



# City of Killeen

## Legislation Details (With Text)

**File #:** PH-20-048    **Version:** 1    **Name:** Zoning 20-22  
**Type:** Ordinance/Public Hearing    **Status:** Passed  
**File created:** 11/10/2020    **In control:** City Council  
**On agenda:** 1/12/2021    **Final action:** 1/12/2021  
**Title:** HOLD a public hearing and consider an ordinance requested by Karen Wunsch on behalf of S. Young Family Ltd. (c/o Susan Young Jones) (Case #Z20-22) to rezone approximately 22.54 acres, out of the J. Goslin Survey, Abstract No. 344 and the H. C. McClung Survey, Abstract No. 570, from "R-1" (Single-Family Residential District) and "B-5" (Business District) to Planned Unit Development (PUD) for "R-3A" (Multi-Family Residential District). The property is addressed as 1900 E. Veterans Memorial Boulevard, Killeen, Texas. (Tabled from December 8, 2020 Regular City Council Meeting)  
**Sponsors:** Development Services  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Staff Report, 2. EXHIBIT A - Survey, 3. EXHIBIT B - Conceptual Site Plan, 4. EXHIBIT C - Building Elevation, 5. EXHIBIT D - PUD Conditions, 6. Maps, 7. Minutes, 8. Ordinance, 9. Considerations, 10. Responses, 11. Presentation

Date	Ver.	Action By	Action	Result
1/12/2021	1	City Council	Approved	Pass
1/5/2021	1	City Council Workshop		
12/8/2020	1	City Council	Tabled	Pass
12/1/2020	1	City Council Workshop		

**HOLD** a public hearing and consider an ordinance requested by Karen Wunsch on behalf of S. Young Family Ltd. (c/o Susan Young Jones) (**Case #Z20-22**) to rezone approximately 22.54 acres, out of the J. Goslin Survey, Abstract No. 344 and the H. C. McClung Survey, Abstract No. 570, from "R-1" (Single-Family Residential District) and "B-5" (Business District) to Planned Unit Development (PUD) for "R-3A" (Multi-Family Residential District). The property is addressed as 1900 E. Veterans Memorial Boulevard, Killeen, Texas. (Tabled from December 8, 2020 Regular City Council Meeting)

**DATE:** December 1, 2020

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Exec. Dir. of Planning and Development Services

**SUBJECT:** ZONING CASE #Z20-22 "R-1" (Single -Family Residential District) and "B-5" (Business District) to Planned Unit Development (PUD) for "R-3A" (Multi-Family Residential District)

### **BACKGROUND AND FINDINGS:**

### Summary of Request:

This request, submitted by Karen Wunsch on behalf of S. Young Family Ltd. (c/o Susan Young Jones), is to rezone approximately 22.54 acres out of the J. Goslin Survey, Abstract No. 344 and the H. C. McClung Survey, Abstract No. 570, from "R-1" (Single-Family Residential District) and "B-5" (Business District) to Planned Unit Development (PUD) for "R-3A" (Multi-Family Residential District) uses. The property is addressed as 1900 E. Veterans Memorial Boulevard, Killeen, Texas.

The applicant has proposed a Planned Unit Development concept plan, Exhibit B, which would include sixteen (16) three story multi-family structures, as seen in Exhibit C, with a total of 368 residential units on 22.54 acres of land. The proposed PUD concept plan illustrates a residential density of 16.48 dwelling units per acre. In addition to the residential structures, the applicant is proposing amenities that will include a large resort style pool area with grills, fitness center, clubhouse, internet cafe, and a 4,000 square foot dog park.

### **"R-1" Single-Family Residential District Description**

A building or premises in the district "R-1" Single-Family Residential district shall be used only for the following purposes:

- (1) One-family dwellings.
- (2) Churches or other places of worship.
- (3) Colleges, universities, or other institutions of higher learning.
- (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (5) Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
- (6) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- (7) Public buildings, including libraries, museums, police and fire stations.
- (8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years. Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
- (9) Schools, public elementary or high.
- (10) Schools, private with curriculum equivalent to that of a public elementary or high school.
- (11) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (12) Water supply reservoirs, pumping plants and towers.
- (13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building.
- (14) A subdivision entry sign, when such sign is located on a lot that abuts a subdivision boundary and fronts on a street entering the subdivision.
- (15) Cemetery

### **"B-5" Business District Description**

A building or premises in the district "B-5" business district shall be used only for the following purposes:

- (1) Any use permitted in the "B-4" district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse, greater than twenty-five thousand (25,000) square feet.

