

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 203.2 ACRES OUT OF THE KILLEEN AREA INVESTMENT CORP. INDUSTRIAL TRACT, LOT PT TR C, D, & ABANDONED DOGWOOD BLVD.; LA CASCATA ADDITION, BLOCK 00A, LOT 1-4 & KILLEEN AIRPORT ADDITION, BLOCK 001, LOT PT 1, (W PT OF 1), FROM “B-5” (BUSINESS DISTRICT) AND “M-1” (MANUFACTURING DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH “B-3” (LOCAL BUSINESS DISTRICT), “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT), AND “RT-1” (RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Michael J Whellan, on behalf of Central Southwest Texas Development, 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 approximately 203.2 acres out of the Killeen Area Investment Corp. Industrial Tract, Lot PT TR C, D, & Abandoned Dogwood Blvd.; La Cascata Addition, Block 00A, Lot 1-4 & Killeen Airport Addition, Block 001, Lot PT 1, (W PT OF 1) from “B-5” (Business District) and “M-1” (Manufacturing District) to Planned Unit Development (PUD) with “B-3” (Local Business District), “R-3A” (Multifamily Apartment Residential District), and “RT-1” (Residential Townhouse Single-Family District) uses, said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6<sup>th</sup> day of February 2023, 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 14<sup>th</sup> day of March 2023, 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 203.2 acres out of the Killeen Area Investment Corp. Industrial Tract, Lot PT TR C, D, & Abandoned Dogwood Blvd.; La Cascata Addition, Block 00A, Lot 1-4 & Killeen Airport Addition, Block 001, Lot PT 1, (W PT OF 1) from “B-5” (Business District) and “M-1” (Manufacturing District) to Planned Unit Development (PUD) with “B-3” (Local Business District), “R-3A” (Multifamily Apartment Residential District), and “RT-1” (Residential Townhouse Single-Family District) uses. The property is locally addressed as 1401 Rio Boulevard, Killeen, Texas.

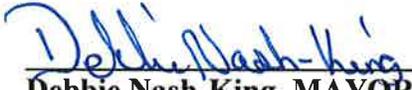
**SECTION II.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**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 14<sup>th</sup> day of March 2023, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

**APPROVED:**

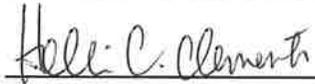
  
Debbie Nash-King, MAYOR

**ATTEST:**

  
Laura J. Calcote, CITY SECRETARY



**APPROVED AS TO FORM**

  
Holli C. Clements, CITY ATTORNEY

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**DATE:** March 7, 2023

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** Zoning Case #22-54: "B-5" (Business District) and "M-1" (Manufacturing District) to Planned Unit Development (PUD) with "B-3" (Local Business District), "R-3A" (Multifamily Apartment Residential District), and "RT-1" (Residential Townhouse Single-Family District)

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** Central Southwest Texas Development, LLC

**Agent:** Michael J. Whellan

**Current Zoning:** "B-5" (Business District) & "M-1" (Manufacturing District)

**Proposed Zoning:** PUD w/" B-3", "R-3A", & "RT-1"

**Current FLUM Designation:** 'Traditional Neighborhood', 'Urban Village', & 'Regional Commercial'

**Summary of Request:**

Michael J. Whellan, on behalf of Central Southwest Texas Development, LLC (**Case #Z22-54**), submitted a request to rezone approximately 203.2 acres from "B-5" (Business District) and "M-1" (Manufacturing District) to a Planned Unit Development (PUD). If approved, the applicant intends to develop the property into a mixed-use Planned Unit Development (PUD) with the following underlying zoning districts:

- 39.3 acres of commercial/retail ("B-3");
- 9.1 acres of commercial or apartment "Flex" ("B-3"/"R-3A");
- 91.9 acres of apartment residential ("R-3A"); and
- 62.9 acres build-to-rent single-family, two-, three-, and four-family residential ("RT-1").

The proposed development will consist of commercial/retail development along Martin Luther King Jr. Blvd. (F.M. 2410), multi-family apartments located along either side of a spine road (Anthem Boulevard), and a gated "build-to-rent" development with private streets in the rear.

The applicant is proposing development standards as prescribed in the attached PUD document and associated exhibits. The proposed development standards address parks and open space requirements, architectural standards, landscaping and street tree requirements, off-street

parking regulations, enhanced fencing and screening requirements, permitted and prohibited commercial uses, and aviation regulations.

The proposed development will include a north/south public street, to be known as Anthem Boulevard. The proposed cross section for Anthem Boulevard is included as Exhibit D in the attached PUD document.

Within the proposed commercial/retail portion of the development, the proposed PUD allows for most uses permitted in "B-3" (Local Business District) with several additions and exclusions. For example, the proposed PUD allows for retail liquor stores, indoor and outdoor entertainment, and indoor firing ranges. However, the proposed PUD prohibits resale/thrift stores, tattoo parlors, pawn shops, check cashing businesses, and car washes.

The developer intends to comply with the City's parkland dedication and development standards through a combination of parkland dedication and payment of fees-in-lieu of parkland dedication. The proposed PUD includes an initial five (5) acres of parkland to be dedicated the City, which will be located along Anthem Boulevard. Remaining parkland dedication and/or fees-in-lieu of parkland dedication will be addressed during the platting process.

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

On September 10, 1962, City Council passed and approved the annexation of 7,931.0 acres.

In 1970, (Case# 70-07) the City Council passed a rezoning from "R-1" (Single-Family Residential) to "M-1" (Manufacturing District).

On December 10, 1974, Killeen Area Investment Corp Inc. Industrial Tract was recorded and filed for record.

On May 12, 2015, City Council approved a rezoning of 63.20 acres from "M-1" (Manufacturing District) to "B-5" Business District.

On January 11, 2016, La Cascata Addition was recorded and filed for record.

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

**North:** Non-residential lots zoned "M-1" (Manufacturing District) and a Mobile Home Park zoned "RMH" (Mobile Home District)

**South:** Non-residential lots zoned "M-1" (Manufacturing District)

**West:** Multifamily lots zoned "R-3" (Multi-Family Residential District)

**East:** Skylark Airport zoned "M-1" (Manufacturing District)

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

This property is located within the 'Controlled Growth' area on the Growth Sector Map and is designated as 'Traditional Neighborhood' (TN), 'Urban Village' (UV), and 'Regional Commercial' (RC) on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Traditional Neighborhood' place type recreates the pre-suburban pattern with smaller lots and setbacks, shorter blocks, diverse housing typologies and a mix of uses. The mixing of activities and uses allow the area to adapt the change over time to suit the needs of the residents. Though it is not required for uses to always be mixed within the same building, it is important to note that large single use developments (such as large multiplex apartments or retail centers with large land area devoted to parking) do not suit traditional neighborhoods. Mixed-use neighborhoods are places where residents can live, shop, work, and gather and access all activities largely on foot.

The 'Urban Village' place type is considered to be one of the most fiscally resilient place types, and in the right proportion, can subsidize low-value development patterns. It is generally intended for the center of activity with active streets, focusing on people, and imperatively highlights walkability for pedestrian over automobiles. The 'Urban Village' place type promotes the following mix of uses including residential uses such as townhouses, small plex (2-6 units), and apartments, non-residential uses such as all scales of commercial development or industrial uses, and mixed-use such as live-work, few or many overs.

The 'Regional Commercial' place type include places that are auto-oriented, located near high-traffic intersections, such as regional businesses like retail, restaurants, gas stations, grocery stores, etc. This place type encourages most commercial developments and mixed-use such as many overs.

This 'Controlled Growth' sector includes areas in the city limits and approved Municipal Utility Districts (MUDs) that have access to city infrastructure in close proximity. Development proposed in this sector will be evaluated for adherence to the Big Ideas and Recommendations of the plan, particularly those related to housing and neighborhood options and improve the fiscal health and sustainability of Killeen.

The request supports or furthers the following 2022 Comprehensive Plan recommendations:

- LU1 - Use place types and complete neighborhoods as building blocks
- LU3 - Encourage incremental evolution of neighborhoods
- NH3 - Diversify housing mix (types and price points)
- NH4 - Build complete neighborhoods
- MC1 - Adjust planning approach to consider non-vehicular trips.
- MC3 - Improve network connectivity

The Comprehensive Plan's Big Idea #5 promotes neighborhoods, not subdivisions, designed and built to intentionally mix housing and commercial opportunities together so that the majority of daily needs are accessible within a safe and walkable distance that fosters a unique sense of place. Neighborhoods are flexible places with a mixture of housing and services that provide value directly to the people who reside there.

The Comprehensive Plan emphasizes on building a diverse mix of housing options in order to keep housing in a community affordable and to attract and retain people in different stages of life and different socioeconomic levels. The applicant's proposed PUD includes a mix of housing types including townhomes, two-family, three-family, fourplex, single-family detached, and multifamily apartments.

In addition, the Comprehensive Plan highlights that Complete neighborhood comprise of mixed uses, higher housing density, and streets that support higher density and walkability. The applicant has proposed that private streets shall include sidewalks on one of the streets and Anthem Blvd. (shown on Exhibit D of the PUD document) will include sidewalks, bike lanes and tree lawns to encourage walkability and improved safety.

**Neighborhood Analysis:**

- This property is located within Killeen Development Zone #3 (Exhibit A).
- Current land use mix within this area comprises approximately:
  - 10% non-residential
  - 90% residential

**Zoning district breakdown in DZ3:**

- 48% non-residential zoning districts
- 52% residential zoning districts.

\*These numbers exclude special districts such as conditional or special use permits and planned unit developments.

The '**Traditional Neighborhood**' land use designation promotes:

**Use Mix:** up to 50% non-residential, 80% residential uses

**Primary Uses:** Townhouses, Accessory Dwelling Unit (ADU), Smallplex (2-4 Units), Live-work, Residential Over, Neighborhood Commercial

**Secondary Uses:** Single Family, School, House of Worship

The '**Urban Village**' land use designation promotes:

**Use Mix:** up to 80% non-residential, 40% residential uses

**Primary Uses:** Professional Office, Corporate Office, Urban Residential, Restaurants, Retail, Entertainment

**Secondary Uses:** Civic Buildings, Institutions, Education, Parks, Senior Housing

The '**Regional Commercial**' land use designation promotes:

**Use Mix:** up to 100% non-residential, 50% residential uses

**Primary Uses:** Restaurants, Grocery Stores, Banks, Retail

**Secondary Uses:** Entertainment, Office

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

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

**Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from Martin Luther King, Jr. Blvd. (FM 2410), which is classified as a 110-foot wide Minor Arterial; Rio Blvd., which is classified as a 60-foot wide Local Street; and Dogwood Blvd., which is classified as a 60-foot wide Local Street on the City of

Killeen Thoroughfare Plan. It has been estimated that there will be 35,825 trips generated on a daily basis with 2,926 peak hour trips. A Traffic Impact Analysis is required for the development.

**Environmental Assessment:**

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are two riverine and one freshwater pond habitat shown on the property as identified on the National Wetlands Inventory.

**Public Notification:**

Staff notified fifty-two (52) surrounding property owners regarding this request. Of those property owners notified, eighteen (18) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and thirty-four (34) reside outside of Killeen.

As of date of this staff report, staff has received two (2) written responses in support of this request.

**Staff Findings:**

Please see the Future Land Use Map Analysis and Neighborhood Analysis sections.

**THE ALTERNATIVES CONSIDERED:**

The City Council may:

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

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request for Planned Unit Development (PUD) as presented.

Staff finds that the request is consistent with the policies and principles of the 2022 Comprehensive Plan, as indicated in the Comprehensive Plan Analysis. Staff finds that the request is compatible with the existing land uses and prevailing community character.

**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?**

Will be determined when TIRZ Reinvestment Agreement is approved.

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

Will be determined when TIRZ Reinvestment Agreement is approved.

**Is this expenditure budgeted?**

Yes, via TIRZ funds.

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

Not applicable.

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

Yes

**RECOMMENDATION:**

At their regular meeting on February 6, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote 4 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

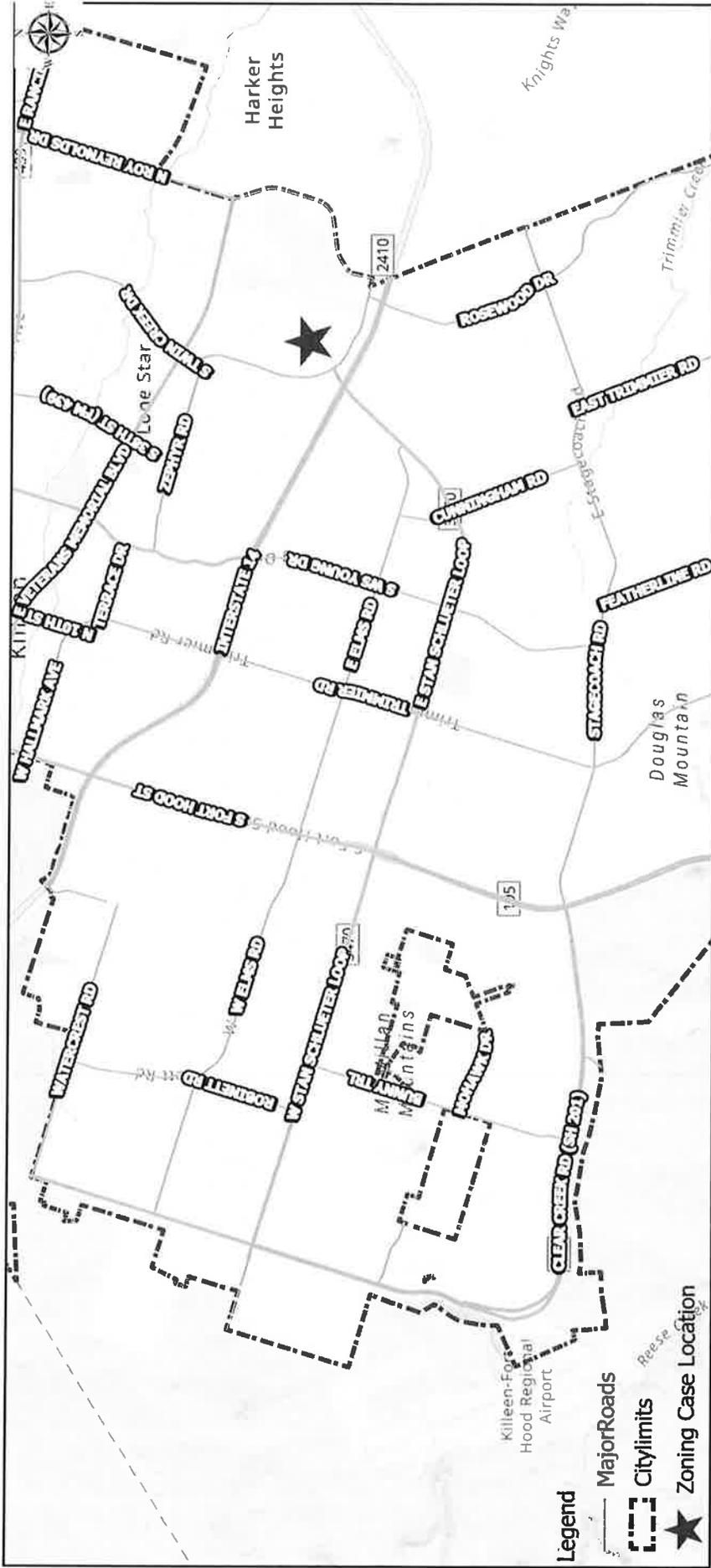
Exhibit  
Maps  
Site Photos  
PUD Document  
Minutes  
Ordinance  
Responses  
Considerations

# Exhibits

Case #Z22-54: "B-5" & "M-1" to "PUD"



Exhibit A. Killeen Development Zones map. The property is located within the Killeen Development Zone #3.



