

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 5.30 ACRES OUT OF THE H. C. MCCLUNG SURVEY, ABSTRACT NO. 570, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO A PLANNED UNIT DEVELOPMENT (PUD) WITH “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc, 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 5.30 acres out of the H.C. McClung Survey, Abstract No. 570, from “R-1” (Single-Family Residential District), to Planned Unit Development (PUD) w/ “R-3A” (Multifamily Apartment Residential District), said request having been duly recommended for approval of the Planned Unit Development (PUD) w/ “R-3A” (Multifamily Apartment Residential District) by the Planning and Zoning Commission of the City of Killeen on the 6th day of June 2022, 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 12th day of July 2022, 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 5.30 acres out of the H.C. McClung Survey, Abstract No. 570, from “R-1” (Single-Family Residential District), to

Planned Unit Development (PUD) w/ "R-3A" (Multifamily Apartment Residential District), said request having been duly recommended for approval of the Planned Unit Development (PUD) w/ "R-3A" (Multifamily Apartment Residential District), for the property which is the southern portion of the parcel addressed as 101 N WS Young Drive, Killeen, Texas and generally located west of N WS Young Drive and south of Azalea Drive, Killeen Texas.

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

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 That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

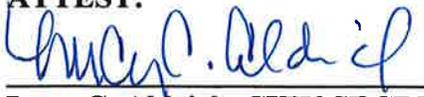
SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 12th day of July 2022, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

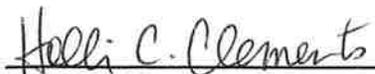
APPROVED:


Debbie Nash-King, MAYOR

ATTEST:


Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM


Holli C. Clements, Interim City Attorney

Case #22-03

Ord. #22-051





Attachment #3
 Council District: 1

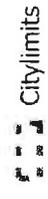


Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A,
 (NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571

