

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY AMENDING THE ZONING OF THE PROPERTY LOCALLY ADDRESSED AS 3001 ILLINOIS AVENUE, KILLEEN, TEXAS; TO CHANGE THE ZONING OF APPROXIMATELY 3.62 ACRES OF LOT 1, BLOCK 1, FOX CREEK COMMERCIAL PHASE ONE, FROM “B-5” (BUSINESS DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) W/ “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); 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, Avanti Legacy Parkview, LP, on behalf of WB Whitis Investments, Ltd., presented to the City of Killeen, a request for an amendment to the City of Killeen Zoning Ordinance by changing the classification of approximately 3.62 acres of Lot 1, Block 1, Fox Creek Commercial Phase One from “B-5” (Business District) to Planned Unit Development (PUD) w/ “R-3A” (Multifamily Apartment Residential District);

WHEREAS, the Planning and Zoning Commission of the City of Killeen, following a public hearing on the 15th day of July 2024, duly recommended approval of the application for amendment;

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 3:00 P.M., on August 20, 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 applicant’s zoning request should be approved.

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

SECTION I. That the zoning classification of approximately 3.62 acres of Lot 1, Block

1, Fox Creek Commercial Phase One, locally addressed as 3001 Illinois Avenue, Killeen, Texas, be changed from "B-5" (Business District) to Planned Unit Development (PUD) w/ "R-3A" (Multifamily Apartment Residential District).

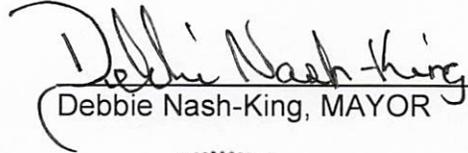
SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason; it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

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.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 20th day of August, 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:

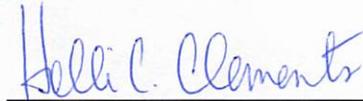

Debbie Nash-King, MAYOR

ATTEST:


Laura J. Calcote, CITY SECRETARY



APPROVED AS TO FORM:


Holli C. Clements, CITY ATTORNEY
Case #24-06
Ord. #24-031



City of Killeen

File Number: PH-24-031

Enactment Number: 24-031R

HOLD a public hearing and consider an ordinance submitted by Avanti Legacy Westwood, LP, on behalf of WB Whitis Investments, Ltd., (**Case #Z24-06**) to rezone approximately 3.6277 acres, being Lot 1, Block 1, Fox Creek Commercial Phase One from "B-5" (Business District) to a Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) uses. The subject property is locally addressed as 3001 Illinois Avenue, Killeen, Texas.

DATE: August 20, 2024

TO: Kent Cagle, City Manager

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Zoning Case # 24-06: "B-5" (Business District) to PUD (Planned Unit Development w/"R-3A" (Multifamily Apartment Residential District) uses

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: WB Whitis Investments, Ltd.

Agent: Avanti Legacy Westwood, LP

Current Zoning: "B-5" (Business District)

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

FLUM Designation: 'Residential Mix' (RM)

Growth Sector Designation: 'Neighborhood Infill'

Summary of Request:

Avanti Legacy Parkview, LP submitted a request, on behalf of WB Whitis Investments, Ltd., to rezone approximately 3.62 acres, being Lot 1, Block 1, Fox Creek Commercial Phase One from "B-5" (Business District) to Planned Unit Development (PUD) with "R-3A" (Multifamily Apartment Residential District) uses.

If approved, the applicant intends to develop a tax credit multifamily apartment development for seniors (55 years and up) consisting of one hundred and two (102) units.

The proposed senior apartment complex shall not exceed four stories. The apartment complex will provide a fully furnished clubhouse and amenity spaces. The clubhouse shall have a minimum average ceiling height of eight (8) feet. The development will provide a community laundry room, a business center equipped with computers and a printer, and a fitness center. The proposed development received a resolution of support from the City Council on February 13, 2004 (Resolution No. 24-032R).

The applicant is proposing PUD standards as described in the attached PUD Features and Regulations document.

The requested deviations from the ordinance are as follows:

- *Density.* Increased site density to accommodate one hundred and two (102) units. Sec. 31-256.3(b)(1) requires two thousand five hundred (2,500) square feet per dwelling unit. Based on this, the site can only accommodate sixty-nine (69) units. The applicant is proposing to accommodate the increase with the fourth story.
- *Building height.* Increased building height allowance without the required building setback increase. Sec. 31-256.2 states that buildings "shall not exceed thirty-five (35) feet except by providing an additional one (1) foot to every applicable setback distance as provided under Sec. 31-256.3, for each two (2) feet of additional building or structure height over thirty-five (35) feet." To meet the density requirement, the applicant is proposing a four (4) story building that could reach forty-five feet in height.
- *Building setbacks.* No building setbacks to allow for a more amenable urban look for the development. The applicant is proposing placing the site parking in the rear of the development and placing the structure close to the frontage of Illinois Avenue. The required front yard setback in the "R-3A" zoning district is twenty-five (25) feet. However, the proposed PUD has no required front yard setback. The proposed structure will be located directly on the front property line.
- *Architectural standards.* A deviation from the vertical articulation requirement that there shall not be an uninterrupted length greater than thirty (30) feet. The applicant is proposing to increase this to thirty-six (36) feet. The applicant is also requesting not to provide balconies as required by Sec. 31-908(a)(2).
- *Landscaping.* To deviate from the from the Code regarding the required placement of landscaping. The Code requires landscaping in front of the building. However, because the building is directly adjacent to the front property line, landscaping will be provided on the side and rear property lines. This will also serve as a buffer between the proposed development and the adjacent single-family residences. However, the site will still provide the required number of trees and shrubs in accordance with Sec. 31-885.
- *Screening.* Variations in the height and location of the required screening devices adjacent to the more restrictively zoned property to the west and north. The applicant is proposing a 6-foot precast concrete wall screening and a landscape buffer area with the site design.
- *Parking.* The applicant is proposing one hundred and seven (107) parking stalls in lieu of the one hundred and seventy-one (171) required by Sec. 31-489. In accordance with Sec. 31-802(h), "parking area and number of spaces should generally follow regulations for applicable uses prescribed in this chapter but may be increased or decreased as deemed necessary by the planning and zoning commission."

Zoning/Plat Case History:

The subject property was annexed into the City limits on September 9, 1962. The property was rezoned from "R-1" (Single-family Residential District) to "B-5" (Business District) on February 26, 1985, via Ordinance No. 85-9. The property was platted as Fox Creek Commercial Phase One, Block 1, Lot 1 on June 11, 1997.

Character of the Area:

North: Existing residential zoned "R-1" (Single-Family Residential District)

South: Vacant property zoned CUP (Community Unit Plan) w/"R-1" (Single-Family Residential District)

East: Existing residential zoned CUP (Community Unit Plan) w/"R-1" (Single-Family Residential District)

West: Existing commercial businesses zoned "B-5" (Business District)

Future Land Use Map Analysis:

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and is designated as 'Residential Mix' (RM) on the Future Land Use Map (FLUM) of the City of Killeen Comprehensive Plan.

This 'Neighborhood Infill' growth sector includes already developed areas with access to city services and infrastructure but have vacant, underutilized, or poorly developed properties.

This '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. This place type encourages a twenty-five percent (25%) nonresidential and ninety-five percent (95%) residential use mix.

The request is consistent with the following Big Ideas of the 2022 Comprehensive Plan:

1. Resource stewardship and fiscally responsible growth ensure a more prosperous community for the long haul.
5. Neighborhoods, not subdivisions, make great places for everyone.

The request supports or furthers the following Comprehensive Plan recommendations:

- **LU3** - Encourage incremental evolution of neighborhoods.
- **NH3** - Diversity housing mix.
- **NH4** - Build complete neighborhoods.

