

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 221.272 ACRES OF LAND OUT OF THE JOHN E. MADDERA SURVEY, ABSTRACT NO. 600, FROM "A" (AGRICULTURAL DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT), "R-3A" (MULTIFAMILY RESIDENTIAL DISTRICT), "RT-1" (RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT), AND "NBD" (NEIGHBORHOOD BUSINESS DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Belton Engineering, on behalf of Bunny Trail Real Estate, LP, has presented to the City of Killeen, a request for an amendment of the zoning ordinance of the City of Killeen by changing the classification of approximately 221.272 acres of land out of the John E. Maddera Survey, Abstract No. 600, from "A" (Agricultural District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District), "R-3A" (Multifamily Residential District), "RT-1" (Residential Townhouse Single-Family District), and "NBD" (Neighborhood Business District) uses, said request having been duly recommended for approval of the request, with condition that lighting be added to the greenway trail segment, by the Planning and Zoning Commission of the City of Killeen on the 6th day of March 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 11th day of April 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 221.272 acres of land out of the John E. Maddera Survey, Abstract No. 600, from "A" (Agricultural District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District), "R-3A" (Multifamily Residential District), "RT-1" (Residential Townhouse Single-Family District), and "NBD" (Neighborhood Business District) uses, said request having been duly recommended for approval of the request with condition that lighting be added to the greenway trail segment as recommended by the Planning and Zoning Commission, for the property locally addressed as 6603 Bunny Trail, Killeen, Texas.

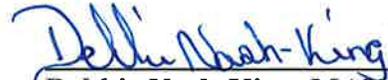
SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

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.

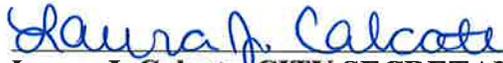
SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 11th day of April 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

Case #22-59

Ord. #23-027

Exhibits

Case #Z22-59: "A" to "PUD" w/ "SF-2", "R-3A", "RT-1", and "NBD" uses

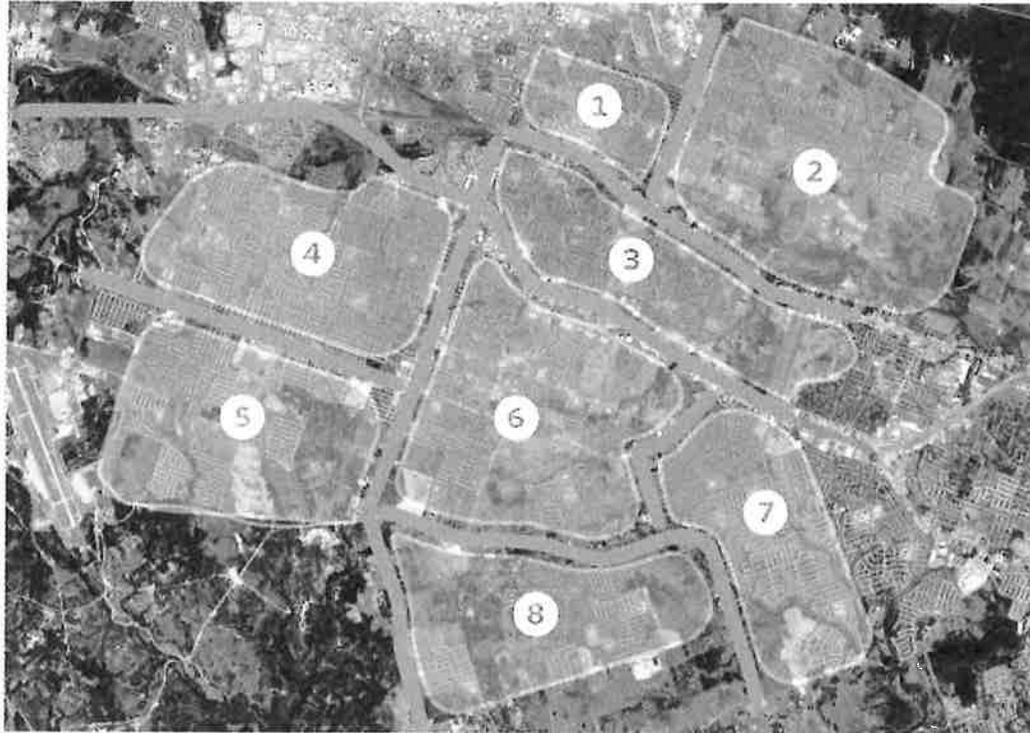
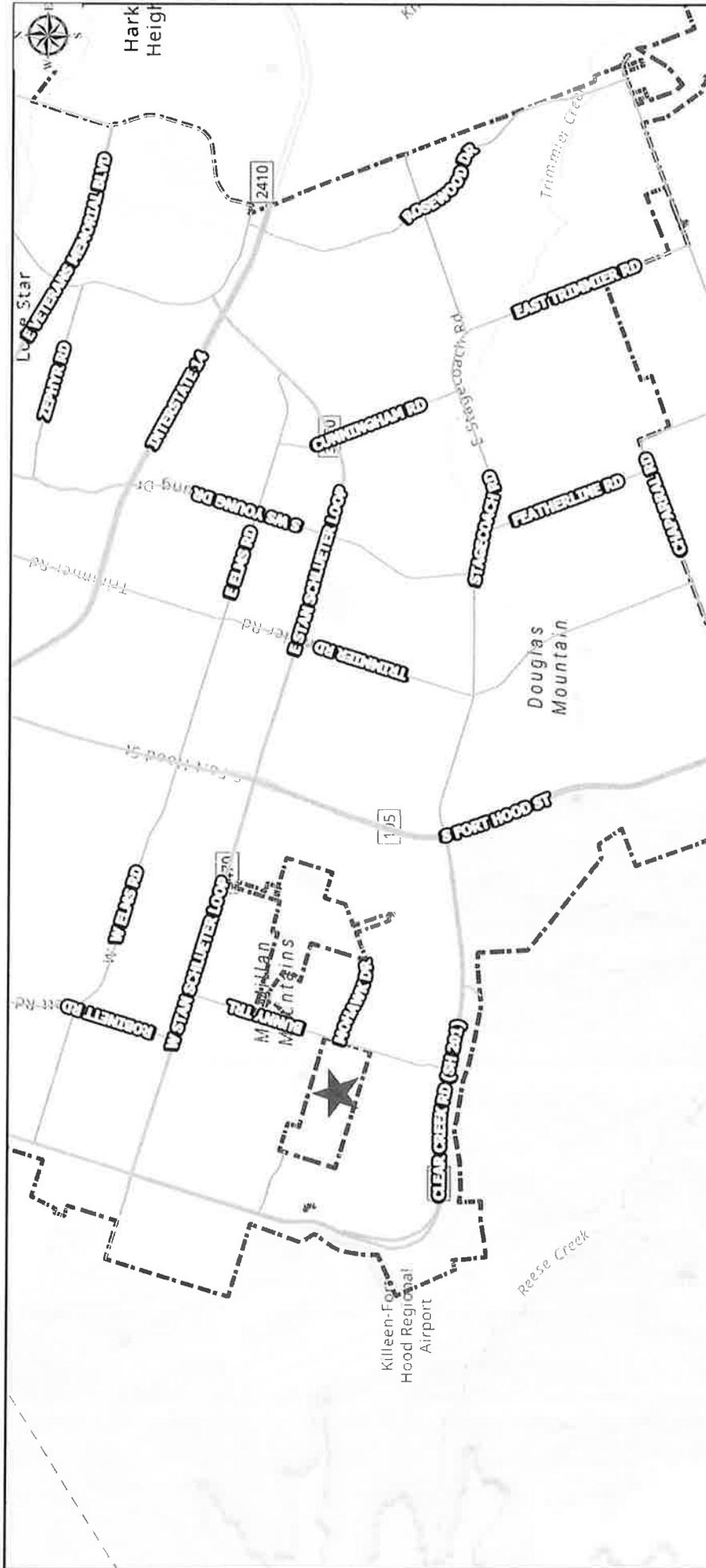


Exhibit A. Killeen Development Zones map. The property is located within the Killeen Development Zone #5.



