

## **ORDINANCE 11-050**

**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, FROM B-2 (LOCAL RETAIL DISTRICT) TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) WITH A PLANNED UNIT DEVELOPMENT (PUD); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Dorel Killeen Holdings, LLC has presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of the hereinafter described property from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a 36-unit apartment complex, leasing office, and pool, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 13<sup>th</sup> day of June 2011, and 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 6:00 P.M., on the 28<sup>th</sup> day of June 2011, at the City Hall, City of Killeen;

**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  $\frac{3}{4}$  majority opinion that the request should be approved;

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

**Section 1.** That the zoning classification of the following described tract be changed from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a 36-unit apartment complex, leasing office, and pool for 1.73 acres, being part of the W. H. Cole Survey, Abstract No. 239, and being locally known

as 2908 Trimmier Road, Killeen, Texas.

**Section II.** That the approval of this request is based upon the submitted planned unit development narrative (Exhibit 'A') and site plan (Exhibit 'B'), with the following amendment: the proposed wooden privacy fence along the east property line shall be opaque and at least 6' in height.

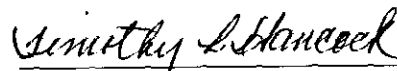
**Section III.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**Section IV.** 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.

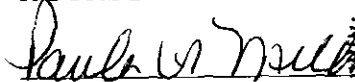
**Section V.** That this ordinance shall take effect immediately upon passage of the ordinance.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 28<sup>th</sup> day of June 2011, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

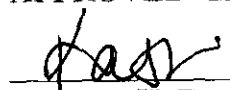
**APPROVED:**

  
\_\_\_\_\_  
**Timothy L. Hancock, MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**Paula A. Miller, CITY SECRETARY**

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
**Kathryn H. Davis, City Attorney**

## the dorel apartments

Dorel Killeen Apartments  
Dorel Killeen Holdings LLC, Owner  
115 Schmidt Avenue  
Farmingdale, New York 53705e

May 12, 2011

**Project Description:**

The Dorel Killeen Apartments is a 200-unit residential apartment community located on Trimmier Road on the south side of Killeen, Texas. The project consists of a mix of 2&3-story buildings featuring a mix of 1, 2 and 3 bedroom apartments with surface parking (Please refer to the attached pages for more detailed information). Site amenities include: close proximity to Ft. Hood, major retail stores, and Central Texas College campus, private balconies, pools, clubhouse and ample parking with dedicated motorcycle parking. The complex is also located on a HOP bus route.

**Owner:**

Dorel Killeen Holdings LLC  
115 Schmidt Ave.  
Farmingdale, NY 53703  
(608) 255-7100

**Architect:**

Niles Bolton Associates Inc.  
One Buckhead Plaza  
3060 Peachtree Road NW  
Suite 600  
Atlanta, GA  
(404) 365-7610

**Landscape Architect:**

TGB Partners  
901 South Mo Pac Expressway #350  
Austin, TX 78746  
(512) 327-1840

**Civil Engineer:**

Civil Engineering Consultants

11500 IH West

Suite 395

San Antonio, TX 78230

(210) 641-9999

**Site Information:**

The project presented is proposed as a PUD. The site has frontage on Trimmier Road and Winkler Avenue with vehicular access off of Winkler. There are two lots in the project. The first lot is approximately 1.7 acres and is located on the corner of Trimmier Road and Winkler Avenue. The second is located at the end of Winkler Avenue and is approximately 6.624 acres. The two properties are connected by Winkler Avenue. The Leasing Office will front on Trimmier with vehicular parking located in an un-gated lot off of Winkler. There will be gated entries at both lots with visitor parking being provided in a non gated area on the front lot. At the rear lot visitors will have a dedicated entry drive to avoid conflicts with resident use of the gates. Gates will be provided with Knox locks for fire department operation. The rear tract will feature two exist gates to allow for improved circulation.

Landscaping will be located along the street facades, on building grounds, and at buffer and parking areas and will comply with applicable City of Killeen Ordinances. Landscape islands are provided along the Winkler Easement and the common property line with the adjacent residential subdivisions. These islands will allow for trees, which when they mature, will be taller than those which could be planted adjacent to the property lines due to conflicts with overhead power lines.

