

**ORDINANCE 24-001**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) WITH "R-3A" (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 211 of the Texas Local Government Code and Section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the City of Killeen Zoning Ordinance following a recommendation by the Planning and Zoning Commission and a public hearing;

**WHEREAS**, Jeff Hamilton, of Able Engineering, PLLC, on behalf of NMP - Killeen Limited Partnership, has presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by amending the Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) uses (Ordinance 18-038), for approximately 16.12 acres, being Lot 5, Block 1, Rosewood Commercial,

**WHEREAS**, said request having been duly presented and recommended for disapproval by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of December 2023;

**WHEREAS**, due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 16<sup>th</sup> day of January 2024, at the City Hall, City of Killeen; and

**WHEREAS**, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the majority opinion that the requested amendment of the PUD for "R-3A" uses should be disapproved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION I.** That the zoning classification of 16.12 acres, being Lot 5, Block 1, Rosewood Commercial, be amended to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) uses with the following conditions:

1. That up to three (3) additional apartment buildings and up to seventy-two (72) additional dwelling units may be added to the site, for a total of twelve (12) apartment buildings and two hundred and eighty-eight (288) dwelling units on the site; and
2. That a continuous landscape buffer be provided by the developer 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.

The project site is located on the west side of Rosewood Drive and is addressed as 3701 Rosewood Drive, Killeen, Texas.

**SECTION II.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**SECTION III.** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION IV.** That this ordinance shall take effect immediately upon passage of the ordinance.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

That the above stated recommendation is hereby approved and authorized.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this the 16th day of January 2024, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001 et seq.