- Legend**
- Major Roads
  - City Limits
  - ★ Zoning Case Location



## Zoning Case 2022-54

M-1 AND B-5 TO PUD w/ B-3, R-3A, AND RT-1

Subject Property Legal Description: KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR C, D, & ABANDONED DOGWOOD BLVD; CASCATA ADDITION, BLOCK 00A, LOT 1-4 & KILLEEN AIRPORT ADDITION, BLOCK 001, LOT PT 1, (W PT OF 1), ACRES 203.160



AERIAL MAP

Council District: 1



Subject Property Legal Description: KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR C, D, & ABANDONED DOGWOOD BLVD; CASCATA ADDITION, BLOCK 00A, LOT 1-4 & KILLEEN AIRPORT ADDITION, BLOCK 001, LOT PT 1, (W PT OF 1), ACRES 203.160

Legend



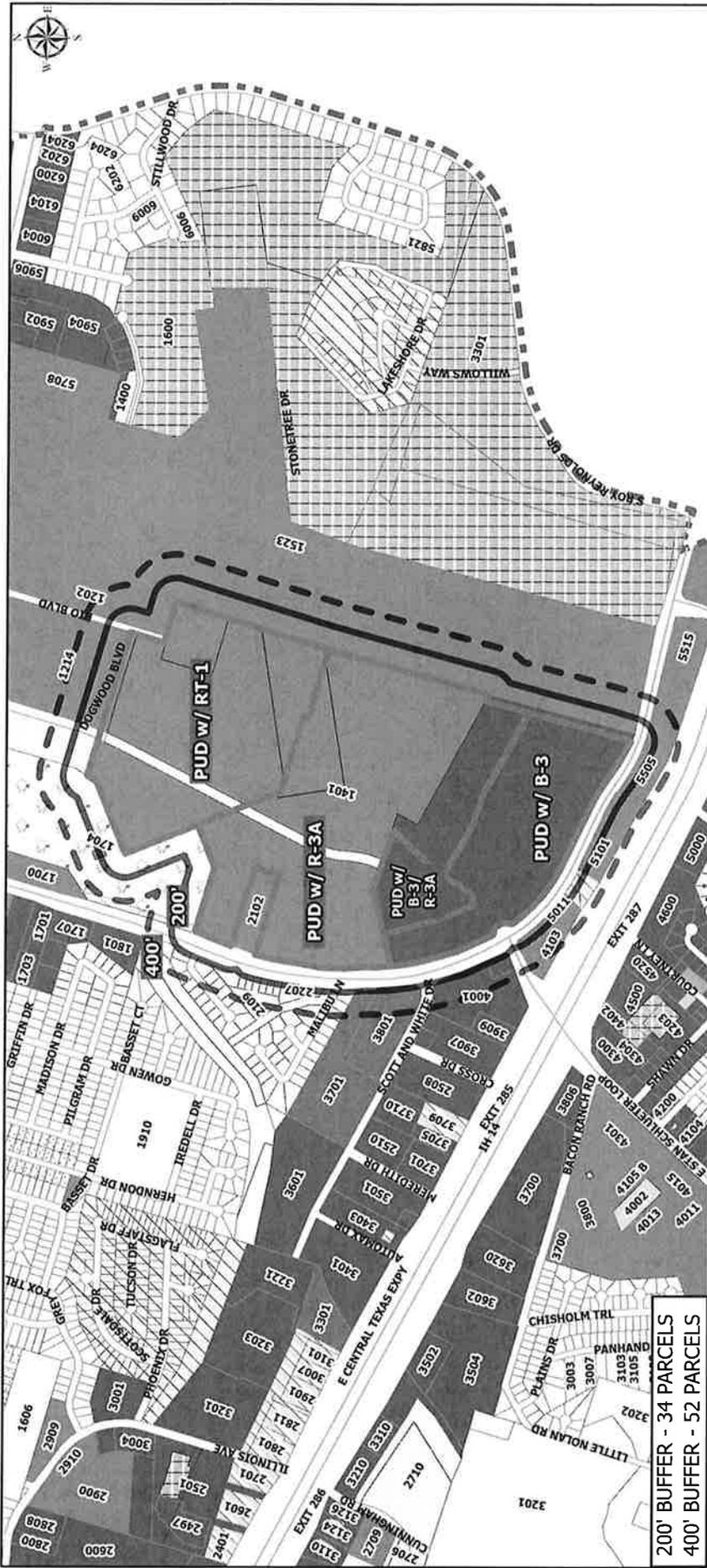
City Limits



Zoning Case

## Zoning Case 2022-54

M-1 AND B-5 TO PUD W/ B-3, R-3A, AND RT-1



- Legend**
- |   |     |   |      |   |       |   |      |   |      |   |      |
|---|-----|---|------|---|-------|---|------|---|------|---|------|
| □ | B-1 | ■ | B-4  | ▨ | B-C-1 | ■ | M-1  | □ | R-2  | □ | RI-A |
| □ | B-3 | ▨ | B-5  | ▨ | B-DC  | □ | R-1  | □ | R-3  | □ | RMH  |
| ▨ | B-3 | ▨ | RC-1 | ▨ | CUP   | ▨ | R-1X | ▨ | R-3F | ▨ | SUP  |

## Zoning Case 2022-54

### M-1 AND B-5 TO PUD w/ B-3, R-3A, AND RT-1

**NOTIFICATION MAP**  
 Council District: 1  
 0 500 1,000 Feet

**200' BUFFER - 34 PARCELS**  
**400' BUFFER - 52 PARCELS**

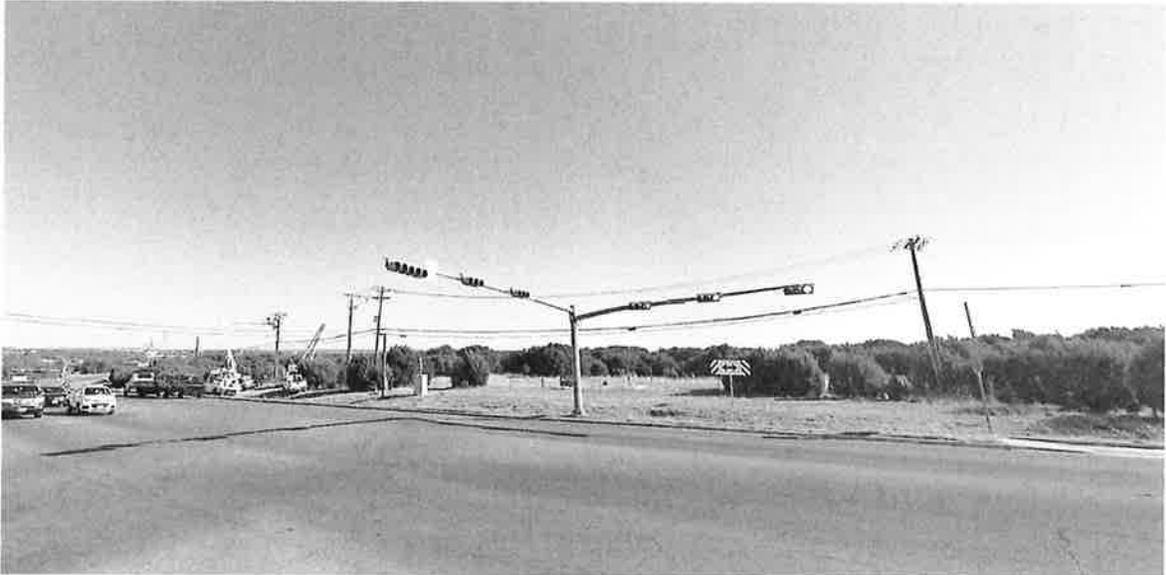
Subject Property Legal Description: KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR C, D, & ABANDONED DOGWOOD BLVD; CASCATA ADDITION, BLOCK 00A, LOT 1-4 & KILLEEN AIRPORT ADDITION, BLOCK 001, LOT PT 1, (W PT OF 1), ACRES 203.160

# SITE PHOTOS

Case #Z22-54: "B-5" & "M-1" to "PUD"



View of the subject property looking north:



Aerial view of the subject property looking north:



## **Anthem Park Planned Unit Development (the “PUD”) Development Standards**

### Residential Development Standards

#### **I. DISTRICT “RT-1” RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT**

Single-family residential lots, two-family residential lots, townhouse lots, and multifamily residential lots with four (4) dwelling units will conform to the baseline standards for the district “RT-1” residential townhouse single-family district with the following modifications:

##### Use Regulations.

A building or premises in the district “RT-1” residential townhouse single-family district shall be used only for the following purposes:

- (a) Single-family dwellings, including site-built and modular construction.
- (b) Two-family dwellings.
- (c) Three-family dwelling.
- (d) Townhomes, as defined in Killeen City Code Sec. 31-217.
- (e) Multifamily structures containing four (4) separate dwelling units (fourplexes).

In the “RT-1” residential townhouse single-family district, fourplexes shall not exceed twenty (20) percent of the total unit count, townhomes shall not exceed thirty (30) percent of the total unit count, two-family and three-family dwellings shall not exceed thirty (30) percent of the total unit count, and single-family detached dwellings shall comprise no less than fifty (50) percent of the total unit count. If multiple housing types are constructed, no more than four (4) fourplexes shall be constructed consecutively, and no more than eight (8) two-family or three-family dwellings shall be constructed consecutively.

##### Height Regulations.

No building in the district “RT-1” residential townhouse single-family district shall exceed forty-five (45) feet or three (3) stories in height.

##### Area Regulations.

- (a) *Size of yards.* The yards in the district “RT-1” residential townhouse single-family district shall conform to the following:
  - (1) *Front yards.* There shall be a front yard having a depth of not more than twenty (20) feet. There shall be no minimum front yard setback.
  - (2) *Side yard.* There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
  - (3) *Rear yard.* There shall be a rear yard having a depth of not less than ten (10) feet. No garages or carports having direct access to a rear alley or common driveway shall be set back from the rear lot line less than ten (10) feet. Porches or patios will be permitted to

encroach into the rear yard setback by up to ten (10) feet in depth by fifteen (15) feet in width.

- (b) *Subdivision of lots.* The district “RT-1” residential townhouse single-family district may be subdivided into a maximum of four (4) platted lots. The four (4) platted lots may be further subdivided into individually platted lots with approval from the planning director.
- (c) *Site area requirements.* The minimum site area requirements for each housing type are as follows:
  - (1) For a single-family dwelling, two-family dwelling, or three-family dwelling, the minimum site area is four thousand (4,000) square feet.
  - (2) For a townhome, the minimum site area is two thousand five hundred (2,500) square feet.
  - (3) For a fourplex, the minimum site area is eight thousand (8,000) square feet.
  - (4) There shall be no private yard requirement in the district “RT-1” residential townhouse single-family district.

#### Parking Regulations.

The parking regulations for the district “RT-1” residential townhouse single-family district shall conform to Killeen City Code Chapter 31 Article V, Division 3 except as modified below and by the off-street parking minimums set forth in *Exhibit C*:

- (a) Two (2) off-street parking spaces shall be provided for each dwelling unit. Tandem parking shall be permitted.
- (b) There shall be minimum visitor parking of one-fifth ( $\frac{1}{5}$ ) space per dwelling unit. Any fraction thereof shall be rounded up to the next whole number.
- (c) Parking spaces shall be provided in one or both of the following ways:
  - (1) In the front, side, or rear of each unit. The spaces shall be in the unit’s garage, carport, and/or driveway.
  - (2) In a surface parking area accessed via an auto court, or private drive separate from the street, and integral to the overall development.
- (d) The driveway width shall not exceed located in the front yard of townhouse lots shall not exceed fifty (50) percent of the width of the respective lots.

#### Architectural and Landscaping Standards.

- (a) Architectural design. No elevation shall be repeated within four (4) residential lots on the same side of the street, or within two (2) residential lots on the opposite side of the street.
- (b) All new residential structures located within the district “RT-1” residential townhouse single-family district shall also include at least six (6) of the following:
  - (1) *Enhanced windows.* Windows on the front elevation shall incorporate use of transoms, bay windows, shutters, dormers, or other similar window enhancements.

- (2) *Architectural details.* The front elevation shall incorporate enhanced architectural details including corbels, quoining, louvered vents, keystones, decorative railings, coach lights, or other architectural features as approved by the executive director of development services or their designee.
  - (3) *Variable roof design.* At least two (2) different roof types (e.g. hip and gable) or two (2) different roof planes of varying height, direction, or pitch shall be provided.
  - (4) *Side or rear entry garage.* No garage doors shall face the street on the primary elevation. This provision includes homes with side-entry, J-swing, detached, or rear-entry garages.
  - (5) *Recessed garage.* The exterior wall on either side of the garage door facing the street shall be recessed at least five (5) feet behind the main roof line of the house, including the front porch.
  - (6) *Vertical articulation.* A minimum of three (3) wall planes shall be provided on the front elevation, with offsets being at least twelve (12) inches deep.
  - (7) *Covered front porch.* A covered front porch at least sixty (60) square feet in area shall be provided on a single-family home; or at least forty (40) square feet in area per unit on a two-family dwelling, townhouse, or fourplex for ground floor residential units. Such porch shall measure not less than five (5) feet in any direction. A covered front porch shall not be required for residential units above the ground floor.
  - (8) *Enclosed patio.* A patio or outdoor seating area enclosed on at least three (3) sides by a fence or wall at least thirty-six (36) inches in height.
  - (9) *Enhanced garage doors.* Garage doors shall have accent windows and decorative hardware.
- (c) If a garage is provided, the following standards shall be met:
- (1) A garage door facing the street shall not comprise more than fifty (50) percent of the horizontal length of the front elevation; and
  - (2) The exterior wall on either side of the garage door shall not protrude further than the roof line of the front porch.
- (d) Landscaping required. Minimum required landscaping shall be determined by this section. All detached single-family dwellings located within the district "RT-1" residential townhouse single-family district shall have at least one (1) canopy tree planted in the front yard, ten (10) three-gallon shrubs planted in the front yard, and ground cover landscaping. One (1) additional canopy tree shall be planted in the front yard for two-family dwellings, three-family dwellings, and fourplexes.
- (1) *Trees.* The following requirements shall apply to tree landscaping.  
Newly planted trees shall measure at least three (3) inch caliper and six (6) feet in height at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree and shrub plantings shall be of a recommended species as detailed in the planned unit development approved plant list attached as *Exhibit B*.
    - (a.) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least three (3) caliper inches, and shall be maintained in an undisturbed area within the drip line of the tree.

- (b.) Should any trees or shrubs used for landscape credit die, they shall be replaced with new landscaping by the current property owner according to the requirements of this section.
- (c.) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorating planting materials shall reduce the number of shrubs required by one (1).
- (d.) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.
- (2) *Ground cover.* The following requirements shall apply to ground cover landscaping:
  - (a.) All residential structures within the district “RT-1” residential townhouse single-family district shall be fully covered with groundcover of a recommended type as detailed in the planned unit development approved plant list attached as *Exhibit B* to ensure compatibility and to control dust, erosion, and sediment from migrating off-site. Natural areas may be left undisturbed and do not require sodding and irrigation.
  - (b.) Approved ground cover or grasses as shown in *Exhibit B* shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, left undisturbed, or covered by structures, pavement or other impervious surfaces.
  - (c.) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.
- (3) *Irrigation.* All vegetative landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other Killeen City Code provisions. The planning director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.
- (e) All landscaping must be in place upon final inspection unless an extension is granted in writing by the planning director. Such extension shall not exceed sixty (60) days.
- (f) 35% of all common areas shall be devoted to open space.
  - (1) Common area shall mean private property owned in common by, and designated for the private use of, the owners or occupants of units in a particular project, planned unit development, or subdivision. Common area uses include, but are not limited to, recreation areas, gyms, pools, community centers, parks and plazas, dog parks, ornamental areas open to the general view within the project or subdivision, and building

setbacks not otherwise required by ordinance. The common area does not include public streets, alleys, required building setbacks or utility easements.

- (2) Open space shall mean property under public or private ownership which is used for parks, recreation, leisure, conservation, preservation of native habitat and other natural resources, surface water impoundment, historic, or scenic purposes. Impervious surfaces are not permitted. Natural areas may be left undisturbed and do not require sodding and irrigation. Dedicated parkland may be credited as open space; however, open space may not be credited towards a parkland dedication requirement.

#### Fencing Requirements.

- (a) All fencing shall not exceed six (6) feet in the height.
- (b) Materials not originally intended for use in constructing a fence are prohibited as fencing and screening materials. Examples of prohibited materials include plywood, particleboard, corrugate metal, railroad ties, tires, door panels, and other makeshift materials. R-Panel and U-Panel fences are permitted provided they are capped at the top.
- (c) Use of salvaged fencing materials including materials that are weathered, worn, rusted, corroded, or otherwise deteriorated shall be prohibited.
- (d) Chain-link fencing (including posts) for any use shall be black or green vinyl coated. Chain-link fencing is not permitted for any residential uses.
- (e) Barbed wire fencing is prohibited.

#### II. DISTRICT "R-3A" MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT

Multifamily residential lots will conform to the baseline standards for the district "R-3A" multifamily apartment residential district with the following modifications:

- (a) The height of any structure or building in this district shall not exceed fifty (50) feet.
- (b) There shall be no minimum front yard depth. Structures or buildings in this district are encouraged to be built up to the sidewalk to create an urban form. The maximum front yard depth for multifamily structures fronting Anthem Boulevard shall be twenty-five (25) feet measuring from the property line. Multifamily structures set back behind the structures fronting Anthem Boulevard shall have no maximum setback.
- (c) There shall be a rear yard having a depth of not less than ten (10) feet.
- (d) The minimum lot area shall be one-half ( $\frac{1}{2}$ ) acre. For developments larger than one-half ( $\frac{1}{2}$ ) acre the minimum land area per dwelling unit shall not be less than one thousand seven hundred fifty (1,750) square feet.