LOCATION MAP

Council District: 4



Subject Property Legal Description: A0600BC J E MADDERA, 1-1, ACRES 156.896; A0600BC J E MADDERA, 1-1, ACRES 60.000; A0600BC J E MADDERA, 1-1, ACRES .835

Zoning Case 2022-59

A to PUD w/ SF-2, R-3A, RT-1, and NBD

Legend

- Major Roads
- City Limits
- Zoning Case Location



Legend

-  Zoning Cases
-  Citylimits

Zoning Case 2022-59

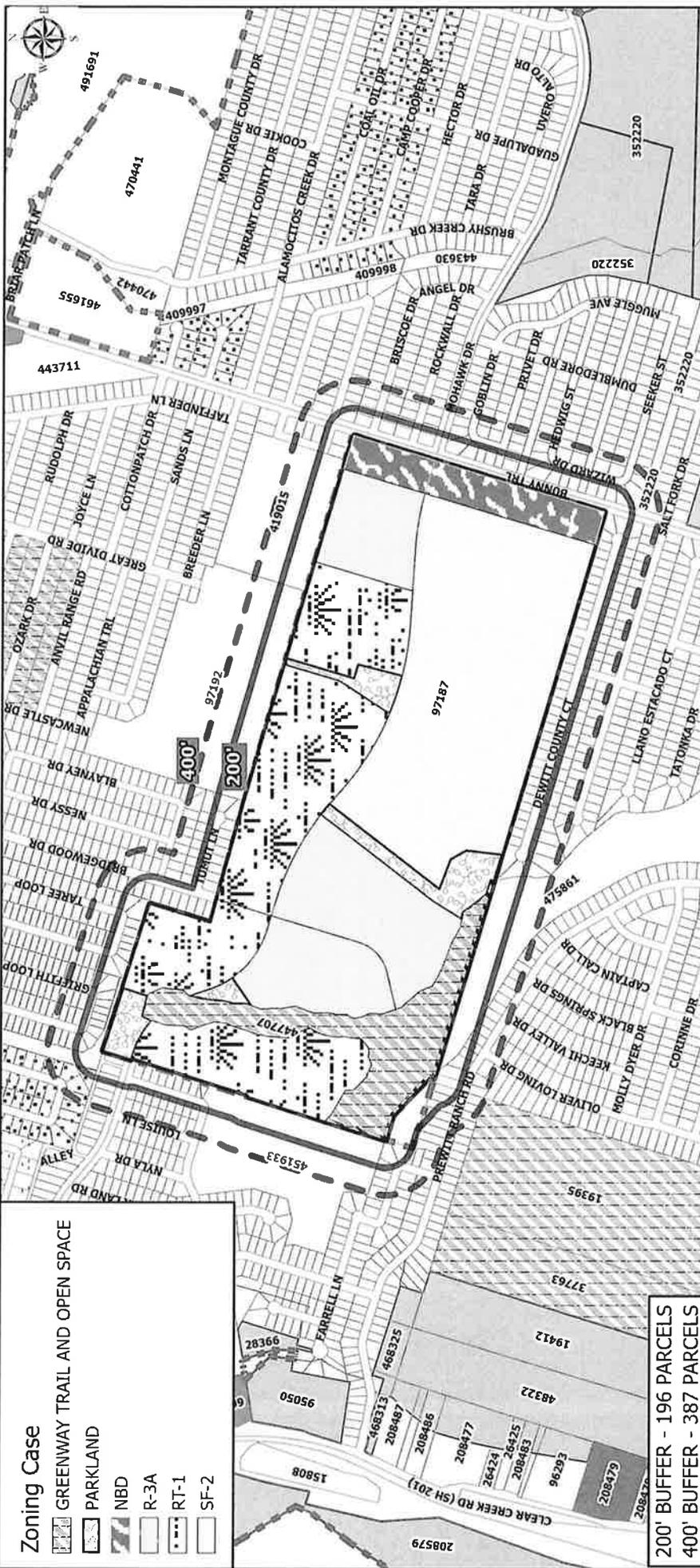
A to PUD w/ SF-2, R-3A, RT-1, and NBD
 Subject Property Legal Description: A0600BC J E MADDERA, 1-1, ACRES 156.896; A0600BC J E MADDERA, 1-1, ACRES 60.000;
 A0600BC J E MADDERA, 1-1, ACRES .835

AERIAL MAP

Council District: 4

0 480 960 Feet





Zoning Case

- GREENWAY TRAIL AND OPEN SPACE
- PARKLAND
- NBD
- R-3A
- RT-1
- SF-2

200' BUFFER - 196 PARCELS
 400' BUFFER - 387 PARCELS

PROPERTY ID MAP

Council District: 4

0 500 1,000 Feet

Current Zoning

- B-4
- PUD
- R-1
- R-2
- R-MS
- R-1-A
- SF-2

Legend

- A
- B-3

Zoning Case 2022-59

A to PUD w/ SF-2, R-3A, RT-1, and NBD

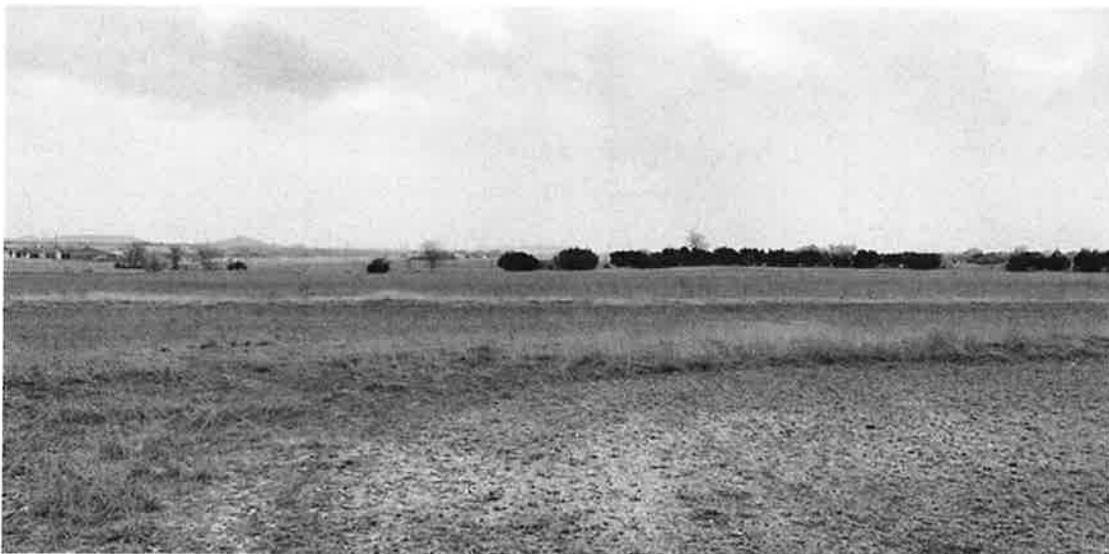
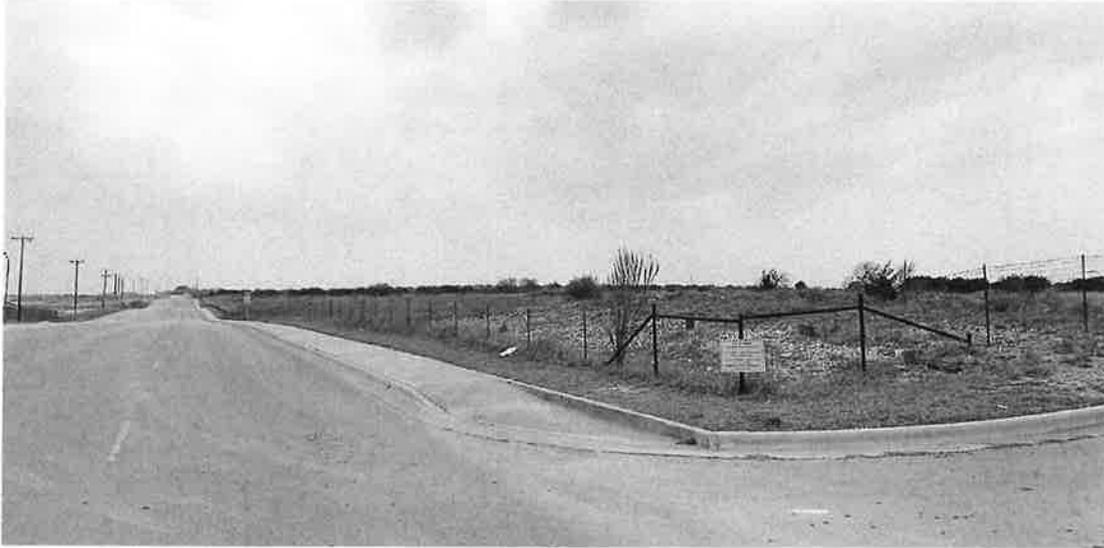
Subject Property Legal Description: A0600BC J E MADDERA, 1-1, ACRES 156.896; A0600BC J E MADDERA, 1-1, ACRES 60.000; A0600BC J E MADDERA, 1-1, ACRES .835