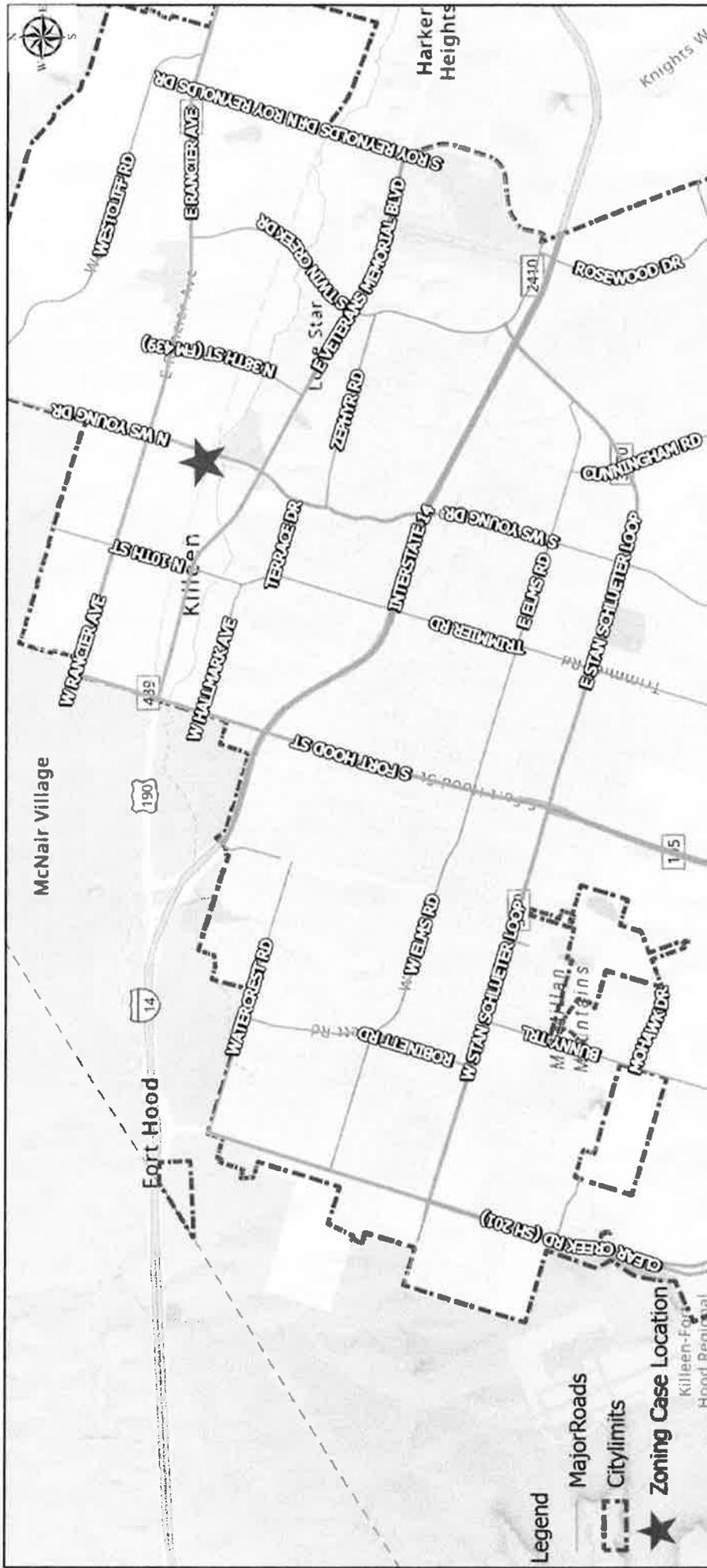
Zoning Case 2022-03

R-1 TO R-3A

Legend



Citylimits
 Zoning Case 2022



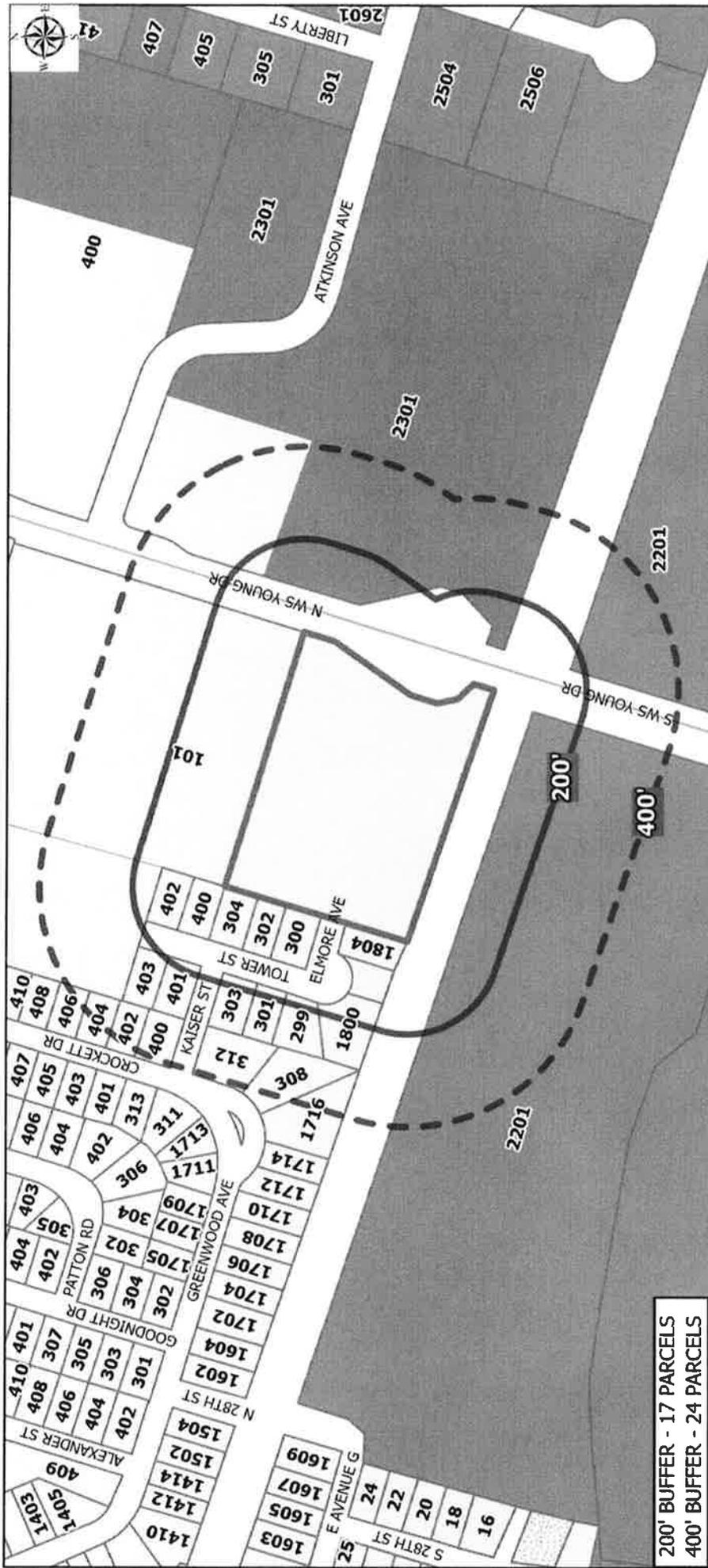
Zoning Case 2022-03

R-1 TO R-3A

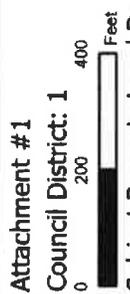
Attachment #2
Location Map

Council District: 1

Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A,
(NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571