- (e) A minimum of one and two-fifths ( $1\frac{2}{5}$ ) off-street parking spaces shall be provided per dwelling unit, as defined in Killeen City Code Sec. 31-217. Contiguous parking lots shall not allow for uninterrupted vehicular movement in order to prevent raceway effect. Off-street parking shall conform to Killeen City Code Chapter 31 Article V, Division 3 except as modified in *Exhibit C*.
- (f) Parking areas shall be screened from the dedicated public roadways and placed behind the residential buildings in this district to create an urban form.
- (g) Screening requirements shall also include a requirement when property zoned R-3A abuts property zoned RT-1. The property owner of the R-3A zoned property shall erect and be responsible for the maintenance of an approved screening device along the common lot line between the R-3A property and the RT-1 property. Approved screening materials include vegetative screening, masonry, or cementitious material at least six (6) feet in height; provided, any such structure in excess of (8) feet in height shall be deemed a wall subject to the provisions of the building code of the city.
  - (1) If trees are used as vegetative screening, one (1) canopy tree measuring at least three (3) caliper inches and six (6) feet in height shall be planted every forty (40) feet.
- (h) Landscaping required. Minimum required landscaping shall be determined by this section. All tracts located within the district "R-3A" multifamily apartment residential district shall have at least one (1) canopy tree planted and six (6) three-gallon shrubs planted per every four (4) dwelling units. At least thirty (30) percent of required shrubs shall be placed in the yards fronting the dedicated public roadways.
  - (1) *Trees*. The following requirements shall apply to tree landscaping.

Newly planted trees shall measure at least three (3) inch caliper and six (6) feet in height at the time of planting, and shall be planted in a permeable area not less than three (3) feet in diameter. Tree and shrub plantings shall be of a recommended species as detailed in the planned unit development approved plant list attached as *Exhibit B*.

    - (a.) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least three (3) inches and shall be maintained in an undisturbed area within the drip line of the tree.
    - (b.) Should any trees or shrubs used for landscape credit die, they shall be replaced with new landscaping by the current property owner according to the requirements of this section.
    - (c.) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by four (4). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by two (2). Each two (2) square feet of planting bed used and maintained for the purpose of rotating live decorating planting materials shall reduce the number of shrubs required by one (1).
    - (d.) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.

- (e.) Trees used as vegetative screening shall be counted towards the total tree requirement for the district “R-3A” multifamily apartment residential district.
- (f.) Fee-in-lieu shall be accepted for up to twenty-five (25) percent of the total tree requirement in the event trees cannot be reasonably planted in certain areas of the property. Fees shall be one hundred (100) dollars per required caliper inch.
- (2) *Ground cover.* The following requirements shall apply to ground cover landscaping:
  - (a.) All residential structures within the “R-3A” multifamily apartment residential district shall be fully covered with groundcover of a recommended type as detailed in the planned unit development approved plant list attached as *Exhibit B* to ensure compatibility and to control dust, erosion, and sediment from migrating off-site. Natural areas may be left undisturbed and do not require sodding and irrigation.
  - (b.) Approved ground cover or grasses as shown in *Exhibit B* shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, left undisturbed, or covered by structures, pavement or other impervious surfaces.
  - (c.) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.
- (3) *Irrigation.* All landscaping required by this section shall be irrigated by either an automated system, or a hose bib attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other Killeen City Code provisions. The planning director may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.
- (j) All landscaping must be in place upon final inspection unless an extension is granted in writing by the planning director. Such extension shall not exceed sixty (60) days.
- (k) 35% of all common areas shall be devoted to open space.
  - (1) Common area shall mean private property owned in common by, and designated for the private use of, the owners or occupants of units in a particular project, planned unit development, or subdivision. Common area uses include, but are not limited to, recreation areas, gyms, pools, community centers, parks and plazas, dog parks, ornamental areas open to the general view within the project or subdivision, and building setbacks not otherwise required by ordinance. The common area does not include public streets, alleys, required building setbacks or utility easements.
  - (2) Open space shall mean property under public or private ownership which is used for parks, recreation, leisure, conservation, preservation of native habitat and other natural resources, surface water impoundment, historic, or scenic purposes. Impervious surfaces are not permitted. Dedicated parkland may be credited as open space; however, open space may not be credited towards a parkland dedication requirement.

- (l) All new multi-family developments shall conform to Killeen City Code Chapter 31 Article VI, Division 2 (Multi-family Design Standards).

### Commercial Development Standards

#### III. DISTRICT "B-3" LOCAL BUSINESS DISTRICT

Commercial lots will conform to the baseline standards for the district "B-3" local business district, with the following modifications:

##### Use Regulations.

A building or premises in the district "B-3" local business district shall be used for the purposes set forth in Killeen City Code Sec. 31-306 with the following additions:

- (a) Building material and lumber sales (outside storage shall be allowed as an accessory use, provided the storage area does not exceed ten (10) percent of the gross site area on that lot).
- (b) Indoor firing range.
- (c) Garden shop, greenhouse or nursery (retail).
- (d) Liquor stores to be operated under, and in accordance with, a valid Texas Alcoholic Beverage Commission issued package store permit provided that such establishment:
  - (1) Complies with all applicable rules and regulations established under the Texas Alcoholic Beverage Code (TABC) and/or promulgated by the Texas Alcoholic Beverage Commission, as amended. Said rules and regulations are hereby adopted and incorporated herein for all purposes; and
  - (2) Is not located within: three hundred (300) feet of a church, public or private school or public hospital; one thousand (1,000) feet of a public school if a request is submitted to city council by the board of trustees of a school district under V.T.C.A., Education Code § 38.007; or one thousand (1,000) feet of a private school if a request is submitted to city council by the governing body of the private school. The measurement of the distances shall be as provided under V.T.C.A., Alcoholic Beverage Code § 109.33 and in accordance with the procedures established by the TABC, as amended, which is hereby adopted and incorporated herein for all purposes. The city council may, however, allow a variance from this distance requirement in accordance with V.T.C.A., Alcoholic Beverage Code § 109.33(e). The following exemptions to the above-stated distance requirements and expansion of the application of the distance requirements from day-care centers and child-care facilities are provided under the TABC and are hereby adopted to provide:
    - (a.) The one thousand-foot public or private school distance extension shall not apply to the holder of: a retail on-premises consumption permit or license if less than fifty (50) percent of the gross receipts for the establishment is from the sale or service of alcoholic beverages; a retail off-premises consumption permit or license if less than fifty (50) percent of the gross receipts for the premises,

excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or a wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in V.T.C.A., Alcoholic Beverage Code ch. 102.

- (b.) The one thousand-foot private school distance extension shall not apply to the holder of: a license or permit issued under V.T.C.A., Alcoholic Beverage Code chs. 27, 31, or 72 who is operating on the premises of the private school; or a license or permit covering an establishment where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code § 109.53 and that is located within one thousand (1,000) feet of a private school.
- (c.) The three hundred-foot general distance prohibition shall not apply to the holder of: a license or permit who also holds a food and beverage certificate covering an establishment that is located within three hundred (300) [feet] of a private school; or a license or permit covering a premises where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code § 109.53 and that is located within three hundred (300) feet of a private school. In this section, "private school" means a private school, including a parochial school that offers a course of instruction for students in one (1) or more grades from kindergarten through grade 12 and has more than one hundred (100) students enrolled and attending courses at a single location. In addition, the three hundred-foot general distance prohibition shall have no impact the right of a duly licensed and permitted establishment from continuing to operate if a church, public or private school or public or private hospital locates within three hundred (300) feet of the existing business establishment.
- (d.) This subsection applies only to a permit or license holder under V.T.C.A., Alcoholic Beverage Code chs. 25, 28, 32, 69, or 74 who does not hold a food and beverage certificate. Except as provided by this subsection, the provisions of this section 31-311(2) relating to a public school also apply to a day-care center and a child-care facility as those terms are defined by V.T.C.A., Human Resources Code § 42.002. However, the one thousand-foot distance extension by request is not available to a day-care center or child-care facility. This subsection does not apply to a permit or license holder who sells alcoholic beverages if: (1) the permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or (2) the permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building. This subsection does not apply to a foster group home, foster family home, family home, agency group home, or agency home as those terms are defined by V.T.C.A., Human Resources Code § 42.002.

- (e) Indoor entertainment, defined as a predominantly spectator use conducted within an enclosed building. This use includes meeting halls and dance halls.

- (f) Indoor sports and recreation, defined as a recreational use conducted within an enclosed building. This use includes bowling alleys, billiard parlors, ice and roller skating rinks, arcades, electronic video arcades, and indoor courts.
- (g) Outdoor sports and recreation, defined as a recreational use conducted in open, partially enclosed, or screened facilities. This use includes driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor courts.
- (h) Auto repair/oil change, defined as a national or regional brand or franchise with a minimum of twenty-five (25) locations. Examples include but are not limited to Firestone, Valvoline, Strand Brothers, Take 5 Oil, NTB, and Murphy Oil.
  - (1) Bay/service doors may not be oriented towards Martin Luther King, Jr. Boulevard.
  - (2) No more than one (1) auto use shall be permitted.
- (i) Self-storage facilities, defined as an enclosed building or group of enclosed buildings that contains varying sizes of indoor controlled access stalls or lockers for the storage of a customer's goods or wares. No outside storage shall be permitted on-premises. Storage units with outdoor exterior sectional overhead doors are prohibited. (1) No more than one (1) self-storage use shall be permitted.
- (j) Prohibited uses in this district shall include resale/thrift stores, tattoo parlors, pawn shops, check cashing, and car washes.

Other development standards for "B-3" local business district.

- (a) *Landscaping required.* Minimum required landscaping shall be determined by this section. Where possible, approximately thirty (30) percent of the required landscaping should be located in the dedicated public roadway frontage; however, any reasonable distribution of landscaping in proportion to street frontage may be approved by the planning director.
- (b) *Trees.* The following requirements shall apply to tree landscaping:
  - (1) The minimum number of required trees shall be calculated by dividing the lot or parcel frontage (i.e. the length in feet of lot lines abutting street frontages) by 20. The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of trees required. The length of the lot lines for irregular lots shall be the average width or length of the lot. A reduction in the required number of trees shall apply to lots with more than one street frontage by dividing the total lot frontages by 30 instead of 25.
  - (2) Not less than fifty percent (50%) of the required trees planted in the area to be landscaped shall be canopy trees.
  - (3) Newly planted trees shall measure at least three (3) inch caliper and eight (8) feet high at the time of planting, and shall be planted in a permeable area not less than six (6) feet in diameter.

- (4) Existing trees to be used for landscape credit shall be in a healthy physical state, shall measure at least three (3) inch caliper and shall be maintained in an undisturbed area within the drip line of the tree.
  - (5) Should any trees or shrubs used for landscape credit die, they shall be replaced with new landscaping by the current property owner according to the requirements of this section.
  - (6) Tree plantings shall be of a recommended species as detailed in the planned unit development approved plant list attached as *Exhibit B*.
  - (7) Trees used as vegetative screening shall be counted towards the total tree requirement for the district "B-3" local business district.
  - (8) Fee-in-lieu shall be accepted for up to twenty-five (25) percent of the total tree requirement in the event trees cannot be reasonably planted in certain areas of the property. Fees shall be one hundred (100) dollars per required caliper inch.
- (c) *Parking lot trees.* The following requirements shall apply to parking lots.
- (1) Parking lots in the district "B-3" local business district shall be planted with at least one (1) tree island within one hundred and forty four(144) feet of each parking space. Parking lot trees may be spaced throughout the parking lot at the developer's discretion.
  - (2) Each parking island shall be planted with one (1) canopy tree measuring at least three (3) inch caliper.
  - (3) Parking lot trees shall not be counted towards the total tree requirement for the district "B-3" local business district.
  - (4) Canopy trees used as part of this requirements shall be of a recommended species as detailed in the planned unit development approved plant list attached as *Exhibit B*.
- (d) *Shrubbery.* The following requirements shall apply to shrubbery landscaping:
- (1) The number of required shrubs shall be calculated by dividing the lot or parcel frontage (i.e. the length in feet of lot lines abutting street frontages) by three (3). The resulting quotient, with any remainder rounded up to the next nearest whole number, shall be the total number of shrubs required.
  - (2) Each canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by ten (10). Each non-canopy tree maintained in excess of the total number of trees required by this section may reduce the number of shrubs required by six (6). In like manner, 10 shrubs can be substituted for 1 canopy tree and 6 shrubs can be substituted for a non-canopy tree.
  - (3) Shrubs shall not be less than three (3) gallons in size. Three (3) perennial shrubs smaller than three (3) gallons may be substituted for this requirement.
  - (4) The placement of shrubbery shall take into consideration the plant size at maturity and shall be located so as not to conflict with vehicular or pedestrian traffic visibility.
  - (5) Shrub plantings shall be of a recommended species as detailed in the planned unit development approved plant list attached as *Exhibit B*.
- (e) *Ground cover.* The following requirements shall apply to ground cover landscaping:
- (1) Natural areas may be left undisturbed and do not require sodding and irrigation.

Approved ground cover or grasses as shown on *Exhibit B* shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, left undisturbed, or covered by structures, pavement or other impervious surfaces.

- (2) Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava rock, sand, rock, or other decorative covers generally used in landscaping) may be used to meet the provisions of this section. Where approved, non-vegetative ground cover shall be porous and form a uniform appearance free from weeds and grasses.
- (f) *Irrigation.* All vegetative landscaping required by this section shall be irrigated by either an automated system, or a bib hose attachment within one hundred fifty (150) feet of all landscaping. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other Killeen City Code provisions. The building official may waive irrigation requirements where xeriscaping or a substitute landscaping plan is used.
  - (g) *Parking.* Off-street parking shall conform to Killeen City Code Chapter 31 Article V, Division 3 except as modified in *Exhibit C*.
  - (h) *Signage.* No more than five (5) ground signs may be erected fronting FM 2410.
    - (1) Up to two (2) multi-tenant ground signs fronting FM 2410 may be seventy (70) feet in height with a square footage no greater than 750 square feet and a minimum setback of ten (10) feet.
    - (2) Up to three (3) multi-tenant ground signs fronting FM 2410 may be thirty (30) feet in height with a square footage no greater than two hundred (200) square feet.
  - (i) *Fencing.*
    - (1) Materials not originally intended for use in constructing a fence are prohibited as fencing and screening materials. Examples of prohibited materials include plywood, particleboard, corrugate metal, railroad ties, tires, door panels, and other makeshift materials. R-Panel and U-Panel fences are permitted provided they are capped at the top.
    - (2) Fencing and screening devices shall be at least six (6) feet in height. Any such structure in excess of eight (8) feet in height shall be deemed a wall subject to the provisions of the building code of the city.
    - (2) Use of salvaged fencing materials including materials that are weathered, worn, rusted, corroded, or otherwise deteriorated shall be prohibited.
    - (3) Chain-link fencing (including posts) for any use shall be black or green vinyl coated. Chain-link fencing is not permitted for any residential uses.
  - (j) *Screening.* Screening requirements shall also include a requirement when property zoned B-3 abuts property zoned RT-1 or R-3A. The property owner of the B-3 zoned property shall erect and be responsible for the maintenance of an approved screening device along the common lot line between the R-3A property and the RT-1 property. Approved screening materials include vegetative screening, masonry, or cementitious material.
    - (1) If trees are used as vegetative screening, one (1) canopy tree measuring at least three (3) caliper inches and six (6) feet in height shall be planted every forty (40) feet.

- (k) *Height.* The height of any building in this district shall not exceed fifty (50) feet. Exceptions to this maximum shall include light poles and netting for indoor sports and recreation and/or outdoor sports and recreation.
- (l) *Detention ponds.* Drainage infrastructure in the commercial district shall include regional detention to the extent possible.

#### Other PUD Features and Regulations

#### IV. AVIATION REGULATIONS.

- (a) The PUD will comply with federal aviation regulations. Approval of the PUD shall constitute a variance from Killeen City Code Sec. 7-54 through Sec. 7-57.
- (b) Fencing between the PUD and an adjacent airport shall be made of wrought iron.
- (c) Sound attenuation requirements shall conform with Killeen City Code Sec. 8-340.
- (d) The PUD is adjacent to the Skylark Field Airport. High-density residential uses shall be permitted so long as sound attenuation requirements are met and approval is obtained from the Federal Aviation Administration (“FAA”) as required under FAA Form 7460.

#### V. SPECIAL REQUIREMENTS ALONG ANTHEM BOULEVARD.

- (a) Landscaping required. Minimum required landscaping shall be determined by this section. Where possible each side of Anthem Boulevard shall include one (1) canopy tree measuring at least four (4) inch caliper per fifty (50) linear feet of frontage. Tree plantings shall be of the species detailed in the Anthem Boulevard Tree Landscaping Plan attached as *Exhibit F*. Trees fronting Anthem Boulevard shall be credited as frontage trees.
- (b) *Ground cover.* The following requirements shall apply to ground cover landscaping:
  - (1) Natural areas may be left undisturbed and do not require sodding and irrigation.
  - (2) Approved ground cover or grasses as shown in *Exhibit B* shall be planted in the remaining area of the lot or parcel not planted in trees, shrubbery, planting beds, left undisturbed, or covered by structures, pavement or other impervious surfaces.
- (c) *Irrigation.* All vegetative landscaping required by this section shall be irrigated by an automated system. Automated underground irrigation systems shall be designed and installed in accordance with the requirements of other Killeen City Code provisions.
- (d) *Fencing.* Fencing along Anthem Boulevard shall be made of masonry.