SITE PHOTOS

Case #Z22-59: "A" to "PUD" w/ "SF-2", "R-3A", "RT-1", and "NBD" uses



View of the subject property looking south:



SITE PHOTOS

Case #Z22-59: "A" to "PUD" w/ "SF-2", "R-3A", "RT-1", and "NBD" uses



View of the subject property looking southwest:



View of the surrounding property to the north:



Bunny Trail Planned Unit Development (PUD) Standards

A. Purpose and Intent

The Bunny Trail Planned Unit Development (PUD) is composed of 221.3 acres as described in **Exhibit A**, Field Notes. The development of the Property is planned as a high-quality community comprised of commercial uses along Bunny Trail and a mix of residential products, parkland and open space set behind the commercial uses.

The contents of these dimensional standards further explain and illustrate the overall appearance and function desired for this community. **Exhibit B**, Concept Plan has been attached to this PUD to illustrate the design intent for the Property.

B. Land Uses

The Project shall be comprised of 10.5 acres of commercial along the Bunny Trail and 163.2 acres of residential on the interior portions of the Property. The commercial portions of the project shall have a base zoning of NBD Neighborhood Business District. The residential portions of the Project shall have the following base zoning as depicted in **Exhibit B**:

- R-3A Multi-Family Residential
- RT-1 Residential Townhouse Single-Family
- SF-2 Single-Family Residential

The development shall adhere to all provisions for each base zoning district unless otherwise addressed herein.

C. Homeowners' Association

A Homeowners' Association (HOA) shall be formed and responsible for the continuous and perpetual operation, maintenance, and/or supervision of all detention ponds, private park amenities, and monument signs, as applicable, within the development. The articles of incorporation of an owners' association shall be reviewed and approved by the City to ensure compliance with the provisions of the Killeen's Code of Ordinances.

A professional management company shall be hired and contracted with by the Developer for purposes of managing and administering the affairs of the HOA.

D. Non-Residential Development Standards

The NBD Neighborhood Business District area of the Property shall be developed in accordance with City standards.

1. Allowable / Prohibited Uses

The Property will serve both residential and non-residential uses, with strong interaction between the two through the integration of parks, trails and other pedestrian nodes. The non-residential uses on the Property shall provide services to the residential component of the Property as well as the general area. The list of non-residential allowed and prohibited uses on the Non-Residential area of the Property shall comply with the uses defined for NBD (Neighborhood Business District) in the Killeen UDC, Article IV, Division 12B with the following exceptions.

The following are allowed uses in this PUD:

- Restaurant or café with drive-in or drive-through service.

2. Buffers

The required buffer shall be thirty (30) feet when siding or backing on to all residential districts. This may be reduced to twenty (20) feet by planting trees in accordance with the following formula:

A minimum eight feet (8') tall canopy tree shall count for 200 sq. ft.

A minimum eight feet (8') tall non-canopy tree shall count for 100 sq. ft.

The reduction in buffer area shall be calculated based on total square footage of the additional landscaping.

For example:

Lot dimensions: 100' x 300'

Canopy trees proposed: 5

Credit for these trees: $5 \times 200 = 1,000$ sq ft.

Therefore reduction shall be:

$1,000$ sq. ft. divided by 100 (lot width) = ten feet (10'). and the net buffer required is Gross buffer required minus buffer reduction ($30'$ minus $10' = 20'$).

No development shall be authorized within the buffer area except for required or permitted landscaping and screening, stormwater detention facilities, and pedestrian walkways. The increased setbacks, which are measured from the property line, shall be required on the property in the higher intensity zoning district, and shall be observed at the time of construction. These buffer requirements are in addition to the screening standards.

E. Residential Development Standards

1. Maximum Number of Units

The maximum number of residential units shall not exceed 1,700 units as described below:

- a. Multi-Family Residential (R-3A)
 - Maximum of 800 units.
- b. Residential Townhouse Single-Family (RT-1)
 - Maximum of 600 units.
- c. Single-Family Residential (SF-2)
 - Maximum of 300 units

2. Lot size and setbacks

The minimum lot width, depth, and setbacks shall be as follows:

	R-3A	RT-1	RT-1 (Alley Loaded)	SF-2
Minimum lot width ¹ :	80 ft.	24 ft.	24 ft.	40 ft.
Minimum lot depth:	100 ft.	100 ft.	100 ft.	110 ft.
Minimum lot area:	8,000 sq. ft.	2,400 sq. ft.	2,400 sq. ft.	4,400 sq. ft.
Front setback ⁵ :	Minimum ⁵ : 0 ft. Maximum: 15 ft.	Minimum: 10 ft. Maximum: 20 ft. Garage door minimum 20 ft.	Minimum: 10 ft. Maximum: 20 ft.	Minimum: 15 ft. Maximum: 20 ft. Garage door minimum 20 ft.
Side setback:	10 ft.	0 ft./7.5 ft. ^{2,3}	0 ft./7.5 ft ^{2,3}	0 ft. ⁴ / 5 ft.
Rear setback:	10 ft.	15 ft.	15 ft. Garage door minimum 20 ft.	5 ft.
Corner Setback:	15 ft.	15 ft.	15 ft.	15 ft.
Building Height	Maximum: 3 story (35')	Minimum: 2 story Maximum: 3 story (35')	Minimum: 2 story Maximum: 3 story (35')	Maximum: 2 1/2 story (35')

¹ Measured at the front setback.

² Zero feet (0') setback for interior units. Minimum separation between townhouse building shall be 15 feet (15').

³ A 15 feet (15'). sideyard shall be provided at the side property line of any townhouse subdivision.

⁴ Zero feet (0') setbacks on zero-lotline lots to allow for side access to rear garages.

⁵ No parking allowed in front setback. Front setback applies to any street facing portion of the site.

Single-Family Residential lot widths shall be measured at the front setback.

No more than 50 percent (50%) of the single-family (SF-2) lots shall be less than 50 feet (50') wide. Lots less than 50 feet (50') wide shall be alley loaded or have garages in rear.

3. Block Length

Residential Block Length (measured from curb to curb) shall not exceed 800' with the following exceptions.

- 1) Block length adjacent to Arterials shall not exceed 1,300'.
- 2) Pedestrian openings a minimum of 20 feet (20') wide shall be acceptable to meet the block length requirements of this section.

4. Townhouse Design Standards

The townhouse product may be constructed with each unit on an individually platted lot or constructed as a single lot condominium so long as the minimum building separation and lot area per unit requirement are met. A minimum of 50 percent (50%) of Townhomes shall be alley loaded. Final location of Alley Loaded townhomes to be determined at time of preliminary plat.

5. Townhouse Architectural Standards

The townhouse product shall be designed in compliance with City standards for the RT-1 architectural standards. Figures E.1, E.2 E.3 and E.4, Prototypical Townhouse Product graphically convey the prototypical building massing and form for the townhouse product. The elevations are conceptual only and not intended to specify or restrict the product to the prototypical product elevation.

Figure E.1 – Prototypical Townhouse Product



Figure E.2 – Prototypical Townhouse Product



Figure E.3 – Prototypical Townhouse Product



Figure E.4 – Prototypical Townhouse Product



6. Multi-Family Architectural Standards

The multi-family product shall be designed in compliance with City standards for the R-3A architectural standards. Figures E.4 and E.5, Prototypical Multi-Family Product graphically conveys the prototypical building massing and form for the multi-family product. The elevations are conceptual only and not intended to specify or restrict the product to the prototypical product elevation.

