

**ORDINANCE 21-003**

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**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 22.54 ACRES, OUT OF THE J. GOSLIN SURVEY, ABSTRACT NO. 344 AND THE H. C. MCCLUNG SURVEY, ABSTRACT NO. 570, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) AND “B-5” (BUSINESS DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) FOR “R-3A” (MULTI-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS,** Karen Wunsch on behalf of S. Young Family Ltd. (c/o Susan Young Jones), 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 approximately 22.54 acres out of the J. Goslin Survey, Abstract No. 344 and the H. C. McClung Survey, Abstract No. 570, from “R-1” (Single-Family Residential District) and “B-5” (Business District) to Planned Unit Development (PUD) for “R-3A” (Multi-Family Residential District) uses, said request having been duly recommended for approval of “Planned Unit Development (PUD) for “R-3A” (Multi-Family Residential District) uses, with the conditions outlined in Exhibit D – PUD Conditions, by the Planning and Zoning Commission of the City of Killeen on the 16<sup>th</sup> day of November 2020, 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 5:00 P.M., on the 8<sup>th</sup> day of December 2020, 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 majority opinion that the applicant’s zoning request should

be approved as recommended by the Planning and Zoning Commission;

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

**SECTION I.** That the zoning classification of approximately 22.54 acres out of the J. Goslin Survey, Abstract No. 344 and the H. C. McClung Survey, Abstract No. 570, from “R-1” (Single-Family Residential District) and “B-5” (Business District) to Planned Unit Development (PUD) for “R-3A” (Multi-Family Residential District) uses, said request having been duly recommended for approval “Planned Unit Development (PUD) for “R-3A” (Multi-Family Residential District) uses, with the conditions outlined in Exhibit D – PUD Conditions, for the property addressed as 1900 E. Veterans Memorial Boulevard, 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.

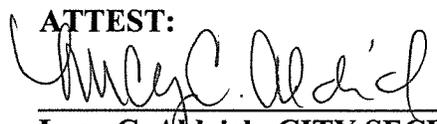
**SECTION III.** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

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

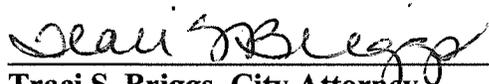
**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 12<sup>th</sup> day of January 2021, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

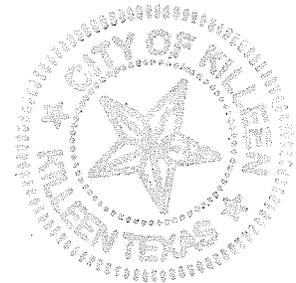
**APPROVED:**

  
\_\_\_\_\_  
Jose L. Segarra, MAYOR

**ATTEST:**  
  
\_\_\_\_\_  
Lucy C. Aldrich, CITY SECRETARY

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
Traci S. Briggs, City Attorney  
Case #20-22  
Ord. #20-003



# JPH Land Surveying, Inc.

Dallas-Fort Worth ★ Austin ★ Abilene



(PAGE 1 OF 5)

## EXHIBIT " A " LEGAL DESCRIPTION

**FIELDNOTES** for a 22.54 acre tract situated in the Henry C. McClung Survey, Abstract No 570, and the John Gosline Survey, Abstract No 344, in Killeen, Bell County, Texas, being a portion of that tract described in a Deed to Sidney Young, as recorded under Volume 448, Page 388, of the Deed Records of Bell County, Texas (hereafter referred to as Young Family tract); the subject tract being more fully described as follows:

**BEGINNING** at a 1/2 inch rebar found at the east corner of Lot 1, Block 1, *HOLIDAY TERRACE ADDITION*, an addition to the City of Killeen, as recorded under Cabinet C, Slide 177-B, of the Plat Records of Bell County, Texas, being in the southwest right-of-way of U.S. Business 190 (a/k/a E. Veterans Memorial Boulevard), a variable width right-of-way as shown by said *HOLIDAY TERRACE ADDITION*;

**THENCE** SOUTH 61°01'22" EAST along the southwest right-of-way of said U.S. Business 190, a distance of 316.35 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set;

**THENCE** SOUTH 29°05'21" WEST departing the southwest right-of-way of said U.S. Business 190, a distance of 104.29 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set;

**THENCE** SOUTH 61°09'13" EAST a distance of 200.00 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set on the northwest line of Lot 1, Block 1, *K.F.C. ADDITION*, an addition to the City of Killeen, as recorded under Cabinet B, Slide 257-B, of said Plat Records;

**THENCE** SOUTH 28°49'54" WEST along the northwest line of said Lot 1, *K.F.C. ADDITION*, a distance of 95.25 feet to a 3/8 inch rebar found the west corner of said Lot 1, *K.F.C. ADDITION*;

**THENCE** SOUTH 61°00'57" EAST along the southwest line of said Lot 1, *K.F.C. ADDITION*, a distance of 129.00 feet to a 1/2 inch rebar found at the north corner of Lot 2, Block 1, *SK SUBDIVISION REPLAT*, an addition to the City of Killeen, as recorded under Cabinet D, Slide 367-A, of said Plat Records;

---

**Dallas-Fort Worth**  
785 Lonesome Dove Trail  
Hurst, Texas 76054  
(817)431-4971  
Firm #10019500

**Austin**  
1516 E. Palm Valley Blvd., Ste. A4  
Round Rock, Texas 78664  
(512)778-5688  
Firm #10194073

**Abilene**  
500 Chestnut Street, Suite 702  
Abilene, Texas 79602  
(325)672-7420  
Firm #10193867

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(PAGE 2 OF 5)