Staff finds that the applicant's request is consistent with the City of Killeen Comprehensive Plan.

Development Zone Analysis:

This property is located within the City of Killeen Development Zone #3. This development zone is bounded by N. Fort Hood Street to the west, S. Roy Reynolds Drive to the east, Veterans Memorial Boulevard to the north, and Interstate Highway 14 to the south.

Current land use mix within this area comprises approximately:

37.6% non-residential uses
62.4% residential uses

The current land use mix within this area comprises of the following acreages and percentages approximately:

<u>District</u>	<u>Acres</u>	<u>Percentage</u>
Special Districts	81.61	2.74%
Residential	1779.03	59.66%
Industrial	273.37	9.17%
Commercial	847.76	28.43%
Agricultural	0.00	0.00%
Totals	2981.78	100.00%

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, wastewater, and drainage utility services are located within the City of Killeen municipal utility service area and is available to the subject tract.

Water services are available on the western boundary of the tract via an existing 8" water line located along the eastern right-of-way of Illinois Avenue. An existing 6" water line is located along the southern boundary of the property along the southern right-of-way of Phoenix Drive.

Wastewater services are available via an existing 12" wastewater line bisects the property and is in an existing 20' wide easement (Cabinet C, Slide 106-A). Additional wastewater infrastructure may be required.

The property is in the Little Nolan Creek drainage area. According to City of Killeen GIS maps of the area, an existing drainage culvert (unknown diameter) is located at the southeast corner of the tract and crosses Phoenix Drive from north to south. An existing 50' wide drainage easement containing a grass-lined ditch is located along the eastern boundary of the tract. The drainage easement is maintained by the city.

Transportation and Thoroughfare Plan:

Ingress and egress to the property is via Phoenix Drive (a 60' wide Residential Collector) and Illinois Avenue (a 70' wide Mixed-Use Collector). The current zoning classification is "B-5" and the associated uses would generate a moderate volume of traffic. Based on the proposed zoning classification of PUD/R-3A and the Conceptual Site Plan, the estimated number of daily trips is seven hundred and forty-seven (747). A traffic impact analysis is not required.

PARKS AND PROPOSED TRAIL PLAN:

There are no proposed parks or trails located on this site. The developer anticipates that the subject property will yield approximately one hundred and two (102) multifamily units. Based on this number, the parkland dedication requirements would be as follows:

- Parkland Dedication: 1.326 acres
- Fees-In-Lieu of Parkland Dedication: \$ 66,300
- Park Development Fees: \$ 25,500
- **Total Park Fees: \$91,800**

Environmental Assessment:

The property is within Zone X FEMA-regulatory Special Flood Hazard Area (SFHA), per FEMA Flood Insurance Rate Map 48027C0280E, with effective date September 26, 2008 (A Letter of Map Revision was filed on 10/7/13 for this FIRM (LOMR 13-06-2244P)). According to the National Wetlands Inventory, no portion of the property is in a riverine habitat or adjacent to a stream classified as "Waters of the United States".

Public Notification:

Staff notified sixty-one (61) surrounding property owners regarding this request. Of those property owners, thirty-one (31) reside outside the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by the Council, and sixteen (16) live outside of the City of Killeen corporate limits. To date, staff has received one written response in support, regarding this request.

Staff Findings:

The current zoning of the subject property is "B-5" (Business District). The surrounding area includes predominantly residential uses. Staff finds that the applicant's request is consistent with the recommendations of the City of Killeen Comprehensive Plan.

THE ALTERNATIVES CONSIDERED:

The City Council may:

- Disapprove the applicant's zoning request; or
- Approve the proposed PUD with conditions; or
- Approve the applicant's zoning request as presented

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request to rezone the property from "B-5" (Business District) to PUD (Planned Unit Development) w/"R-3A" (Multifamily Apartment Residential District).

Staff finds that the proposed development will provide housing options within the area and promote aging-in-place and inclusionary housing by providing high-quality affordable housing for elderly members of the community with available miscellaneous amenities.

In addition, staff is of the determination that the proposed development is compatible with the prevailing commercial and residential character of the area.

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?

Public infrastructure is already in place for this property and maintained by the City. Maintenance cost will continue for the life of the 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:

Staff recommends approval of the applicant's request to rezone the property from "B-5" (Business District) to PUD (Planned Unit Development) w/"R-3A" (Multifamily Apartment Residential District) uses as presented.

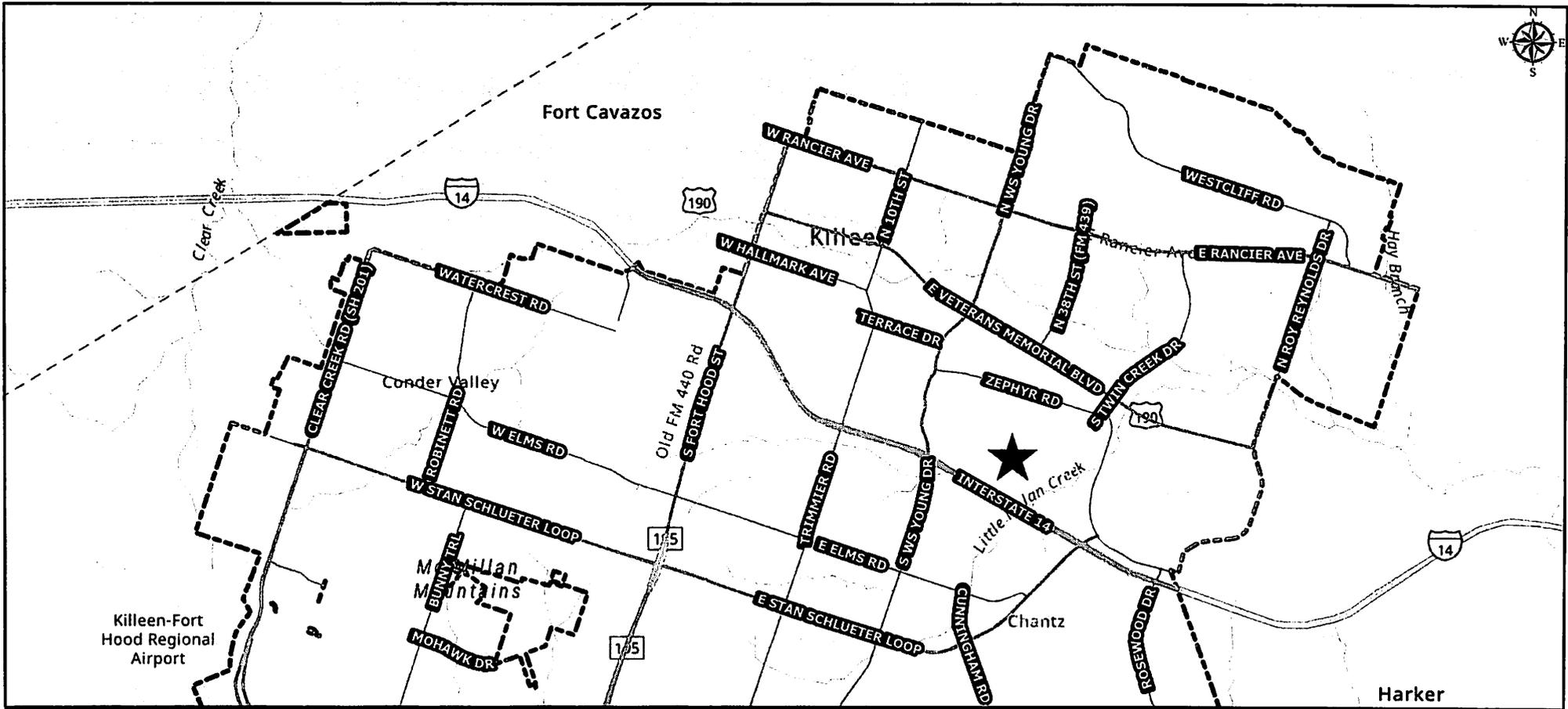
At their regular meeting on July 15, 2024, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