**Approved As To Form:**

*Holli C. Clements*

Holli C. Clements  
CITY ATTORNEY

**Approved:**

*Debbie Nash-King*

Debbie Nash-King  
MAYOR

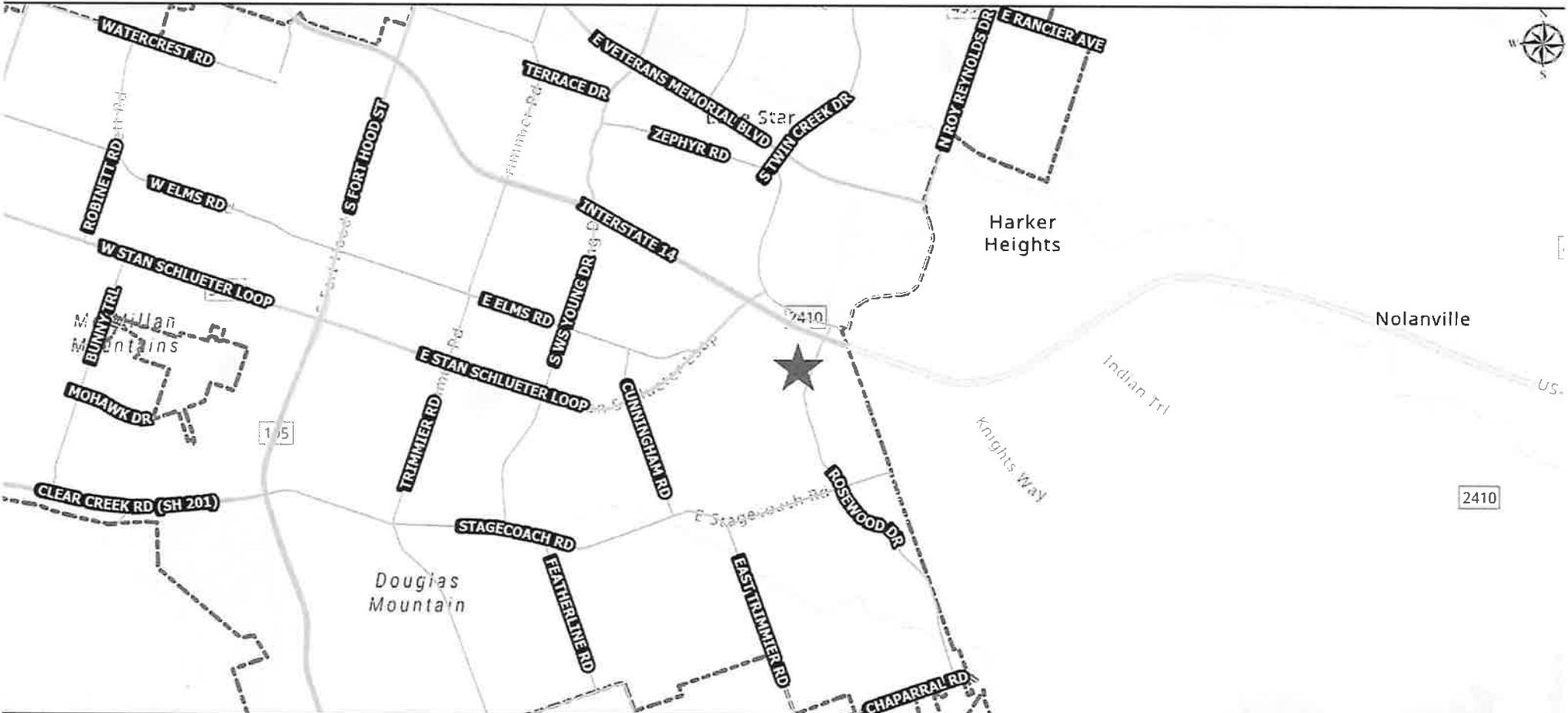


**Attest:**

*Laura J. Calcote*

Laura J. Calcote  
CITY SECRETARY

Case #Z23-27  
Ord. #24-001



**LOCATION MAP**

Council District: 2



Subject Property Legal Description: ROSEWOOD COMMERCIAL, BLOCK 001, LOT 0005, ACRES 16.12

**Zoning Case 2023-27  
AMENDING PUD STANDARDS**

**Legend**

- Major Roads
- City Limits
- Zoning Case Location



AERIAL MAP  
Council District: 2  
0 200 400  
Feet

# Zoning Case 2023-27

## AMENDING PUD STANDARDS

Legend  
Citylimits

Subject Property Legal Description: ROSEWOOD COMMERCIAL, BLOCK 001, LOT 0005, ACRES 16.12



**NOTIFICATION MAP**

Council District: 2

0 200 400

Feet

**Zoning Case 2023-27  
AMENDING PUD STANDARDS**

Subject Property Legal Description: ROSEWOOD COMMERCIAL, BLOCK 001, LOT 0005, ACRES 16.12

Legend	
	B-3
	B-5
	CUP
	M-1
	PUD
	R-1
	R-2
	RT-1

# SITE PHOTOS

Case #Z23-27: PUD Amendment

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View of the property looking west:



View of the property looking east:



View of the property looking north:

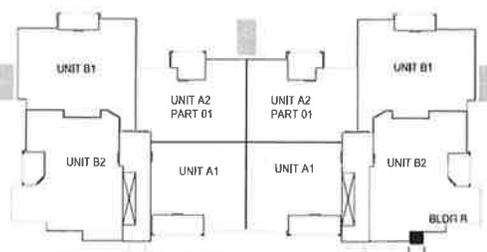
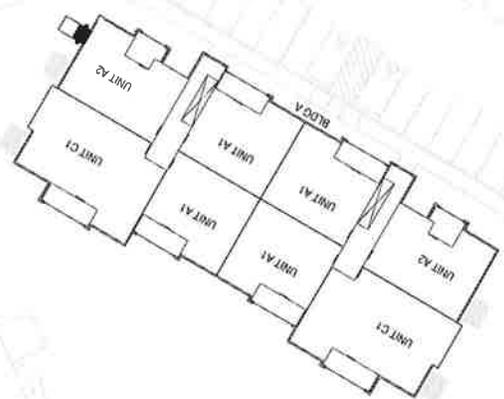
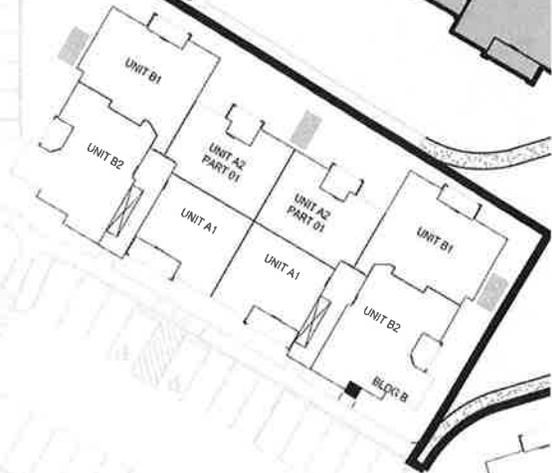
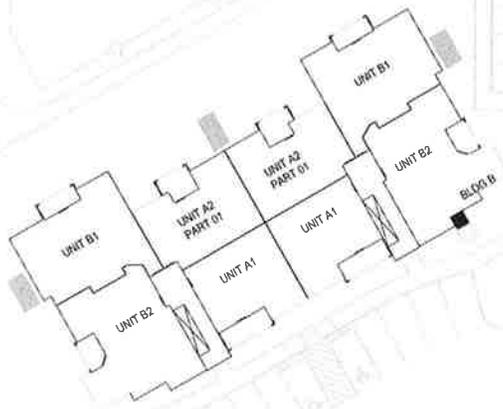


View of the property looking south:

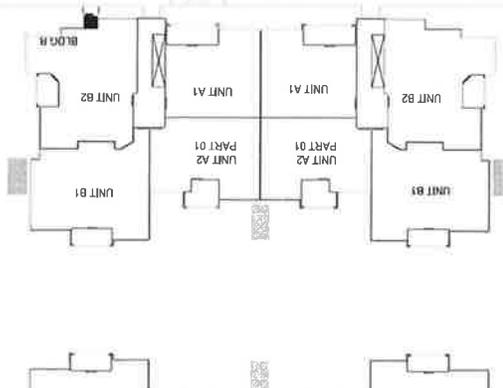


PROPOSED BUILDING  
(24 UNITS)

PHASE 2



EXISTING  
PHASE 1



S18° 18' 11" W 528.38'

# ABLE Engineering, PLLC

October 23, 2023

City of Killeen  
Planning & Development Services  
200 East Avenue D  
Killeen, Texas 76541

RE: Zoning Change Application  
Lot 5 Block 1 Rosewood Commercial  
3701 Rosewood Drive

Greetings,

The purpose of this letter is to provide information to support the accompanying application for Zoning Change.

The property is currently zoned PUD-18-038 with R-3A and is developed with multi-family use consisting of nine apartment buildings, one community building. There are 216 dwelling units in the current development. The zoning application requests to amend the current zoning use while adding four apartment buildings and 96 dwelling units to the property.

The proposed change to the current zoning is not anticipated to negatively impact the surrounding properties as the proposed development shall be designed to fully comply with current City ordinances.

It is the opinion of the Applicant that this request is consistent with the current Future Land Use Map (FLUM).

We appreciate consideration of this request and are available to discuss should there be any questions concerning this request.

Respectfully,



Able Engineering, PLLC

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**December 18, 2023**  
**CASE # Z23-27**  
**Amending PUD Standards**

**HOLD** a public hearing and consider a request submitted by Jeff Hamilton on behalf 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 four (4) additional apartment buildings and 96 dwelling units. The subject property is locally addressed as 3701 Rosewood Drive, Killeen, Texas.

Mr. Millard presented staff report for this item. Mr. Millard stated that the applicant submitted a request to amend the Planned Unit Development (PUD) standards to add four (4) additional apartment buildings for a total of ninety-six (96) additional dwelling units. The development had been previously approved to have a maximum of nine (9) multifamily apartment building with a total of two hundred and sixteen (216) dwelling units. If approved, the proposed PUD amendment would allow for a total of thirteen (13) multifamily apartment buildings and three hundred and twelve (312) dwelling units.

Mr. Millard stated that the 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.

Mr. Millard explained that the approved PUD (Planned Unit Development) (Ordinance No. 18-038) exempted the maximum height limit of thirty-five (35) feet in accordance with Sec. 31-802, since rescinded by Ordinance 20-024, and the minimum thirty-six (36) feet continuous pavement requirement per PUD general regulations contained in Code section 31-802.

Mr. Millard stated that staff had found the previous request was consistent with the character of the surrounding area, which consists of a mix of housing and commercial development types. Therefore, staff recommended approval of the original PUD request with the following conditions:

- i. The PUD Concept Plan shall illustrate a 6' tall screening fence (stone, brick or block, wrought iron) adjacent to Lots 5-10, Block 9, of the Morning Glen Subdivision;
- ii. The brick veneer for the side (right and left) elevations of the nine multifamily structures shall be extended to the second floor as illustrated per the PUD documents;
- iii. In accordance with Code Section 31-256.5, the developer shall provide three color variations (for non-masonry exterior building materials) between the nine buildings with buildings 1, 2, 4 and 5 as the first color variation; buildings 3 and 6 as the second color variation; and buildings 7, 8 and 9 as the third color variation.

Mr. Millard stated that the property is located within the Zone AE due to Acorn Creek running along the west side of the property and it is classified as a Riverine Habitat R45BC on the National Wetlands Inventory. He further stated that the applicant has already started the required floodplain permit process.

Mr. Millard stated that staff finds the requested PUD amendment to be consistent with the Killeen 2040 Comprehensive Plan and with the character of the surrounding area, which consists of a mix of housing and commercial development types. Therefore, staff recommends approval of the PUD with the following condition:

1. That a landscape buffer be provided along the west and southwest property lines, between the proposed additional apartment buildings and the existing single-family residential development. The landscape buffer shall consist of large canopy trees placed twenty-five (25) feet apart and shall be six (6) feet in height and two (2) inches in caliper at the time of planting.

Mr. Jeff Hamilton from Able Engineering was present to represent the case.

Commissioner Ploeckelmann asked the applicant if they were to put one less apartment building on the lot, would they be closer to the City requirement of two thousand five hundred (2500) square feet per dwelling unit as the minimum lot area for developments larger than one-half (1/2) acre. Mr. Hamilton confirmed that they would be closer to the requirement.

Chairman Minor opened the hearing at 5:18 p.m.