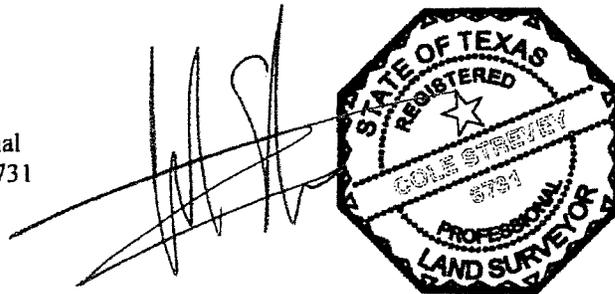
- THENCE** SOUTH 28°57'49" WEST along the northwest line of said Lot 2, a distance of 199.95 feet to a 1/2 inch capped rebar stamped "KILLEEN ENG" found at the west corner of said Lot 2;
- THENCE** SOUTH 61°05'06" EAST along the southwest line of said Lot 2, a distance of 399.56 feet to a 3/8 inch rebar found in the northwest right-of-way of WS Young Drive (a/k/a County Road 300), a variable width right-of-way described in a Deed recorded under Volume 1033, Page 206, of said Deed Records, and the beginning of a curve to the right (concave northwest) having a radius of 1709.31 and a chord which bears SOUTH 45°07'30" WEST a distance of 157.85 feet;
- THENCE** Along said curve to the right and the northwest right-of-way of said WS Young Drive, an arc length of 157.90 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set;
- THENCE** SOUTH 47°46'17" WEST along the northwest right-of-way of said WS Young Drive, a distance of 214.82 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set at the east corner of Lot 1, Block 1, *YOUNG HEALTH SERVICES 1ST EXTENSION*, an addition to the City of Killeen, as recorded under Cabinet B, Slide 26-B, said Plat Records;
- THENCE** NORTH 41°17'23" WEST along the northeast line of said Lot 1, *YOUNG HEALTH SERVICES 1ST EXTENSION*, a distance of 253.66 feet to a 3/8 inch rebar found at the north corner of said Lot 1, *YOUNG HEALTH SERVICES 1ST EXTENSION*;
- THENCE** SOUTH 47°53'24" WEST partially along the northwest line of said Lot 1, *YOUNG HEALTH SERVICES 1ST EXTENSION*, a distance of 403.22 feet to a 3/8 inch rebar found at the west corner of a called 0.475 of an acre tract described in a Deed, as recorded under Volume 2791, Page 753, of said Deed Records;
- THENCE** SOUTH 38°53'28" WEST through the interior of said Young Family tract, a distance of 228.69 feet to a 1/2 inch capped rebar stamped "JPH Land Surveying" set at the northeast corner of a called 5.002 acre tract described in a Special Warranty Deed, as recorded under Instrument Number 2007-00048880, Official Public Records of Bell County, Texas;

(PAGE 3 OF 5)

- THENCE** NORTH 73°19'57" WEST along the north line of said 5.002 acre tract, a distance of 522.36 feet to a Mag nail with washer stamped "JPH Land Surveying" set on the east line of a called 30 acre tract described in a Deed to the City of Killeen, as recorded in Volume 765, Page 657, of said Deed Records (hereinafter referred to as Condor Park tract);
- THENCE** NORTH 18°00'40" EAST along the east line of said Condor Park tract, a distance of 1372.37 feet to a 5/8 inch rebar in concrete found in the southwest right-of-way of said U.S. Business 190, at the northeast corner of said Condor Park tract and the northwest corner of said Lot 1, *HOLIDAY TERRACE ADDITION*;
- THENCE** SOUTH 14°09'29" WEST along the west line of said Lot 1, *HOLIDAY TERRACE ADDITION*, a distance of 278.25 feet to a 1/2 inch rebar found;
- THENCE** SOUTH 75°50'34" EAST along the south line of said Lot 1, *HOLIDAY TERRACE ADDITION*, a distance of 250.00 feet to a 1/2 inch rebar found;
- THENCE** NORTH 14°09'26" EAST along the east line of said Lot 1, *HOLIDAY TERRACE ADDITION*, a distance of 252.17 feet to the **POINT OF BEGINNING**, containing 22.54 acres.

The bearings described hereon are Texas State Plane Grid bearings (Texas Central Zone, NAD83)

Cole Strevey  
Registered Professional  
Land Surveyor No. 6731  
cole@jphls.com  
November 23, 2020



SKETCH TO ACCOMPANY LEGAL DESCRIPTION

U.S. BUSINESS HIGHWAY 190  
(A.K.A. E. VETERANS MEMORIAL BOULEVARD)  
VARIABLE WIDTH RIGHT-OF-WAY  
CABINET C, SLIDE 177-B, P.R.B.C.T.

APPROXIMATE SURVEY LINE

CITY OF KILLEEN  
VOL. 765, PG. 657  
D.R.B.C.T.

HENRY McCLUNG SURVEY - ABSTRACT NO. 570  
JOHN GOSLINE SURVEY - ABSTRACT NO. 344  
22.54 ACRES  
±981,740 S.F.

S. YOUNG FAMILY, LTD  
INST.# 1999-00045620  
O.P.R.B.C.T.

PORTION OF  
(DESCRIBED)  
VOL. 448, PG. 388  
D.R.B.C.T.

W.S. YOUNG DRIVE  
(A.K.A. COUNTY ROAD 300)  
VARIABLE WIDTH RIGHT-OF-WAY AS DESCRIBED IN  
VOL. 1033, PG. 206, D.R.B.C.T.

JOHN GOSLINE SURVEY - ABSTRACT NO. 344  
WILLIAM H. COLE SURVEY - ABSTRACT NO. 150

Cole Strevey  
Registered Professional  
Land Surveyor No. 6731  
cole@jphls.com  
November 23, 2020

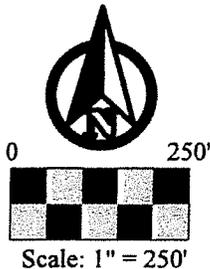


EXHIBIT SHOWING  
22.54 ACRES  
SITUATED IN THE  
HENRY McCLUNG SURVEY,  
ABSTRACT NO. 570 &  
JOHN GOSLINE SURVEY,  
ABSTRACT NO. 344

CITY OF KILLEEN  
BELL COUNTY, TEXAS

JPH Job No.  
2020.024.027 Killeen MF Site Veterans Memorial Rd,  
Killeen, Bell Co, TX-PUD EXHIBIT.dwg  
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1516 E. Palm Valley Blvd., Ste. A4, Round Rock, Texas 78664  
Telephone (817) 431-4971 www.jphlandsurveying.com  
TBPELS Firm #10019500 #10194073 #10193867  
DFW | Austin | West Texas