Figure E.4 – Prototypical Multi-Family Product



Figure E.5 – Prototypical Multi-Family Product



7. Single-Family Residential Architectural Standards

a. All single-family structures shall include the following Architectural elements:

- (1) Enhanced windows. At least one (1) window on the front elevation shall incorporate use of transoms, bay windows, shutters, dormers, and other similar window enhancements.
- (2) Architectural details. The front elevation shall incorporate at least two (2) enhanced architectural details such as corbels, quoining, louvered vents, keystones, decorative railings, coach lights, or other architectural features as approved by the executive director of development services or his/her 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.

b. All single-family structures shall also include at least three (3) of the following:

- (1) 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.
- (2) Recessed garage. The exterior wall on either side of the garage door facing the street shall be recessed at least five (5) feet behind any other horizontal building plane on the front elevation.
- (3) 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.

- (4) 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. Such porch shall measure not less than five (5) feet in any direction.
- (5) 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.
- (6) Enhanced garage doors. Garage doors shall have accent windows and decorative hardware.

8. Single-Family Residential Landscape Standards

Landscaping on all single-family residential lots within in the Project shall be provided as follows:

- a. A minimum of six (6) three-gallon shrubs shall be planted on each lot.
- b. All portions of the lot not covered by structures, paving, planting areas, or tree beds shall be fully sodded.
- c. Each house shall have either an irrigation system or hose bib attachment within 150 feet (150') of all landscaping required by this section.
- d. Approved non-vegetative ground cover materials (such as washed gravel, bark mulch, lava 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. Vehicular Circulation

1. Roadway Types

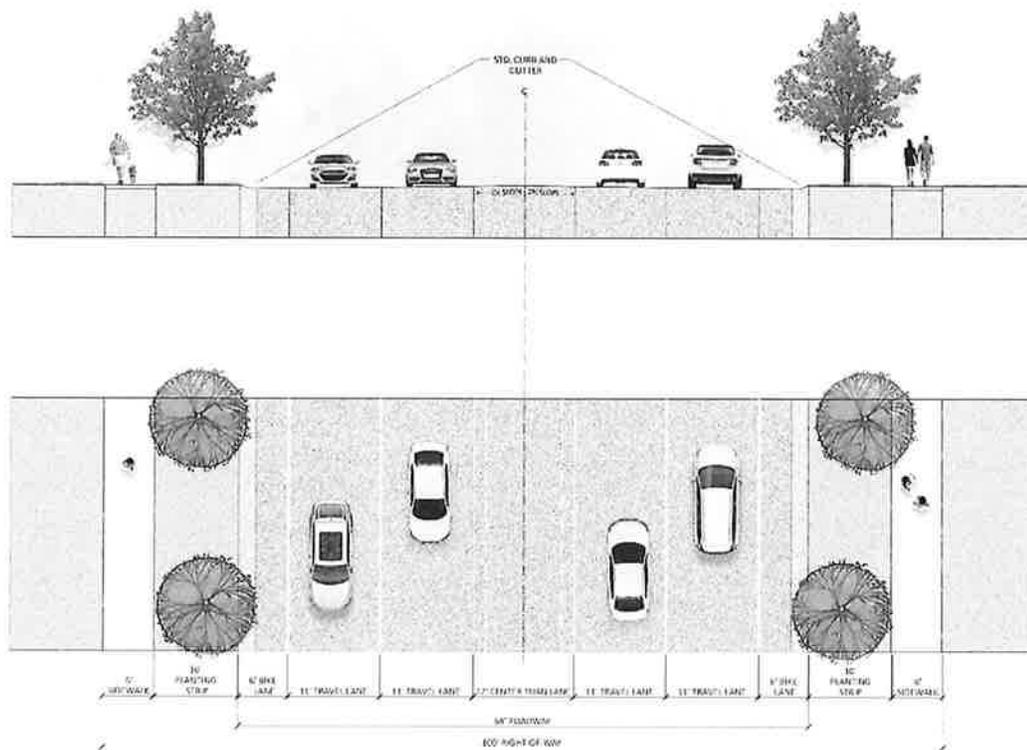
The Bunny Trail PUD vehicular circulation pattern provides access to all parts of the Property from Bunny Trail and the existing stub roadways at the Property boundary. The following roadway alternatives are used within the PUD:

- Minor Arterial Full Buildout (100' Right-of-Way) (see [Figure F.1](#))
- Minor Arterial Initial 3 Lane (100' Right-of-Way) (see [Figure F.1b](#))
- Collector (65' Right-of-Way) (see [Figure F.2](#))
- Local Street (60' Right-of-Way) (see [Figure F.3](#))
- Local Street Alley Loaded Townhomes (50' Right-of-Way) (see [Figure F.4](#))
- Alley (see [Figure F.5](#))

a. Minor Arterial

A Minor Arterial shall be installed from Bunny Lane to the existing terminus of Mohawk Drive as depicted on **Exhibit B**. The Minor Arterial shall have a 100 feet (100') wide right-of-way as depicted on **Figure F.1**. Residential driveways shall not be permitted along this roadway.

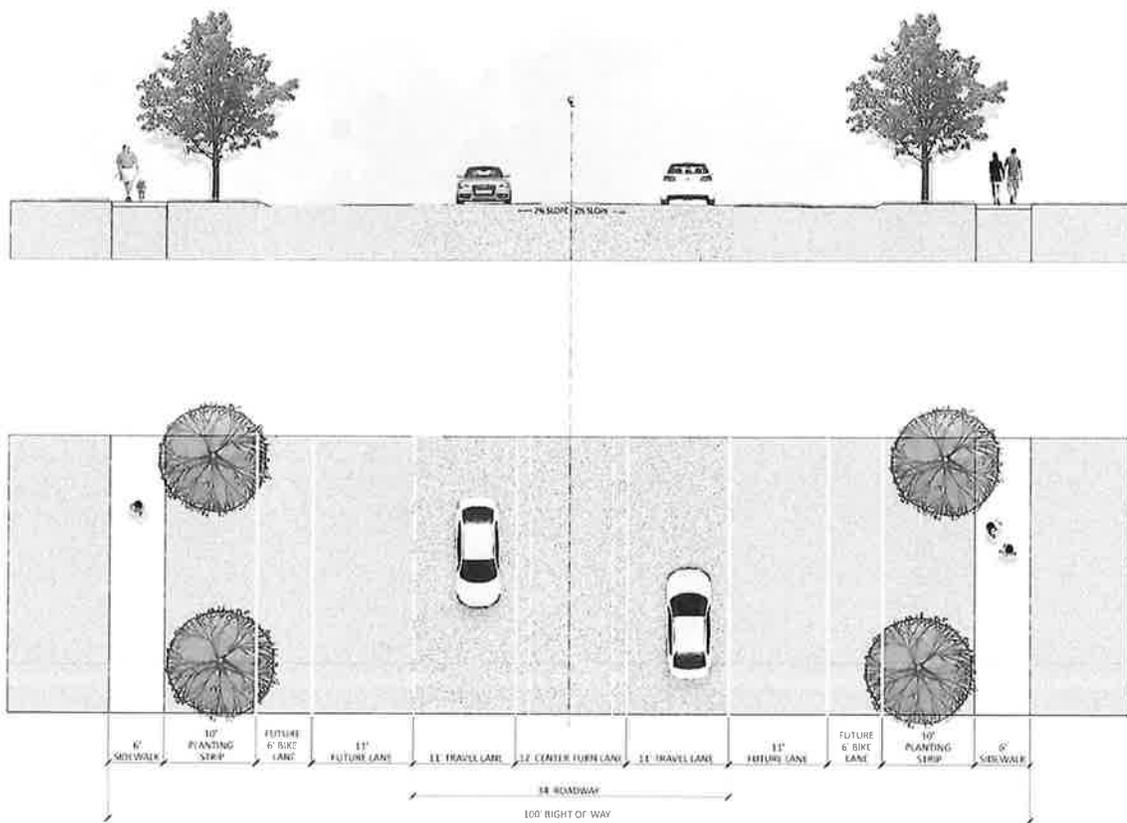
Figure F.1 – Minor Arterial – Full Buildout (100' ROW)



An initial 3 lane Minor Arterial shall be installed from Bunny Lane to the intersection with the future Bridgewood Drive as depicted on **Exhibit B**. The Minor Arterial shall have a 100 feet (100') wide right-of-way as depicted on **Figure F.1b**. Residential driveways shall not be permitted along this roadway.