200' BUFFER - 17 PARCELS
 400' BUFFER - 24 PARCELS



Attachment #1
 Council District: 1
 Subject Property Legal Description: DESTINY WORLD OUTREACH ADDITION PHASE TWO, BLOCK 001, LOT PT 1A,
 (NE 497.18' X 580' OF 1A, LESS E 8' STRIP), ACRES 6.571



Zoning Case 2022-03

R-1 TO R-3A

SITE PHOTOS

Case #Z22-03: "R-1" to PUD w/ "R-3A"



View of the subject property looking west:



View of Destiny World Outreach to the north:



SITE PHOTOS

Case #Z22-03: "R-1" to PUD w/ "R-3A"



View of the surrounding property to the west:



View of the surrounding property to the east (across N WS Young Dr):



MINUTES
PLANNING AND ZONING COMMISSION MEETING
June 6, 2022

CASE #Z22-03
“R-1” to “R-3A”

HOLD a public hearing and consider a request submitted by Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc. (Case #Z22-03) to rezone approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570 from “R-1” (Single-Family Residential District) to Planned Unit Development (PUD) w/ “R-3A” (Multifamily Apartment Residential District). The property is generally located on the west side of North W. S. Young Drive, approximately 830 feet south of the intersection of Azalea Drive, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request, as it is consistent with the character of the area.

Chairman Latham opened the public hearing.

The applicant’s agent, Mr. Michael Tamez of Madhouse Development, was present to represent the case.

With no one else wishing to speak, the public hearing was closed.

Commissioner Gukeisen made a motion to recommend approval of the request as presented. Commissioner Jones seconded, and the motion passed by a vote of 6 to 0.

AVANTI LEGACY PARKVIEW, LP

ZONING CASE #22-03

I. Description of Subject Property

The subject property is an approximately 5.268-acre undeveloped tract located south of Atkinson Drive and west of N. W. S. Young Drive. The property is more particularly described by metes and bounds 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 development of a multifamily housing complex which includes a Kitchen that will be occupied by the Killeen Meals on Wheels organization, in partnership with the City of Killeen. The proposed apartment complex will include a single four-story apartment building, surface parking, and a variety of amenities including a pool, fitness center, business center, and resident services space. The community will provide 108 units, which will be dedicated to people 55 years and older. The development is also in the North Killeen Revitalization Area, and has received a resolution of support from the City Council (Resolution No. 22-028R).

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. Additional Permitted Use

The development site will also include a large kitchen, which will be used by the Killeen Meals on Wheels program to prepare and distribute meals to the community. Through this PUD, this use will be considered a permitted use and will meet all development requirements as set forth by City of Killeen Code of Ordinances.