DEPARTMENTAL CLEARANCES:

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

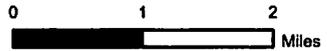
ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Letter of Request
PUD Conditions
Property Survey
Concept Site Plans
Preliminary Amenities List
Hold Harmless Letter
Minutes
Ordinance
Response
Considerations
Presentation



LOCATION MAP

Council District: 2



Subject Property Legal Description: FOX CREEK COMMERCIAL PHASE ONE, BLOCK 001, LOT 0001, ACRES 3.62

Zoning Case 2024-06
B-5 TO PUD, R-3A

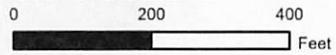
Legend

- Major Roads
- ⬡ City Limits
- ★ Zoning Case Location



AERIAL MAP

Council District: 2



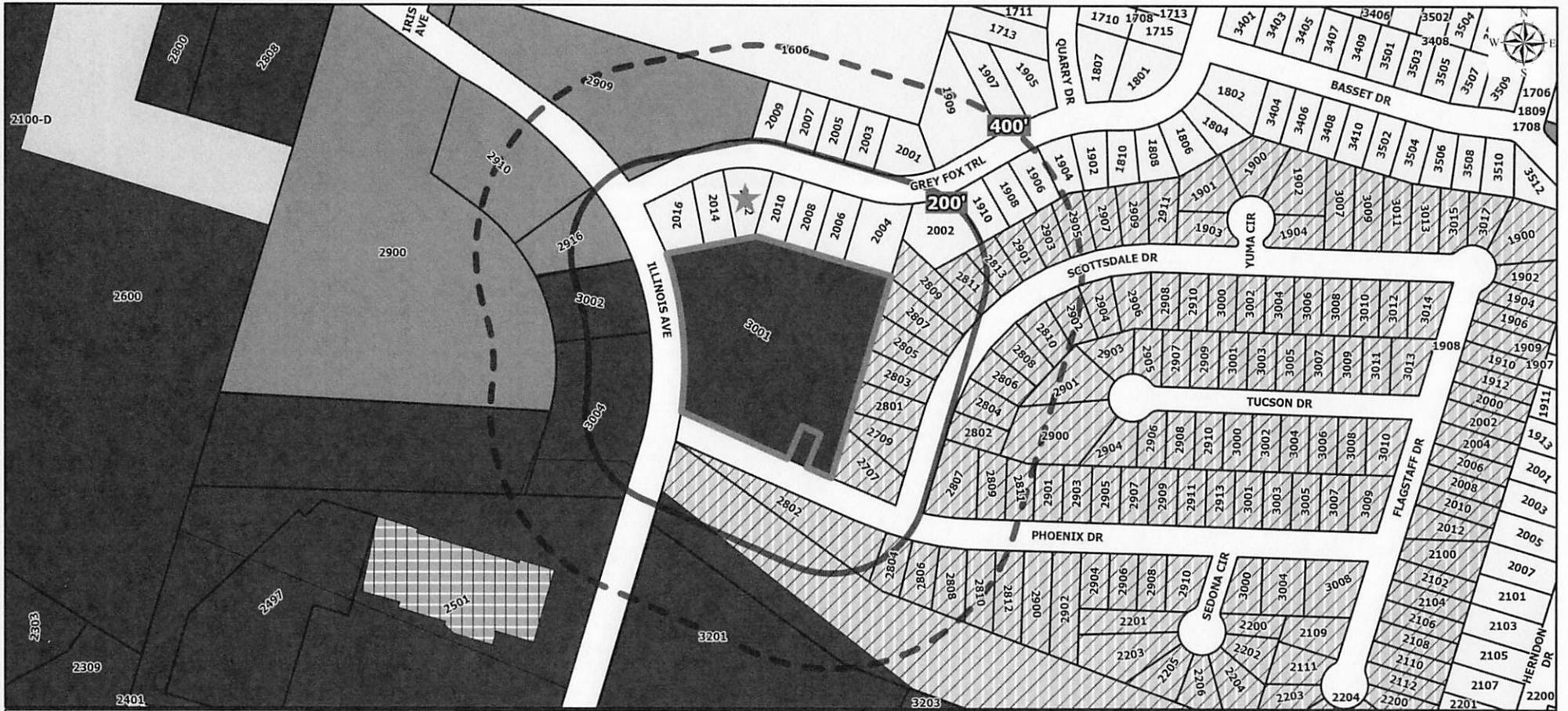
Zoning Case 2024-06

B-5 TO PUD, R-3A

Legend

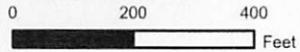


Subject Property Legal Description: FOX CREEK COMMERCIAL PHASE ONE, BLOCK 001, LOT 0001, ACRES 3.62



RESPONSE MAP

Council District: 2



Subject Property Legal Description: FOX CREEK COMMERCIAL PHASE ONE, BLOCK 001, LOT 0001, ACRES 3.62

Zoning Case 2024-06

B-5 TO PUD, R-3A

Legend		Current Zoning	
	B-3		RC-1
	B-5		B-C-1
	SUPPORT		CUP
			R-1
			R-3
			R-3A

SITE PHOTOS

Case #Z24-06: "B-5" to PUD w/"R-3A"



View of the subject property looking north:



View of the subject property looking south:



SITE PHOTOS

Case #Z24-06: "B-5" to PUD w/"R-3A"



View of the surrounding property to the east:



View of the surrounding property to the west:



AVANTI LEGACY WESTWOOD, LP

February 26, 2024

Planning & Development Department
City of Killeen
200 East Avenue D
Killeen, TX 76541

To whom it may concern,

Avanti Legacy Westwood, LP is making an application for Competitive Housing Tax Credits ("HTC") and Multifamily Direct Loan funds with the Texas Department of Housing and Community Affairs for Westwood Apartments to be located at 3001 Illinois Avenue, Killeen, TX 76543. A site location map is attached hereto to help identify the exact location of our site. This new construction development will be an apartment community comprised of approximately one hundred and two (102) units which will all be for low-income tenants at or below 60% of the Area Median Income. The development should generate numerous jobs and economic activity for the City of Killeen and Bell County.

Please accept this letter as our formal request for Zoning Change. The property is currently vacant and zoned under the Business District (B-5) designation. Our request is for a Planned Unit Development (PUD) with base zoning of Multifamily Apartment Residential (R-3A), which permits the property to be used for our proposed apartment complex.

We believe our proposed development will have a positive impact on the surrounding community by providing much-needed high-quality affordable housing for the elderly members of the community. The development is estimated to have between \$18.5M and \$24.5M in total development cost, bringing a substantial investment to the City of Killeen. Concerning the surrounding properties, we intend to minimize intrusion through several intentional design choices. These include privacy fencing, building orientation, and thoughtful entry and exit points.

For more information, please contact Avanti Legacy Westwood, LP, Henry Flores, 3933 Steck Ave, Suite B120, Austin, TX 78759 or by phone at (512) 982-1342. For information on the Housing Programs, see www.tdhca.state.tx.us.

Sincerely,



Enrique Flores, IV
Authorized Signatory of Avanti Legacy Westwood, LP

Avanti Legacy Westwood, LP
3933 Steck Ave, Ste. B120, Austin, TX 78759
Phone – (512) 982-1342 | Fax – (512) 900-2860
contact@madhousedevelopment.net

AVANTI LEGACY WESTWOOD, LP

Map of Site Location



Avanti Legacy Westwood, LP
3933 Steck Ave, Ste. B120, Austin, TX 78759
Phone – (512) 982-1342 | Fax – (512) 900-2860
contact@madhousedevlopment.net

**PLANNED UNIT
DEVELOPMENT (PUD)
CONDITIONS**

AVANTI LEGACY WESTWOOD, LP

ZONING CASE

I. Description of Subject Property

The subject property is an approximately 3.63-acre undeveloped tract located at 3001 Illinois Avenue, Killeen, Texas, 76543. The property is more particularly described within the property survey attached as **EXHIBIT A**.

