



City of Killeen

Legislation Details (With Text)

File #: PH-23-015 **Version:** 1 **Name:** Zoning 22-54
Type: Ordinance/Public Hearing **Status:** Passed
File created: 2/9/2023 **In control:** City Council
On agenda: 3/14/2023 **Final action:** 3/14/2023
Title: HOLD a public hearing and consider an ordinance requested by Michael J. Whellan, on behalf of Central Southwest Texas Development, LLC (Case #Z22-54), to rezone approximately 203.2 acres, being Killeen Area Investment Corp. Industrial Tract, Lot PT TR C, D, & Abandoned Dogwood Blvd.; La Cascata Addition, Block 00A, Lot 1-4 & Killeen Airport Addition, Block 001, Lot PT 1, (W PT OF 1) from "B-5" (Business District) and "M-1" (Manufacturing District) to Planned Unit Development (PUD) with "B-3" (Local Business District), "R-3A" (Multifamily Apartment Residential District), and "RT-1" (Residential Townhouse Single-Family District) uses. The property is locally addressed as 1401 Rio Boulevard, Killeen, Texas.
Sponsors: Development Services
Indexes:
Code sections:
Attachments: 1. Exhibit, 2. Maps, 3. Site Photos, 4. PUD Document, 5. Minutes, 6. Ordinance, 7. Responses, 8. Considerations, 9. Presentation

Date	Ver.	Action By	Action	Result
3/14/2023	1	City Council	Approved	Pass
3/7/2023	1	City Council Workshop		

HOLD a public hearing and consider an ordinance requested by Michael J. Whellan, on behalf of Central Southwest Texas Development, LLC (**Case #Z22-54**), to rezone approximately 203.2 acres, being Killeen Area Investment Corp. Industrial Tract, Lot PT TR C, D, & Abandoned Dogwood Blvd.; La Cascata Addition, Block 00A, Lot 1-4 & Killeen Airport Addition, Block 001, Lot PT 1, (W PT OF 1) from "B-5" (Business District) and "M-1" (Manufacturing District) to Planned Unit Development (PUD) with "B-3" (Local Business District), "R-3A" (Multifamily Apartment Residential District), and "RT-1" (Residential Townhouse Single-Family District) uses. The property is locally addressed as 1401 Rio Boulevard, Killeen, Texas.

DATE: **March 7, 2023**

TO: **Kent Cagle, City Manager**

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

SUBJECT: **Zoning Case #22-54: "B-5" (Business District) and "M-1" (Manufacturing District) to Planned Unit Development (PUD) with "B-3" (Local Business District), "R-3A" (Multifamily Apartment Residential District), and "RT-1" (Residential Townhouse Single-Family District)**

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Central Southwest Texas Development, LLC

Agent: Michael J. Whellan

Current Zoning: "B-5" (Business District) & "M-1" (Manufacturing District)

Proposed Zoning: PUD w/"B-3", "R-3A", & "RT-1"

Current FLUM Designation: 'Traditional Neighborhood', 'Urban Village', & 'Regional Commercial'

Summary of Request:

Michael J. Whellan, on behalf of Central Southwest Texas Development, LLC (**Case #Z22-54**), submitted a request to rezone approximately 203.2 acres from "B-5" (Business District) and "M-1" (Manufacturing District) to a Planned Unit Development (PUD). If approved, the applicant intends to develop the property into a mixed-use Planned Unit Development (PUD) with the following underlying zoning districts:

- 39.3 acres of commercial/retail ("B-3");
- 9.1 acres of commercial or apartment "Flex" ("B-3"/"R-3A");
- 91.9 acres of apartment residential ("R-3A"); and
- 62.9 acres build-to-rent single-family, two-, three-, and four-family residential ("RT-1").

The proposed development will consist of commercial/retail development along Martin Luther King Jr. Blvd. (F.M. 2410), multi-family apartments located along either side of a spine road (Anthem Boulevard), and a gated "build-to-rent" development with private streets in the rear.

The applicant is proposing development standards as prescribed in the attached PUD document and associated exhibits. The proposed development standards address parks and open space requirements, architectural standards, landscaping and street tree requirements, off-street parking regulations, enhanced fencing and screening requirements, permitted and prohibited commercial uses, and aviation regulations.

The proposed development will include a north/south public street, to be known as Anthem Boulevard. The proposed cross section for Anthem Boulevard is included as Exhibit D in the attached PUD document.

Within the proposed commercial/retail portion of the development, the proposed PUD allows for most uses permitted in "B-3" (Local Business District) with several additions and exclusions. For example, the proposed PUD allows for retail liquor stores, indoor and outdoor entertainment, and indoor firing ranges. However, the proposed PUD prohibits resale/thrift stores, tattoo parlors, pawn shops, check cashing businesses, and car washes.

The developer intends to comply with the City's parkland dedication and development standards through a combination of parkland dedication and payment of fees-in-lieu of parkland dedication. The proposed PUD includes an initial five (5) acres of parkland to be dedicated the City, which will be located along Anthem Boulevard. Remaining parkland dedication and/or fees-in-lieu of parkland dedication will be addressed during the platting process.

Zoning/Plat Case History:

On September 10, 1962, City Council passed and approved the annexation of 7,931.0 acres.

In 1970, (Case# 70-07) the City Council passed a rezoning from "R-1" (Single-Family Residential) to "M-1" (Manufacturing District).

On December 10, 1974, Killeen Area Investment Corp Inc. Industrial Tract was recorded and filed for record.

On May 12, 2015, City Council approved a rezoning of 63.20 acres from "M-1" (Manufacturing District) to "B-5" Business District.

On January 11, 2016, La Cascata Addition was recorded and filed for record.