The City may elect to widen the Minor Arterial in the future at its own discretion. In the event the City elects to widen the Minor Arterial, the City shall bear the responsibility for all costs incurred, including, but not limited to, the roadway, associated Stormwater systems, all utilities and all necessary landscape replacement resulting from construction.

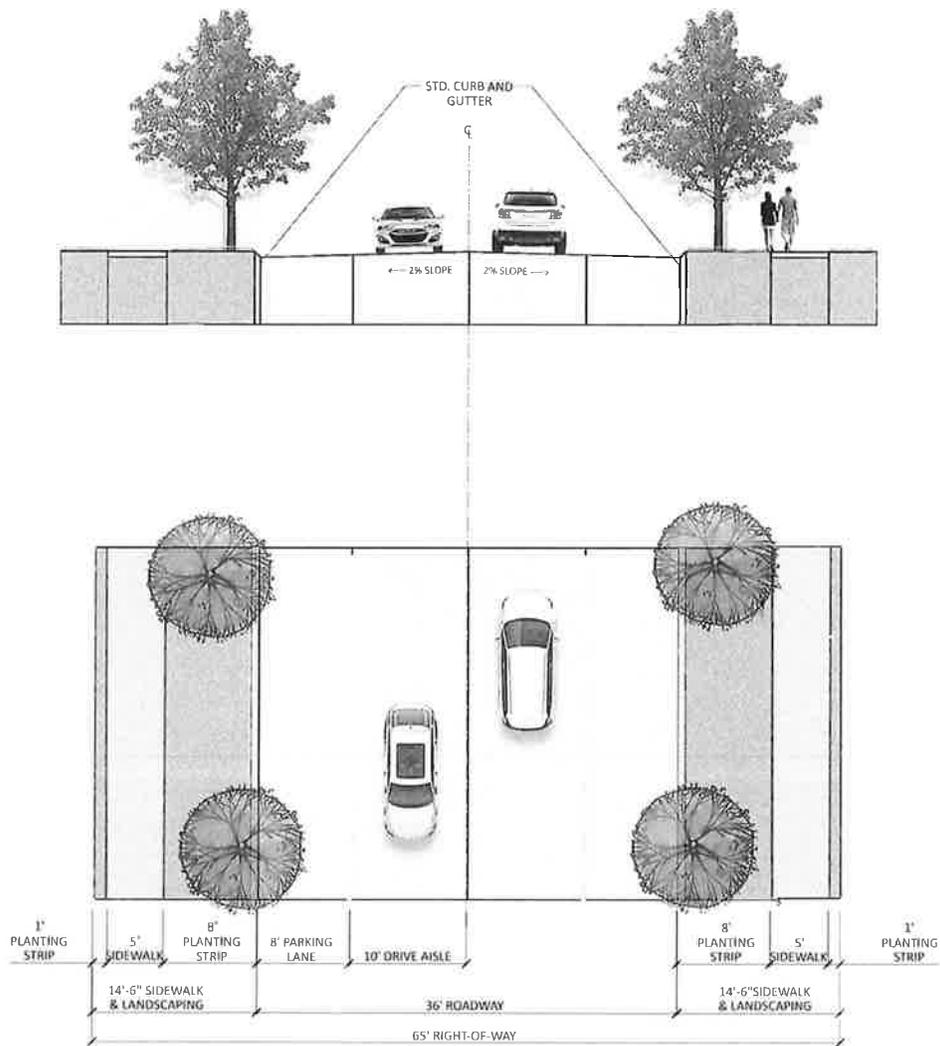
Figure F.1b – Minor Arterial Initial 3 Lanes (100' ROW)



b. Collector

A Collector shall be installed connecting the two existing segments of Bridgewood Drive that terminate at the Project boundary. The alignment of the Collector shall follow the general alignment indicated on **Exhibit B**. The Collector shall have a 65 feet (65') wide right-of-way as depicted on **Figure F.2**. Residential driveways shall be permitted along this roadway north of the Minor Arterial. Driveways along this roadway south of the Minor Arterial shall be spaced a minimum of 30' apart.

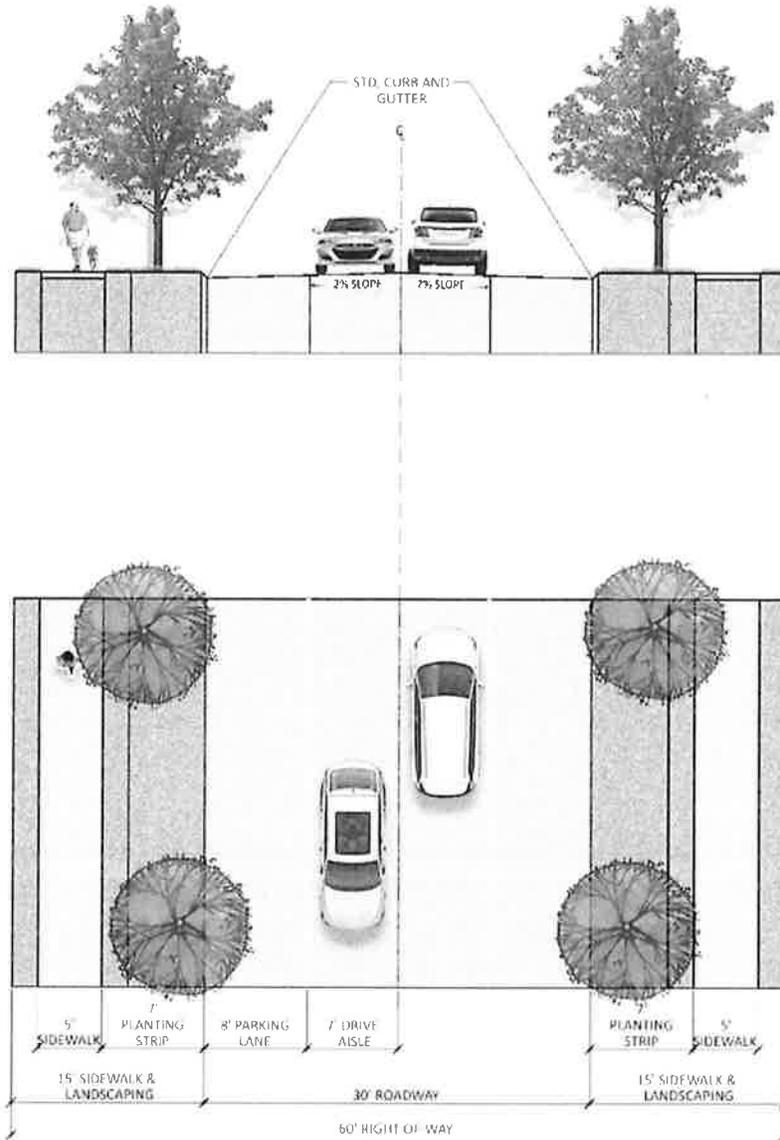
Figure F.2 - Collector (65' ROW)



c. Local Streets

Local streets shall include 30 feet (30') wide pavement located within a 60 feet (60') wide right-of-way as depicted on Figure F.3.