Ms. Vassilia Martin spoke in opposition to the request. Ms. Martin explained that many developments have been promised since she has moved to the neighborhood in the 90's. Ms. Martin explained her concerns regarding how this development will negatively impact the neighborhood. She stated that the current road on Rosewood is not wide enough to for the current amount of traffic. Ms. Martin is concerned with the height of the buildings, the proposed drainage, and the location of the walkways. Ms. Martin believes that this development will cause more flooding in the neighborhood because the neighborhood is already located within the floodplain.

Chairman Minor asked if the neighborhood is currently experiencing flooding. Ms. Martin explained that they experience flooding every time it rains and cannot drive safely in the area when it rains. Chairman Minor followed the question with clarification on the traffic. Ms. Martin stated that the traffic was already too much for the neighborhood and during the previous meeting regarding this development, had recommended that three (3) lanes be built on each side.

Mr. Hamilton came back up to the dais to address the concerns mentioned by the Ms. Martin. Mr. Hamilton stated that the requested PUD amendment was intended to address land use, only, and that if approved, they would continue with a flood study and Traffic Impact Analysis (TIA) for the site.

With no one else wishing to speak, the public hearing was closed at 5:37 p.m.

Commissioner Jones moved to recommend disapproval of the request as presented by staff. Commissioner Gukeisen seconded, and the motion passed by a vote of 4 to 2 with Commissioners Rowe and Wilson in opposition.

Commissioner Rowe indicated she does not believe the existence of floodplain on the property should be considered in evaluating the land use proposal. Commissioner Wilson stated that he concurs with the staff's recommendation.

YOUR NAME: JERRY & SILVIA CRANKFIELD PHONE NUMBER: 254-338-7363

CURRENT ADDRESS: 4712 ACORN CREEK TR. KILLEEN

ADDRESS OF PROPERTY OWNED: SAME

COMMENTS:

We are in strong opposition to the request of adding 4 more apartment buildings and 96 dwelling units. The area of Heather Glenn and Morning Glenn has no green zone to speak of. The property 3701 Rosewood Dr. should remain a park with a hike and bike trail, maybe a playground and connect along Rosewood Dr. with the Purser Family Park and the Heritage Oaks Park. Killeen needs to be a more attractive, green city.

SIGNATURE

*Silvia Crankfield*  
Silvia Crankfield

REQUEST: Amending PUD Standards SP0# Z23-27/ 035

RECEIVED

P.O. Box 1329 Killeen, Texas 76541 • 254.501.7648 • Fax 254.501.7628  
www.KilleenTexas.gov

DEC 14 2013

PLANNING

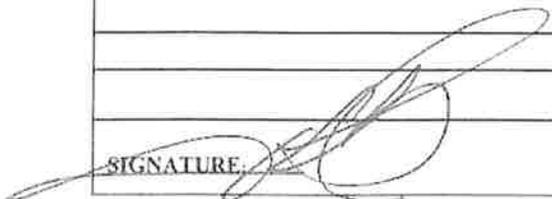
YOUR NAME:	TURNER HUI: S	PHONE NUMBER:	254-383-6472
CURRENT ADDRESS:	4902 ACORN CREEK TR1 KILLEEN TX 76542		
ADDRESS OF PROPERTY OWNED:	YES		
COMMENTS:	DO NOT build the building		
		RECEIVED	
		DEC 04 2023	
		PLANNING	
SIGNATURE:		REQUEST:	Amending PUD Standards SP0# Z23-27/076

P.O. Box 1329 Killeen, Texas 76541 • 254.501.7648 • Fax 254.501.7628  
www.KilleenTexas.gov

-----CUT HERE-----

YOUR NAME:	Rosselia Martin	PHONE NUMBER:	254-213-9423
CURRENT ADDRESS:	4816 Acorn Cr. Tr.		
ADDRESS OF PROPERTY OWNED:	4816 Acorn Cr. Tr. YES		
COMMENTS:	Against building more Apartment units was zoned for small business		
		RECEIVED	
		DEC 04 2023	
		PLANNING	
SIGNATURE:		REQUEST:	Amending PUD Standards SP0# Z23-27/051

P.O. Box 1329 Killeen, Texas 76541 • 254.501.7648 • Fax 254.501.7628  
www.KilleenTexas.gov

YOUR NAME:	<i>Jim Wright</i>	PHONE NUMBER:	<i>254.501.2045</i>
CURRENT ADDRESS:	<i>2800 So. W.S. Young Dr., Killeen, TX 76929</i>		
ADDRESS OF PROPERTY OWNED:	<i>Rosewood Springs Sub</i>		
COMMENTS:	<i>NO OBJECTION</i>		
		RECEIVED	
		DEC 07 20	
		PLANNING	
SIGNATURE:		REQUEST: Amending PUD Standards SP0# Z23-27/	<i>19</i>

# CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2<sup>nd</sup> 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

## **A. General Factors to Consider:**

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

## **B. Conditional Use Permit (if applicable)**

Whether the use is harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

## **C. Conditions to Consider**

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.



