



City of Killeen

Legislation Text

File #: PH-24-001, **Version:** 1

HOLD a public hearing and consider an ordinance requested by Able Engineering, PLLC, on behalf of NMP - Killeen Limited Partnership, (Case #Z23-27) to amend the Planned Unit Development (PUD) standards for the Rosewood Commercial Planned Unit Development (Ordinance No. 18-038) to add three (3) additional apartment buildings and 72 dwelling units. The subject property is locally addressed as 3701 Rosewood Drive, Killeen, Texas. (Requires $\frac{3}{4}$ majority vote)

DATE: January 9, 2023

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Zoning Case #23-27: PUD Amendment

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: NMP - Killeen Limited Partnership

Agent: Jeff Hamilton, Able Engineering, PLLC

Current Zoning: "PUD" (Planned Unit Development) w/ "R-3A" (Multifamily Apartment Residential District)

Proposed Zoning: "PUD" (Planned Unit Development) w/ "R-3A" (Multifamily Apartment Residential District)

Current FLUM Designation: 'Residential Mix'

Summary of Request:

Jeff Hamilton, of Able Engineering, PLLC, on behalf of NMP - Killeen Limited Partnership, has submitted a request to amend the Planned Unit Development (PUD) standards for the Rosewood Commercial Planned Unit Development (Ordinance No. 18-038) to add three (3) additional apartment buildings, which equates to an additional seventy-two (72) dwelling units. This development was previously approved to have a maximum of nine (9) multifamily apartment buildings and a club house with a total of two hundred and sixteen (216) dwelling units. This request, if approved, will allow for a total of twelve (12) multifamily apartment buildings and two hundred and eighty-eight (288) dwelling units.

Killeen Code of Ordinances Chapter 31 Compliance:

This property is currently zoned "PUD" (Planned Unit Development) with "R-3A" (Multifamily Apartment Residential District) uses. In accordance with Killeen Code of Ordinances Sec.

31-256.1(b), a "PUD" (Planned Unit Development) is required for the "R-3A" designation and shall be subject to the requirements of Sec. 31-256.9 for all multifamily developments over five (5) acres.

Per Killeen Code of Ordinances Sec. 31-256.3(b)(1), the minimum lot area for multi-family developments larger than one-half (½) acre shall not be less than 2,500 sq. ft. per dwelling unit. The subject property is 16.12 acres, which affords a maximum of 280 dwelling units by right. The applicant's request for 312 dwelling units equates to only 2,250 sq. ft. of land area per unit. Based upon the minimum standards of 2,500 sq. ft. per unit, the subject property can accommodate a maximum of 280 units. The applicant's request is an increase of 32 dwelling units over the maximum number of units permitted in "R-3A" (Multifamily Apartment Residential District).

Per 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 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 location.

Zoning/Plat Case History:

The property was annexed into the City's corporate limits on October 17, 1972 and platted into its current lot configuration on June 11, 2018 as Lot 5, Block 1, Rosewood Commercial subdivision. The property was rezoned from "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on January 27, 2015, per Ordinance No. 15-005, and then to its current zoning designation on October 30, 2018.

Character of the Area:

North: "B-5" (Business District) and "M-1" (Manufacturing District)

South: "R-1" (Single-family Residential District) and "B-5" (Business District)

West: "R-1" (Single-family Residential District), "RT-1" (Residential Townhouse Single-family District), and "R-2" (Two-family Residential District)

East: "B-5" (Business District)

Future Land Use Map Analysis:

This 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 Killeen 2040 Comprehensive Plan.

The 'Intended Growth' growth sector includes vacant tracts that are 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 the Comprehensive 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:

LU2 - Improve the fiscal productivity of development.

LU3 - Encourage incremental evolution of neighborhoods.

NH4 - Build complete neighborhoods.

The Comprehensive Plan promotes incremental redevelopment of properties in Killeen that can add to a widespread improvement. Staff finds the proposed rezoning is consistent with the surrounding area, which consists of a mix of housing and commercial development types.

The 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network, allowing a flexible mix of residential building typologies. Commercial uses need to be context sensitive.

Neighborhood Analysis:

Land Use:

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

9% non-residential uses
91% residential uses

Zoning district breakdown in DZ7:

0.37% Special Districts
83.62% Residential Zoning Districts
0.07% Industrial Zoning
5.08% Commercial Zoning Districts
10.87% Agricultural Zoning Districts

'Residential Mix' promotes:

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

Primary Uses: Single-Family, ADU, Townhouses, Small plex, Live-Work

Secondary Uses: Small Offices, Small Retail, Restaurants, ACU, Schools, Houses of Worship

Parks Master Plan Review:

The project site is located in park benefit area number 7.
There are no park improvement recommendations in the immediate area.

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:

Existing conditions: Ingress and egress to the property is from Rosewood Drive, which is classified as a 100' wide Minor Arterial on the City of Killeen Thoroughfare Plan. Staff estimates that there will be 1,697 trips per day and 137 Peak Hour Trips and has determined that a Traffic Impact Analysis (TIA) will be required for the proposed development.

Environmental Assessment:

The property is within Zone AE, a FEMA regulatory Special Flood Hazard Area (SFHA). Acorn Creek runs along the west side of the property and is classified as a Riverine Habitat R45BC on the National Wetlands Inventory. A Freshwater Emergent Wetland PEM1A is located to the South-East of the property. A floodplain permit will be required for the proposed development, which will include a floodplain study to show that there will be no adverse effects to the surrounding properties.

Public Notification:

Staff notified one hundred and twenty-one (121) surrounding property owners within 400 feet of this property regarding this request. Of those property owners notified, fifty-two (52) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and thirty-eight (38) reside outside of Killeen. As of date of this staff report, staff has received four (4) written responses, three in opposition and one in support regarding the request.

Staff Findings:

Staff finds that the request is consistent with the recommendations of the Killeen 2040 Comprehensive Plan. However, staff finds that the applicant's request exceeds the permitted density allowed by Sec. 31-265.3(b) (1), which states that the minimum land area per dwelling unit shall not be less than two thousand five hundred (2,500) square feet. The applicant's request is for a total of 288 dwelling units on 16.12 acres, which equates to only 2,428.15 square feet per unit.

THE ALTERNATIVES CONSIDERED:

The City Council may:

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

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request to amend the PUD with the following conditions:

1. That up to (3) additional apartment buildings be added to the site, which includes seventy-two (72) additional dwelling units; and
2. That a landscape buffer be provided along the west and southwest property lines, adjacent to the existing single-family residential development, consisting of large canopy trees spaced twenty-five (25) feet apart, and being six (6) feet in height and two (2) inches in caliper at the time of planting.

Staff notes that the recommendation during the Planning and Zoning Commission meeting was for approval of all four (4) additional buildings. Following the Planning & Zoning Commission meeting on December 4, 2023, the staff recommendation was changed in order to reduce potential adverse impacts associated with the proposed development within the floodplain.

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.

RECOMMENDATION:

At their regular meeting on December 4, 2023, the Planning and Zoning Commission recommended disapproval of the applicant's request to amend the PUD standards for the subject property by a vote of 4 to 2, with Commissioner Rowe and Commissioner Wilson in opposition.

Therefore, in accordance with Killeen Code of Ordinances Sec. 31-39(e), approval of the request will require the favorable vote of three-fourths (3/4) of all the members of the City Council (6 affirmative votes).

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
PUD Concept Plan
Letter of Request
Minutes
Responses
Ordinance
Considerations
Presentation