**Construction Schedule:**

Construction is anticipated to begin in August 2011. Construction may be phased with approximately one hundred to one hundred and twenty units in the first phase and the remaining units in the second phase.

**Building Use and Square Footage:**

Three types of buildings will be used on the project. The sixteen unit apartment building features eight two bedroom units and eight one bedroom units and will be two stories in height. The twenty unit apartment building has two story end sections with a central three story core and has eight one bedroom and twelve two bedroom units. The twenty four unit building will have twelve one bedroom and twelve two bedroom units. One building will have four three bedroom units in place of four one bedroom units. The apartment building's exterior facade will feature brick veneer at the stairwells and fiber-cement siding with a fiberglass asphalt shingle roof.

The Leasing office will feature a brick veneer exterior, a glass entry and a fiberglass asphalt roof. Special design elements for the development include: exterior balconies, energy efficient windows, LED exterior lighting and decorative metal fencing. The exterior materials, landscaping, signage, and site lighting will compliment adjacent properties in this area. Units will also be sprinklered for fire protection.

Unit amenities will include modern appliances, faux wood floors in living, kitchen dining and baths, crown molding accents, nine foot ceilings, breakfast bar, walk-in closets, ceiling fans, full size washer and dryer, audible intrusion alarms, faux wood blinds, extra storage, private balconies and cable-ready with high speed internet capability. Community amenities will include pools, gated access, clubhouse with open air cabana and Barbeque area, business/conference center with Wi-Fi access, and fitness center. Community green features will include LED exterior lighting, high efficiency heating and cooling, sustainable building materials and energy-efficient windows.

The following is the gross square footage of proposed building types:

|                    |            |
|--------------------|------------|
| 2 Story Building   | 15,516 sf. |
| 2/3 Story Building | 20,356 sf. |
| 3 Story Building   | 23,274 sf. |

The front lot will have one two story building facing Trimmier and a 2/3 story building located parallel to Winkler. Please refer to the attached Site Plan for additional information. Copies of floor plans and elevations for buildings from a similar development are also attached. The elevations have not been updated to reflect the brick veneer at the stair towers.

**Parking Requirements:**

The current site plan provides <sup>340</sup> parking spaces for the 200 units. In addition there are <sup>13</sup> motor cycle parking spaces. Accessible parking is provided for all buildings and the leasing office.

Upon development of final site and grading plans it is the intent to add a limited number of garage units and covered parking stalls. The addition of the garages or expansion of the storm water detention area may reduce the total number of parking spaces. However, the site will maintain the minimum number of spaces (333) required by City of Killeen Ordinances. These spaces will include the garage spaces.

Guest parking spaces on Lot 2 will be located between the buildings and the unconstructed portion of Winkler Ave. Please refer to Site Plan for additional information.

### **Codes**

The development will be constructed in accordance with the Building and Fire Codes as adopted by the City of Killeen. The recent adoption of the 2009 International Fire Code limits the location of the three story buildings to being within thirty feet of a fire lane and also requires the fire lane be twenty six feet wide.

### **Mail Drop-off and Pick-up:**

Resident mailboxes are located outside adjacent to Pool area at Lot 1 and outside off of connecting road at Lot 2.

### **Maintenance:**

Trash removal will be picked up by the City of Killeen or by private contractor at the locations shown within Lot 1 and Lot 2.

### **Statement of Purpose:**

This PUD zoning district is being established as required by the City of Killeen Zoning Ordinance to allow for the construction of a 200-unit multifamily housing project consistent with the density, style and massing of the adjacent neighborhoods.

### **Permitted Uses:**

1. Those that are stated as permitted uses in the proposed ~~R3-A~~ PUD district.
2. Uses accessory to permitted uses in the proposed R3-A PUD district.

### **Home Owners Association**

Since this is a single owner project and no individual interest s will be sold there is no need for a home owners association.

### **Lot Area:**

Lot 1 = approximately 1.73 acres

Lot 2 = approximately 6.642 acres

### **Building height**

3 Story: (Proposed ridge height: 42'-11", average height from eave to ridge 12'-6")

2 Story (Proposed ridge height: 21'-3 ¾", average height from eave to ridge 12'-6")

2/3 story buildings will be two story on the ends and three story in the middle

**Impervious Cover**

It is anticipated that the impervious cover for this development will be in the sixty six to sixty eight percent range.