# CASE #Z23-27: PUD AMENDMENT

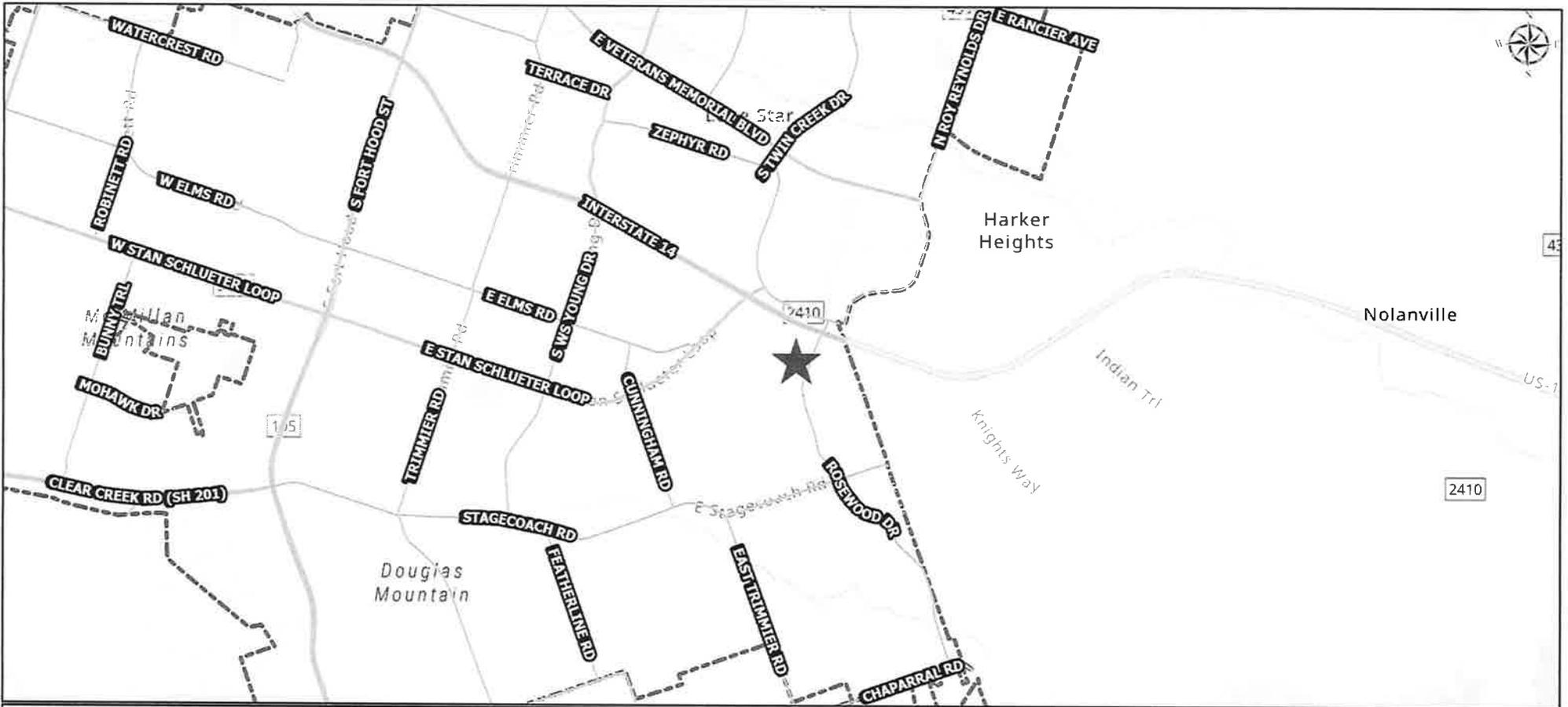
TMP-23-647

January 9, 2024

## Case #Z23-27: PUD Amendment

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- **HOLD** a public hearing and consider a request submitted by Jeff Hamilton, on behalf 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 seventy-two (72) dwelling units. The subject property is locally addressed as 3701 Rosewood Drive, Killeen, Texas.



**LOCATION MAP**

Council District: 2



Subject Property Legal Description: ROSEWOOD COMMERCIAL, BLOCK 001, LOT 0005, ACRES 16.12

**Zoning Case 2023-27  
AMENDING PUD STANDARDS**

**Legend**

- Major Roads
- City Limits
- Zoning Case Location



AERIAL MAP

Council District: 2



Subject Property Legal Description: ROSEWOOD COMMERCIAL, BLOCK 001, LOT 0005, ACRES 16.12