**EXHIBIT " A "**

PAGE 5 OF 5

**SKETCH TO ACCOMPANY  
LEGAL DESCRIPTION**

Line Data Table		
Line #	Bearing	Distance
L1	S61°01'22"E	316.35'
L2	S29°05'21"W	104.29'
L3	S61°09'13"E	200.00'
L4	S28°49'54"W	95.25'
L5	S61°00'57"E	129.00'
L6	S28°57'49"W	199.95'
L7	S61°05'06"E	399.56'
L8	S47°46'17"W	214.82'
L9	N41°17'23"W	253.66'
L10	S47°53'24"W	403.22'
L11	S38°53'28"W	228.69'
L12	N73°19'57"W	522.36'
L13	N18°00'40"E	1372.37'
L14	S14°09'29"W	278.25'
L15	S75°50'34"E	250.00'
L16	N14°09'26"E	252.17'

- ① LOT 1  
BLOCK 1  
HOLIDAY TERRACE ADDITION  
CABINET C, SLIDE 177-B  
P.R.B.C.T.
- ② S. YOUNG FAMILY, LTD  
INST.# 1999-00045620, O.P.R.B.C.T.  
PORTION OF  
(DESCRIBED)  
VOL. 448, PG. 388, D.R.B.C.T.
- ③ LOT 1  
BLOCK 1  
K.F.C. ADDITION  
CABINET B, SLIDE 257-B, P.R.B.C.T.
- ④ HJC COMMERCIAL, LLC, A TEXAS  
LIMITED LIABILITY COMPANY  
INST.# 2014015116, O.P.R.B.C.T.
- ⑤ LOT 1  
BLOCK 1  
McDONALD'S KILLEEN  
NO. ONE ADDITION  
CABINET A, SLIDE 351-C, P.R.B.C.T.
- ⑥ LOT 2  
BLOCK 1  
SK SUBDIVISION REPLAT  
CABINET D, SLIDE 367-A, P.R.B.C.T.
- ⑦ LOT 1  
BLOCK 1  
SK SUBDIVISION REPLAT  
CABINET D, SLIDE 367-A, P.R.B.C.T.
- ⑧ LOT 1  
BLOCK 1  
YOUNG HEALTH SERVICES  
SUBDIVISION 1ST EXTENSION  
CABINET B, SLIDE 26-B, P.R.B.C.T.

- ⑨ PORTION OF  
LOIS CAROLYN YOUNG  
VOL. 2795, PG. 491, D.R.B.C.T.
- ⑩ PORTION OF  
LOT 2  
BLOCK 1  
YOUNG HEALTH SERVICES SUBDIVISION  
CABINET A, SLIDE 41-A, P.R.B.C.T.
- ⑪ THOMAS EARL YOUNG AND WIFE,  
CATHERINE A. YOUNG  
VOL. 3231, PG. 15, D.R.B.C.T.
- ⑫ PORTION OF  
SIDNEY EARL YOUNG AND WIFE,  
MARILYN KAY YOUNG  
VOL. 2791, PG. 753, D.R.B.C.T.
- ⑬ PORTION OF  
LOT 1  
BLOCK 1  
YOUNG HEALTH SERVICES SUBDIVISION  
CABINET A, SLIDE 41-A, P.R.B.C.T.
- ⑭ KILLEEN TH, LLC, A TEXAS LIMITED  
LIABILITY COMPANY  
INST.# 200700048880, O.P.R.B.C.T.

Curve Data Table					
Curve #	Arc	Radius	Delta	Chord Bearing	Chord
C1	157.90'	1709.31'	005°17'34"	S45°07'30"W	157.85'



JPH Job No.  
2020.024.027 Killeen MF Site Veterans Memorial Rd,  
Killeen, Bell Co, TX-PUD EXHIBIT.dwg  
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DFW | Austin | West Texas

**MONUMENTS / BEARING BASIS**

CRS ○ 1/2" rebar stamped "JPH Land Surveying" set  
MNS ○ Mag nail & washer stamped "JPH Land Surveying" set  
**Monuments are found if not marked MNS or CRS.**  
Bearings are based on Grid North, Texas Coordinate System of 1983, Central Zone

**LEGEND OF ABBREVIATIONS**

P.R.B.C.T. Plat Records of Bell County, Texas  
O.P.R.B.C.T. Official Public Records of Bell County, Texas  
D.R.B.C.T. Deed Records of Bell County, Texas  
POB/POC Point of Beginning/Point of Commencing

**EXHIBIT SHOWING  
22.54 ACRES**  
SITUATED IN THE  
**HENRY McCLUNG SURVEY,  
ABSTRACT NO. 570 &  
JOHN GOSLINE SURVEY,  
ABSTRACT NO. 344**  
CITY OF KILLEEN  
BELL COUNTY, TEXAS



**LEE**  
AND ASSOCIATES  
1001 EAST BAYVIEW  
SUITE 1000  
HOUSTON, TEXAS 77059  
TEL: 281.460.1100  
WWW.LEEANDASSOCIATES.COM