**Side and Rear Yard Requirements:**

Yard areas will be provided as shown on the PUD Plan.

**Landscaping and Fencing:**

Site landscaping will be provided as shown on approved plans. A nine foot wide landscape buffer will be provided along the east side of the property adjacent to the residential subdivision. Landscaping compatible with the existing overhead electric lines will be provided in this buffer. Landscaping in the complex will comply with City of Killeen Ordinances.

Wrought Iron style fences will be provided along Trimmier and the Winkler rights-of way as shown on the PUD Plan. A new wood fence will be constructed along the adjacent residential development and between the front lot and the adjacent commercial lot to the north.

**Utility Service:**

Utility service (electric and telephone) will be underground within the complex. Public water will be extended within the complex and sewer service will be from public main extensions and private laterals. Easements for public infrastructure will be provided on the subdivision plat.

**Streets and Drainage:**

Winkler Road will be extended past the entrance to the rear portion of the development. The extension will terminate just east of the entry and this extension coupled with an ingress-egress easement at the entry gate will provide a place for vehicles which inadvertently come down Winkler to turn around. Since Winkler may be extended in the future to serve property to the south the addition of a cul-de-sac at this location is not warranted.

A public storm drainage system will run through the complex. It will begin at the east end of Winkler and pick up flow from the Winkler Road easement area and an undeveloped area to the south. The drainage will follow drive aisles through the complex with inlets picking up local flows. The system will discharge into a storm water detention basin at the northwest corner of the site which will limit flows from Lots 1 and 2 to predevelopment flows for a fifty year storm as opposed to the City requirements of a 25 Year storm for the front lot and a fifty year storm for the rear lot. The basin will outlet into an existing detention facility in the adjacent Stone Creek Apartments. The connection will be made within the limit of an existing drainage easement or in an additional easement if available.

Flows from the front portion of the development will be collected and piped to the detention basin outfall. This system will eliminate any impact on immediately adjacent properties.

**Lighting:**

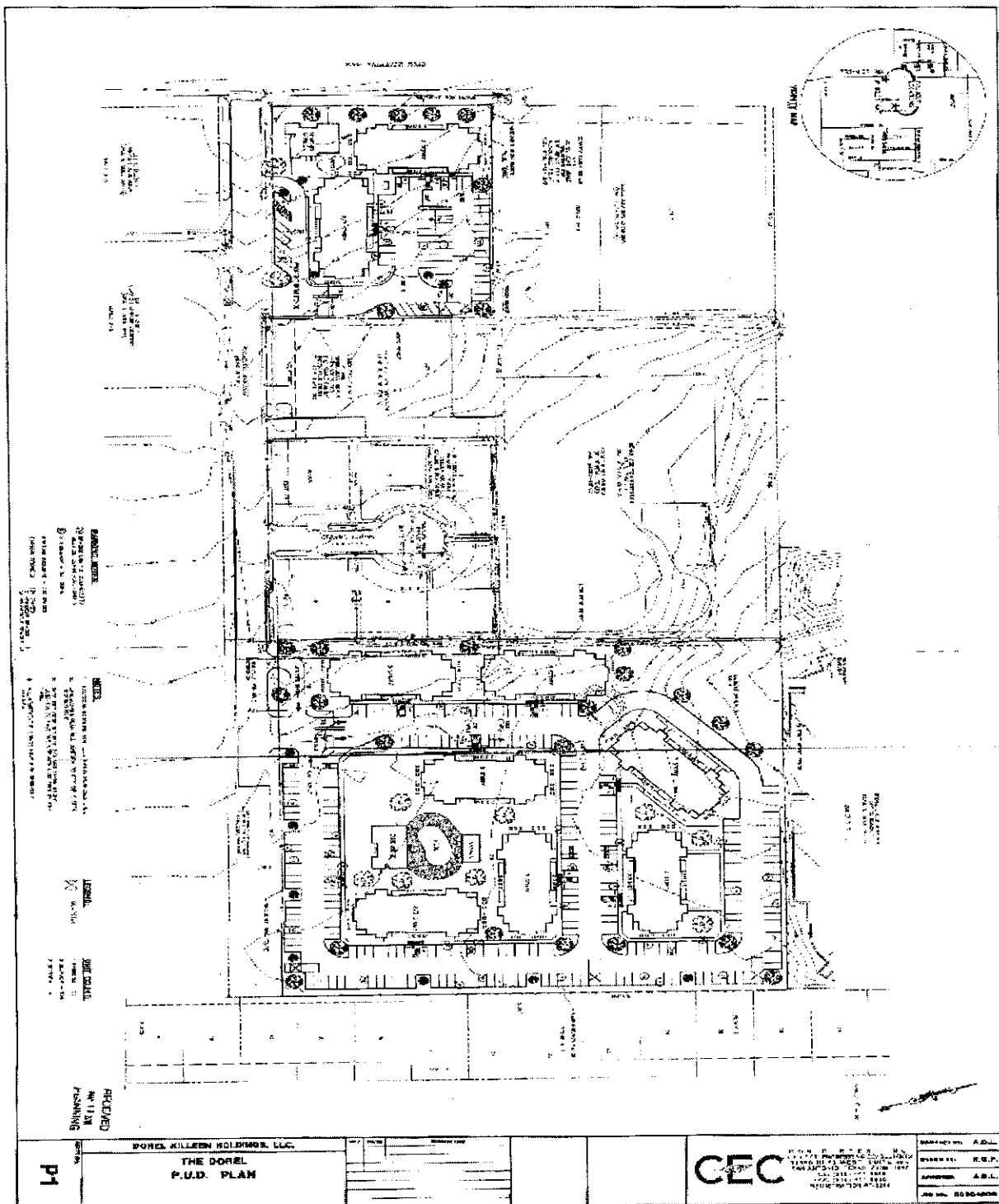
Site lighting plans will be provided as part of the permit package. Exterior lights will have LED fixtures equipped with motion detectors to adjust lighting levels based on presence of vehicles or people.