Character of the Area:

North: Non-residential lots zoned "M-1" (Manufacturing District) and a Mobile Home Park zoned "RMH" (Mobile Home District)

South: Non-residential lots zoned "M-1" (Manufacturing District)

West: Multifamily lots zoned "R-3" (Multi-Family Residential District)

East: Skylark Airport zoned "M-1" (Manufacturing District)

Future Land Use Map Analysis:

This property is located within the 'Controlled Growth' area on the Growth Sector Map and is designated as 'Traditional Neighborhood' (TN), 'Urban Village' (UV), and 'Regional Commercial' (RC) on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Traditional Neighborhood' place type recreates the pre-suburban pattern with smaller lots and setbacks, shorter blocks, diverse housing typologies and a mix of uses. The mixing of activities and uses allow the area to adapt the change over time to suit the needs of the residents. Though it is not required for uses to always be mixed within the same building, it is important to note that large single use developments (such as large multiplex apartments or retail centers with large land area devoted to parking) do not suit traditional neighborhoods. Mixed-use neighborhoods are places where residents can live, shop, work, and gather and access all activities largely on foot.

The 'Urban Village' place type is considered to be one of the most fiscally resilient place types, and in the right proportion, can subsidize low-value development patterns. It is generally intended for the center of activity with active streets, focusing on people, and imperatively highlights walkability for pedestrian over automobiles. The 'Urban Village' place type promotes the following 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 or many overs.

The 'Regional Commercial' place type include places that are auto-oriented, located near high-traffic intersections, such as regional businesses like retail, restaurants, gas stations, grocery stores, etc. This place type encourages most commercial developments and mixed-use such as many overs.

This 'Controlled Growth' sector includes areas in the city limits and approved Municipal Utility Districts (MUDs) that have access to city infrastructure in close proximity. Development proposed in this sector will be evaluated for adherence to the Big Ideas and Recommendations of the plan, particularly those related to housing and neighborhood options and improve the fiscal health and sustainability of Killeen.

The request supports or furthers the following 2022 Comprehensive Plan recommendations:

- LU1 - Use place types and complete neighborhoods as building blocks
- LU3 - Encourage incremental evolution of neighborhoods
- NH3 - Diversify housing mix (types and price points)
- NH4 - Build complete neighborhoods
- MC1 - Adjust planning approach to consider non-vehicular trips.

- MC3 - Improve network connectivity

The Comprehensive Plan's Big Idea #5 promotes neighborhoods, not subdivisions, designed and built to intentionally mix housing and commercial opportunities together so that the majority of daily needs are accessible within a safe and walkable distance that fosters a unique sense of place. Neighborhoods are flexible places with a mixture of housing and services that provide value directly to the people who reside there.

The Comprehensive Plan emphasizes on building a diverse mix of housing options in order to keep housing in a community affordable and to attract and retain people in different stages of life and different socioeconomic levels. The applicant's proposed PUD includes a mix of housing types including townhomes, two-family, three-family, fourplex, single-family detached, and multifamily apartments.

In addition, the Comprehensive Plan highlights that Complete neighborhood comprise of mixed uses, higher housing density, and streets that support higher density and walkability. The applicant has proposed that private streets shall include sidewalks on one of the streets and Anthem Blvd. (shown on Exhibit D of the PUD document) will include sidewalks, bike lanes and tree lawns to encourage walkability and improved safety.

Neighborhood Analysis:

- This property is located within Killeen Development Zone #3 (Exhibit A).
- Current land use mix within this area comprises approximately:
 - 10% non-residential
 - 90% residential

Zoning district breakdown in DZ3:

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

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

The **'Traditional Neighborhood'** land use designation promotes:

Use Mix: up to 50% non-residential, 80% residential uses

Primary Uses: Townhouses, Accessory Dwelling Unit (ADU), Smallplex (2-4 Units), Live-work, Residential Over, Neighborhood Commercial

Secondary Uses: Single Family, School, House of Worship

The **'Urban Village'** land use designation promotes:

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

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

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

The **'Regional Commercial'** land use designation promotes:

Use Mix: up to 100% non-residential, 50% residential uses

Primary Uses: Restaurants, Grocery Stores, Banks, Retail

Secondary Uses: Entertainment, Office

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 Martin Luther King, Jr. Blvd. (FM 2410), which is classified as a 110-foot wide Minor Arterial; Rio Blvd., which is classified as a 60-foot wide Local Street; and Dogwood Blvd., which is classified as a 60-foot wide Local Street on the City of Killeen Thoroughfare Plan. It has been estimated that there will be 35,825 trips generated on a daily basis with 2,926 peak hour trips. A Traffic Impact Analysis is required for the development.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are two riverine and one freshwater pond habitat shown on the property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified fifty-two (52) surrounding property owners regarding this request. Of those property owners notified, eighteen (18) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and thirty-four (34) reside outside of Killeen.

As of date of this staff report, staff has received two (2) written responses in support of this 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 PUD request;
- Approve the proposed PUD with conditions; or
- Approve the applicant's PUD request as presented.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request for Planned Unit Development (PUD) as presented.

Staff finds that the request is consistent with the policies and principles of the 2022 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis. Staff finds that the request is compatible with the existing land uses and prevailing community character.

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?

Will be determined when TIRZ Reinvestment Agreement is approved.

Is this a one-time or recurring expenditure?

Will be determined when TIRZ Reinvestment Agreement is approved.

Is this expenditure budgeted?

Yes, via TIRZ funds.

If not, where will the money come from?

Not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes

RECOMMENDATION:

At their regular meeting on February 6, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote 4 to 0.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Exhibit
Maps
Site Photos
PUD Document
Minutes
Ordinance
Responses
Considerations