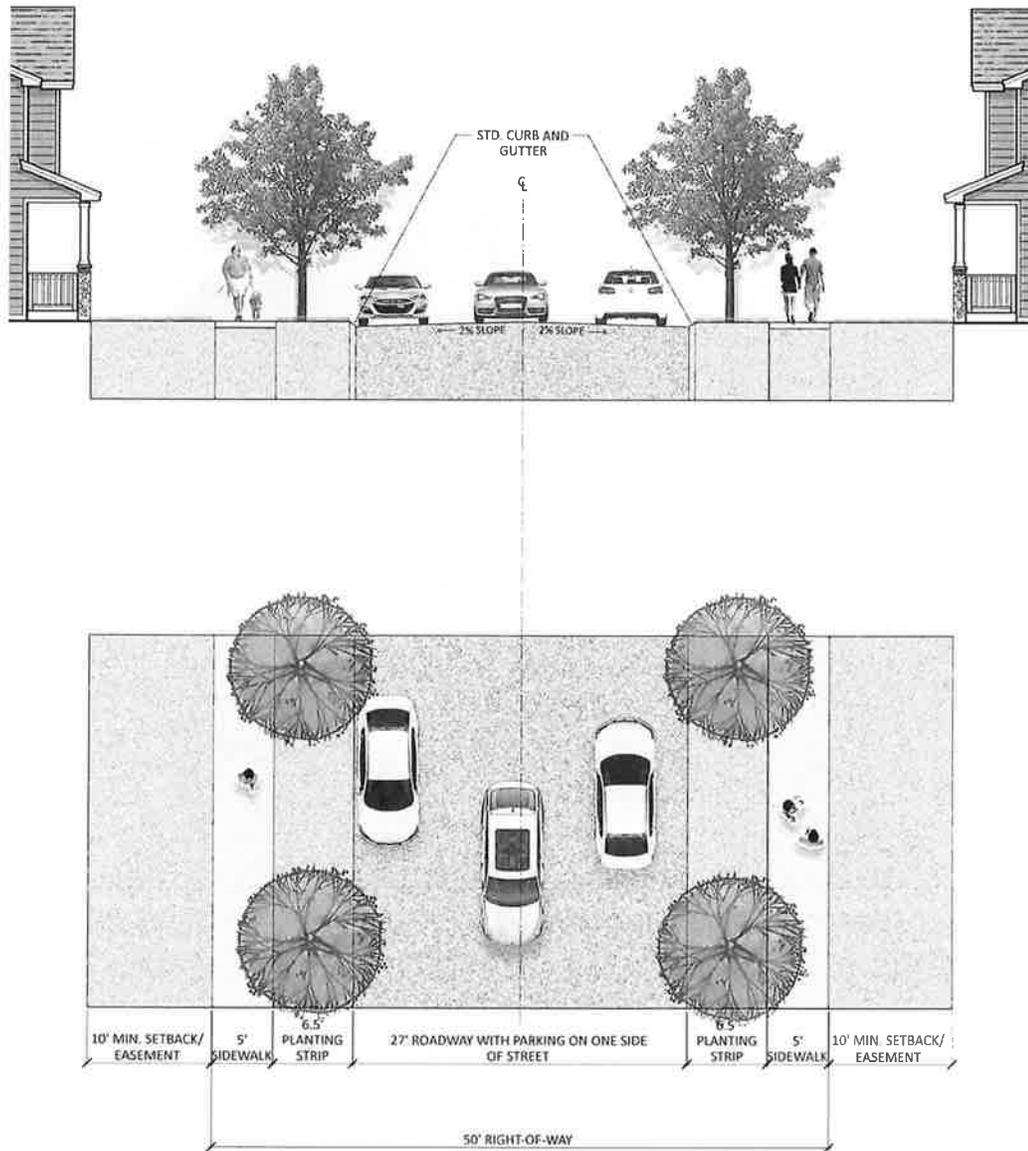
Figure F.3 - Local Street (60')



d. Local Streets - Alley Loaded Townhome

Local streets for Alley Loaded Townhome Parcels shall include 27 feet (27') wide pavement located within a 50 feet (50') wide right-of-way as depicted on Figure F.4.

Figure F.4 - Local Street - Alley Loaded Townhomes (50')



e. Alley

Alley Roadways for Alley Loaded Residential Parcels shall include 20 feet (20') of pavement within a 20 foot (20') wide right-of-way as depicted on Figure F.5.

Figure F.5 - Alley



NOTES:

1. ALLEYS SHALL HAVE AT LEAST TWO ACCESS POINTS TO PUBLIC STREETS
2. ALL UTILITY ASSIGNMENTS IN THE ALLEYS AND PRIVATE DRIVES SHALL COMPLY WITH THE CITY'S CONSTRUCTION MANUAL AND TERMS FOR UTILITY EASEMENTS FOUND IN THE UDC

2. Street Trees

a. Street Tree Placement

Street trees shall be installed along all streets within the Project. Street streets shall be installed within four feet (4') of sidewalks as depicted on Figures F.1, F.2, F.3 & F.4. The Developer shall be responsible for installing street trees along the entire length of the Minor Arterial and Collector. Street trees along these roadways shall be installed every fifty (50) linear feet. All such street trees shall be installed prior to issuance of a certificate of occupancy for the first house in the Project. Placement of these street trees may be adjusted or modified by the City Engineer to avoid conflicts with site/visibility requirements, utilities or other public or private infrastructure. If solid rock makes planting of street trees impracticable, a comparable number of trees may be planted at an alternative location within the development, as approved by the City Engineer.

Street trees shall be installed along local streets by the homebuilder with the installation of landscaping for each residential house. At least one (1) street tree shall be provided within three feet (3') of the sidewalk (as depicted on Figure F.3) in front of each residential lot. For corner lots, the homebuilder shall be responsible for installing one (1) additional street tree along the side property lines.

Street trees shall be container grown and shall be at least one and one half (1½) inches in caliper and six feet (6') in height at the time of planting.

Root barriers shall not be required upon approval of proposed street tree species list.

b. Approved street tree species

Street tree species shall be selected from the following list:

- 1) Lacey Oak
- 2) Bur Oak
- 3) Chinquapin Oak
- 4) Live Oak
- 5) Shumard Oak
- 6) Texas Red Oak
- 7) Texas Pistache
- 8) Other species as approved by the City Engineer

c. Street Tree Staking

Once installed, street trees shall be staked with seven foot (7') steel posts and shall be painted dark green. Posts shall be driven into the ground a minimum two feet (2') with five feet (5') exposed above ground. Posts shall be consistent height and aligned parallel to adjacent curbs. Twelve-gauge (12-guage) stranded cable with rubber hose shall be used to protect the tree trunk.

d. Street Tree Maintenance

The owner of any lot with frontage along a public street, including the HOA, shall maintain the street trees and other landscaping growing along the frontage or in the street right-of-way adjacent to the lot, including in any parkland, open space community greenspace lot.

If a street tree dies, the adjacent property owner shall also be responsible for replacing the tree with a new tree at least one and one half (1½) inches in caliper and six feet (6') in height at the time of planting.

G. Fencing Standards

1. Enhanced fencing along Minor Arterial and Collector streets

Enhanced fencing shall be provided by the Developer adjacent to Minor Arterial and Collector streets in those areas where the Minor Arterial or Collector street abuts any developed residential or non-residential property. The fencing shall be solid masonry walls with the following specifications:

- a. Masonry walls shall be constructed of native stone.
- b. Masonry columns shall be provided every one hundred (100) linear feet and at all turn points and corners.
- c. Walls shall be at least six feet (6'), but not more than eight feet (8') tall.
- d. Required walls along the Minor Arterial and Collector streets shall be fully constructed prior to issuance of a certificate of occupancy for the first home in the Project.

2. Fencing on Residential Lots

- a. All fencing on residential lots shall be wood privacy fencing or ornamental wrought iron fencing.
- b. Privacy and ornamental fencing shall not exceed six feet (6') in height.
- c. The finished side of the fence shall face the public right-of-way.
- d. The HOA shall designate a pre-approved fence stain color. All wood fences within the development shall be stained the same color.

H. Landscape Buffer

A minimum 35 feet (35') landscape buffer shall be provided as depicted on **Exhibit B**. A minimum five feet (5') wide sidewalk and landscaping shall be provided within the landscape buffer. Landscaping shall be provided within the landscape buffer at the ratio of two evergreen ornamental trees and four evergreen shrubs per each fifty (50) linear feet of landscape buffer.

I. Parkland and Common Open Space

The Project shall contain recreational and open space opportunities as depicted on **Exhibit B**.

1. Parkland

A minimum of ten (10.0) acres of parkland shall be developed in the Project. All parkland shall be maintained by the City of Killeen. The following amenities shall be provided within the community parks:

- a. *Playscape*. At least one (1) playscape shall be provided. Such playscape shall include at least two (2) slides and two (2) swings.

- b. *Covered pavilion.* A covered pavilion of at least one thousand five hundred (1,500) square feet shall be constructed by the Developer.
- c. *Picnic tables.* At least two (2) picnic tables shall be provided by the Developer within the park area.
- d. *Benches.* At least two (2) benches shall be provided by the Developer within the park area. At least one bench shall be located within ten feet (10') of the playscape.
- e. *Trash receptacle.* At least one (1) trash receptacle shall be provided by the Developer within the park area.
- f. *Pet waste stations.* At least two (2) pet waste stations shall be provided by the Developer within the park area.