**Adjacent Fourplexes:**

The six fourplex structures locate to the west of the rear lot will be incorporated into this development and their landscaping will be upgraded to the standards of this development. Management and maintenance of those units will be handled by the apartment staff.

**Signage:**

Signage will be provided as approved on the approved plans.



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**ZONING CASE:**

#Z11-17

**ZONING FROM:**

**B-2 to R-3A W/PUD**

**LEGAL DESCRIPTION:**

1.73 ACRES OUT OF  
WH COLE SURVEY  
A-201

**ADDRESS/LOCATION:**

2908 TRIMMIE RD  
KILLEEN, TX 76542

**PROPERTY OWNER:**

**DOREL KILLEEN HOLDINGS LLC**

**Product**

Zoning Cases 2011 selection

**City Limits**  
**SPRING 2007**

CRY CLIMUS  
Production G/SADMIN.Parcel

**DATE:**  
5/15/2011



**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**  
#Z11-17

**ZONING FROM:**  
B-2 to R-3A W/PUD

**OPPOSITION**  
39%

**ADDRESS/LOCATION:**  
2908 TRIMMIER RD  
KILLEEN, TX 76542

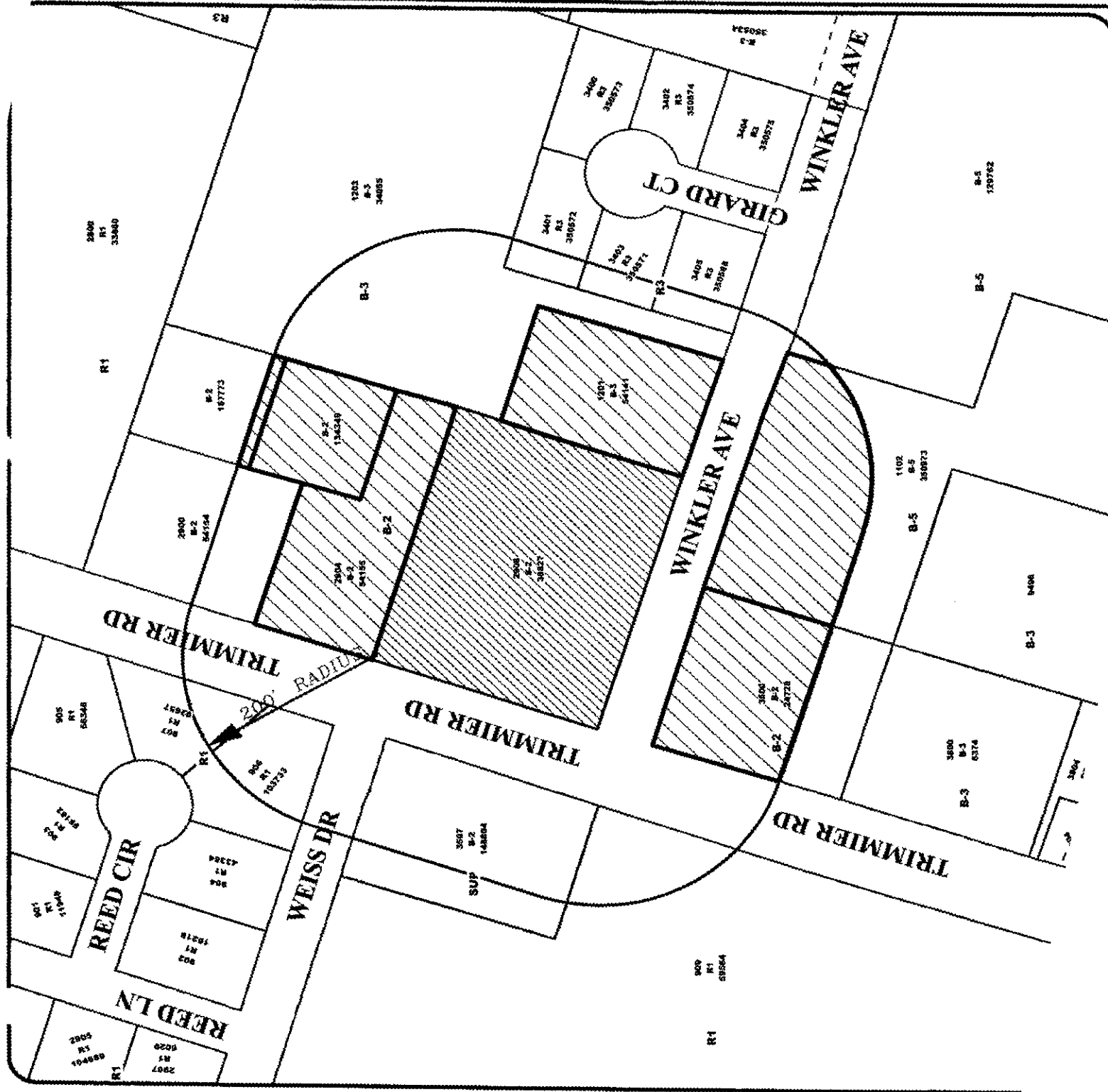
**PROPERTY OWNER:**  
DOREL KILLEEN HOLDINGS LLC

**Legend**

- Buffer of .11-17
- Properties in Opposition
- Zoning Cases 2011 selection
- City Limits
- Production GISADMIN Street/Centerville
- Zoning Overlay Districts
- CURRENT ZONING
- Production GISADMIN Parcel



**DATE:**  
5/15/2011