VI. 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.

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

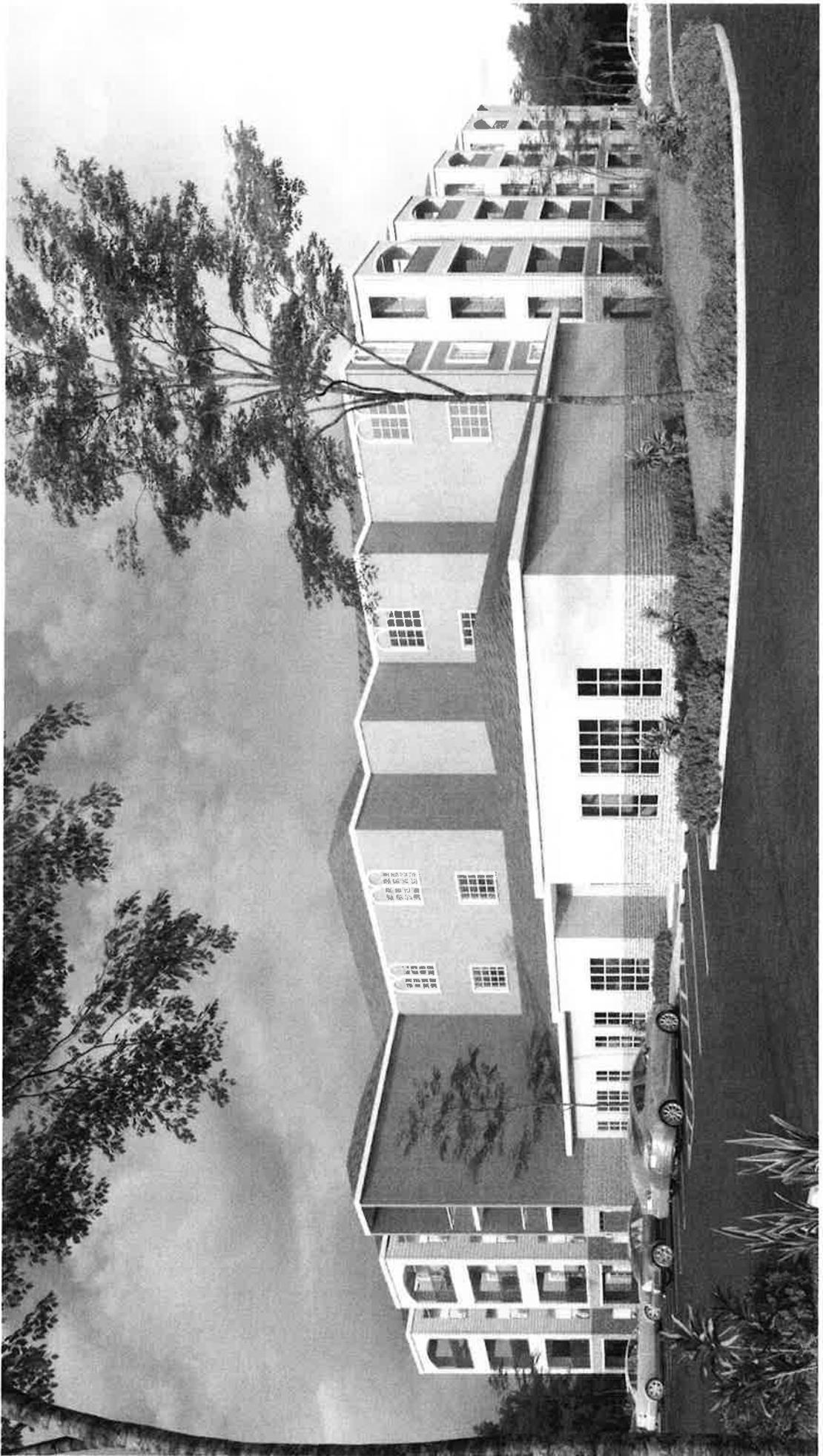
VII. Building Elevation

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

VIII. Specific Regulations

- A. Height regulations: The height of the building within this district shall not exceed Four (4) stories. In accordance with the R-3A district regulations, one (1) foot of setback shall be dedicated for every additional Two (2) feet of building height above thirty-five (35) feet.
- B. 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 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 facade. A vent hood system will be installed to accommodate the kitchen, rooftop venting for this will be painted or concealed as required.
- C. 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 through the life of the building.
- D. Density: The development will be permitted to have a unit density of twenty-one (21) units per acre or less. The development will also contain a large kitchen that will be used by the Meals on Wheels program.
- E. 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 nine (9) foot ceilings will be provided on all residential buildings.
 - c. Building massing shall create visual movement in the facade through the use of projections, recesses, balconies, awnings, canopies, shutters and windows. 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 expanses exceeding thirty-six (36) feet in width are prohibited. Fully recessed balconies and windows can be used to comply with 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.
- F. Windows and doors: Windows shall be trimmed with fiber cement board. Allowed window materials include vinyl, fiberglass, or aluminum. Covered building entry ways are required.
- G. Amenities: The apartment complex will be provided a fully furnished integrated clubhouse and amenity spaces. The clubhouse shall have a minimum average ceiling height of ten (10) feet. The development will provide a community laundry room, business center equipped with computers and a printer, and a fitness center.
- 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. The development shall include a standard pool with sitting area in the Open Space calculation.
- J. Fencing: Perimeter fencing shall be a minimum of six (6) feet in height with black, powder-coated metal vinyl chain-link designed or decorative metal fencing. Screening from the adjacent park is not required in order to preserve connectivity and resident views of the parkland. Six (6) privacy fencing will be installed along the adjacent single-family residences.
- K. Dumpster Enclosure: Dumpsters shall be screened from view on all sides by a masonry wall at least eight (8) feet in height with a gate.
- L. Parking regulations: The development site shall have a total of 150 parking spaces. Up to five (5) percent of these shall be designated for the Meals on Wheels facility and used for loading as well as employee parking.
- M. Noise Mitigation: A qualified third party has been engaged to perform a noise assessment and the development site to assess the impact of the railroad and road on the noise levels. Sound mitigation will be provided in accordance with HUD standards based on the findings by the study.