II. Purpose Statement

The purpose of this Planned Unit Development (PUD) is to establish land use and building design concepts for the development of a multifamily housing complex. The proposed apartment complex will include one four-story building, surface parking, and a variety of amenities including a fitness center, business center, and laundry room. The community will provide one hundred and two (102) units, which will be dedicated to people 55 years and older.

III. Low-Income Housing Commitment

The development is financed through the Texas Department of Housing and Community Affairs (TDHCA) Housing Tax Credit (HTC) Program, which allows for reduced rents for residents based on their income levels. The developer has committed 11 units to households earning less than 30% of the Area Median Income (AMI), 21 units to those earning 50% or less of the AMI, and the remaining 70 units to households earning less than 60% of the AMI. This commitment to affordability will be maintained for 45 years and monitored by TDHCA.

IV. Amendments and Severability

Boundary changes and other amendments to this ordinance shall follow the same policies and procedures for considering zoning change applications prescribed in the City of Killeen Zoning Ordinance.

V. General Regulations

The base zoning of this Planned Unit Development (PUD) is R-3A Multifamily Apartment Residential District. All regulations of the R-3A Multifamily Apartment Residential District as set forth in Division 8B of the City of Killeen Code of Ordinances shall apply, except as otherwise specified by Specific Regulations below.

VI. Concept Plan

The Development shall be in general conformance with the Conceptual Site Plan labeled **EXHIBIT B**. In the event there is a conflict between the approved Conceptual Site Plan and the Specific Regulations below, the Specific Regulations shall apply.

Avanti Legacy Parkview, LP
8500 Shoal Creek Blvd, Bldg. 4, Ste. 208, Austin, TX 78757
Phone – (512) 982-1342 | Fax – (512) 900-2860
contact@madhousedevelopment.net

VII. Specific Regulations

- A. **Height regulations:** The height of the building within this district shall not exceed Four (4) stories.
- B. **Setback requirements:** The development shall have a minimum setback of 7.5 feet at the northern and southern property boundaries. The eastern and western boundaries shall not have a minimum setback. The portion of the property boundary adjacent to the AT&T cell phone tower equipment will have no minimum setback requirement.
- C. **Roof pitch:** Residential buildings shall provide a gable roof with pitch no less than four (4) over twelve (12) and not to exceed nine (9) foot to twelve (12) foot slope. Sections of flat roofs are permissible to allow parapet accents on the buildings. Architectural asphalt shingles shall be used to incorporate gables, hips, and undulating massing. Horizontal venting is allowed provided that the vents are painted to match the adjacent facade
- D. **Site regulations:**
 - a. Side and rear elevations of buildings shall incorporate architectural features and exterior materials that are generally consistent with the front elevation.
 - b. All buildings and structures, including accessory structures and dumpster enclosures, must share a common, identifiable, complementary design or style.
 - c. Drainage features such as detention ponds and associated landscaping, screening, and facilities may encroach the front, side, or rear yard setback.
 - d. The property shall meet all the landscaping code requirements and shall be maintained by the use of an irrigation system and adequate maintenance. Additionally, the development will use landscaping to meet the land disturbance code requirements, which are inspected annually throughout the life of the building.
- E. **Density:** The development will be permitted to have one hundred and two (102) units.
- F. **Architectural design:**
 - a. Building elevations will vary based on building layout but generally shall be a consistent theme with consistent materials and colors used on all sides of the buildings. Architectural features will be highlighted by using two (2) or more paint colors and two (2) or more materials per building.
 - b. Nominal eight (8) or nine (9) foot ceilings will be permitted on all residential buildings.
 - c. Building massing shall create visual movement in the facade through the use of projections, recesses, awnings, canopies, shutters, and windows. The exterior wall shall not have an uninterrupted length greater than thirty-six (36) feet in length. Recesses and projections shall be at least thirty (30) inches in

depth. Flat facade expenses exceeding thirty-six (36) feet in width are prohibited. Fully recessed windows and architectural features can be used to comply with the section.

- d. All stairs (except entry stairs and stoops to individual units and shared hallways) and elevated walkways shall be fully integrated into the architectural design of the building.
 - e. Building shall be elevator served in buildings greater than 2 stories.
 - f. Balconies and patios are not mandatory components of the building and unit designs.
- G. **Landscaping:** The development will provide 51 canopy trees and 306 shrubs as required by the Code of Ordinances. The development may deviate from the Code regarding the placement of landscaping. To enhance screening between the development and adjacent single-family residences, the developer will prioritize maximizing landscaping placement near the northern and eastern property boundaries. Final approval of the landscaping design will be subject to city staff's review and approval during the site plan and building permit review process.
- H. **Windows and doors:** Windows shall be trimmed with fiber cement board. Allowed window materials include vinyl, fiberglass, or aluminum. Covered building entryways are required.
- I. **Amenities:** The apartment complex will provide a fully furnished clubhouse and amenity spaces. The clubhouse shall have a minimum average ceiling height of eight (8) feet. The development will provide a community laundry room, a business center equipped with computers and a printer, and a fitness center.
- J. **Ancillary Structures/Accessory Buildings:** Buildings for storage, maintenance, and equipment shall be consistent with the design and material of the residential buildings.
- K. **Open Space:** A minimum of five (5) percent of the area shall be maintained as open space, as defined in the Code of Ordinances. The development shall include at least two picnic areas with grills.
- L. **Fencing:** Perimeter fencing shall be a minimum of six (6) feet in height, consisting of black, powder-coated metal vinyl chain-link or decorative metal fencing along the southern and western property boundaries. Screening is not required on the southern and western boundaries to maintain connectivity with the neighborhood. A six (6) foot masonry fence will be installed along the northern property boundary adjacent to the single-family homes. Additionally, a six (6) foot masonry fence will be installed along either the western or eastern side of the 50-foot drainage easement located along the eastern property boundary.
- M. **Dumpster Enclosure:** Dumpsters shall be screened from view on all sides by a masonry wall at least six (6) feet in height with a gate.
- N. **Parking regulations:** The development site shall have a minimum of 102 open spaces. Additional parking may be provided as either open spaces or covered parking.

**PROPERTY SURVEY
(EXHIBIT A)**

**CONCEPTUAL SITE
PLAN
(EXHIBIT B)**

BUILDING MATRIX:

TYPE	STORIES	TYPE UNITS
1	4	96 A, 6 A-HC

UNIT MATRIX:

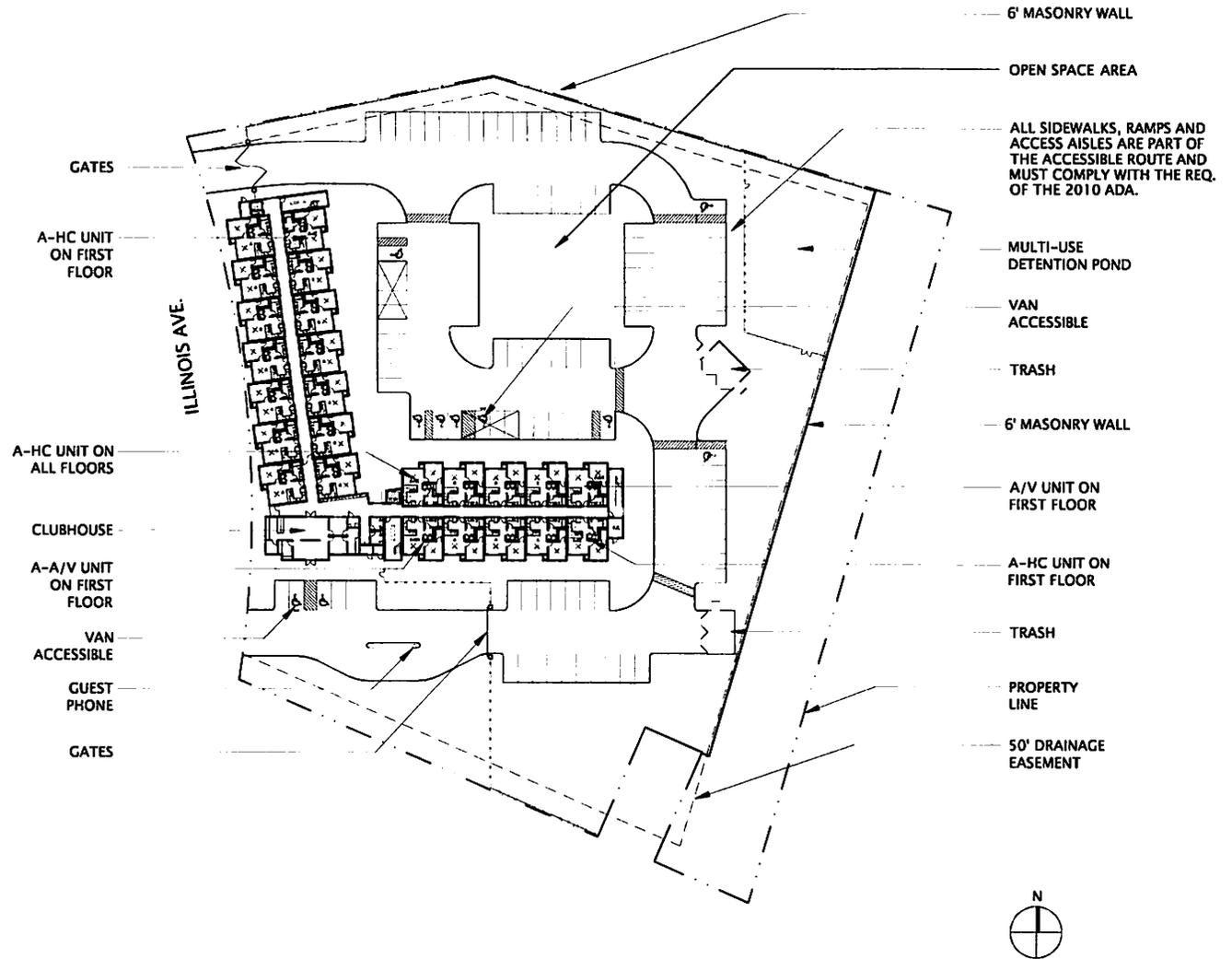
TYPE	BR/BA #	NRA
A	1/1	96
A-HC	1/1	6

BUILDING COMMON AREAS

CLUBHOUSE:	1,228 SQ. FT.
FITNESS CENTER:	460 SQ. FT.
LAUNDRY ROOM:	356 SQ. FT.
MAIL CENTER:	170 SQ. FT.
RESTROOMS:	149 SQ. FT.
BREEZEWAYS:	11,735 SQ. FT.
STAIRS:	3,452 SQ. FT.
ELEVATORS:	660 SQ. FT.

PARKING CALCULATIONS:

OPEN SPACES PROVIDED	=	102
COVERED SPACES PROVIDED	=	7
HC PARKING REQUIRED	=	10
HC PARKING PROVIDED	=	10
VAN ACCESSIBLE PROVIDED	=	2



NDA

WESTWOOD APARTMENTS

05/24

E1

PRELIMINARY SITE PLAN - 3.6277 ACRES

SCALE: 1" = 100'



811

Know what's below.
Call before you dig.

CAUTION - NOTICE TO CONTRACTOR

THIS PLAN IS A PRELIMINARY SITE EXHIBIT FOR REVIEW ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES AND STRUCTURES BEFORE ANY EXCAVATION OR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS TO ORIGINAL OR BETTER CONDITION AFTER CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ALL AREAS TO ORIGINAL OR BETTER CONDITION AFTER CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE AND BONDS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

CARNEY ENGINEERING, PLLC.

5800 W. LOOP WEST, SUITE 100
 HOUSTON, TEXAS 77057
 P.O. BOX 143200
 HOUSTON, TEXAS 77243

PROJECT: AVANTI LEGACY WESTWOOD
 SHEET: PRELIMINARY SITE EXHIBIT
 DATE: 08/14/2018

BY: [Signature]

DATE: 08/14/2018

PRELIMINARY SITE EXHIBIT

ISSUED FOR REVIEW

AVANTI LEGACY WESTWOOD
 ILLINOIS AVENUE
 KILLEEN, TEXAS

**PRELIMINARY
AMENITIES LIST**

AVANTI LEGACY WESTWOOD, LP

COMMUNITY AMENITIES

- Clubhouse Lounge with 65" LED TV/Community Room
- State-of-the-Art Fitness Studio
- Grilling & Picnic Areas
- Free Wi-Fi in Common Areas
- Monthly Resident Events and Social Activities
- Elevator Served
- Business Center with Free Computer, Printer and Internet Access
- Community Laundry Room



*Images are of existing developments constructed by the developer. Final design will differ for each development.

APARTMENT HOME FEATURES

- Designer selected finishes
- Washer & Dryer Connections
- Spacious Walk-In Closets
- Covered entries
- Disposal and Energy-star rated dishwasher
- Energy-star rated Refrigerator with ice maker
- Built-In Microwave Oven
- Self-cleaning or continuous cleaning ovens
- Energy-star rated ceiling fan and lighting
- Contemporary/Modern Lighting Fixtures
- All rooms are High-Speed Internet & Cable Ready

Avanti Legacy Westwood, LP
3933 Steck Ave, Ste. B120, Austin, TX 78759
Phone – (512) 982-1342 | Fax – (512) 900-2860
contact@madhousedevelopment.net

**HOLD
HARMLESS
LETTER**

AVANTI LEGACY WESTWOOD, LP

February 14, 2022

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

RE: Proposed Westwood Apartments located on +/- 3.64 acres located at 3001 Illinois Avenue, Killeen, Texas, 76543.

Ladies and Gentlemen:

Avanti Legacy Westwood, LP (the "Applicant") proposes to construct a multifamily housing property called Westwood Apartments on the tract referenced above. An application is in the process of being made to the City of Killeen (the "City") for a change of zoning of the site to permit the proposed development.

In consideration for the City's consideration of the zoning application, the Applicant and its affiliates voluntarily and knowingly waive, release and discharge the City and its affiliates, employees, officers, and agents (the "City Parties") from all claims, liabilities, demands, and causes of action, known or unknown, fixed or contingent, which the Applicant may have or claim to have against any of the City Parties resulting from any failure of the zoning application to be approved (the "Claims"). The Applicant and its affiliates agree not to file a lawsuit to assert such Claims.

Sincerely,



Enrique Flores, IV
Authorized Signatory of Avanti Legacy Westwood, LP

Avanti Legacy Westwood, LP
3933 Steck Ave, Ste. B120, Austin, TX 78759
Phone – (512) 982-1342 | Fax – (512) 900-2860
contact@madhousedevelopment.net

MINUTES
PLANNING AND ZONING COMMISSION MEETING
JULY 15, 2024
CASE # Z24-06
“B-5” to PUD w/“R-3A” USES

HOLD a public hearing and consider a request submitted by Avanti Legacy Westwood, LP., on behalf of WB Whitis Investments, Ltd. (Case #Z24-06) to rezone approximately 3.6277 acres, being Lot 1, Block 1, Fox Creek Commercial Phase One from “B-5” (Business District) to a Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District) uses. The subject property is locally addressed as 3001 Illinois Avenue, Killeen, Texas.