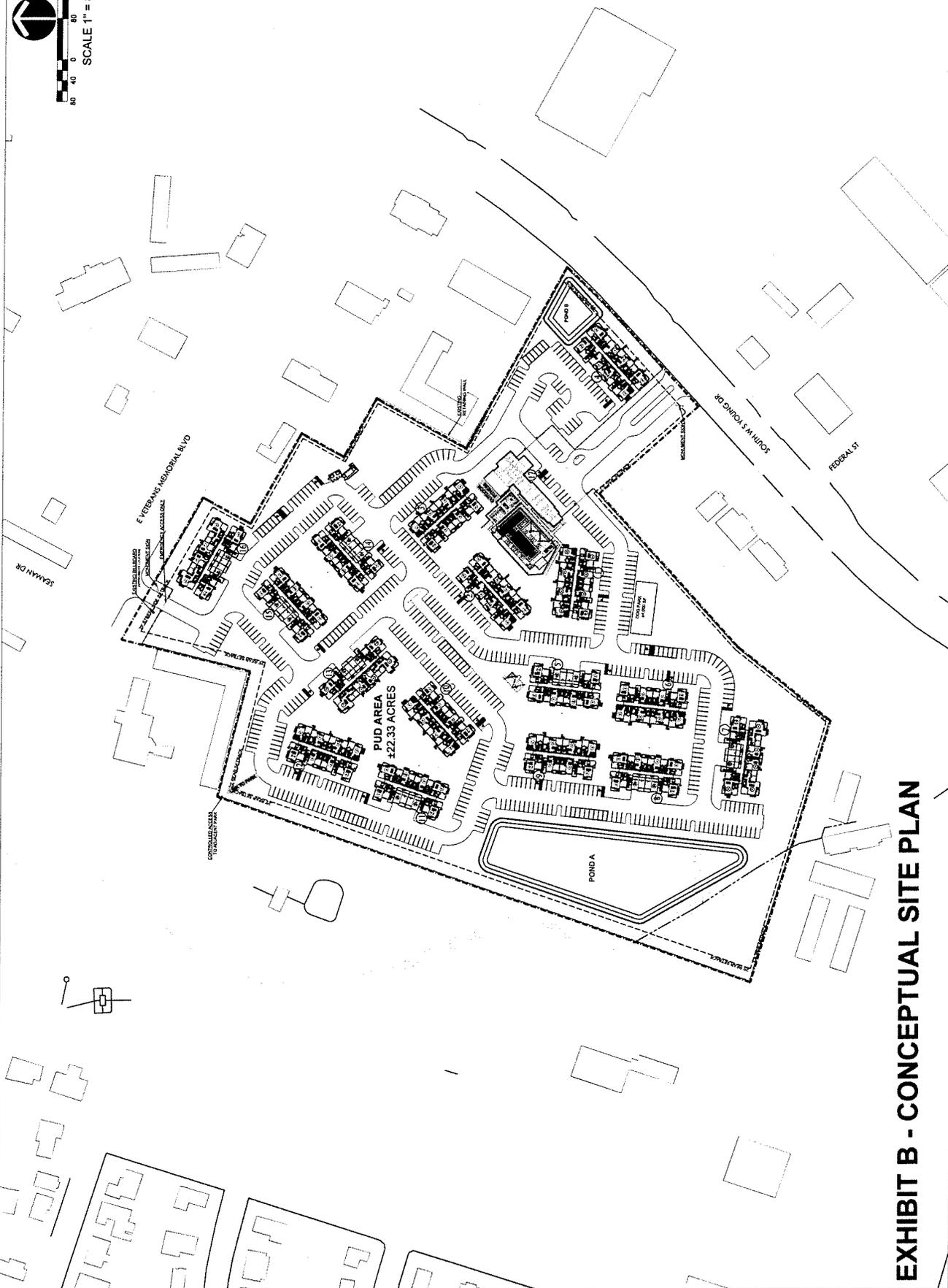
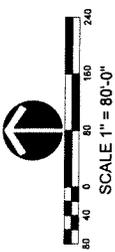