## Zoning Case 2023-27

### AMENDING PUD STANDARDS

Legend

 Citylimits

# Case #Z23-27: PUD Amendment

5

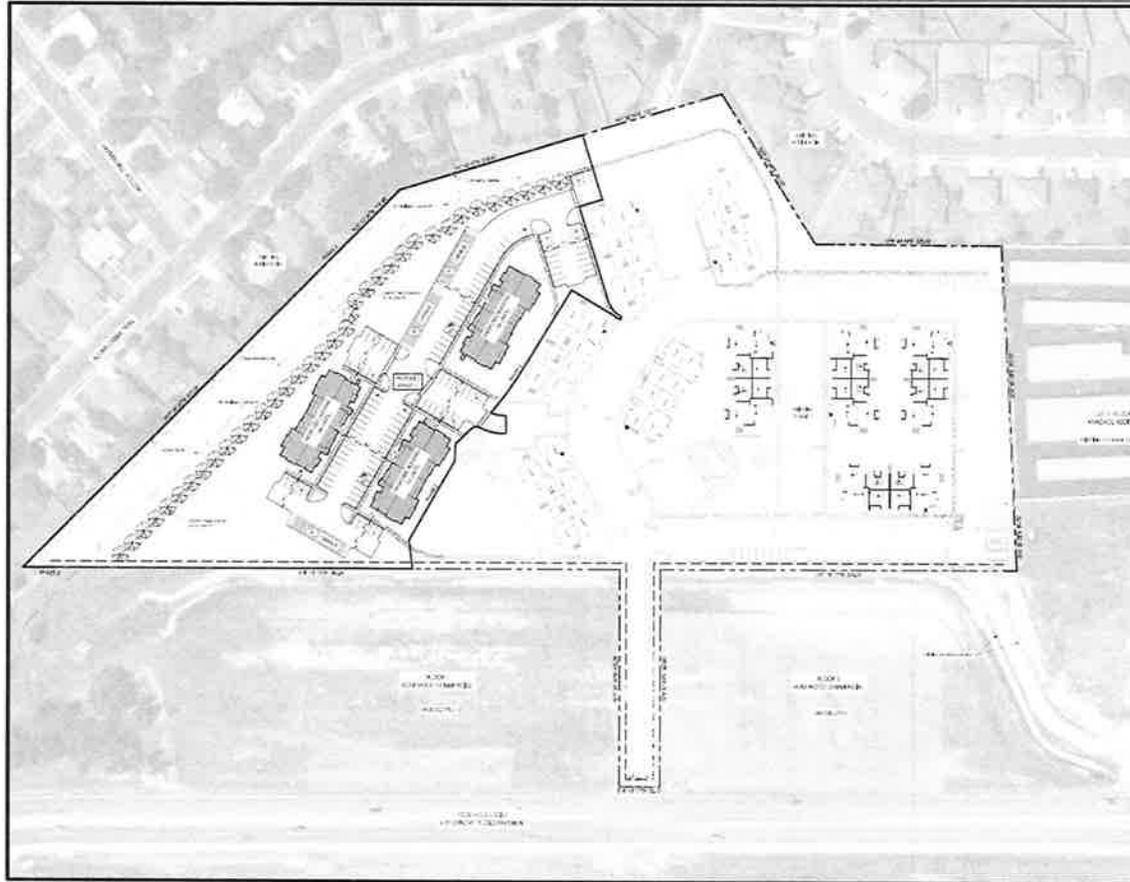
- Jeff Hamilton of Able Engineering, PLLC, on behalf of NMP - Killeen Limited Partnership, has submitted a request to amend the Planned Unit Development (PUD) standards for the Rosewood Commercial Planned Unit Development (Ordinance No. 18-038) to add three (3) additional apartment buildings, which equates to an additional seventy-two (72) dwelling units.

# Case #Z23-27: PUD Amendment

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- The current PUD designation of the property was approved on October 30, 2018 via Ordinance No. 18-038 to allow nine (9) apartment buildings on the site with a total of 216 dwelling units.
- If approved, this request will amend the current PUD to allow three (3) additional apartment buildings having seventy-two (72) additional dwelling units, for a total of twelve (12) buildings and 288 dwelling units on the site.

# Case #Z23-27: PUD Amendment



# Case #Z23-27: PUD Amendment

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# Case #Z23-27: PUD Amendment

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- The subject property is currently zoned “PUD” (Planned Unit Development) with “R-3A” (Multifamily Apartment Residential District) uses.
- In accordance with Sec. 31-256.9, a Planned Unit Development (PUD) is required for any request for “R-3A” greater than five (5) acres.

# Case #Z23-27: PUD Amendment

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- In accordance with Sec. 31-265.3(b)(1), the minimum lot area for multifamily developments zoned “R-3A” (Multifamily Apartment Residential District) that are larger than one-half (1/2) acre is 2,500 sq. ft. per dwelling unit.
- The subject property is 16.12 acres, which would allow for a maximum of 280 dwelling units by-right in “R-3A”. With the proposed PUD amendment, the applicant is requesting 312 units, which is 32 dwelling units more than would be allowed by-right in “R-3A”.