Ms. Meshier presented the staff report for this item. She stated that, if approved, the applicant intends to develop a tax credit multifamily apartment development for seniors aged 55 and older consisting of one hundred and two (102) units. She also stated that the proposed development received a resolution of support from the City Council on February 13, 2024.

Ms. Meshier reviewed the proposed PUD standards and the requested deviations from the City’s Code of Ordinances.

The subject property is located within the ‘Neighborhood Infill’ sector on the Growth Sector Map of the Comprehensive Plan and is designated as ‘Residential Mix’ (RM) on the Future Land Use Map (FLUM). Ms. Meshier stated that staff finds that the request is consistent with the Future Land Use (FLUM) and the 2022 Comprehensive Plan.

Ms. Meshier stated that staff notified sixty-one (61) surrounding property owners regarding this request. As of the date of the meeting, staff had received one written response in support of the request.

Ms. Meshier stated staff recommends approval of the applicant’s request to rezone the property.

Mr. Jonathan Estrada and Mr. Henry Flores of Madhouse Development were present to represent the request.

There was a discussion about how the residents will access the upper floors of the building and the requested deviation for the ordinance requiring balconies with the applicant.

Commissioner Gukeisen asked if the development will be gated. Mr. Flores answered that the complex will be gated, because they have a focus on security for the residents.

Vice Chair Gukeisen opened the public hearing at 5:23 p.m.

With no one wishing to speak, the public hearing was closed at 5:23 p.m.

Commissioner Wilson moved to recommend approval of the applicant's request as presented. Commissioner Rowe seconded, and the motion passed by a vote of 6 to 0.

YOUR NAME:	ALIX ST. FELIX	PHONE NUMBER:	254-630-7105			
CURRENT ADDRESS:	2012 GREY FOX TRAIL, KILLEEN, TX 76543					
ADDRESS OF PROPERTY OWNED:	2012 GREY FOX TRAIL, KILLEEN, TX 76543					
COMMENTS:	I AM IN SUPPORT OF THIS REQUEST.					
	<table border="1"><tr><td>RECEIVED</td></tr><tr><td>JUL 11 2010</td></tr><tr><td>By JL</td></tr></table>			RECEIVED	JUL 11 2010	By JL
RECEIVED						
JUL 11 2010						
By JL						
SIGNATURE:		REQUEST:	"B-5" to PUD w/ "R-3A" SP0# Z24-06/10			

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 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 #Z24-06:

“B-5” TO PUD W/“R-3A”

PH-24-031

August 20, 2024

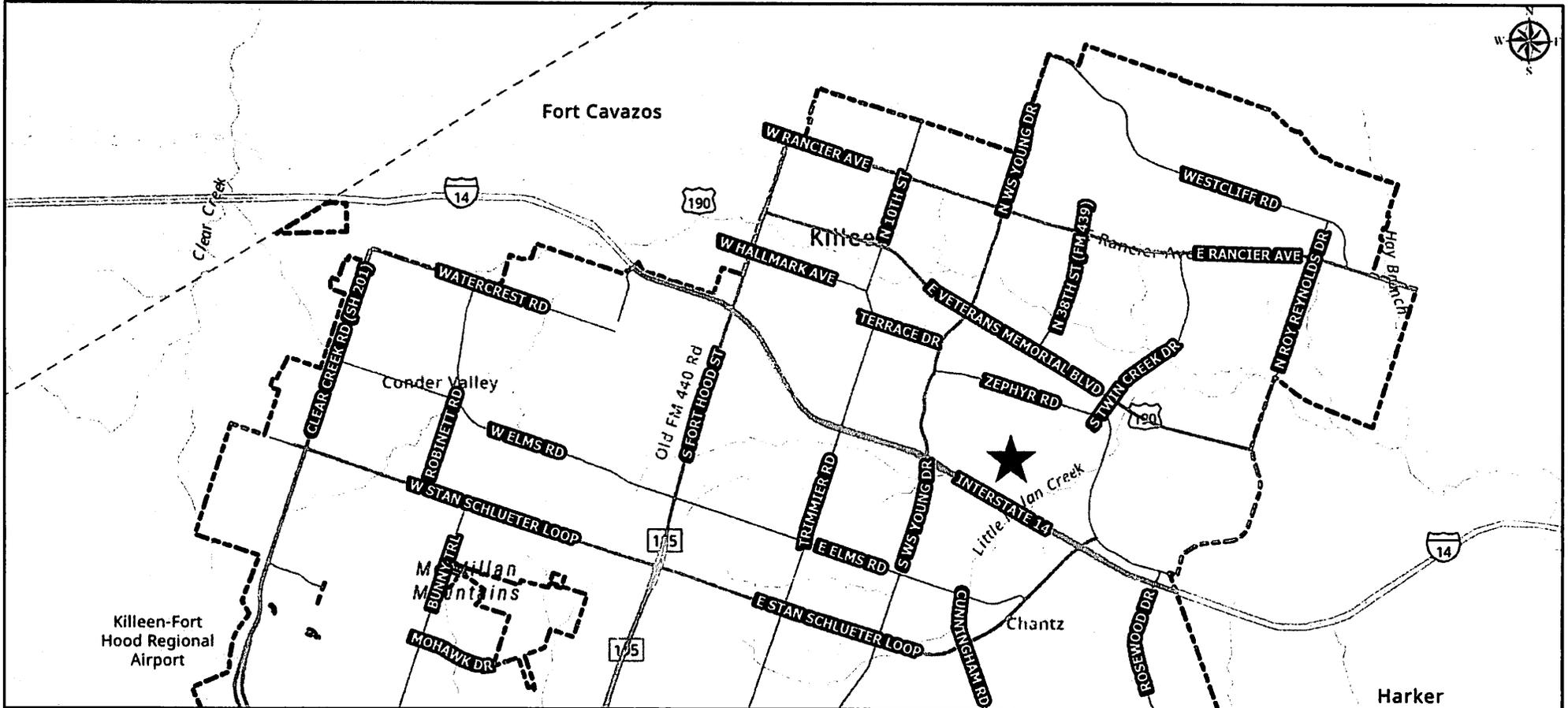
Case #Z24-06: “B-5” TO PUD w/“R-3A”

- **HOLD** a public hearing and consider a request submitted by Avanti Legacy Westwood, LP., on behalf of WB Whitis Investments, Ltd. (**Case #Z24-06**), to rezone approximately 3.6277 acres, being Lot 1, Block 1, Fox Creek Commercial Phase One from “B-5” (Business District) to a PUD (Planned Unit Development) w/“R-3A” (Multifamily Apartment Residential District) uses. This property is locally addressed as 3001 Illinois Ave., Killeen, Texas.

Case #Z24-06: “B-5” TO PUD w/“R-3A”

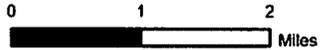
3

- Avanti Legacy Westwood, LP., on behalf of WB Whitis Investments, Ltd. has submitted this request to rezone approximately 3.6277 acres from “B-5” (Business District) to PUD (Planned Unit Development) with “R-3A” (Multifamily Apartment Residential District) uses.