DATE	11/9/2020
PROJ. NO.	2606
FILE NAME	2606 DASE 2
XREF	
XREF	

**TANK DESTROYER**  
KILLEN, TEXAS  
CONCEPTUAL SITE PLAN

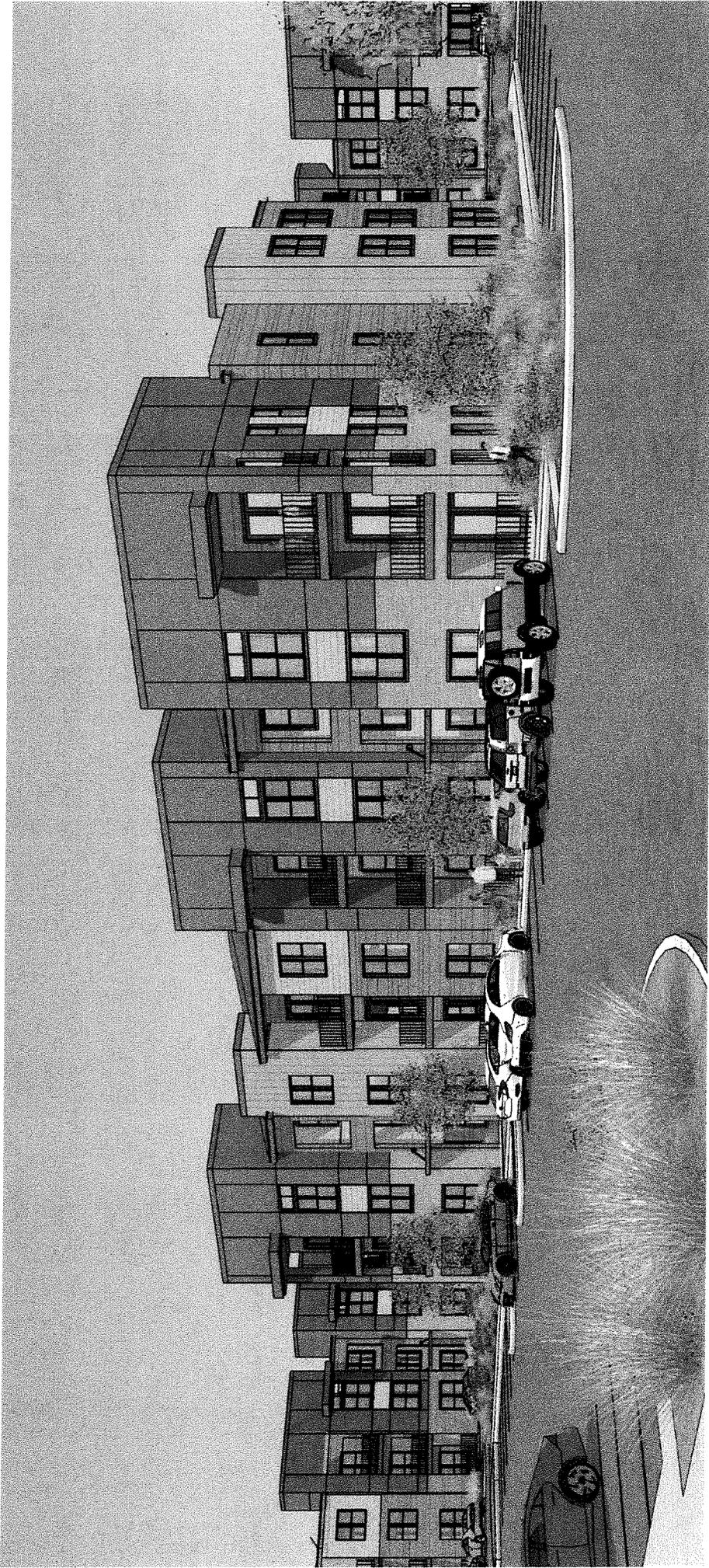
THIS DRAWING IS  
NOT FOR  
CONSTRUCTION  
APPROVAL OR  
CONSTRUCTION

CSP-1.1



**EXHIBIT B - CONCEPTUAL SITE PLAN**

# EXHIBIT C - BUILDING ELEVATION



**EXHIBIT D - PUD CONDITIONS**  
**Planned Unit Development (PUD) Conditions**  
**ZONING CASE #Z20-22**

**I. Description of Subject Property**

The subject property is an approximately 22.54-acre undeveloped tract located south of E. Veterans Memorial Boulevard and west of S. W. S. Young Drive. The property is more particularly described by metes and bounds 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 development of a multifamily housing complex in partnership with the City of Killeen. The proposed apartment complex will include multiple three-story apartment buildings, surface, open carport, and enclosed, individual garage parking, and a variety of amenities including a resort-style pool, fitness studio, work-from-home café, and dog park.

**III. 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.

**IV. 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 the Planned Unit Development (PUD) Conditions.

**V. Concept Plan**

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.

**VI. Building Elevation**

Development shall be in general conformance with the building rendering labeled **EXHIBIT C**. In the event there is a conflict between the rendering and the Specific Regulations below, the Specific Regulations shall apply.

## VII. Specific Regulations

- A. Height regulations: The height of any building within this district shall not exceed three (3) stories.
- B. Roof pitch: Residential buildings shall provide a gable roof with pitch not less than four (4) over twelve (12) and not to exceed nine (9) foot to twelve (12) foot slope. Sections of flat roof are permissible to allow parapet accents on the buildings.

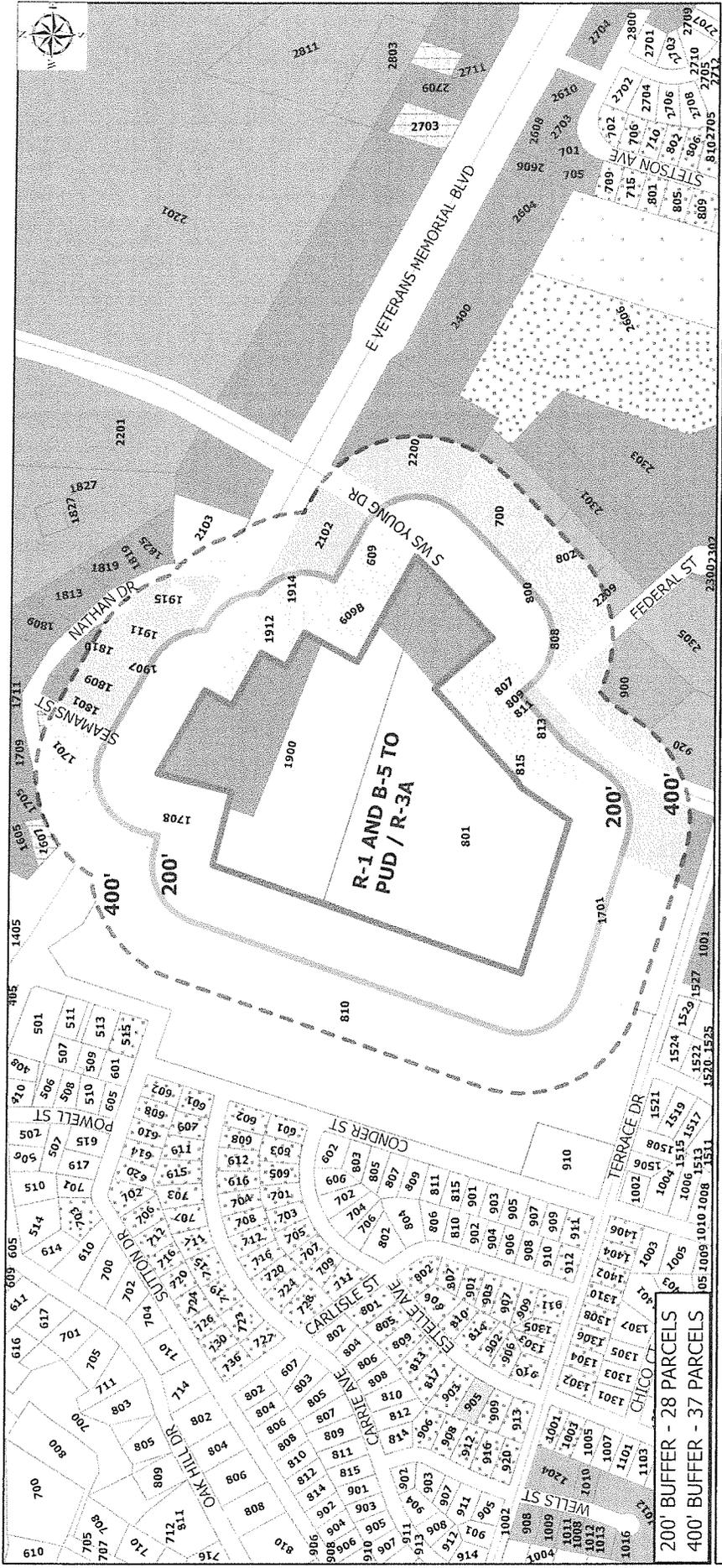
Architectural asphalt shingles shall be used to incorporate gables, hips, and undulating massing. Horizontal venting is allowed provided that the vents are painted to match the adjacent façade.