## CITY COUNCIL MEMORANDUM FOR ORDINANCE

## AGENDA ITEM

## ZONING CASE #Z11-17

**B-2 (LOCAL RETAIL DISTRICT) TO R-3A  
(MULTIFAMILY APARTMENT  
RESIDENTIAL DISTRICT) WITH  
PLANNED UNIT DEVELOPMENT (PUD)**

## ORIGINATING DEPARTMENT

## PLANNING &amp; DEVELOPMENT SERVICES

|                              |
|------------------------------|
| <b>Nature of the Request</b> |
|------------------------------|

This request is to rezone approximately 1.73 acres from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) overlay.

The site plan provided by the applicant shows two (2) apartment buildings, a leasing office, a pool and 68 parking spaces and 1 motorcycle parking space. This 1.73 acre portion of the development would contain 36 apartment units. Two-story buildings would contain 16 units, while 2/3 story buildings would typically contain 20 units, and three-story buildings will contain 24 units. Table 1 (below) illustrates the gross square footage of proposed building types.

Table 1. Gross square feet per building

|                    |            |
|--------------------|------------|
| 2-story building   | 15,516 sf. |
| 2/3-story building | 20,356 sf. |
| 3-story building   | 23,274 sf. |

There will be 92 one-bedroom apartments, 104 two-bedroom apartments, and 4 three-bedroom apartments in total for the apartment complex. The PUD document and site plan are included as attachments to this staff report.