LOCATION MAP

Council District: 2



Subject Property Legal Description: FOX CREEK COMMERCIAL PHASE ONE, BLOCK 001, LOT 0001, ACRES 3.62

Zoning Case 2024-06

B-5 TO PUD, R-3A

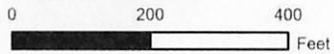
Legend

- Major Roads
- ⬡ City Limits
- ★ Zoning Case Location



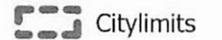
AERIAL MAP

Council District: 2



Zoning Case 2024-06
B-5 TO PUD, R-3A

Legend



Subject Property Legal Description: FOX CREEK COMMERCIAL PHASE ONE, BLOCK 001, LOT 0001, ACRES 3.62

Case #Z24-06: “B-5” TO PUD w/“R-3A”

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View of the subject property looking north:



Case #Z24-06: “B-5” TO PUD w/“R-3A”

7

View of the subject property looking south:



Case #Z24-06: "B-5" TO PUD w/"R-3A"

8

View of the subject property looking east:



Case #Z24-06: “B-5” TO PUD w/“R-3A”

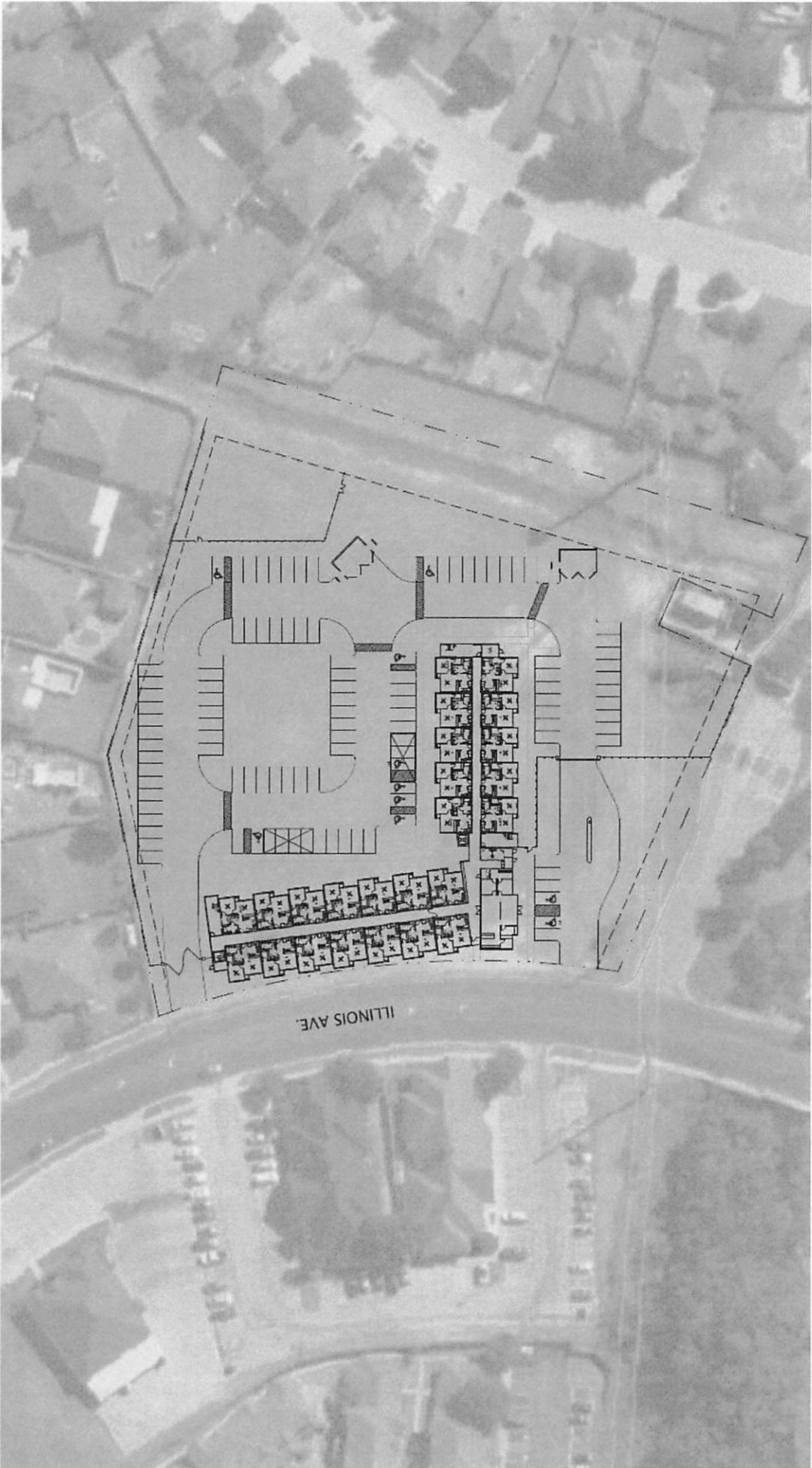
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View from the subject property looking west:



Case #Z24-06: “B-5” TO PUD w/“R-3A”

- If approved, the applicant intends to develop a tax credit multifamily apartment development for seniors (55 years and up) consisting of one hundred and two (102) units.
- The proposed development received a resolution of support from the City Council on February 13, 2024 (Resolution No. 24-032R).



Case #Z24-06: “B-5” TO PUD w/“R-3A”

The proposed PUD development standards are as follows:

- **Density.** The site will include (102) units, which is equivalent to 28.12 units per acre.
- **Building height.** The proposed building will be four (4) stories.

Case #Z24-06: “B-5” TO PUD w/“R-3A”

- **Building setbacks.** The development shall have a 7.5 foot setback on the northern and southern property boundaries. The eastern and western boundaries will have no minimum setback. The proposed building will be placed directly on the front property line.

Case #Z24-06: “B-5” TO PUD w/“R-3A”

- **Architectural standards.** The applicant is requesting a deviation to the requirement to provide balconies on 50% of the units. They are also requesting to change the vertical articulation requirement regarding uninterrupted length from (30) feet to thirty-six (36) feet.
- **Open Space.** A minimum of five (5) percent of the area shall be maintained as open space, and the development shall include at least two picnic areas with grills.

Case #Z24-06: “B-5” TO PUD w/“R-3A”

- **Landscaping.** The development will provide a total of 51 canopy trees and 306 shrubs, as required by Sec. 31-885. Because the building is directly adjacent to the front property line, landscaping will be provided on the side and rear property lines, which will serve as a buffer between the site and the adjacent single-family.

Case #Z24-06: “B-5” TO PUD w/“R-3A”

- **Screening.** A six (6) foot masonry fence will be installed along the northern and eastern property boundaries as a buffer between the proposed development and the adjacent single-family homes.
- **Parking.** The development will provide one hundred and seven (107) parking stalls, which is slightly less than the one hundred and seventy-one (171) spaces required by Sec. 31-489.

Case #Z24-06: “B-5” TO PUD w/“R-3A”

17

- Parkland dedication and development fees will be assessed as follows:
 - Fees-In-Lieu of Parkland Dedication: \$ 66,300
 - Park Development Fees: \$ 25,500
 - **Total Parks Fees: \$91,800**

Case #Z24-06: “B-5” TO PUD w/“R-3A”

18

- The estimated number of daily trips is seven hundred and forty-seven (747). Therefore, a Traffic Impact Analysis (TIA) will not be required.
- The property is within a Zone X FEMA-regulatory Special Flood Hazard Area (SFHA).
- Water, sanitary sewer, and drainage utility service will be provided by the City of Killeen.

Comprehensive Plan Analysis

- The subject property is designated 'Residential Mix' on the Future Land Use Map (FLUM) of the 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. Most housing types should be allowed here.
- Staff finds that the applicant's request is consistent with the 'Residential Mix' place type.

Comprehensive Plan Analysis

- The subject property is located within the ‘Intended Growth’ area on the Growth Sector Map of the 2022 Comprehensive Plan.
- The ‘Intended Growth’ sector includes vacant tracts that are currently under development or already have development approvals secured for future buildout and have access to existing or planned infrastructure.

Comprehensive Plan Analysis

- The request is consistent with the following Big Ideas of the Comprehensive Plan:
 - ▣ Big Idea #1 - Resource stewardship and fiscally responsible growth ensure a more prosperous community for the long haul.
 - ▣ Big Idea #5 - Neighborhoods, not subdivisions, make great places for everyone.