## VI. PARKS/OPEN SPACE

Parkland dedication requirements will be calculated using the ratios and fees below. The amount of parkland required to be dedicated may not exceed ten (10) percent of the gross site area of the development required to provide the dedication. The developer may satisfy the parkland dedication requirements with fee-in-lieu payment.

### Parkland Dedication Calculations:

#### *Land Dedication.*

Single-Family/Two-Family:	1 acre per 67 dwelling units
Multi-Family:	1 acre per 77 dwelling units

#### *Parkland Development Fee.*

Single-Family/Two-Family:	\$450 per dwelling unit
Multi-Family:	\$250 per dwelling unit

#### *Fee-in-Lieu.*

Single-Family/Two-Family:	\$750 per dwelling unit
Multi-Family:	\$650 per dwelling unit

- (a) Initial dedication. The applicant will dedicate and install an initial five (5) acres of parkland (the "initial dedication") to the city as part of the planned unit development.
  - (1) The following are minimum requirements for the initial dedication, with the sizes to be determined based on protecting existing trees and natural topography of the area.
    - (a.) One (1) playground/playscape area.
    - (b.) One (1) fenced dog park.
    - (c.) One (1) walking trail of at least 1,000 linear feet composed of concrete or paved surface.
  - (2) All parkland shall front Anthem Boulevard.
  - (3) Parkland dedicated as part of initial dedication shall be a minimum of two (2) contiguous acres in size.
  - (4) The initial dedication shall provide off-street parking as determined by the planning director. The required parking area for parkland shall not exceed five percent (5%) of the area to be dedicated.
- (b) Remaining parkland dedication.
  - (1) Fee-in-lieu shall be permitted for any parkland dedication or parkland development requirement. Parkland fees in each residential zoning district shall be paid before the issuance of the first building permit for each tract.
  - (2) Parkland required to be dedicated may be dedicated through a conservation easement or other easement.
  - (3) Parkland dedicated by any owner within the planned unit development shall be credited toward the cumulative parkland dedication requirements of the entire planned unit development.

- (4) Parkland dedicated beyond the initial dedication shall be a minimum of one-half ( $\frac{1}{2}$ ) contiguous acres in size.
- (5) Alternate compliance for parkland dedication shall be granted for private amenities such as pools, trails, dog parks, clubhouses, and gyms.
- (6) The park amenities shall be built with the phase of the development in which they are located.
- (7) Park amenities in each phase shall be completed before the 100th certificate of occupancy is granted for that specific phase of the development.

#### VII. LOTS, BLOCKS, AND STREET LAYOUT

- (a) Lots are not required to have frontage on, or access to, a dedicated public street if the lots have frontage on private streets as approved by the planning director.
- (b) The PUD shall be exempted from Killeen City Code Sec. 31-6(8). Multiple residential structures shall be permitted on each lot.
- (c) New electrical utility lines shall be installed underground.

#### VIII. FLAG LOTS

Flag lots shall be permitted in residential districts provided the lots meet the requirements of Killeen City Code Sec. 26-94. Flag lots shall be permitted for commercial tracts provided the lot meets the following conditions:

- (a) The lot has a minimum width of twenty (20) feet at the street;
- (b) The length of the projection to the street does not exceed one thousand (1,000) feet; and
- (c) Joint access agreements between lots within the district "B-3" local business district shall be formally recorded to ensure access to a dedicated public street.

#### IX. NON-RESIDENTIAL DESIGN STANDARDS.

The requirements of this section shall apply to all new commercial, industrial, and institutional developments, including but limited to retail buildings, office buildings, schools, churches, civic buildings, warehouses, and other non-residential uses.

Site design standards. All new non-residential developments shall meet the following standards:

- (a) Side and rear elevations visible from a public roadway shall incorporate architectural features consistent with the front façade.
- (b) Flat roofs shall require a parapet wall at least thirty-six (36) inches in height.
- (c) Dumpsters shall be screened from view on all sides by a concrete or masonry wall, or metal screening fence at least six (6) feet in height. Metal screening fences shall be R-panel or U-panel and shall be coated and capped at the top.

- (d) Mechanical equipment shall be screened from view on all sides by a parapet wall, screening wall, or continuous landscape hedge.
- (e) All buildings and structures on a lot, including accessory structures, dumpster enclosures, and gas station canopies, must share a common, identifiable, complementary design or style.
- (f) Pole mounted lights shall not exceed twenty (20) feet in height and shall be shielded. Wall-mounted exterior lighting shall be shielded. A detailed lighting and photometric plan shall be included with non-residential building permit applications. The photometric measurement shall be zero (0) measured three (3) feet past the property line perimeter for locations abutting residential uses. The photometric measurement shall be zero (0) measured at the property line perimeter for locations abutting aviation uses. The height standards in this subsection do not apply to lighting used for indoor sports and recreation and/or outdoor sports and recreation.

Architectural standards.

- (a) All new non-residential developments shall include the following:
  - (1) Horizontal articulation. Exterior walls shall not have an uninterrupted length greater than sixty (60) feet, with offsets being at least eighteen (18) inches deep.
  - (2) Vertical articulation. A parapet wall shall not have an uninterrupted length greater than sixty (60) feet, with articulations being at least twelve (12) inches in height. Parapet walls shall require detailing such as cornice detail, trim detail, etc.
- (b) All new non-residential developments shall also include the following:
  - (1) Sheltered entry. Primary entrances shall be covered with a canopy, awning, arcade, porte cochère, architectural recess, or other similar feature that provides shelter from the elements.
  - (2) Transparency. A minimum of fifty (50) percent of the first floor of the primary elevation and twenty-five (25) percent of all other street-facing elevations shall be comprised of transparent, non-reflective windows that provide views into occupied spaces for spaces with less than eight thousand (8,000) square feet of leasable space. Leasable spaces greater than eight thousand (8,000) square feet in size must have a minimum of thirty (30) percent of the first floor of the primary elevation comprised of transparent, non-reflective windows that provide views into occupied spaces.

## X. OWNERS' ASSOCIATION

A property owners' association shall be established as part of the planned unit development. The owner's association shall be responsible to provide for operation, repair, and maintenance of open drainage systems or structures, landscaping, irrigation systems, fences, gate equipment, parking areas, buffering systems, living screens, screening walls, subdivision entryway features such as monuments or signage, and other physical facilities, grounds, or amenities held in common areas that are necessary or desirable for the welfare of the area or subdivision. A copy of the agreements, covenants and restrictions establishing and creating the association shall be submitted to the City and reviewed by the city attorney prior to the approval of the final plat of the subdivision and must be recorded with such final plat. Such

final plat shall clearly identify all facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by such association.

The owners' association shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of private infrastructure, common areas, and amenities per Killeen City Code Sec. 26-86.

All facilities, structures, improvements, systems, areas or grounds that are to be operated, maintained and/or supervised by the owners' association, other than those located in public easements or rights-of-way, shall be dedicated by easement or deeded in fee simple ownership interest to such association. Such easements or ownership shall be clearly identified on the final plat of the applicable subdivision.

If the developer wishes to locate a subdivision monument sign at the entrance to a development, the sign shall be owned and maintained by the owners' association. The City shall require a right-of-way occupation license prior to the placement of any sign within a City right-of-way. The developer and the owners' association may require new non-residential buildings to be constructed with certain materials if they so choose. At a minimum, the agreements, covenants, conditions, and restrictions establishing and creating the owners' association shall contain and/or provide for the following:

- (a) Definitions of terms contained therein;
- (b) Provisions acceptable to the city for the establishment and organization of the owners' association and the adoption of bylaws for such association, including provisions requiring that the owner of any lot within the applicable subdivision and any successive buyer shall automatically and mandatorily become a member of the association;
- (c) The initial term of the agreements, covenants, conditions, and restrictions establishing and creating the association shall be for a 25-year period and shall automatically renew for successive ten-year periods, and the association may not be dissolved without the prior written consent of the city;
- (d) Provisions acceptable to the city to ensure the continuous and perpetual use, operation, maintenance, and/or supervision of all facilities, structures, improvements, systems, areas or grounds by a responsible body, in perpetuity, and to establish a reserve fund for such purposes;
- (e) Provisions prohibiting the amendment of any portion of the association's agreements, covenants, conditions, or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association without the prior written consent of the city;
- (f) The right and ability of the city or its lawful agents, after due notice to the association, to remove any landscape systems, features or elements that cease to be maintained by the association; to perform the responsibilities of the association if the association fails to do so in compliance with any provisions of the agreements, covenants, conditions, or restrictions of the association or of any applicable city codes or regulations, including but not limited to hiring a management

company on behalf of the association if the association fails to perform any duties in accordance with Killeen City Code Sec. 26-86; to assess the association for all costs incurred by the city in performing such responsibilities if the association fails to do so; and/or to avail itself of any other enforcement actions available to the city pursuant to state law or city codes or regulations; and

- (g) Provisions indemnifying and holding the city harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the city's removal of any landscape systems, features or elements that cease to be maintained by the association or from the city's performance of the operation, maintenance or supervision responsibilities of the association due to the association's failure to perform such responsibilities.

#### XI. PRIVATE STREETS

Private streets shall conform at a minimum to the standards set forth in *Exhibit E*.

#### XII. MINOR REVISIONS

The planning director may approve a minor revision to an approved concept plan if the director determines that the minor revision complies with the requirements of this section. An applicant shall request a minor revision in an application submitted to the director.

- (a) A minor revision may not:
- (1) remove a property restriction or subdivision note;
  - (2) modify a waiver or variance;
  - (3) change an easement, except with the director's approval; or
  - (4) affect property outside the preliminary plan.
- (b) Except as provided in subsection (a), a minor revision may:
- (1) change lot size or configuration so long as the changes meet the area regulations and other standards in the approved planned unit development;
  - (2) change street width, with approval from the planning director;
  - (3) change street layout, with approval from the planning director;
  - (4) increase the number of dwelling units by no more than ten (10) percent in each zoning district;
  - (5) increase the number of lots by no more than ten (10) percent in each zoning district;
  - (6) change the location of amenities, lighting, common spaces, and open spaces.
- (c) The planning director may determine that other changes similar in scope and effect to those described in subsection (b) are minor revisions.
- (d) The planning director shall either approve, approve with conditions, or disapprove with reasons a minor revision not later than the 30th day after the revision is submitted in writing. A condition for approval or reason for disapproval must be in writing and may not be arbitrary. A minor revision is approved unless the application is approved with conditions or disapproved with reasons within the 30 day period.

### XIII. DEVELOPMENT STANDARDS

The property within the planned unit development shall comply with the requirements set forth in Killeen City Code, except as modified in this document. In accordance with Local Government Code Chapter 245, the developer may take advantage of recorded subdivision plat notes, recorded restrictive covenants, or a change to the laws, rules, regulations, or ordinances of Killeen that enhance or protect the project.

### **Exhibit List**

- Exhibit A: Land Use Plan
- Exhibit B: Planned Unit Development Approved Plant List
- Exhibit C: Minimum Off-Street Parking Requirements
- Exhibit D: Anthem Boulevard Cross Section
- Exhibit E: Private Street Cross Section
- Exhibit F: Anthem Boulevard Tree Landscaping Plan
- Exhibit G: Flag Lot Configuration
- Exhibit H: Anthem Park Signage
- Exhibit I: Water and Wastewater Service
- Exhibit J: Existing Drainage

**RT-1**

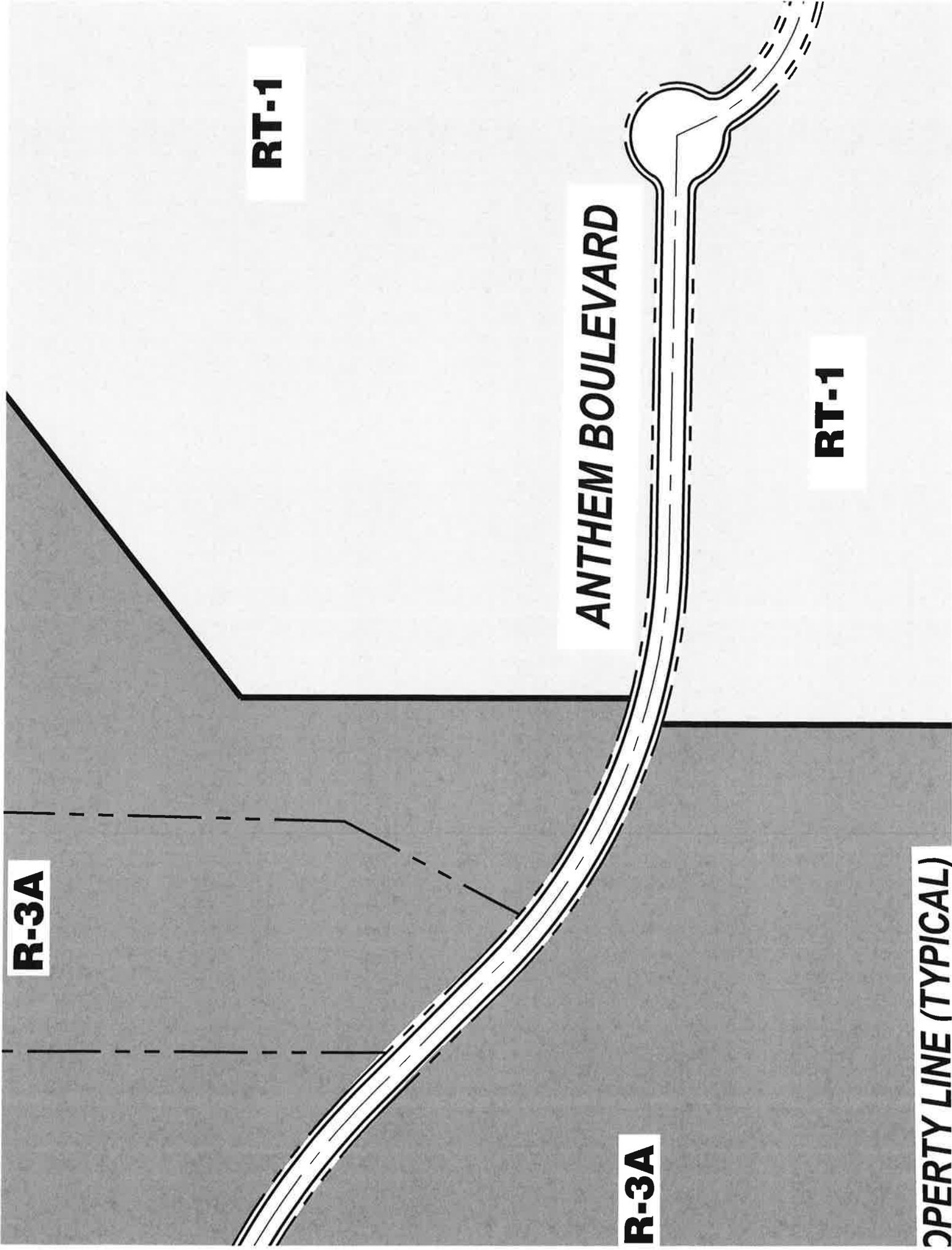
**ANTHEM BOULEVARD**

**RT-1**

**R-3A**

**R-3A**

**PROPERTY LINE (TYPICAL)**



### Exhibit B: PUD Approved Plant List

Key to abbreviations in Plant List:

**Native to:**

The Native column indicates plant species that are native to Texas and the area of Texas to which it is native.

- E – Edwards Plateau
- B – Blackland Prairie
- B/E – Native to both Edwards & Blackland
- T – Texas (outside Central Texas)
- X – Hybrid plant with native Texas parentage

**Water:**

The Water column indicates the particular plant species' water needs.

- VL – Very low – water occasionally
- L – Low – water thoroughly every 3-4 weeks if no rainfall
- M – Medium – water thoroughly every 2-3 weeks if no rainfall
- H – High – water thoroughly every 5-7 days

**Evergreen or Deciduous:**

The Evergreen/Deciduous column indicates whether the plant species is of an evergreen or deciduous variety. Certain landscaping requirements of the UDC specifically call for evergreen plantings.