**District Descriptions:**

- *Uses.* A building or premises in an R-3A multifamily apartment residential district shall be used only for the following purposes:
  - Any use permitted in the R-1 or R-2 districts.
  - Multifamily structures containing five (5) or more separate dwelling units, including large apartment complexes with high rise structures.
  - Boarding and lodging houses.

- Fraternity or sorority houses.
- Licensed group or community homes housing six (6) or more persons.
- Dormitories for educational or employment purposes as a primary use.
- Any group housing activity not otherwise identified in another multifamily or business district.
- Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business.

- *Planned unit development required.* Rezoning applications requesting zoning under this division shall be subject to the requirements of 31-256.9 of this division, if applicable.

### **Planned unit development (PUD) required.**

A planned unit development (PUD) as provided in Chapter 31, Article V, Division 8, Killeen code of ordinances shall be required for any request for an R-3F and/or R-3A district when the total acreage of the request alone, or when the total acreage of the request combined with all adjacent areas zoned R-2, R-3, R-3F, and R-3A, and/or areas within a two-thousand feet radius of any of the property seeking to be rezoned, consist of twenty-five (25) acres or more.

The purpose for requiring a PUD is to provide the planning and zoning commission and the city council with the ability to determine the proposed development's impact on surrounding properties, existing infrastructure and open/recreational space and also to determine whether additional public improvements to serve denser multifamily development are necessary to promote the health, safety and welfare of the development's residents.

Properties are considered adjacent and subject to the computation of this section if they are continuously zoned for multifamily and/or two family residential use regardless of ownership, property lines, easements or rights-of-way.

The applicant shall provide any public infrastructure beyond the city's minimum development standards that is required to service the proposed development, including open/recreational space and oversized water, sewer and drainage facilities and greater street widths.

The applicant is responsible for determining whether or not a PUD is required. However, if the director of planning and development services determines at any time that a PUD is required and one was not submitted the applicant shall be informed in writing and they shall either modify their application to include the PUD or withdraw the application and have all associated application fee(s) returned.

### **Property Specifics**

**Applicant/Property Owner:** Dorel Killeen Holdings, LLC

**Property Location:** The property is located at the north intersection of Trimmier Road and Winkler Avenue, Killeen, Texas.

**Legal Description:** The 1.73 acres are part of the W. H. Cole Survey, Abstract No. 239, Killeen, Texas.

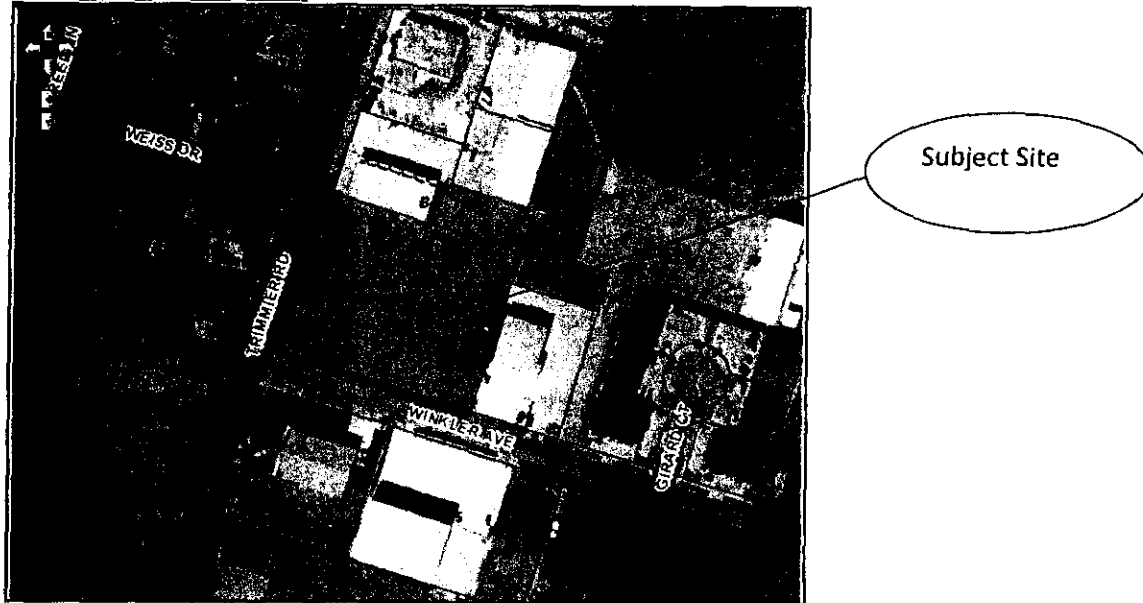
**Zoning/ Plat Case History:**

- The property was rezoned from R-1 to B-2 per ordinance #76-23 on May 25, 1976.
- The property has not been platted.