Comprehensive Plan Analysis

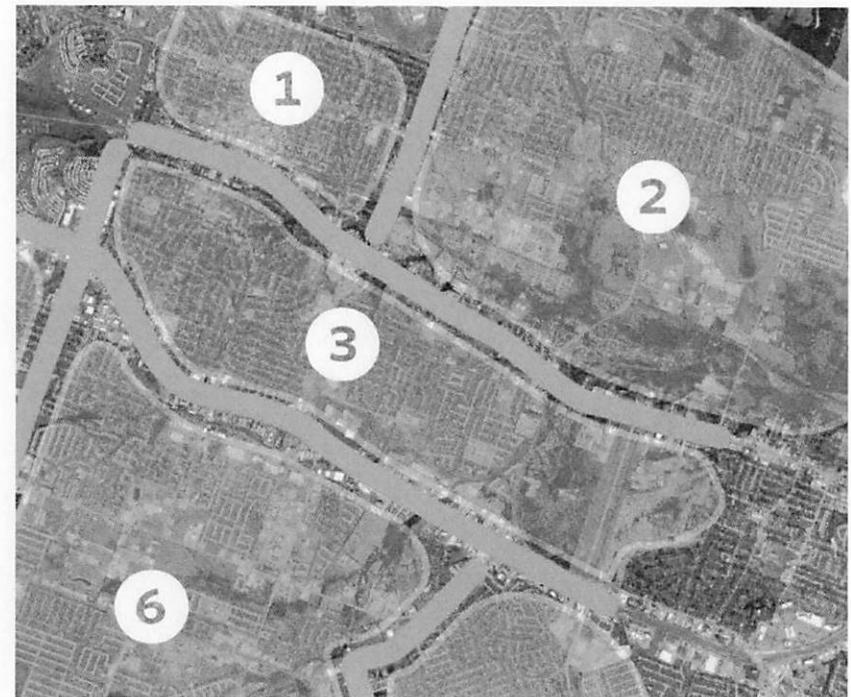
22

- The request supports or furthers the following Comprehensive Plan recommendations:
 - **LU3** - Encourage incremental evolution of neighborhoods.
 - **NH3** - Diversity housing mix.
 - **NH4** - Build complete neighborhoods.

Development Zone Analysis

23

- The property is located within Killeen Development Zone #3.
- Zoning district breakdown:
 - ▣ Special Districts 2.74%
 - ▣ Residential 59.66%
 - ▣ Industrial 9.17%
 - ▣ Commercial 28.43%
 - ▣ Agricultural 0.00%
- Vacant Property 24.02%

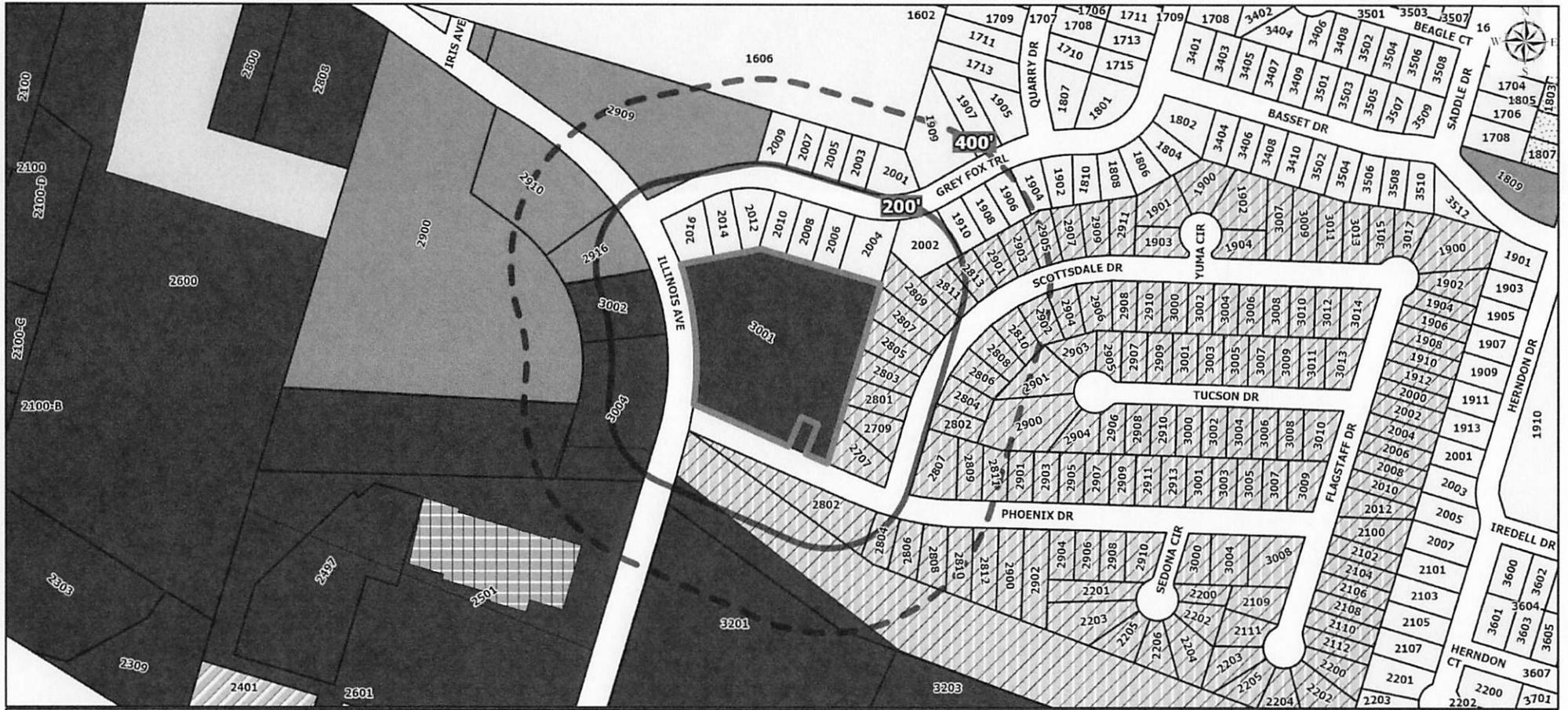


Staff Findings

- Staff is of the determination that the applicant's request is consistent with the recommendations of the Killeen 2040 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis.
- Staff finds that the request is consistent with the character of the surrounding area. Approval of the applicant's request would have no negative impacts on the surrounding properties.

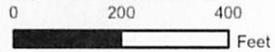
Public Notification

- Staff notified sixty-one (61) surrounding property owners regarding this request.
- Of those property owners notified, thirty-one (31) reside outside the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by the Council, and sixteen (16) live outside of the City of Killeen corporate limits.
- To date, staff has received one (1) written response in support of this request.



NOTIFICATION MAP

Council District: 2



Zoning Case 2024-06
B-5 TO PUD, R-3A

Subject Property Legal Description: FOX CREEK COMMERCIAL PHASE ONE, BLOCK 001, LOT 0001, ACRES 3.62

Legend	
	Current Zoning RC-1
	B-3
	B-C-1
	B-5
	CUP
	R-1
	R-1X
	R-3
	R-3A

Staff Recommendation

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- Staff recommends approval of the applicant's request to rezone the property from "B-5" (Business District) to PUD (Planned Unit Development) with "R-3A" (Multifamily Apartment Residential District) uses as presented.

Commission Recommendation

- At their regular meeting on July 15, 2024, the Planning and Zoning Commission recommended approval of the applicant's request to rezone the subject property from B-5" (Business District) to a PUD (Planned Unit Development) with "R-3A" (Multifamily Apartment Residential District) uses as presented by a vote of 6 to 0.