- C. Site regulations:
  - a) Side and rear elevations of buildings visible from the public roadway shall incorporate architectural features and exterior materials that are generally consistent with the front elevation.
  - b) All buildings and structures, including accessory structures, dumpster enclosures, carports, and garages must share a common, identifiable, complementary design or style. For carports, this may be accomplished by painting metal support structures the same color as other metal architectural features used on primary buildings and using the same roof material as used for the residential buildings.
  - c) Drainage features such as detention ponds and associated landscaping, screening, and facilities may encroach the front, side, or rear yard setback.
- D. Architectural design:
  - a) A variety of building layouts shall be provided throughout the development with no more than forty (40) percent of the residential buildings being of any one layout. Building elevations will vary based on building layout, but generally shall be a consistent theme with consistent materials and colors used on all buildings. Architectural features will be highlighted by using two (2) or more paint colors and two (2) or more materials per building.
  - b) Building massing shall create visual movement in the façade through the use of projections, recesses, balconies, awnings, and canopies. Exterior walls 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 façade expanses exceeding thirty-six (36) feet in width are prohibited. Fully recessed balconies can be used to comply with section.
  - c) Nominal nine (9) foot ceilings are required on all residential buildings.
  - 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. Windows and doors: Windows shall be trimmed with fiber cement board. Allowed window materials include vinyl, fiberglass, or aluminum. Balcony doors shall have transoms of sufficient height to align door heads with window heads. Covered building entry ways are required.
- F. Balconies: At least fifty (50) percent of units shall have a balcony at least fifty (50) square feet in area. Railings shall maximize resident views while standing or seated on the balcony. Railing materials allowed include metal or vinyl.
- G. Amenities: The apartment complex will be provided a stand-alone clubhouse with unique building massing that is distinct yet complimentary of the residential buildings. The clubhouse shall have a minimum average ceiling height of ten (10) feet with storefront glass at the main entry.
- H. Ancillary Structures/Accessory Buildings: Buildings for storage, maintenance, and equipment shall be consistent with the design and material of the residential buildings.
- I. Open Space: A minimum of five (5) percent of the area shall be maintained as open space, as defined in the Code of Ordinances.
- J. Fencing: Perimeter fencing shall be a minimum of six (6) feet in height with black, powder-coated metal pickets designed to appear similarly to wrought-iron or decorative metal fencing. Screening from the adjacent Conder Community Park zoned R-1 (Single-Family Residential) District is not required in order to preserve connectivity and resident views of the parkland.
- K. Equipment Screening: Transformers and similar mechanical equipment shall be screened from the parking areas through the use of landscape vegetation. Electrical, gas, and other utility meters may be mounded to the façade provided that meters are arranged in an organized fashion. Dumpsters shall be screened from view on all sides by a masonry wall at least eight (8) feet in height with a metal gate. Mechanical equipment shall be screened from view on all sides by a parapet wall, screening wall, or landscape vegetation, while still providing space for maintenance access.
- L. Parking regulations: Except for parking spaces located in front of the amenity center, parking shall be prohibited between the building and street frontage yard. The required number of parking spaces shall be satisfied with a combination of surface, covered surface (carport), and garage parking spaces.