- E – Evergreen
- SE – Semi-Evergreen
- D – Deciduous

Approved Plant List - Trees								
Common Name	Scientific Name	Native	Height	Spread	Light	Water	Evergreen/ Deciduous	Utility
Ash, Texas	<i>Fraxinus texensis</i>	E	30'	40-50'	Sun	VL	D	
Cypress, Bald	<i>Taxodium distichum</i>	B/E	50-100'	25-50'+	Sun/part shade	H	D	
Elm, American	<i>Ulmus americana</i>		70-90'	50-90'	Sun/part shade	M	D	
Elm, Cedar	<i>Ulmus crassifolia</i>	B/E	25-60'	25-35'	Sun/part shade	L	D	
Elm, Lacebark	<i>Ulmus parvifolia</i>		40-60'	30-40'	Sun	M	D	
Magnolia, Southern	<i>Magnolia grandiflora</i>		30-100'	30'-40'	Sun	H	E	
Maple, Big Tooth	<i>Acer grandidentatum</i>	E	40-50'	20-30'	Sun/part shade	VL	D	
Oak, Bur	<i>Quercus macrocarpa</i>	B/E	50-75'	50'+	Sun	VL	D	
Oak, Chinquapin	<i>Quercus muhlenbergii</i>	B/E	30-60'	30-40'	Sun	M	D	
Oak, Lacey	<i>Quercus laceyi</i>	E	20-35'	25'	Sun	VL	D	
Oak, Monterey (Mexican White)	<i>Quercus polymorpha</i>	T	40-60'	30-40'	Sun	VL	E	
Oak, Escarpment Live*	<i>Quercus fusiformis</i>	B/E	20-40'	50'+	Sun	L-VL	E	

Anthem Park Planned Unit Development (PUD)  
Development Standards

Oak, Shumard Red*	<i>Quercus shumardii</i>	E	30-50'	30'-50'	Sun	L	D	
Oak, Texas Red*	<i>Quercus buckleyi</i>		40-50'	15-30'	Sun	L	D	
Pecan	<i>Carya illinoensis</i>	B	60-90'	60-75'	Sun	M	D	
Sycamore, Mexican	<i>Platanus mexicana</i>		30-50'	40'	Sun/part shade	M-L	D	

**Approved Plant List – Shrubs - Screening**

Common Name	Scientific Name	Native	Height	Spread	Light	Water	Evergreen/ Deciduous
<b>Screening</b>							
Abelia Glossy	<i>Abelia grandiflora</i>		6'	6'	Sun/part shade	L-M	E
Acuba	<i>Acuba japonica</i>		3-5'	3-5'	Part shade	M	E
Cotoneaster	<i>Cotoneaster sp.</i>		3-5'	4-7'	Sun/Part shade	M	E
Germander, Bush	<i>Teucrium fruticans</i>		4-6'	4-6'	Sun/part shade	L	E
Hawthorne, Indian	<i>Rhamphiolepis indica</i>		4-6'	4-6'	Sun/part shade	M	E
Holly, Burford	<i>Ilex comuta 'Burfordii'</i>		8-12'	8-10'	Sun/part shade	L	E
Holly, Dwarf Burford	<i>Ilex comuta 'Burfordii Nana'</i>		4-6'	3-4'	Sun/Part shade	L	E
Holly, Nellie R. Stevens	<i>Ilex comuta 'Nellie R. Stevens'</i>		8-10	5-6'	Sun	L-M	E
Holly, Dwarf Yaupon	<i>Ilex vomitoria 'Nana'</i>	X	2-4'	2-4'	Sun/shade	L	E
Jasmine, Primose	<i>Jasminum mesnyi</i>		6-8'	8-15'	Sun/Part shade	L	E
Rosemary, Upright	<i>Rosmarinus officinalis</i>		4'	4-6'	Sun	M	E
Sage, Texas	<i>Leucophyllum frutescens</i>	T	4-5'	4-5'	Sun	L	E
Sumac, Evergreen	<i>Rhus virens</i>	B/E	4-10'	4-6'	Sun/Part shade	L	E
Wax Myrtle, Dwarf	<i>Myrica pusilla; Morella cerifera var. pumila</i>		3-5'	3-6'	Part shade/ sun	M	E
Wax Myrtle, Southern	<i>Myrica cerifera</i>	B	Shrub to 12'	6-15'	Sun/ part shade	M	E
<b>Large</b>							
Butterfly Bush, Woolly	<i>Buddleja marrubiifolia</i>	T	5'	5'	Sun/part shade	M	D
Crape Myrtle	<i>Lagerstroemia indica</i>		4-30'	10-20'	Sun	L-M	D
Poinciana, Bird of Paradise	<i>Caesalpinia gilliesii</i>	4-6'	5-15'		Sun	L	D
Poinciana, Mex. Bird of Par.	<i>Caesalpinia mexicana</i>	3-7'	10-15'		Sun/part shade	M-L	D

<b>Approved Plant List - Shrubs</b>							
Common Name	Scientific Name	Native	Height	Spread	Light	Water	Evergreen/ Deciduous
Rose, Mutabilis	<i>Rosa 'Mutabilis'</i>		6'	8'	Sun	M	SE
Senna, Flowering	<i>Cassia corymbosa</i>		6-8'	6-8'	Sun	L-M	SE
Sumac, Fragrant	<i>Rhus aromatica</i>	B/E	6-9'	4-6'	Sun/part shade	L	D
Viburnum, Sandankwa	<i>Viburnum suspensum</i>		6-8'	6-8'	Sun/ shade	M	D
Yucca, Spanish Dagger	<i>Yucca rostrata</i>	T	5-15'	4'	Sun/part shade	VL	E
<b>Medium</b>							
Agave, Blue	<i>Agave tequilana</i>		6'	6'	Sun	VL	E
Agave, Century Plant	<i>Agave americana</i>	T	6'	8-10'	Sun/part shade	VL	E
American Beautyberry	<i>Callicarpa americana</i>	B	4-6'	6'	Part shade/shade	L-M	D
Barberry, Japanese	<i>Berberis thunbergii f. atropurpurea'</i>		4-6'	4-6'	Sun/shade	L-M	D
Elbow Bush	<i>Forestiera pubescens</i>	E	4-6'	4-5'	Sun/Part shade	VL	D
Esperanza/ Yellow Bells	<i>Tecoma stans</i>	T	4'-8'	4-6'	Sun	L-M	D
Flame Acanthus	<i>Anisacanthus quadrifidus var. wrightii</i>	E	3-4'	3-4'	Sun/part shade	VL	D
Indigo Spires	<i>Salvia 'Indigo Spires'</i>	X	3-4'	5-7'	Sun/part shade	L-M	D
Mistflower, White (Shrubby White Boneset)	<i>Ageratina havanense</i>	E	3-4'	2-3'	Sun/part shade	L	D
Palmetto, Texas Dwarf	<i>Sabal minor</i>	B/E	3-5'	4-6'	Sun/shade	M	E
Rose, 'Belinda's Dream'	<i>Rosa 'Belinda's Dream'</i>		4'	4'	Sun	M	SE
Rose, 'Cecile Bruner'	<i>Rosa, 'Cecile Bruner'</i>		3-4'	3-4'	Sun	M	SE
Rose, 'Knock Out'	<i>Rosa 'Knock Out'</i>		3'	3'	Sun	M	SE
Rose, 'Livin' Easy'	<i>Rosa 'Livin' Easy'</i>		4'	3'	Sun	M	SE
Rose 'Martha Gonzales'	<i>Rosa 'Martha Gonzales'</i>		3'	3'	Sun/part shade	M	SE
Sage, Cherry (Autumn Sage)	<i>Salvia greggii</i>	E	2-3'	2-3'	Sun	L	E
Sage, Henry Duelberg (Blue Sage)	<i>Salvia farinacea 'Henry Duelberg'</i>	X	3'	3'	Sun	L	D
Sage, Jerusalem	<i>Phlomis fruticosa</i>		2-3'	3-4'	Sun	L	E
Sage, Majestic	<i>Salvia guaranitica</i>		3-5'	4-5'	Sun/shade	L	D
Sage, Mexican Bush	<i>Salvia leucantha</i>		4-5'	4-5'	Sun	L	D
Sage, Penstemon Big Red Sage	<i>Salvia penstemonoides</i>	E	3-4'	1-2'	Sun/part shade	L	D
Sage, Russian	<i>Perovaskia atriciplifolia</i>		3"	3'	Sun	L	D
Senna, Lindheimer	<i>Cassia lindheimeriana</i>	E	3-4'	3-4'	Part shade/sun	L	D
Sotol, Texas	<i>Dasyliion texanum</i>	E	3-4'	3-4'	Sun/part shade	L	E
Turk's Cap	<i>Malvaviscus arboreus</i>	E	2-6'	3-5'	Sun or shade	L	E
Yucca, Giant Hesperaloe	<i>Hesperaloe funifera</i>		6'	4'	Sun	VL	E
Yucca, Softleaf	<i>Yucca recurvifolia</i>		4-6'	3'	Sun/part shade	VL	E

<b>Small</b>							
Agave, Parry's	<i>Agave parryi</i>	T	1-1.5'	1.5'	Sun/part shade	VL	E
Agave, Queen Victoria	<i>Agave victoriae-reginae</i>	T	1.5'	1.5'	Sun/part shade	VL	E
Artemisia	<i>Artemisia 'Powis Castle'</i>		1-2'	3-6'	Sun	VL	E
Coralberry	<i>Symphoricarpos orbiculatus</i>	T	2-3'	2-3'	Sun/ part shade	L	D
Dalea, Black	<i>Dalea frutescens</i>	E	1-3'	3-4'	Sun	VL	D
Sage, Cedar	<i>Salvia roemeriana</i>	E	1-2'	1-2'	Part shade/shade	VL	D
Sage, Scarlet or 'Tropical'	<i>Salvia coccinea</i>	B	1.5-3'	1-1.5'	Sun/Shade	L	D
Skullcap, Pink	<i>Scutellaria suffrutescens</i>		1'	3'	Sun/ part shade	L	E
Yucca, Red	<i>Hesperaloe parviflora</i>	E	2-4'	4'	Sun/part shade	VL	E

<b>Approved Plant List – Perennials /Groundcovers</b>							
Common Name	Scientific Name	Native	Height	Spread	Light	Water	Evergreen/ Deciduous
Fall obedient plant	<i>Physostegia virginiana</i>		2'	3'	Part sun /shade	M	D
Gaura	<i>Gaura lindheimeri</i>	T	2' – 4'	3'	Sun /part shade	L-M	D
Blackfoot Daisy	<i>Melampodium leucanthum</i>		1'	1 -2'	Sun	M	D
Giant blue Sage	<i>Salvia azurea</i>		3' – 6'		Sun/part shade	L	D
Mealy sage	<i>Salvia farinacea</i>		1-3'	1-2'	Full Sun	L	D
Silver ponyfoot	<i>Dichondrda argentea</i>			2'	Sun/shade	M	D
Purple coneflower	<i>Echinacea angustifolia</i>		1 – 2'		Sun/shade	L-M	D
Scarlet penstemon	<i>Penstemon triflorus</i>		1-2'	1-2'	Sun/shade	L	D
Texas star hibiscus	<i>Hibiscus coccineus</i>		4'	4'	Full Sun	L-M	D
Tropical Sage	<i>Salvia coccinea</i>		3'	1-2'	Sun /shade	L	D

<b>Approved Plant List - Ornamental Grasses</b>							
Common Name	Scientific Name	Native	Height	Spread	Light	Water	Evergreen/ Deciduous
Feathergrass, Mexican; Mexican Wiregrass	<i>Stipa tenuissima; Nassella tenuissima</i>	T	1-2'	1-2.5"	Sun/part shade	L	SE
Fountain Grass, Dwarf	<i>Pennisetum alopecuroides</i>		2.5-3'	2.5-3'	Sun	M	D
Inland Seaoats	<i>Chasmanthium latifolium</i>	B/E	1-3'	3-6'	Part sun/shade	L-M	D
Muhly, Bamboo	<i>Muhlenbergia dumosa</i>		4-5'	4-5'	Sun/part shade	L	E
Muhly, Big; Lindheimer Muhly	<i>Muhlenbergia lindheimeri</i>	E	3-5'	3-4'	Sun/part shade	M-L	D
Muhly, Gulf	<i>Muhlenbergia capillaris</i>	T	2-2.5'	2-3'	Sun/part shade	L-M	D
Muhly, Pine	<i>Muhlenbergia dubia</i>	T	1-3'	1-3'	Sun/part shade	VL	E

<b>Approved Plant List – Turf Grasses</b>							
Common Name	Scientific Name	Native	Height	Spread	Light	Water	Evergreen/ Deciduous
Buffalograss	<i>Buchlooe dactyloides</i>				Sun	VL	D
Bermuda grass – Sod	<i>Cynodon dactylon</i>				Sun	L	D
Bermuda grass - Hydro	<i>Cynodon dactylon</i>				Sun	L	D
Zoysia grass	<i>Zoysia sp.</i>				Sun	L	D
Native sun turf grass mix (buffalograss and blue grama)	<i>Buchloe dactyloides</i> and <i>Bouteloua gracilis</i>				Sun	L	D
Thunder turf grass mix (buffalograss, blue grama, and curly mesquite).	<i>Buchloe dactyloides</i> , <i>Bouteloua</i> <i>gracilis</i> , and <i>Hhilaria belangeri</i>				Sun	L	D

**Exhibit C: Minimum Off-Street Parking Requirements**

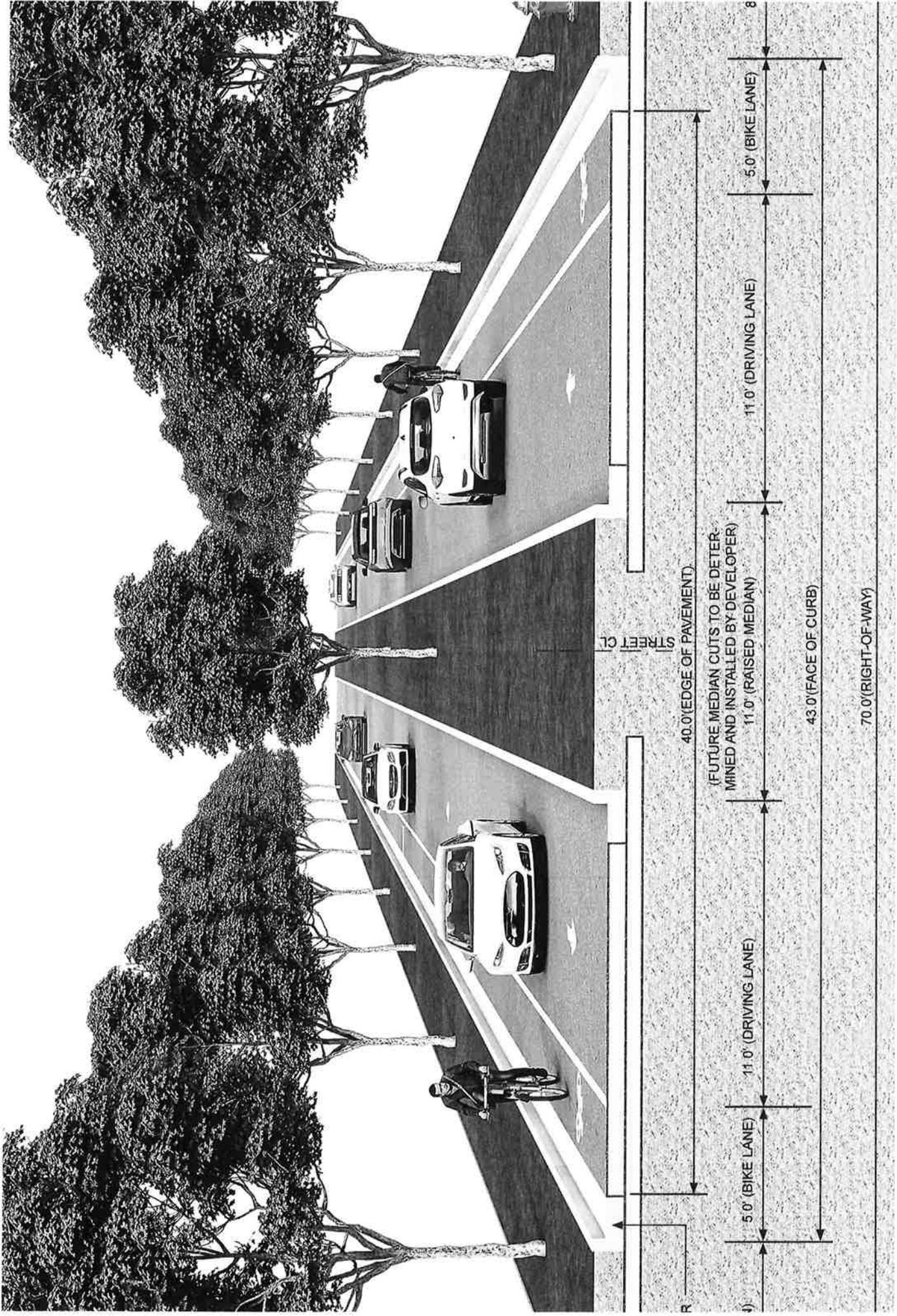
	Uses	Number of Parking Spaces	Required for Each	Additional Requirements
(1)	<b>Residential</b>			
	a. Detached house, townhouse or rowhouse in district "RT-1"	2	Dwelling unit	
	b. Duplex or fourplex in district "RT-1"	2	Dwelling unit	
	c. Apartment in district "R-3A"	1-2/5	Dwelling unit	
(2)	<b>Recreation, Special and Entertainment</b>			
	a. Theater	1	5 seats	
	b. Bowling alley	6	Lane	
	c. Tavern, nightclub, private club	1	50 square feet of floor area	
	d. Commercial amusements (outdoor)	1	100 square feet of floor area	

	e.	Commercial amusements (indoor)	1	150 square feet of floor area	
	e.	Ballpark, stadium	1	8 seats	
	f.	Lodge, fraternal organization	1	200 square feet of floor area	
(3)	<b>PERSONAL SERVICE AND RETAIL</b>				
	a.	Personal service shop	1	200 square feet of floor area	
	b.	Retail stores or shops (inside)	1	400 square feet of floor area	
	c.	Furniture store	1	800 square feet of floor area	
	d.	Open retail sales	1	600 square feet of floor area	
(4)	<b>FOOD AND BEVERAGE SERVICES</b>				
	a.	Eating or drinking place (service to auto)	1	150 square feet of floor area	Minimum of 12 spaces
	b.	Eating or drinking place (inside only)	1	150 square feet of floor area	
(5)	<b>BUSINESS SERVICES</b>				

	a.	Bank	1	300 square feet of floor area	
	b.	Savings and loan or similar institution	1	400 square feet of floor area	
	c.	Medical, dental, clinic or office	1	200 square feet of floor area	
	d.	Other office, business or professional	1	300 square feet of floor area	
(6)	<b>AUTOMOTIVE AND EQUIPMENT</b>				
	a.	Service station	1	200 square feet of floor area	Minimum of 4 spaces
	b.	Auto repair, garage or shop (indoor)	1	500 square feet of floor area	Minimum of 5 spaces
	c.	Auto parts and accessories- sales	1	800 square feet of floor area	
	d.	Vehicle or machinery sales (indoor)	1	500 square feet of floor area	Minimum of 5 spaces
(7)	<b>STORAGE, WHOLESALE AND MANUFACTURING</b>				
	a.	Brick or lumber yard or similar area	1	4,000 square feet of site area	

