3 to 2, with Commissioners Sabree and Ploeckelmann in opposition.

Commissioner Sabree expressed concern regarding the proliferation of dollar stores in the area.

Commissioner Ploeckelmann stated that he supports the recommendation by staff.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Letter of Request
PUD Amendment
PUD Amendment with Staff Recommendation
Responses
Minutes
Ordinance
Pharr vs. Tippitt Considerations