2. Open Space

A minimum of twenty (20.0) acres of open space shall be provided within the Project. In conjunction with proposed Parkland, Open Space areas as depicted on **Exhibit B** shall fulfill any parkland dedication requirements of the city. All open space shall be maintained by the City of Killeen. The developer shall install 6' trail connections from residential development to proposed Greenway Trail as part of the plat process. Trails shown on approved **Exhibit B** shall be installed by Developer and maintained by the city. Such Greenway Trails will be twelve feet (12') in width and constructed out of concrete in accordance with the Parks, Open Space, and Trails Master Plan. Furthermore, any costs associated with construction of Trails shown on approved **Exhibit B** shall count towards Park Development Fees required by the City.

3. Drainage Tract

All drainage tracts and associated infrastructure within the development shall be owned and maintained by the HOA.

J. Subdivision Entry Signs

One (1) subdivision entry sign shall be constructed by the Developer at the intersection of Bunny Trail and Mohawk Drive. The subdivision entry sign and associated landscaping shall be owned and maintained by the HOA. The City shall require a right-of-way occupation license prior to the placement of any sign within a City right-of-way.

Exhibit B Concept Plan

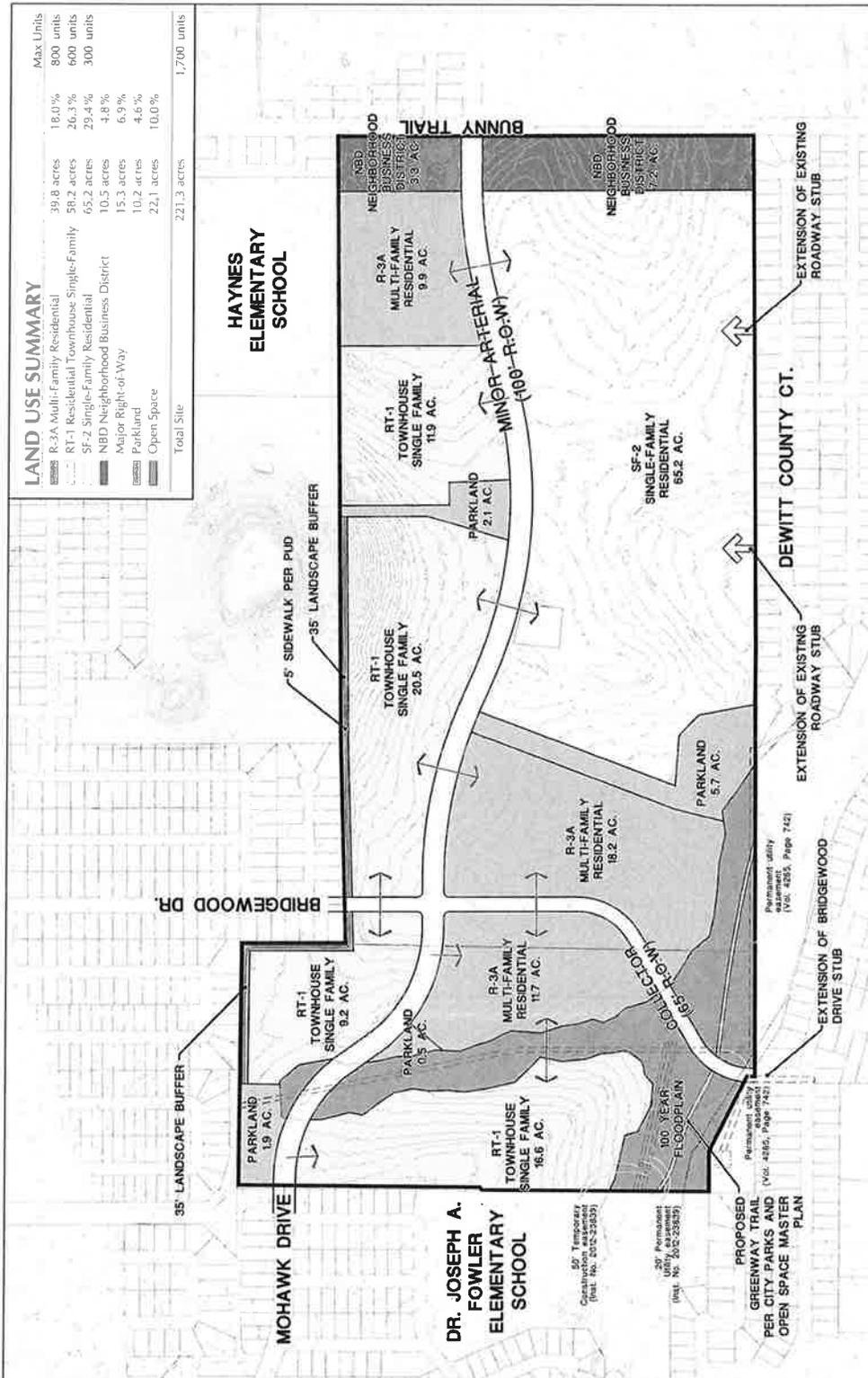


Exhibit B
Concept Plan

Scale: 1" = 600'
 Date: December 07, 2022



Base mapping compiled from best available information. All map data is subject to change without notice. This kind plan is conceptual in nature and shall not represent any regulatory approval. Plan is subject to change.

Bunny Trail Planned Unit Development


 SEC Planning, LLC
 Land Planning • Engineering • Surveying • Community Planning
 6209 S. US 90
 Fort Worth, TX 76116

YOUR NAME: ROBERT O. WHISENANT (SR) PHONE NUMBER: 254-247-0750

CURRENT ADDRESS: 6304 ASPIRE LANE, KILLEEN, TX 76549

ADDRESS OF PROPERTY OWNED: SAME AS ABOVE

COMMENTS: NEW HOUSING IS GOOD PROGRESS FOR KILLEEN AND OUR AREA. ATTENTION MUST BE DIRECTED TO VEHICLE TRAFFIC AT INTERSECTION 195/W. STAN SHUBETER RD. INTERSECTION W. STAN SHUBETER RD./CLEAR CREEK RD. (SH 201), AND ENTRY/EXIT TRAFFIC ON BUNNY TRL. THESE ROADWAYS WILL BE MAJOR TRAFFIC CONGESTION POINTS UNLESS IMPROVED PRIORITY NEW HOUSING CONSTRUCTION.

SIGNATURE: Robert O. Whisnant 127

#222-59

RECEIVED
MAR 10 2023
PLANNING

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

**CASE #Z22-59
"A" to PUD W/ "SF-2", "R-3A", "RT-1", & "NBD"**

HOLD a public hearing and consider a request submitted by Belton Engineering Inc. on behalf of Bunny Trail Real Estate, LP (Case #Z22-59) for the initial rezoning of approximately 221.272 acres of land out of the John E. Maddera Survey, Abstract No. 600, from "A" (Agricultural District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District), "R-3A" (Multifamily Residential District), "RT-1" (Residential Townhouse Single-Family by District), and "NBD" (Neighborhood Business District) uses. The property is locally addressed as 6603 Bunny Trail, 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.

Ms. Meshier also stated that staff finds that the request is consistent with the policies and principles of the 2022 Comprehensive Plan. Staff finds that the proposed PUD is consistent with the 'Traditional Neighborhood' designation of the Future Land Use Map. Therefore, staff recommends approval of the request as presented.

There is a floodway that runs through this property that will be dedicated to the City as parkland.

Staff notified three hundred and eighty-seven (387) surrounding property owners regarding this request. Of those notified, one hundred and ninety-one (191) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and fifty-four (54) property owners reside outside of Killeen. To date, staff has received zero (0) written responses regarding this request.

Commissioner Jones requested to see the concept plan and asked about connectivity to Clear Creek. Ms. Meshier explained that the proposed PUD will include the construction of Mohawk Drive, which will provide connectivity from Bunny Trail though to Clear Creek.

Chairman Minor asked about the condition of Bunny Trail and about the City's plans to rebuild it. Mr. Zagars stated that, if the zoning is approved, the developer will be required to submit a Traffic Impact Analysis (TIA). Any required improvements to Bunny Trail will be specified within the TIA.