Anthem Park Planned Unit Development (PUD)  
 Development Standards

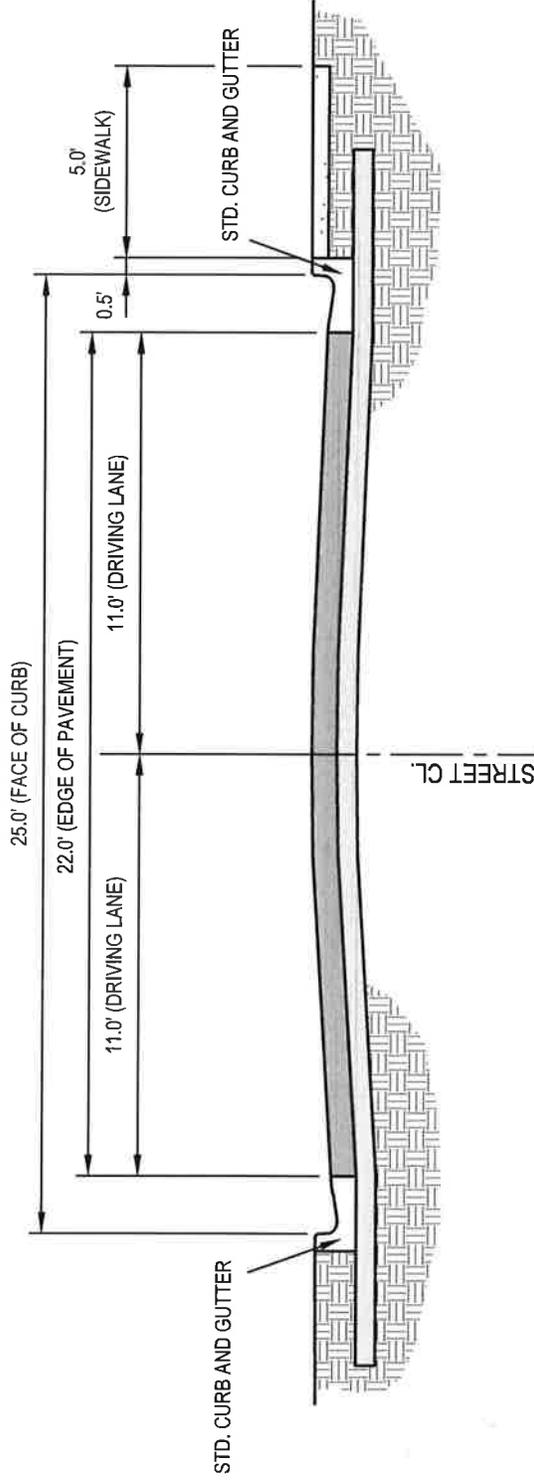
	b.	Open storage of sand, gravel, petroleum	1	4,000 square feet of site area	
	c.	Warehouse and enclosed storage, wholesale or manufacture operation	1	4,000 square feet of floor area	
	d.	Wholesale or manufacture operation	1	1,000 square feet of floor area	
	e.	Freight docks	1	1,000 square feet of floor area	



# PUBLIC STREET SECTION

ANTHEM PARK

# EXHIBIT E



**NOTES:**

1. STREETS TO BE MAINTAINED BY HOME OWNERS ASSOCIATION IN PERPETUITY.
2. ASSOCIATED DEVELOPMENT SHALL BE A GATED COMMUNITY WITH A MAIN ENTRY THAT IS SETBACK FROM THE MAIN STREET OF SUFFICIENT LENGTH TO PROVIDE A VEHICULAR TURN AROUND WITHOUT INTERFERENCE WITH GATE OPERATION.
3. THE MAIN ENTRY GATE SHALL HAVE A FIRE ACCESSIBLE KNOX LOCKBOX.
4. SIDEWALK REQUIRED ON ONE SIDE OF THE STREET.
5. FIRE LANE STRIPING AND SIGNAGE SHALL BE PROVIDED MEETING FIRE MARSHAL REQUIREMENTS.

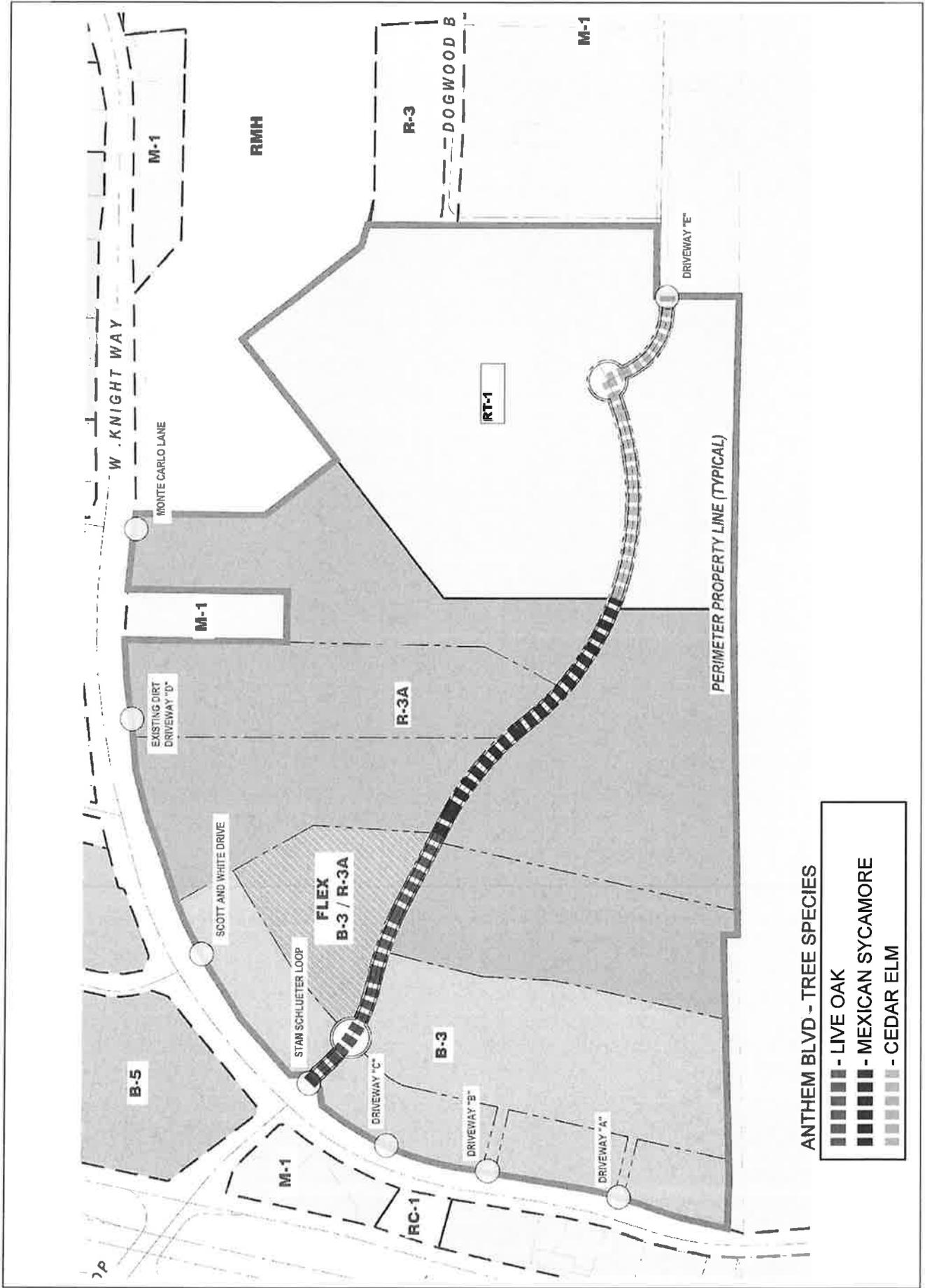


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 TEPALS PROJ. NO. 22-04  
 TEPALS PROJ. NO. 1002090



**ANTHEM PARK - KILLEEN TEXAS**  
 (PRIVATE STREET SECTION - EXHIBIT E)

# EXHIBIT F



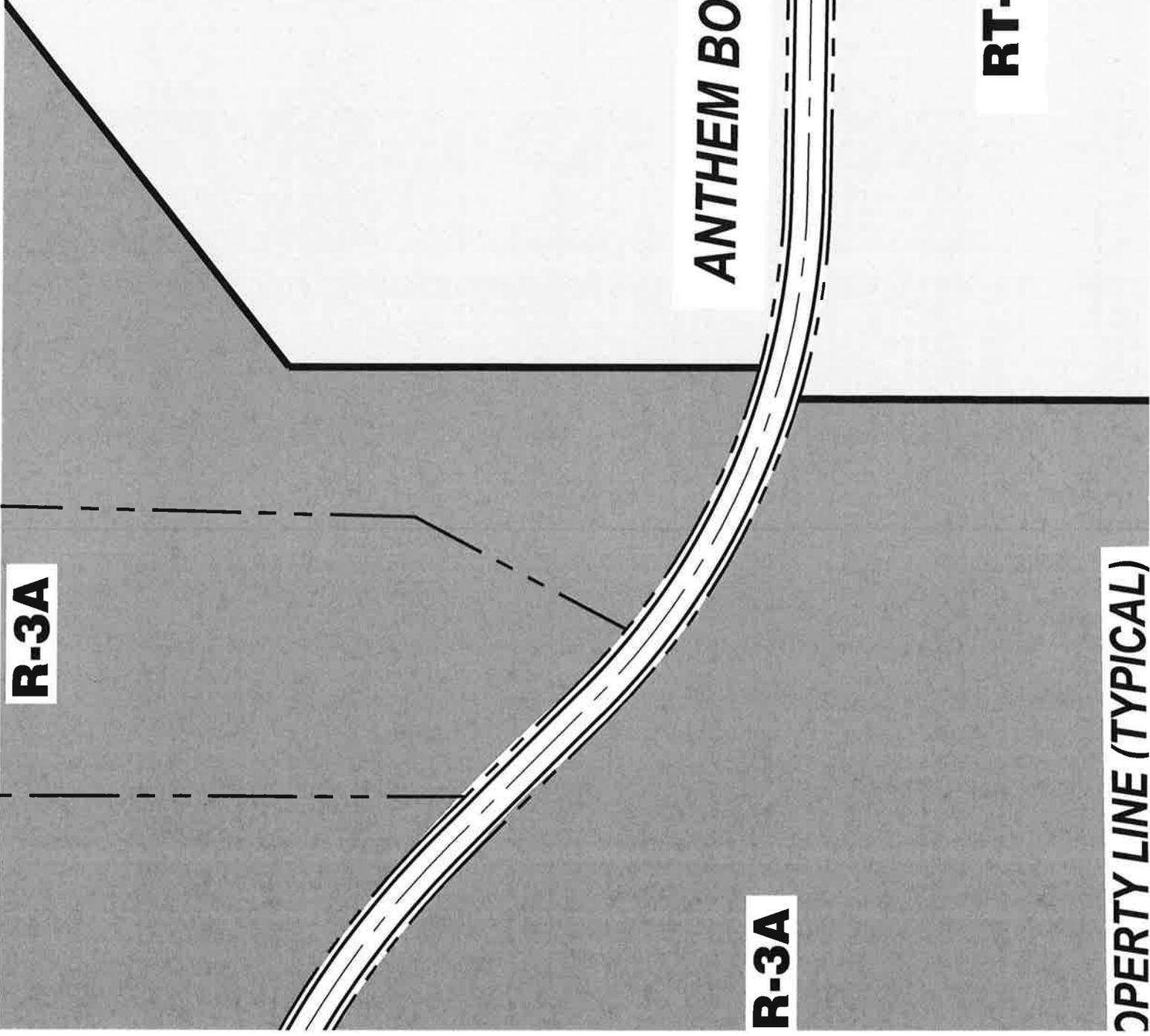
## ANTHEM BLVD - TREE SPECIES

- - LIVE OAK
- ▨ - MEXICAN SYCAMORE
- ▩ - CEDAR ELM

**RT-1**

**ANTHEM BOULEVARD**

**RT-1**



**R-3A**

**R-3A**

**PROPERTY LINE (TYPICAL)**

# EXHIBIT H



**ANTHEM PARK  
KILEEN, TEXAS**

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**PYLON DESIGN**

**10/03/2022**



**FACILITY SOLUTIONS GROUP**

10212 METRIC BLVD.  
AUSTIN, TEXAS 78758  
800-327-1104 / 512-494-0002  
fsgsigns.com







**ANTHEM / PYLON DESIGN / KILEEN, TEXAS**

**A Primary Pylon**  
Scale: 1/8" = 1'-0"

- Fabricate and install two (2) Primary Pylons built to UL specs;
- Staged single steel-pole support;
- Welded tubular framework with .090" aluminum plate finished in Matthews Bronze 313 Polyurethane;

- Tenant cabinets;
- Welded tubular alum. framing;
- White Modified Acrylic faces overlaid with 3M™ Translucent vinyls and/or digitally-printed graphics on translucent vinyl;
- White GE™ LED illumination;
- 1.5" aluminum retainers finished Bronze 313;

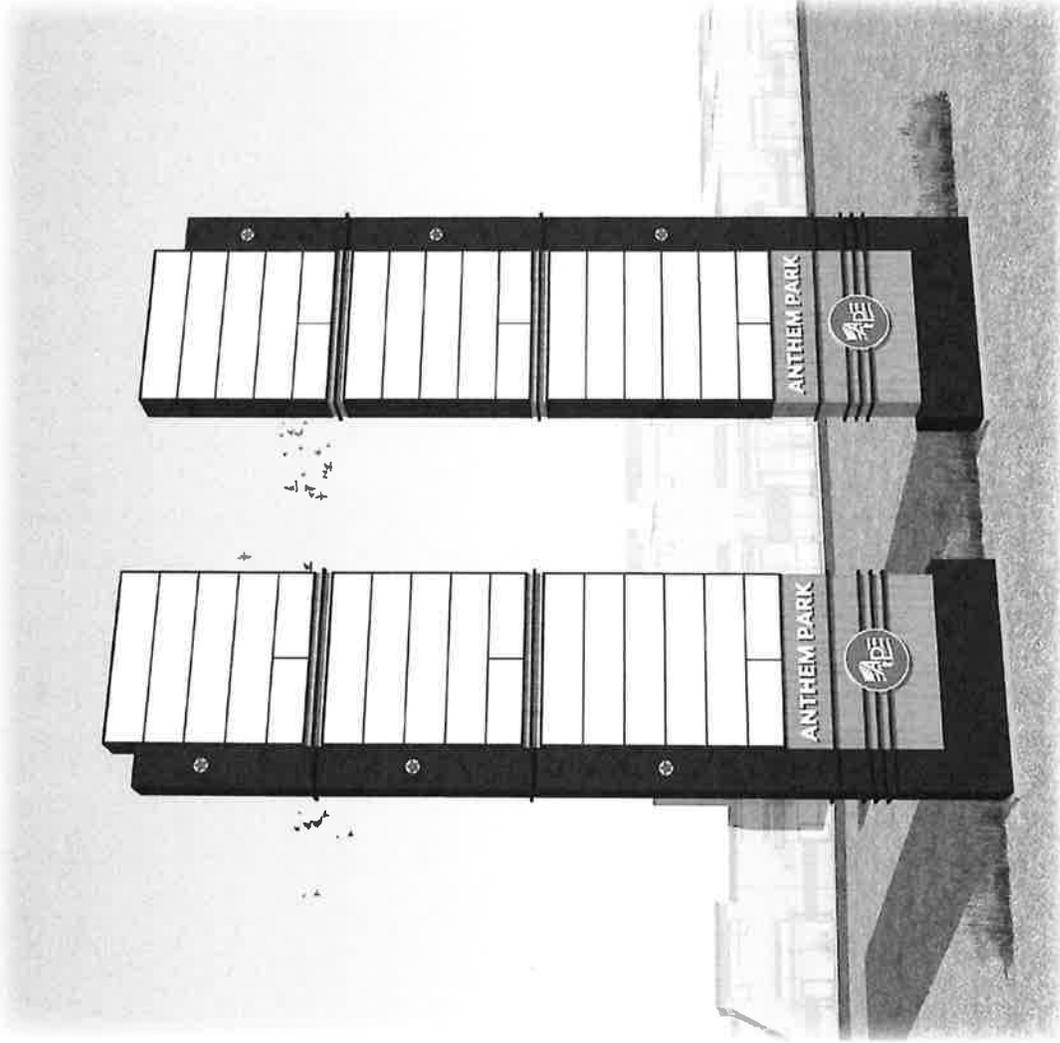
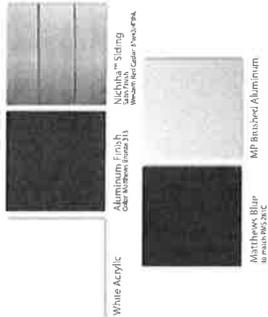
- [ANTHEM PARK] to be facet channel letters with White .040" aluminum sidewalls finished Bronze 313 / White Plex faces / White trimcapping / GE™ White LED illumination / Flush-mounting to cabinet;