200' BUFFER - 28 PARCELS  
 400' BUFFER - 37 PARCELS

Attachment #2  
 Council District: 3  
 1 inch = 531 feet

Zoning Map

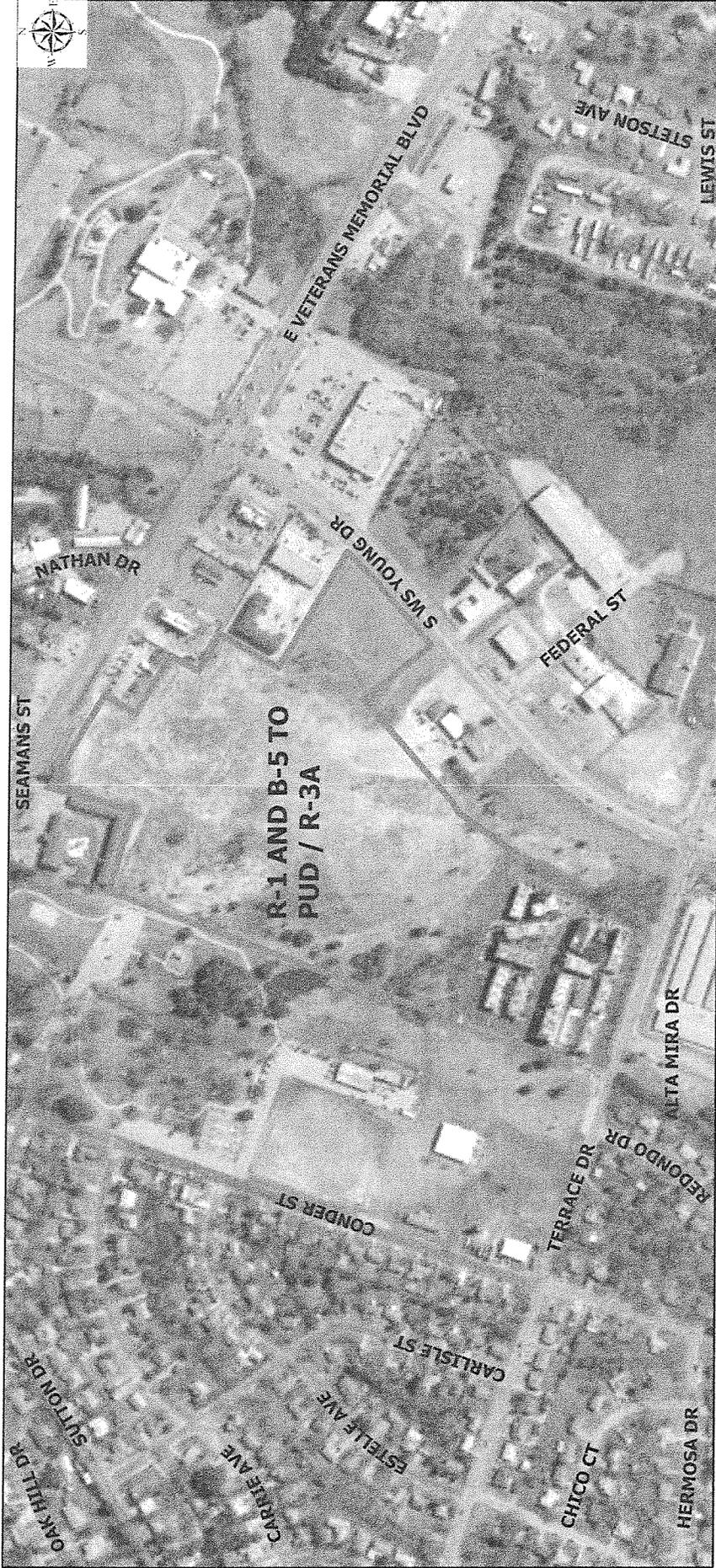
## Zoning Case 2020-22

Legend

	B-4		B-C-1		R-1		RMH
	B-5		B-DC		R-2		
	RC-1		M-1		R-3		
	B-3						

Current Zoning CODE

Subject Property Legal Description: A0344BC J GOSLIN, ACRES 10.126 AND A0570BC H C MCCLUNG, 745-55, (S OF HWY 190, W OF WS YOUNG), ACRES 4.749



**Legend**

-  Citylimits
-  Zoning Case 2020

Zoning Map

## Zoning Case 2020-22

Attachment #3

Council District: 3

1 inch = 556 feet

Subject Property Legal Description: A03448C J GOSLIN, ACRES 10.126 AND A0570BC H C MCCLUNG, 745-55, (S OF HWY 190, W OF WS YOUNG), ACRES 4.749

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
NOVEMBER 16, 2020**

**CASE #Z20-22  
“R-1” & “B-5” to “P.U.D” for “R-3A”**

**B. HOLD** a public hearing and consider a request submitted by Karen Wunsch on behalf of S. Young Family Ltd. (c/o Susan Young Jones) to rezone approximately 22.233 acres out of the J. Goslin Survey, Abstract No. 344 and the H. C. McClung Survey, Abstract No. 570 from “R-1” (Single-Family Residential District) and “B-5” (Business District) to Planned Unit Development (P.U.D) for “R-3A” (Multi-Family Residential District). The properties are addressed as 1900 E. Veterans Memorial Boulevard and 801 S. W.S. Young Drive, Killeen, Texas.

Chairman Latham requested staff comments.

Mr. Jerry Millard, Senior Planner, presented the staff report for this item. He stated that the applicant has proposed a Planned Unit Development concept plan, which would include sixteen (16) three story multi-family structures, with a total of 386 residential units on 22.233 acres of land. The proposed PUD concept plan illustrates a residential density of 17.36 dwelling units per acre. In addition to the residential structures, the applicant is proposing amenities that will include a large resort style pool area with grills, fitness center, clubhouse, internet cafe, and a 4,000 square foot dog park.

Staff notified thirty-three (33) surrounding property owners regarding this request. No responses have been received in support or opposition to the request.

Mr. Millard read through the conditions listed below:

**Description of Subject Property**

The subject property is an approximately 22.33-acre undeveloped tract located south of E. Veterans Memorial Boulevard and west of S. W. S. Young Drive. The property is more particularly described by metes and bounds 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 development of a multifamily housing complex in partnership with the City of Killeen. The proposed apartment complex will include multiple three-story apartment buildings, surface, open carport, and enclosed, individual garage parking, and a variety of amenities including a resort-style pool, fitness studio, work-from-home café, and dog park.

**III. 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.

**IV. 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 the Planned Unit Development (PUD) Conditions.

#### V. Concept Plan

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.

#### VI. Building Elevation

Development shall be in general conformance with the building rendering labeled EXHIBIT C. In the event there is a conflict between the rendering and the Specific Regulations below, the Specific Regulations shall apply.

#### VII. Specific Regulations

A. Height regulations: The height of any building within this district shall not exceed three (3) stories.

B. Roof pitch: Residential buildings shall provide a gable roof with pitch not less than four (4) over twelve (12) and not to exceed nine (9) foot to twelve (12) foot slope. 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 façade. C. Site regulations:

a) Side and rear elevations of buildings visible from the public roadway shall incorporate architectural features and exterior materials that are generally consistent with the front elevation.

b) All buildings and structures, including accessory structures, dumpster enclosures, carports, and garages must share a common, identifiable, complementary design or style. For carports, this may be accomplished by painting metal support structures the same color as other metal architectural features used on primary buildings and using the same roof material as used for the residential buildings.

c) Drainage features such as detention ponds and associated landscaping, screening, and facilities may encroach the front, side, or rear yard setback.

#### D. Architectural design:

a) A variety of building layouts shall be provided throughout the development with no more than forty (40) percent of the residential buildings being of any one layout. Building elevations will vary based on building layout, but generally shall be a consistent theme with consistent materials and colors used on all buildings. Architectural features will be highlighted by using two (2) or more paint colors and two (2) or more materials per building.

b) Building massing shall create visual movement in the façade through the use of projections, recesses, balconies, awnings, and canopies. Exterior walls 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 façade expanses exceeding thirty-six (36) feet in width are prohibited. Fully recessed balconies can be used to comply with section.

c) Nominal nine (9) foot ceilings are required on all residential buildings.

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. Windows and doors: Windows shall be trimmed with fiber cement board. Allowed window materials include vinyl, fiberglass, or aluminum. Balcony doors shall have

transoms of sufficient height to align door heads with window heads. Covered building entry ways are required.

F. Balconies: At least fifty (50) percent of units shall have a balcony at least fifty (50) square feet in area. Railings shall maximize resident views while standing or seated on the balcony. Railing materials allowed include metal or vinyl.

G. Amenities: The apartment complex will be provided a stand-alone clubhouse with unique building massing that is distinct yet complimentary of the residential buildings. The clubhouse shall have a minimum average ceiling height of ten (10) feet with storefront glass at the main entry.

H. Ancillary Structures/Accessory Buildings: Buildings for storage, maintenance, and equipment shall be consistent with the design and material of the residential buildings.

I. Open Space: A minimum of five (5) percent of the area shall be maintained as open space, as defined in the Code of Ordinances.