**Character of the Area:**

**Existing Land Use(s) on the Property:** Vacant/ undeveloped.

**Figure 1. Zoning Map**



**Figure 2. Aerial Map**



**Historic Properties:** None

## **Infrastructure and Community Facilities**

### **Emergency Response:**

Fire District: 6

Fire Response Zone: 6-1

Miles from Fire Station: Approximately 1 mile from Fire Station No. 6, which is located at 2001 E. Elms Road.

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Development will have adequate access to water and sewer services.

### **Transportation:**

Existing conditions: Trimmier Road and this portion of Winkler Avenue meet the city's standards for composition and width. Trimmier Road is classified as a 90' minor arterial on the city's Thoroughfare Plan. Winkler Avenue is classified as a local street on the city's Thoroughfare Plan.

Proposed Improvements: The developer would make improvements to Winkler Avenue.

Projected Traffic Generation: The traffic impact will be moderate.

## **Environmental Assessment**

**Topography:** This property has elevations ranging from 918' to 924'.

**Regulated Floodplain/Floodway/Creek:** The proposed development is not within any special flood hazard areas (SFHA).

## **Land Use Analysis**

**Land Use Plan:** The property is designated as 'General Commercial' on the future land use map (FLUM) of the Comprehensive Plan (Plan).

**Plan Recommendation:** The 'General Commercial' designation of the Comprehensive Plan allows a wide range of commercial retail and service uses, at varying scales and intensities depending on the site. Office uses (both large and/or multi-story buildings and small-scale office uses depending on the site), public/institutional uses and parks and public spaces are also allowed.

**Consistency:** The rezone request is not consistent with the Comprehensive Plan.

## Public Notification

The staff notified eleven (11) surrounding property owners regarding this request. Staff has received protests from the following property owners: Kay Cosper, owner of 3500 Trimmier Road; Kim and Kelly Barr, owners of 1102 Winkler Avenue, and the Isdale Family Revocable Trust, owners of 1201 Winkler Avenue and 2904 Trimmier Road. These protests have been provided as part of this staff report and account for approximately 39 % of the area of the lots and land immediately adjoining the subject tract and within the 200' notification boundary.

In accordance with Killeen Code of Ordinances section 31-39(d), “unless such proposed amendment, supplement, or change has been recommended for approval by the planning commission, or in case of a protest by the owners of twenty (20) percent or more of either the area of the lots included in such proposed change, or the area of those lots or land immediately adjacent thereto and extending two hundred (200) feet from that area, then such change shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the city council.”

## Recommendation

The Planning and Zoning Commission recommended approval of the rezone by a vote of 4 to 3 with the following condition:

- The proposed wooden privacy fence (east property line) shall be opaque and at least 6' in height.

Commissioners Traina, Kim, and Hoover were in opposition to this request. Those in opposition were concerned about the increase in traffic in this corridor due the development.

The applicant has not satisfied the R-3A district's minimum lot area to dwelling unit ratio. The minimum lot area of R-3A developments greater than one half (1/2) acre shall not be less than two thousand five hundred (2,500) square feet of land area per dwelling unit. This proposed portion of the development is located on 1.73 acres of land, which would allow a maximum of 30 units on the site. The applicant is proposing 36 units on the 1.73 acre site. Therefore, this project phase therefore has a deficiency of .34 acre based upon code requirements. Staff has no opposition to the additional six units being proposed by the developer. However, staff supports the zoning request with the expectation that the FLUM of the Comprehensive Plan is amended from General Commercial (GC) to Multifamily Residential (MFR). There are attractive apartment complexes in this area, and this is a logical location to encourage in-fill development with higher density housing near commercial activity centers. It is anticipated that development of this type will reduce vehicle trips and encourage walking and other alternative means of transportation to local stores, shops, etc.