- [AP Logo] to have a .090" routed aluminum face finished in Matthews to match PMS Reflex Blue C, with .75" Clear push-through letters and graphics; Letters to have first-surface 3M™ White translucent vinyl; Flag graphics to have first-surface 3M™ Silver Grey translucent vinyl 3630-51 and Slate Grey translucent vinyl 3630-61 (shadowed sections); White diffuser film on second-surface;

- Cabinet to have .063" aluminum sidewalls and retainer finished MP Brushed Aluminum; White GE™ LED illumination;

- Wood paneling: Cedar: Vintage Wood Series / Nichiha™ Siding;
- Collar-accent to be 3" sq. alum. tube finished MP Bronze 313;
- Star-accent: 5" routed acrylic disc finished MP Brushed aluminum with 5" acrylic stars finished to match PMS Reflex Blue C;
- Concrete pad/ mow-strip;
- Address numerals (when confirmed) to be added on side of pole cover; 6" tall x .25" routed white acrylic;

- Electrical requirement: 120V to be supplied at sign location by others;



10212 METRIC BLVD  
AUSTIN, TEXAS 78758  
800-327-1104 / 512-494-0002  
fsigns.com

ANTHEM  
FM 2410 MLK  
Killeen, TX

Start Date: 09/07/2022  
Last Revision: 10/05/2022  
Job#92J13385  
Dwg #92J13385AV251

Design:  
Ben Anglin  
Sales:  
Bob Strobeck

CLIENT APPROVAL: HAS REVIEWED AND APPROVED THE SIGN AND THE POWER TO LOCATE AND INSTALL.  
© COPYRIGHT 2022 ALL RIGHTS RESERVED



**UL Installation Requirements:**  
This sign is required to be installed in accordance with the applicable National Electrical Code (NEC) and other applicable local codes. This includes proper grounding and bonding of the sign. The location of the sign must be in accordance with the applicable local codes. The sign must be installed in accordance with the applicable local codes. The sign must be installed in accordance with the applicable local codes.

**ANTHEM / PYLON DESIGN / KILEEN, TEXAS**

**A Primary Pylon**  
**Scale: 1/8" = 1'-0"**

Fabricate and install two (2) Primary Pylons built to UL specs;  
 • Staged single steel-pole support;  
 • Welded tubular framework with .090" aluminum plate finished in Matthews Bronze 313 Polyurethane;

• Tenant cabinets:  
 - Welded tubular alum. framing;  
 - White Modified Acrylic faces overlaid with 3M™ Translucent vinyls and/or digitally-printed graphics on translucent vinyl;  
 • White GE™ LED illumination;  
 - 1.5" aluminum retainers finished Bronze 313;

• [ANTHEM PARK] to be facilt channel letters with White .040" aluminum sidewalls finished Bronze 313 / White Plex faces / White trimcapping / GE™ White LED illumination / Flush-mounting to cabinets;

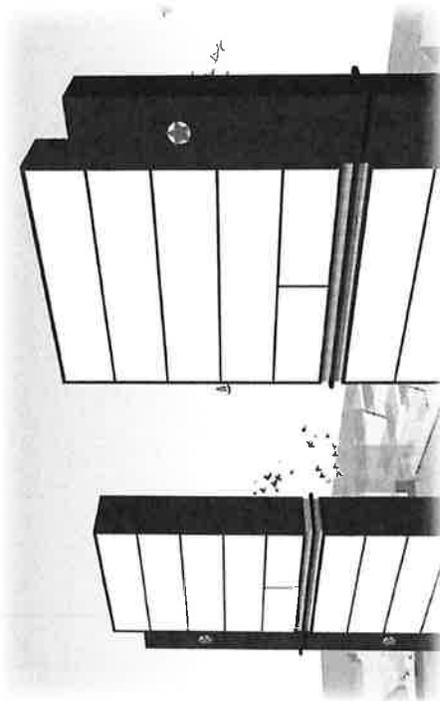
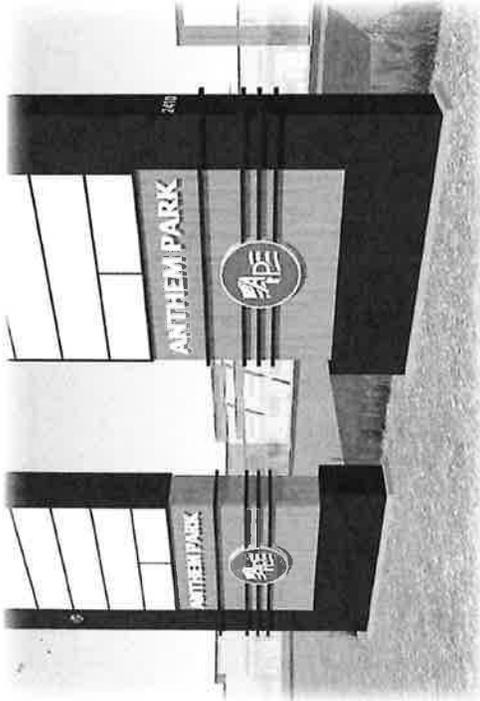
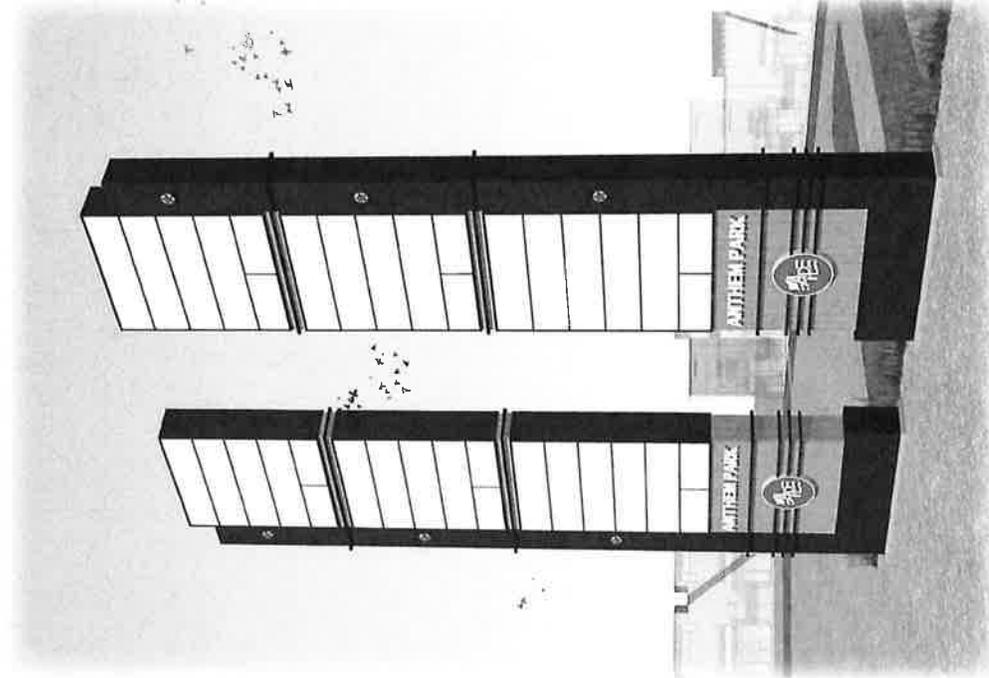
• [AP Logo] to have a .090" routed aluminum face finished in Matthews to match PMS Reflex Blue C, with .75" Clear push-through letters and graphics; Letters to have first-surface 3M™ White translucent vinyl; Flag graphics to have first-surface 3M™ Silver Grey translucent vinyl 3630-51 and Slate Grey translucent vinyl 3630-61 (shadowed sections); White diffuser film on second-surface;

Cabinet to have .063" aluminum sidewalls and retainer finished MP Brushed Aluminum; White GE™ LED illumination;

• Wood paneling: Cedar; Vintage Wood Series / Nichiha™ Siding;  
 • Collar accents to be 3" sq. alum. tube finished MP Bronze 313;  
 • Star accents: 5" routed acrylic discs finished MP Brushed aluminum with 5" acrylic stars finished to match PMS Reflex Blue C;

• Concrete pad/mow-strip;  
 • Address numerals (when confirmed) to be added on side of pole cover; 6" tall x 25" routed white acrylic;

• Electrical requirement: 120v to be supplied at sign location by others;



10212 METRIC BLVD.  
 AUSTIN, TEXAS 78796  
 800-327-1104 / 512-464-0002  
 fsgsigns.com

ANTHEM  
 FM 2410 MLK  
 Killeen, Tx

Start Date: 09/07/2022  
 Last Revision: 10/05/2022  
 Job#92J13385  
 Dwg.#92J13385AV252

Design:  
 Ben Anglin  
 Sales:  
 Bob Strobeck

CLIENT APPROVAL: This revised and updated proposal and specification shall not be deemed to be a contract or an offer.  
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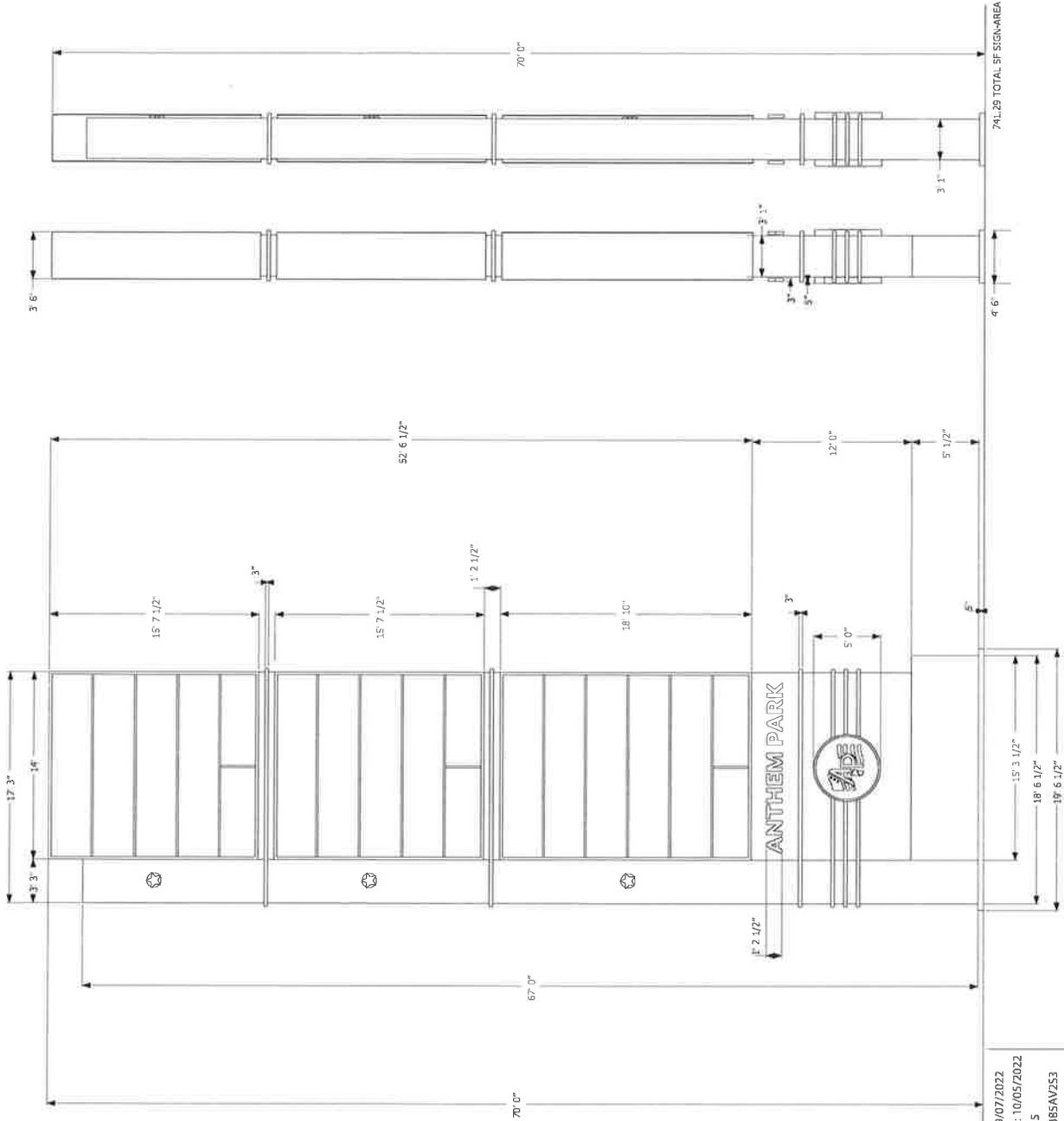
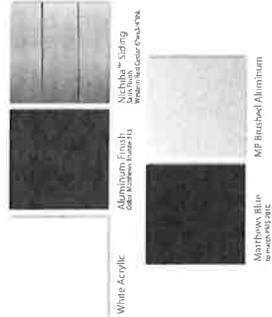


**UL Installation Requirements:**  
 This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and installation that comply with Article 600.6(A)(1) of the National Electrical Code.

**ANTHEM / PYLON DESIGN / KILEEN, TEXAS**

**A Primary Pylon**  
**Scale: 1/8" = 1'-0"**

- Fabricate and install two (2) Primary Pylons built to UL specs;
- Staged single steel-pole support;
- Welded tubular framework with .090" aluminum plate finished in Matthews Bronze 313 Polyurethane;
- Tenant cabinets:
  - Welded tubular alum. framing;
  - White Modified Acrylic faces overlaid with 3M™ Translucent vinyls and/or digitally-printed graphics on translucent vinyl;
  - White GE™ LED illumination;
  - 1.5" aluminum retainers finished Bronze 313;
- [ANTHEM PARK] to be facili: channel letters with White .040" aluminum sidewalls finished Bronze 313 / White Plex faces / White trimcapping / GE™ White LED illumination / Flush-mounting to cabinet;
- [AP Logo] to have a .090" routed aluminum face finished in Matthews to match PMS Reflex Blue C, with .75" Clear push-through letters and graphics; Letters to have first-surface 3M™ White translucent vinyl; Flag graphics to have first-surface 3M™ Silver Grey translucent vinyl 3630-51 and Slate Grey translucent vinyl 3630-61 (shadowed sections); White diffuser film on second-surface; Cabinet to have .063" aluminum sidewalls and retainer finished MP Brushed Aluminum; White GE™ LED illumination;
- Wood paneling: Cedar; Vintage Wood Series / Nichiha™ Siding;
- Collar-accent to be 3" sq. alum. tube finished MP Bronze 313;
- Star-accent: 5" routed acrylic disc finished MP Brushed aluminum with 5" acrylic stars finished to match PMS Reflex Blue C;
- Concrete pad/ mow-strip;
- Address numerals (when confirmed) to be added on side of pole cover; 6" tall x 25" routed white acrylic;
- Electrical requirement: 120v to be supplied at sign location by others;



Start Date: 09/07/2022  
 Last Revision: 10/05/2022  
 Job#9213385  
 Dwg.#9213385AV253

ANTHEM  
 FM 2410 MILK  
 Killeen, Tx

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 AUSTIN, TEXAS 78758  
 800-327-1104 / 512-494-0002  
 fsgsigns.com