J. Fencing: Perimeter fencing shall be a minimum of six (6) feet in height with black, powder-coated metal pickets designed to appear similarly to wrought-iron or decorative metal fencing. Screening from the adjacent Conder Community Park zoned R-1 (Single-Family Residential) District is not required in order to preserve connectivity and resident views of the parkland.

K. Equipment Screening: Transformers and similar mechanical equipment shall be screened from the parking areas through the use of landscape vegetation. Electrical, gas, and other utility meters may be mounded to the façade provided that meters are arranged in an organized fashion. Dumpsters shall be screened from view on all sides by a masonry wall at least eight (8) feet in height with a metal gate. Mechanical equipment shall be screened from view on all sides by a parapet wall, screening wall, or landscape vegetation, while still providing space for maintenance access.

L. Parking regulations: Except for parking spaces located in front of the amenity center, parking shall be prohibited between the building and street frontage yard. The required number of parking spaces shall be satisfied with a combination of surface, covered surface (carport), and garage parking spaces.

Ms. Alastair Jenkin, 26 Drifting Wind Run, Hills, Texas, was present to represent the case.

Chairman Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Vice Chairman Alvarez motioned to recommend approval of the request. Commissioner Minor seconded, and the motion passed by a vote of 6 to 1. Commissioner Gukeisen voted in opposition.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

## 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.

YOUR NAME: Lois Carolyn Young PHONE NUMBER: 254-634-0608

CURRENT ADDRESS: 2105 Stone Ave, Killeen, Tx 76541

ADDRESS OF PROPERTY OWNED: 1900 E. Veterans Mem. Blvd + 901 SWS Young Drive

COMMENTS: I am for the properties to be rezoned. RECEIVED

NOV 13 2020

PLANNING

SIGNATURE: Lois Carolyn Young REQUEST: "R-1" & "B-5" to P.U.D / "R-3A" SPO #Z20-22/ 25-27

P.O. BOX 1320 KILLEEN TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX

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SIGNATURE: Lois Carolyn Young REQUEST: "R-1" & "B-5" to P.U.D / "R-3A" SPO #Z20-22/ 33

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**DATE:** December 1, 2020

**TO:** Kent Cagle, City Manager

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

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

**BACKGROUND AND FINDINGS:**

Summary of Request:

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

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

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

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

- (1) One-family dwellings.
- (2) Churches or other places of worship.
- (3) Colleges, universities, or other institutions of higher learning.
- (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
- (5) Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.

- (6) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.
- (7) Public buildings, including libraries, museums, police and fire stations.
- (8) Real estate sales offices during the development of residential subdivisions but not to exceed two (2) years. Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
- (9) Schools, public elementary or high.
- (10) Schools, private with curriculum equivalent to that of a public elementary or high school.
- (11) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (12) Water supply reservoirs, pumping plants and towers.
- (13) Accessory buildings and uses, incident to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building.
- (14) A subdivision entry sign, when such sign is located on a lot that abuts a subdivision boundary and fronts on a street entering the subdivision.
- (15) Cemetery

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

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

- (1) Any use permitted in the "B-4" district.
- (2) Building material and lumber sales (outside storage permitted).
- (3) Storage warehouse, greater than twenty-five thousand (25,000) square feet.
- (4) Veterinarian clinic or pet kennel with outside pens.
- (5) Railroad or bus passenger terminal.
- (6) Tire recapping or retreading.
- (7) Impound yards provided no salvaging or dismantling is allowed on the premises and site is properly screened.
- (8) Any commercial use not included in any other district, provided such use does not involve salvaging, manufacturing or industrial type storage or dismantling, and is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
- (9) Mobile home sales.
- (10) Indoor firing range.

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

- (a) A Planned Unit Development (PUD) as provided in Chapter 31, Article V, Division 8, Killeen Code of Ordinances shall be required for any request for an "R-3F" and/or "R-3A" district when the total acreage of the request alone, or when the total acreage of the request combined with all adjacent areas zoned "R-2", "R-3", "R-3F", and "R-3A", and/or areas within a two-thousand feet radius of any of the property seeking to be rezoned, consist of twenty-five (25) acres or more. The purpose for requiring a PUD is to provide the Planning and Zoning Commission and the City Council with the ability to determine the proposed development's impact on surrounding properties, existing

infrastructure and open/recreational space and also to determine whether additional public improvements to serve denser multifamily development are necessary to promote the health, safety and welfare of the development's residents.

- (b) Properties are considered adjacent and subject to the computation of this section if they are continuously zoned for multifamily and/or two-family residential use regardless of ownership, property lines, easements or rights-of-way.
- (c) The applicant shall provide any public infrastructure beyond the city's minimum development standards that is required to service the proposed development, including open/recreational space and oversized water, sewer and drainage facilities and greater street widths.
- (d) The applicant is responsible for determining whether or not a PUD is required. However, if the Director of Planning and Development Services determines at any time that a PUD is required and one was not submitted the applicant shall be informed in writing and they shall either modify their application to include the PUD or withdraw the application and have all associated application fee(s) returned.

A Planned Unit Development (PUD) is a land use design incorporating the concepts of density and common open space. Common open space shall include, but is not limited to, community amenities such as parks, gardens, pedestrian trails, recreation areas, and usable undisturbed, natural areas. The PUD designation serves as an "overlay zoning and development classification." In this capacity, the designation permits specific negotiated development regulations to be applied to the base land use zoning district(s) in which the property is located. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site. Such specific land use and development regulations shall not take effect until they are reviewed, public hearings held and approved by both the Planning and Zoning Commission and the City Council.

#### **Zoning / Plat Case History:**

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

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

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

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

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

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

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

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

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

### **Public Notification:**

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

### **Staff Findings:**

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

### **THE ALTERNATIVES CONSIDERED:**

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

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

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

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

**CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This zoning request does not involve the expenditure of City funds. However, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

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

This is not applicable.

**RECOMMENDATION:**

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

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Exhibit A - Survey

Exhibit B - Conceptual Site Plan

Exhibit C - Building Elevation

Exhibit D - PUD Conditions

Maps

Minutes

Ordinance

Considerations

Responses