# Case #Z23-27: PUD Amendment

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- Parks fees for the proposed additional 72 dwelling units will be required as follows:
  - Park Development Fees: \$18,000
  - Fees-in-lieu of parkland dedication: \$46,800
  - Total Parks Fees: \$64,800



**ZONING MAP**

Council District: 2



**Zoning Case 2023-27  
AMENDING PUD STANDARDS**

Subject Property Legal Description: ROSEWOOD COMMERCIAL, BLOCK 001, LOT 0005, ACRES 16.12

# Case #Z23-27: PUD Amendment

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View of the subject property looking west:



# Case #Z23-27: PUD Amendment

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View of the subject property looking east:



# Case #Z23-27: PUD Amendment

15

View of the subject property looking north:



# Case #Z23-27: PUD Amendment

16

View of the subject property looking south:



# Comprehensive Plan Analysis

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- The subject property is designated 'Residential Mix' (RM) on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- The 'Residential Mix' place type promotes up to 25% non-residential and up to 95% residential uses.
- Primary uses include single-family, ADUs, townhouses, smallplex (2-4 units), and live-work.
- Staff finds that the requested PUD amendment is consistent with the 'Residential Mix' (RM) place type.

# Comprehensive Plan Analysis

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- The property is designated 'Intended Growth' on the Growth Sector Map of the Comprehensive Plan.
- This sector includes vacant tracts that are currently under development or already have development approvals secured for future buildout and property that is in close proximity to existing development.
- 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.

# Comprehensive Plan Analysis

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- 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 emphasizes the need for expanding the variety of neighborhood styles, housing types and price points available in the city.

# Development Zone Analysis

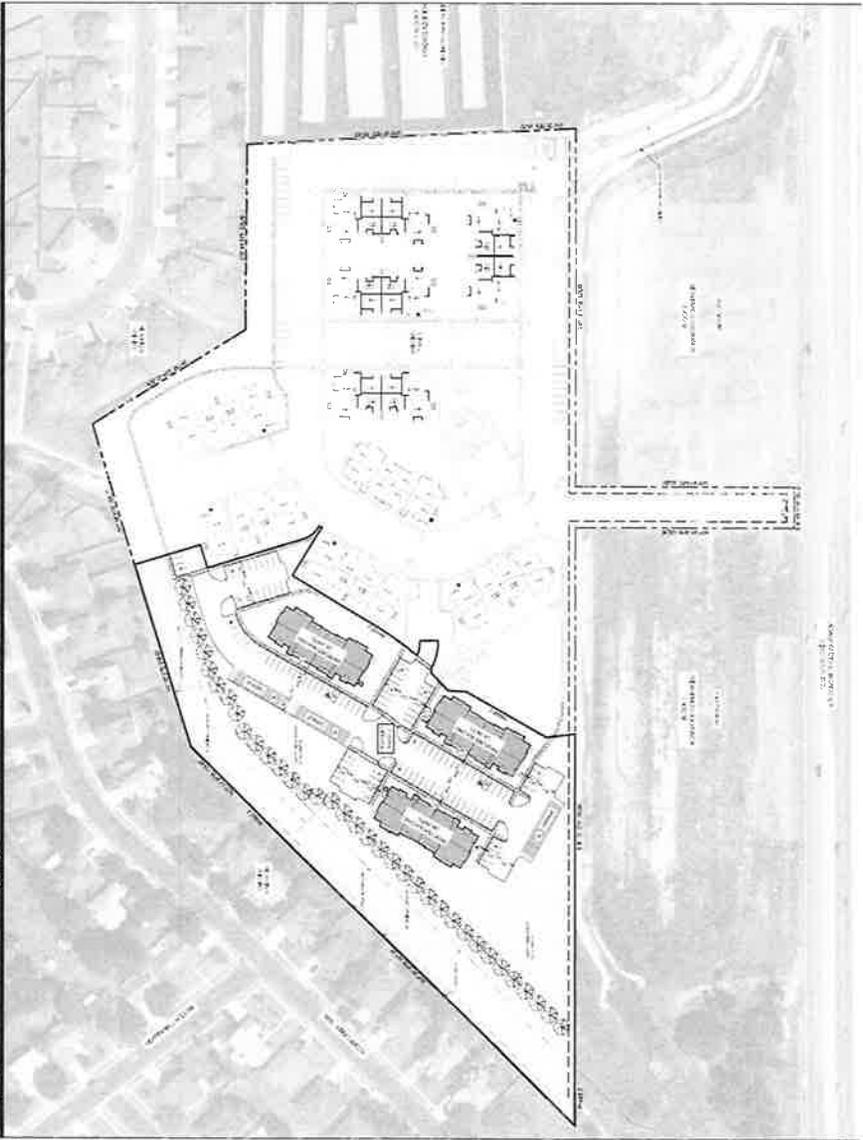
20

- ❑ The 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 DZ#7:
  - ❑ 6% non-residential zoning districts
  - ❑ 91% residential zoning districts
  - ❑ 3% agricultural zoning districts