# ANTHEM / PYLON DESIGN / KILLEEN, TEXAS

**A** Secondary Pylon  
 Scale: 1/8" = 1'-0"

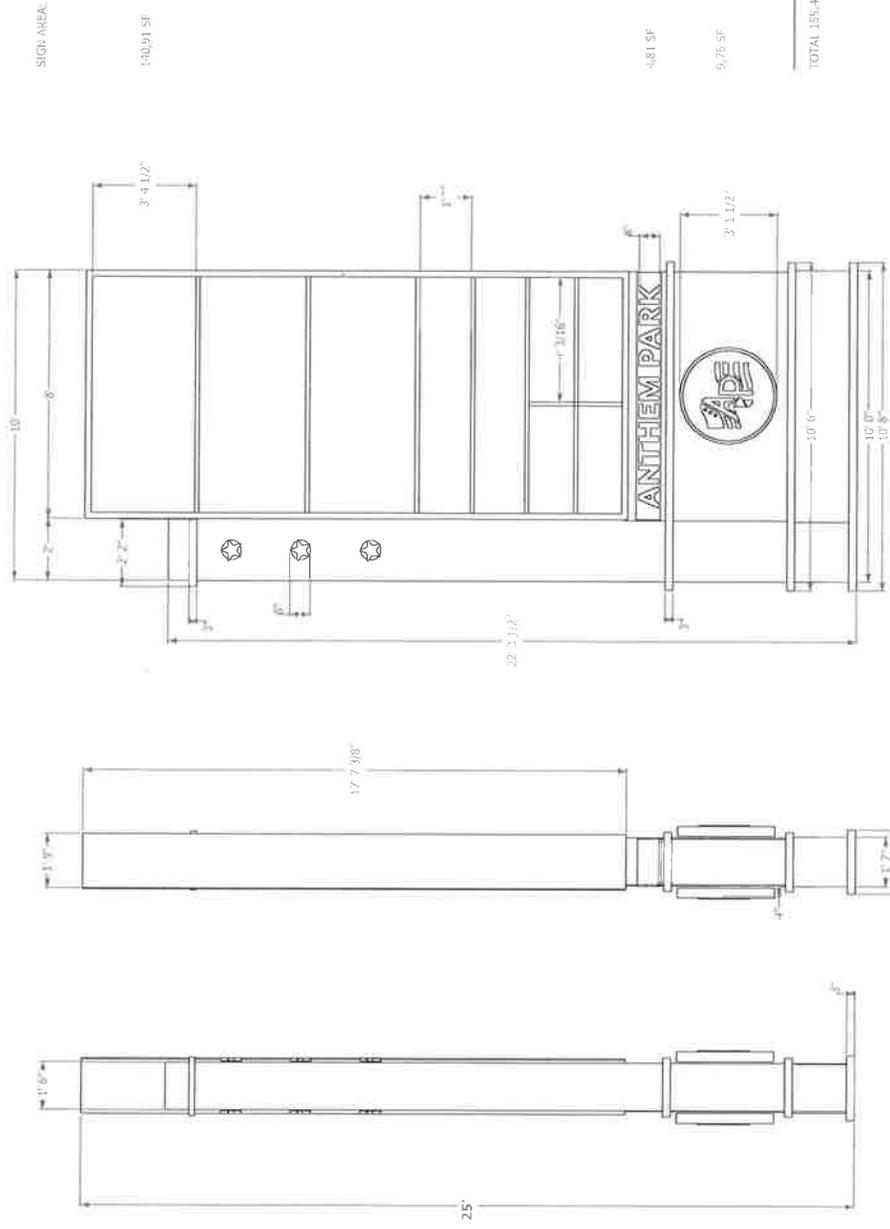
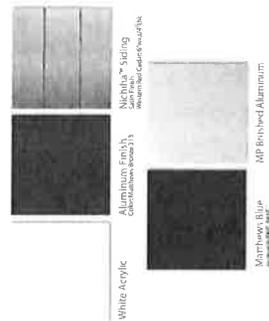
Fabricate and install two (2) Secondary Pylons built to UL specs:  
 • Staged single steel-pole support;  
 • Welded tubular framework with .090" aluminum plate finished in Matthews Bronze 313 Polyurethane;

- Tenant cabinets:
  - Welded tubular alum. framing;
  - White Plex faces overlaid with 3M™ Translucent vinyls and/or digitally-printed graphics on translucent vinyl;
  - White GE™ LED illumination;
  - 1.5" aluminum retainers finished Bronze 313;

• [ANTHEM PARK] to be routed out of .090" Bronze 313 aluminum, and backed with Clear .75" push-through plex; Letters overlaid with 3M™ White translucent vinyl; Second-surface white diffuser film on plex; GE™ White LED illumination; Halo-illuminated;

• [AP Logo] to have a .090" routed aluminum face finished in Matthews to match PMS Reflex Blue C, with .75" Clear push-through letters and graphics; Letters to have first-surface 3M™ White translucent vinyl; Flag graphics to have first-surface 3M™ Silver Grey translucent vinyl 3630-51 and Slate Grey translucent vinyl 3630-61 (shaded sections); White diffuser film on second-surface;  
 Cabinet to have .063" aluminum sidewalls and retainer finished MP Brushed Aluminum; White GE™ LED illumination;

- Wood paneling: Cedar: Vintage Wood Series / Nichiha™ Siding;
- Collar-accent to be 3" sq. alum. tube finished MP Bronze 313;
- Star-accent: 5" routed acrylic discs finished MP Brushed aluminum with 5" acrylic stars finished to match PMS Reflex Blue C;
- Concrete pad/ mow-strip;
- Address numerals (when confirmed) to be added on side of pole cover: 6" tall x 25" routed white acrylic;
- Electrical requirement: 120V to be supplied at sign location by others;



Front Elevation

Side B

Side A

TOTAL 155-SR SF



10212 METRIC BLVD.  
 AUSTIN, TEXAS 78755  
 800-327-1104 / 512-494-0002  
 fsgsigns.com

ANTHEM  
 FM 2410 MLK  
 Killeen, Tx

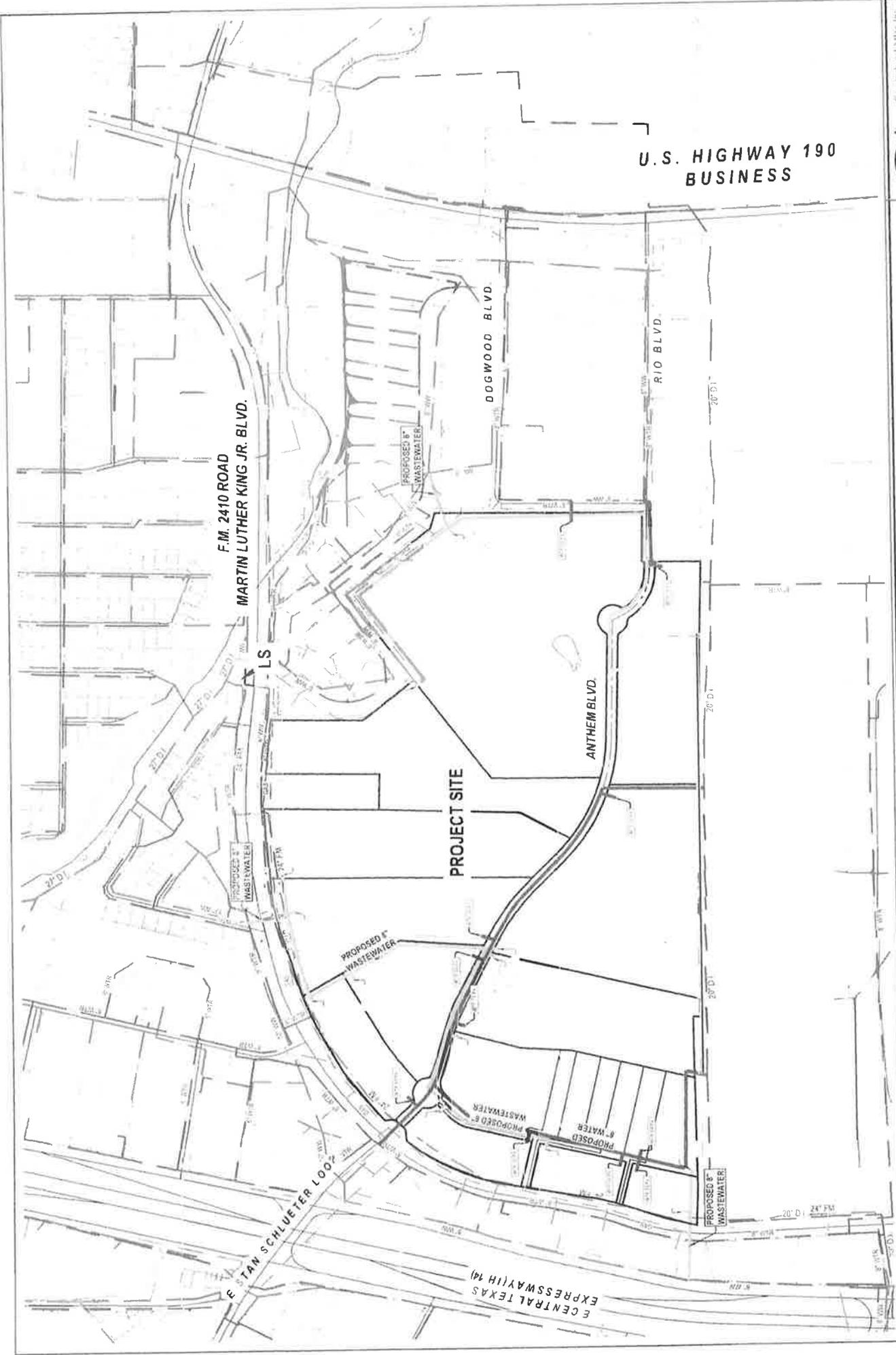
Start Date: 09/07/2022  
 Last Revision:  
 Job#9213385  
 Dwg #9213385B153

Design:  
 Ben Anglin  
 Sales:  
 Bob Strobeck

CLIENT APPROVAL: This drawing is for client approval only. It is not to be used for construction or installation.  
 © COPYRIGHT 2022 BY FSG SIGNAGE



**UL Installation Requirements:**  
 This sign is intended to be installed in accordance with the applicable UL listing. The listing includes the following requirements: The sign must be installed in accordance with the applicable UL listing. The listing includes the following requirements: The sign must be installed in accordance with the applicable UL listing. The listing includes the following requirements: The sign must be installed in accordance with the applicable UL listing.



U.S. HIGHWAY 190  
BUSINESS



**EXHIBIT "I"**  
**(WATER AND WASTEWATER SERVICE EXHIBIT)**

**ANTHEM PARK KILLEEN, TEXAS**

9/27/02



Cunningham Allen, Inc.  
 Engineers, Surveyors, Planners  
 1000 West 10th Street  
 Suite 100  
 Fort Worth, TX 76102  
 (817) 335-1111  
 www.cunninghamallen.com



**EXHIBIT "J"**  
 (CITY OF KILLEEN GIS EXISTING DRAINAGE)

**ANTHEM PARK - KILLEEN, TEXAS**

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
FEBRUARY 6, 2023**

**CASE #Z22-54  
“B-5” & “M-1” to “PUD” W/ “B-3”, “R-3A”, & ”RT-1”**

**HOLD** a public hearing and consider a request submitted by Michael J. Whellan on behalf of Central Southwest Texas Development, LLC (**Case #Z22-54**) to rezone approximately 203.2 acres, being Killeen Area Investment Corp. Industrial Tract, Lot PT TR C, D, & Abandoned Dogwood Blvd.; La Cascata Addition, Block 00A, Lot 1-4 & Killeen Airport Addition, Block 001, Lot PT 1, (W PT OF 1) from “B-5” (Business District) and “M-1” (Manufacturing District) to “PUD” (Planned Unit Development) with “B-3” (Local Business District), “R-3A” (Multifamily Apartment Residential District), and “RT-1” (Residential Townhouse Single-Family District) uses. The property is locally addressed as 1401 Rio Boulevard, Killeen, Texas.

Ms. Meshier presented the staff report for this item. She stated that if approved, the applicant intends to develop the subject property into a mixed-use community with multiple types of single-family residential, apartments, townhomes, commercial, and open space uses.

The applicant has proposed an initial dedication of five (5) acres of land of parkland to the City of Killeen and included the parkland dedication requirements as detailed in the PUD document.

Staff notified fifty-two (52) surrounding property owners regarding this request. Of those notified, eighteen (18) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and thirty-four (34) property owners reside outside of Killeen. To date, staff has received zero (0) written responses regarding this request.

Ms. Meshier also stated that staff finds that the request is consistent with the policies and principles of the 2022 Comprehensive Plan. Therefore, staff recommends approval of the request as presented.

Chairman Minor asked who would be responsible for the costs of off-site improvements. Ms. Meshier explained that off-site improvements will be addressed as part of a TIRZ Reimbursement Agreement, which will be reviewed and approved separately from the PUD zoning request.

Chairman Minor asked if “B-3” allows for all the uses that were outlined in the application and what would happen if a tenant wanted a land use that is outside of the “B-3”/PUD amendment. Ms. Meshier stated that permitted are addressed within the proposed PUD and differ slightly from the uses allowed in “B-3”. She further stated that if a tenant would like to have a land use outside the PUD, it would require a PUD amendment.

Vice Chair Gukeisen asked if there was environmental assessment or special flood drainage

policy to build around the two ravines and pond within the area. Mr. Zagars stated there are requirements depending on whether it is a creek or a pond (e.g., creek buffer zones) and will be factored into the engineering designs.

Mr. Michael Whellan, agent, and Kevin Hunter, applicant, were present to represent the request.

Mr. Whellan and Mr. Hunter gave a presentation on the proposed retail stores and facilities that will be offered.

Commissioner Rowe asked about the parkland to be dedicated. Mr. Whellan explained that the park will be built and then dedicated to the city.

Commissioner Jones asked about ADA accessibility of the residential facilities. Mr. Hunter stated that there would not be elevators, but all the residential facilities would have ADA compliant housing on the 1<sup>st</sup> floor.

Chairman Minor asked if they would be having any hotels. Mr. Whellan stated that at the moment, there are no plans to include hotels.

Commissioner Jones questioned whether they would be hiring local engineers for this project. Mr. Whellan stated that they intend to hire people within the community for this project.

Vice Chair Gukeisen asked the representatives hypothetically how long the project will take to complete. Mr. Hunter stated that they believe the commercial properties will be complete within three to five years and the residential will take about five to ten years.

Vice Chair Gukeisen asked what kind of entertainment will be offered. Mr. Hunter responded that family friendly entertainment, such as Top Golf and Dave & Busters, would be included.

Vice Chair Gukeisen asked if they would be building or selling the properties. Mr. Hunter responded that they plan on building and owning the commercial properties, but there may be certain businesses that prefer having ownership of the properties.

Mr. Jones left the meeting at 5:33 p.m., but the Commission still had a quorum.

Chairman Minor opened the public hearing at 5:34 p.m.

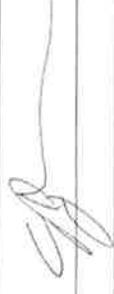
Mr. Tad Dorroh spoke in support of the request and stated that the proposed development would be a great fit for the community.

Ms. Melissa Brown spoke in opposition to the proposed PUD. Ms. Brown stated that the City is already trying to acquire more manufacturing land, so this property should remain manufacturing. Ms. Brown also stated that citizens need less service and retail related jobs.

She also noted concern that the proposed development may damage the revitalization of downtown by drawing businesses away from downtown.

With no one else wishing to speak, Chairman Minor closed the public hearing at 5:39 p.m.

Commissioner Ploeckelmann moved to recommend approval of the applicant's request for "PUD" (Planned Unit Development) with "B-3" (Local Business District), "R-3A" (Multifamily Apartment Residential District), and "RT-1" (Residential Townhouse Single-Family District) as presented. Commissioner O'Brien seconded, and the motion passed by a vote of 4 to 0.

**YOUR NAME:** PERK BEARDEN **PHONE NUMBER:** 254 526 7800  
**CURRENT ADDRESS:** 899 W CENTEX EXPWY HH  
**ADDRESS OF PROPERTY OWNED:** 5011 MLK TRBLVD  
**COMMENTS:**  
 No Problem w/ zoning, Deed was a 50000 come all the way through  
 to connect w/ JIAN SCHLUETER,  
 RECEIVED  
 FEB 07 2023  
 PLANNING  
**SIGNATURE:**  **REQUEST: "M-1" to "PUD" w/"B-3", "R-3A", "RT-1" SPO #Z22-54** 41

P.O. Box 1329 Killeen, Texas 76541 254-501-7648 Fax 254-501-7628  
[www.KilleenTexas.gov](http://www.KilleenTexas.gov)

CUT HERE

**YOUR NAME:** ROBERT L W GEKE FOGLE **PHONE NUMBER:** 254 290 9570  
**CURRENT ADDRESS:** 510 WHITE OAK LN HARKER HEIGHTS.  
**ADDRESS OF PROPERTY OWNED:** 5101 MLK.  
**COMMENTS:**  
 GREAT NEWS!! GREAT DEVELOPMENT  
 FOR OUR CITY. WOULD LOVE TO HAVE A MAJOR  
 GROCERY CHAIN, LOOK H-E-B WOULD BE GREAT!  
**SIGNATURE:**  **REQUEST: "M-1" to "PUD" w/"B-3", "R-3A", "RT-1" SPO #Z22-54** 08

P.O. Box 1329 Killeen, Texas 76541 254-501-7648 Fax 254-501-7628

RECEIVED

FEB 07 2023

PLANNING

# 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.