Commissioner Jones asked if the developer would be responsible for improvements to Bunny Trail adjacent to the proposed development. Mr. Zagars stated that Bunny Trail is a City project, so the City will be responsible for rebuilding that segment of the road. Ms. Meshier stated that Bunny Trail will be finished before the proposed development begins. Mr. Zagars stated that the Bunny Trail project will commence before the end of 2023.

Chairman Minor asked what the Controlled Growth designation in the Comprehensive Plan allows for. Ms. Meshier that the Controlled Growth is intended to ensure that new development is fiscally sustainable. She also noted that one of the primary characteristics that helps to ensure fiscal sustainability is density. She stated that the fiscal impact analysis of the proposed development indicates that it will generate enough tax revenue to be self-sustaining.

Commissioner Jones asked if the single-family would be available for sale or for rent. Ms. Meshier stated that the applicant is present to answer that question.

Ms. Lina Chtay of Belton Engineering was present to represent the request.

Ms. Chtay stated that the houses would be for sale, not for rent. The intent is to have homeowners. Chairman Minor asked what the sale price of the homes would be. Ms. Chtay stated that the minimum price would be \$270,000 due to the amenities being added, including the masonry wall, park amenities, and trails.

Mr. Jones asked if these trails would have adequate light for the safety of the citizens. Ms. Meshier stated that there is nothing in the PUD that addresses lighting of the trail. She also noted that the greenway trail area would be dedicated to the City.

Chairman Minor asked if the proposed townhome dwellings would have alleys in the back, or if the garages would face the street. Ms. Meshier stated that, per the PUD, 50% of the townhomes will be alley loaded.

Chairman Minor opened the public hearing at 5:19 p.m.

With no one wishing to speak, the public hearing was closed at 5:20 p.m.

Commissioner Jones made a motion to approve the applicant's request as presented, with the condition that lighting be added to the greenway trail segment. Commissioner Wilson seconded, and the motion passed by a vote of 7 to 0.

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use is harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: April 4, 2023.

TO: Kent Cagle, City Manager.

FROM: Edwin Revell, Executive Director of Development Services

SUBJECT: Zoning Case #22-59: "A" (Agricultural District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District), "R-3A" (Multi-Family Residential District), "RT-1" (Residential Townhouse Single-Family District), and "NBD" (Neighborhood Business District) uses.

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Bunny Trail Real Estate, LP

Agent: Belton Engineering

Current Zoning: "A" (Agricultural District)

Proposed Zoning: "PUD" w/ "SF-2", "R-3A", "RT-1", and "NBD" uses

Current FLUM Designation: 'Traditional Neighborhood' and 'Neighborhood Commercial'

Summary of Request:

Belton Engineering, Inc., on behalf of Bunny Trail Real Estate, LP (**Case #Z22-59**), has submitted a request for the initial rezoning of approximately 221.272 acres of land out of the John E. Maddera Survey, Abstract No. 600, from "A" (Agricultural District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District), "R-3A" (Multifamily Residential District), "RT-1" (Residential Townhouse Single-Family District), and "NBD" (Neighborhood Business District) uses.

If approved, the applicant intends to develop the property into a mixed-use community with multiple types of single-family residential, apartments, townhomes, commercial, and open space uses as follows:

- 65.2 acres of "SF-2" (Single-Family Residential),
- 39.8 acres of "R-3A" (Multi-Family Residential),
- 58.2 acres of "RT-1" (Residential Townhouse Single-Family)
- 10.5 acres of "NBD" (Neighborhood Business District)
- 32.3 acres of Parkland/Open Space.

The applicant is proposing PUD standards as described in the attached PUD document and associated exhibits. Proposed standards include increased landscaping requirements and standards, architectural standards for single family, townhouse, and multifamily, a repetition

standard, vehicular circulation, street trees, enhanced fencing standards, landscaping standards, and a provision for HOA maintained open spaces to include a playground, and trail area.

The applicant has submitted exhibits for the following:

- a) Concept plan
- b) Right-of-way cross section design
- c) Proposed elevations for townhouse residential areas
- d) Proposed elevations for multifamily apartment residential areas
- e) PUD Features and Requirements document

Zoning/Plat Case History:

The subject property is currently located outside of the City limits and is unzoned and unplatted. On December 30, 2022, the applicant submitted a petition for voluntary annexation concurrent with this PUD proposal.

Character of the Area:

North: Single-family lots and existing educational facility zoned "R-1" (Single-Family Residential District)

South: Single-family lots zoned "R-1" (Single-Family Residential District)

West: Single-family lots and existing educational facility zoned "R-1" (Single-Family Residential District)

East: Single-family lots zoned "R-1" (Single-Family Residential 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' and 'Neighborhood Commercial' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Traditional Neighborhood' place type recreates the pre-suburban development patterns with smaller lots and setbacks, diverse housing typologies, and a mix of uses which include residential uses such as single-family detached, accessory dwelling unit, bungalow courts, townhouses and small plex (2-6 units), non-residential uses such as small-scale and neighborhood scale commercial development, and mixed-use such as live-work or few overs.

The 'Neighborhood Commercial' place type is a predominantly commercial extension of a traditional neighborhood. These are placed along a corridor, often a higher traffic roadway that serves the edge of a neighborhood. This place type promotes residential uses such as townhouse and smallplex, non-residential uses such as small-scale and neighborhood scale commercial development, and mixed-use such as live-work or few overs.

This 'Controlled Growth' 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
- MC4 - Design neighborhood streets to prioritize people, place, and fiscal productivity.

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 also emphasizes the need for expanding the variety of neighborhood styles, housing types and price points available in the city since affordability and quality of life mean different things to different people.

Additionally, the Comprehensive Plan highlights 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. Several elements that contribute to creating a neighborhood include housing and commercial options, parks and public spaces, and street design. The applicant's proposed PUD includes a mix of housing types including townhomes, single-family detached, and multifamily apartments. In addition to other neighborhood amenities such as open space with proposed playscapes, pavilion, and greenway trails, and streets that include sidewalks and bike lanes. In neighborhoods, not subdivisions, streets and public spaces are designed to prioritize walkability and human interaction over automobiles, often having narrower travel lanes and more sidewalks, trails, and bike paths.

Neighborhood Analysis:

- This property is located within the Killeen Development Zone #5 (Exhibit A).
- Current land use mix within this area comprises approximately:
 - 7% non-residential
 - 93% residential

Zoning district breakdown in DZ5:

- 20% agricultural,
- 18% non-residential zoning districts,
- 62% 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 '**Neighborhood Commercial**' land use designation promotes:

Use Mix: up to 100% non-residential, 25% residential uses

Primary Uses: Small Format Retail, Office

Secondary Uses: Home Based Businesses, Urban Residential

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 as follows:

- From the east: Bunny Trail (110' wide Minor Arterial)
- From the north: Bridgewood Drive (70' wide Collector)
- From the west: Mohawk Drive (110' wide Minor Arterial)
- From the south: Kleberg Drive and Pointer Drive (60' Local Streets) and Bridgewood Drive (70' wide Collector)

Staff estimates that there will be 10,620 trips per day with 1009 peak hour trips generated by the proposed development. Therefore, a Traffic Impact Analysis (TIA) will be required.

Environmental Assessment:

The property has FEMA regulatory Zone A Special Flood Hazard Areas (SFHA) on it. There is a small freshwater pond, a small freshwater emergent wetland, and riverine habitats on the property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified three-hundred and eighty-seven (387) surrounding property owners regarding this request. Of those property owners notified, one-hundred and ninety-one (191) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and fifty-four (54) reside outside of Killeen.

As of date of this staff report, staff has received one (1) written responses regarding the 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 PUD as presented by the applicant.

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 the community character.

CONFORMITY TO CITY POLICY:

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

This zoning request does not involve the expenditure of City funds. However, long-term maintenance of all proposed municipal infrastructure will be the City's responsibility.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

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

This is not applicable.

RECOMMENDATION:

At their regular meeting on March 6, 2023, the Planning and Zoning Commission recommended approval of the applicant's request, with the condition that lighting be added to the greenway trail segment, by a vote of 7 to 0.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Exhibit
Maps
Site Photos
PUD Document
Response
Minutes
Ordinance
Considerations