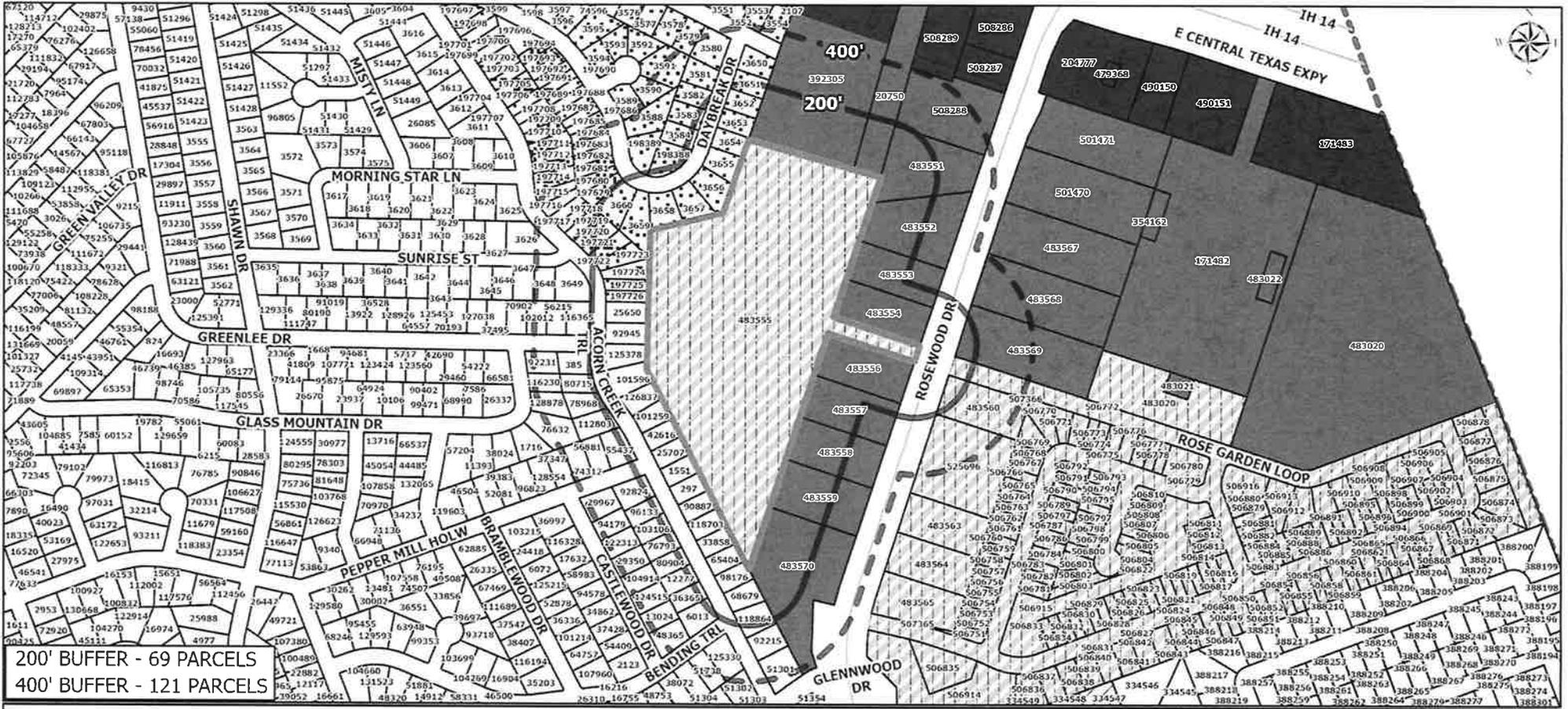
# Environmental Assessment

- 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.
- To date, staff has received one (1) written request in support and three (3) written responses in opposition to this request.



200' BUFFER - 69 PARCELS  
 400' BUFFER - 121 PARCELS

PROPERTY ID MAP

Council District: 2

0 200 400

Feet

Subject Property Legal Description: ROSEWOOD COMMERCIAL, BLOCK 001, LOT 0005, ACRES 16.12

# Zoning Case 2023-27

## AMENDING PUD STANDARDS

Legend	
Current Zoning	CUP
B-3	M-1
B-5	PUD
R-1	R-2
	RT-1

# Alternatives

25

- The City Council has three (3) alternatives. The 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.

# Staff Recommendation

- Staff recommends approval of the applicant's request to amend the PUD with the following conditions: add up to (3) three additional apartment buildings, which includes seventy-two (72) additional dwelling units; and provide a landscape buffer 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.

# Commission Recommendation

- At their regular meeting on December 4, 2023, the Planning and Zoning Commission recommended disapproval of the applicant's request by a vote of 4 to 2.
- 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).



## City of Killeen

**File Number: PH-24-001**

**Enactment Number: 24-001**

**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 (1/2) 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