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.

CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: July 5, 2022
TO: Kent Cagle, City Manager.
FROM: Edwin Revell, Executive Director of Development Services.
SUBJECT: ZONING CASE #Z22-03: "R-1" to (PUD) W/ "R-3A".

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Destiny World Outreach Center, Inc.

Agent: Avanti Legacy Parkview, LP

Current Zoning: "R-1" (Single-Family Residential District District)

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

Current FLUM Designation: 'General Residential' (GR)

Requested FLUM Designation: 'Multi-Family Residential' (MFR)

Summary of Request:

Avanti Legacy Parkview, LP, on behalf of Destiny World Outreach Center, Inc., has submitted a request to rezone approximately 5.30 acres out of the H.C. McClung Survey, Abstract No. 570, from "R-1" (Single-Family Residential District), to Planned Unit Development (PUD) w/ "R-3A" (Multifamily Apartment Residential District).

If approved, the applicant intends to develop the property into a multifamily housing complex which includes a kitchen that will be occupied by Killeen Meals on Wheels organization, in partnership with the City of Killeen. The proposed apartment complex will include a single four-story apartment building, surface parking, and a variety of amenities including a pool, fitness center, business center, and resident services space. The community will provide one hundred eight (108) units, which will be dedicated to people 55 years and older. The development is within the North Killeen Revitalization Area and has received a resolution of support from the City Council (Resolution No. 22-028R).

All lots within the proposed PUD will meet the minimum standards for lot size and area requirements in accordance with the underlying base zoning. The applicant is proposing PUD standards as described in the attached PUD Features and Regulations document. Proposed standards include increased site standards, enhanced architectural design, provision for a variety of amenities including community laundry room, fitness center, and open space including a standard pool with sitting area.

Zoning/Plat Case History:

The subject property is currently zoned "R-1" (Single-Family Residential District). Staff is unable to determine the exact date of zoning. The property is currently platted as part of Destiny World Outreach Addition Phase Two, Block 1, Lot PT 1A.

Character of the Area:

North: Religious institution (Destiny World Outreach Center) zoned "R-1" (Single-Family Residential District)

East: KISD administrative building zoned "B-5" (Business District)

South: Park and open space (Andy K Wells Hike and Bike Trail and Rotary Club Neighborhood Children's Park) across the railroad track zoned "M-1" (Manufacturing District)

West: Undeveloped residential property and duplexes zoned "R-1" (Single-Family Residential District)

Future Land Use Map Analysis:

This property is designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus
- Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes)
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
- Public/ institutional; or
- Parks and public spaces

If approved, the 'Multi-Family Residential' (MFR) designation encourages the following development types:

- Multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums); or
- Parks and public spaces

The request is not consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant submitted a concurrent request to amend the Future Land Use Map (FLUM) from 'General Residential' (GR) designation to 'Multi-Family Residential' (MFR) designation.

Water, Sewer and Drainage Services:

Provider: City of Killeen
Within Service Area: Yes

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

Transportation and Thoroughfare Plan:

Ingress and egress to the property are from W. S. Young Drive, which is classified as a 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan.

Environmental Assessment:

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified twenty-four (24) surrounding property owners regarding this request. Of those property owners notified, seven (7) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and four (4) reside outside of Killeen.

As of the date of this staff report, staff has received no written responses regarding this request.

Staff Findings:

The character of the 'General Residential' (GR) land use category is auto-oriented (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'GR' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

The 'Multi-Family Residential' (MFR) designation is typically auto-oriented but can be softened by perimeter and on-site landscaping, minimum spacing between buildings, site coverage limits, and on-site recreation or open space criteria.

The current zoning of the subject property is "R-1" (Single-Family Residential District). The surrounding area includes predominantly residential uses and institutional uses including religious institution, parks and open space, and educational facilities.

THE ALTERNATIVES CONSIDERED:

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

- Disapprove the proposed PUD;
- Approve the PUD with additional/ and/or amended conditions; or

- Approve the proposed PUD as presented.

Which alternative is recommended? Why?

Staff recommends approval of the applicant's PUD request as presented. 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 various open space amenities.

In addition, staff is of the determination that the proposed development is compatible with the prevailing community character of the area. The character of the area includes predominantly residential uses and institutional uses including religious institution, parks and open space, and educational facilities.

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:

At their regular meeting on June 6, 2022, 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
Minutes
Ordinance
PUD Concept Plan
PUD Standards
Renderings
Considerations