- (4) Veterinarian clinic or pet kennel with outside pens.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.
- (7) Impound yards provided no salvaging or dismantling is allowed on the premises and site is properly screened.
- (8) Any commercial use not included in any other district, provided such use does not involve salvaging, manufacturing or industrial type storage or dismantling, and is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (9) Mobile home sales.
- (10) Indoor firing range.

Sec. 31-256.9. - Planned Unit Development (PUD) required.

- (a) A Planned Unit Development (PUD) as provided in Chapter 31, Article V, Division 8, Killeen Code of Ordinances shall be required for any request for an "R-3F" and/or "R-3A" district when the total acreage of the request alone, or when the total acreage of the request combined with all adjacent areas zoned "R-2", "R-3", "R-3F", and "R-3A", and/or areas within a two-thousand feet radius of any of the property seeking to be rezoned, consist of twenty-five (25) acres or more. The purpose for requiring a PUD is to provide the Planning and Zoning Commission and the City Council with the ability to determine the proposed development's impact on surrounding properties, existing infrastructure and open/recreational space and also to determine whether additional public improvements to serve denser multifamily development are necessary to promote the health, safety and welfare of the development's residents.
- (b) Properties are considered adjacent and subject to the computation of this section if they are continuously zoned for multifamily and/or two-family residential use regardless of ownership, property lines, easements or rights-of-way.
- (c) The applicant shall provide any public infrastructure beyond the city's minimum development standards that is required to service the proposed development, including open/recreational space and oversized water, sewer and drainage facilities and greater street widths.
- (d) The applicant is responsible for determining whether or not a PUD is required. However, if the Director of Planning and Development Services determines at any time that a PUD is required and one was not submitted the applicant shall be informed in writing and they shall either modify their application to include the PUD or withdraw the application and have all associated application fee(s) returned.

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.

**Zoning / Plat Case History:**

- Portions of the proposed rezoning area were zoned "B-5" (Business District) on 12 November 1991, via ordinance 91-65 and 26 April 2005, via ordinance 05-13.
- The property is not platted and is identified as approximately 22.54 acres, out of the J. Goslin Survey, Abstract No. 344 and the H. C. McClung Survey, Abstract No. 570.

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

The entirety of the proposed rezoning area is currently undeveloped land. The surrounding adjoining properties are mix of commercial lots to the east and north and a mix of multi and single-family properties to the west and south. Immediately adjacent to the west is single-family residential property developed as a city park. To the north and east is developed commercial lots zoned "B-5" (Business District). To the south is a developed "R-3" (Multi-Family Residential) lot.

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

The property is designated as 'General Residential' (GR) and 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent request to amend the FLUM designation to 'Planned Development' (PD).

### **Water, Sewer and Drainage Services:**

Water, sanitary sewer and drainage utility service is located within the City of Killeen utility service area and available to the subject tract.

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the proposed development is via S. WS Young Drive and E. Veterans Memorial Boulevard. Both S. WS Young Drive and E. Veterans Memorial Boulevard are classified as 120' Principal Arterials on the City of Killeen adopted Thoroughfare Plan. The applicant is proposing a total of 368 residential units in this development. This development could see an increase of over twenty-four hundred and forty-seven (2,447) vehicle trips per day [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

### **Public Notification:**

Staff notified thirty-three (33) surrounding property owners regarding this request. As of the date of this staff report, two (2) responses have been received in support of the request.

### **Staff Findings:**

Staff finds that this request would affect approximately 22.54 acres. Staff is of the determination that the applicant's proposed PUD request, as outlined in Exhibits B-D, meets the intent of the PUD requirements outlined in Sec. 31-256.9. Further, staff finds that approval of this request would not negatively affect the surrounding community.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's PUD request for multi-family uses;
- Approve the applicant's request for a PUD with additional and/or amended conditions; or

- Approve the applicant's request for a PUD for multi-family uses as presented.

**Which alternative is recommended?** Staff recommends approval of the applicant's request as presented in the exhibits.

**Why?** The applicant's proposed PUD request, as outlined in Exhibits B-D, meets the intent of the PUD requirements outlined in Sec. 31-256.9. Further, staff finds that approval of this request would not negatively affect the surrounding community and is suitable in this location.

**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, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

**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:**

The Planning & Zoning Commission, by a vote of 6 to 1, with Commissioner Gukeisen in opposition, recommended approval of the applicant's request for a Conditional Use Permit for multi-family uses with the conditions outlined in Exhibit D - PUD Conditions.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Exhibit A - Survey

Exhibit B - Conceptual Site Plan  
Exhibit C - Building Elevation  
Exhibit D - PUD Conditions  
Maps  
Minutes  
Ordinance  
Considerations  
Responses