

ORDINANCE NO. 23-059

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY AMENDING THE ZONING OF THE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF ROSEWOOD DRIVE AT THE INTERSECTION OF ROSEWOOD DRIVE AND ROSE GARDEN LOOP, KILLEEN, TEXAS; TO AMEND THE PLANNED UNIT DEVELOPMENT (PUD) STANDARDS FOR THE ROSEWOOD SPRINGS PLANNED UNIT DEVELOPMENT (ORDINANCE NO. 19-017) BY INCREASING THE MAXIMUM SQUARE FOOTAGE OF LEASED/OWNED BUSINESS AREAS WITHIN THE COMMERCIAL PROPERTIES FROM 5,000 SQ. FT. TO 10,000 SQ. FT AND BY PROHIBITING THE SALE OF SECONDHAND GOODS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code and Section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the City of Killeen Zoning Ordinance following a recommendation by the Planning and Zoning Commission and a public hearing;

WHEREAS, Quintero Engineering, LLC, on behalf of nine (9) property owners, has presented to the City of Killeen, a request for an amendment of the zoning ordinance of the City of Killeen by amending the Planned Unit Development (PUD) standards for the Rosewood Springs Planned Unit Development (Ordinance No. 19-017) to increase the maximum square footage of leased/owned business area within the commercial properties from 5,000 sq. ft. to 10,000 sq. ft. This request, having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 17th day of July 2023 with the following amendment to the conditions listed in Ordinance No. 19-017:

16. Retail uses and businesses including antiques but excluding the sale of secondhand goods.

WHEREAS, 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 22nd day of August 2023, at the City Hall, City of Killeen; and

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 the Planned Unit Development (PUD) standards for the Rosewood Springs Planned Unit Development (Ordinance No. 19-017) be amended to increase the maximum square footage of leased/owned business areas within the commercial properties from 5,000 sq. ft. to 10,000 sq. ft., and that the sale of secondhand goods be prohibited, provided however that the sale of antiques be permitted, for property generally located on the east side of Rosewood Drive at the intersection of Rosewood Drive and Rose Garden Loop, Killeen, Texas.

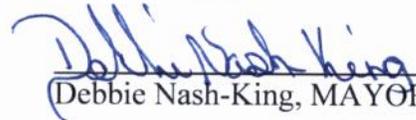
SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

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 22nd day of August 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:

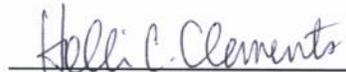

Debbie Nash-King, MAYOR

ATTEST:


Laura J. Calcote, CITY SECRETARY



APPROVED AS TO FORM


Holli C. Clements, CITY ATTORNEY
Case #23-15
Ord. #23-059

CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: August 15, 2023
TO: Kent Cagle, City Manager
FROM: Edwin Revell, Executive Director of Development Services
SUBJECT: Zoning Case #23-15: PUD Amendment

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Nine (9) property owners (Abbott Springs, LTD, CE & CP Construction LLC, CE & CP LLC, CNL LP, Cobra Development Inc, E Construction LLC, Eleanor Cornell, SS Springs LLC, Gretchen & Paul Williams, Yellowstone Builders LLC)

Agent: Quintero Engineering, LLC

Current Zoning: Planned Unit Development (PUD)

Proposed Zoning: Planned Unit Development (PUD) Amendment

Current FLUM Designation: 'Residential Mix'

Summary of Request:

Quintero Engineering, LLC, on behalf of nine (9) property owners, has submitted a request to amend the Planned Unit Development (PUD) standards for the Rosewood Springs Planned Unit Development (Ordinance No. 19-017) to increase the maximum square footage of leased/owned business area within the commercial properties from 5,000 square feet to 10,000 square feet.

If approved, the applicant intends to develop a 22,000 sq. ft. commercial building, which will consist of one 10,000 sq. ft. lease space, and an additional 12,000 sq. ft. of commercial lease spaces, which can be broken down into six individual 2,000 sq. ft. lease spaces.

In accordance with the approved Rosewood Springs PUD (Ordinance No. 19-017), "a building or premises [...] shall not exceed a gross building size of thirty thousand (30,000) square feet, and no single leased/owned business shall exceed five thousand (5,000) square feet". The intent of the requested PUD amendment is to allow for a single leased/owned business to be up to ten thousand (10,000) square feet instead of five thousand (5,000).

Zoning/Plat Case History:

This subject property was rezoned from "B-3" (Local Business District) to a Planned Unit Development (PUD) on May 14, 2019, via Ordinance No. 19-017. The current zoning includes PUD w/ customized "RBD" (Rosewood Business District), "SR-1" (Suburban Residential Single-

Family Residential District), "R-1" (Single-Family Residential District), "SF-2" (Single-Family Residential District), customized "V" (Villa District), "R-2" (Two-Family Residential District), and Flex Lots with "SR-1", "R-1", "SF-2", "V", and "R-2" uses. The subject property is platted as parts of Rosewood Addition, Rosewood Commercial, and Rosewood Springs Phase One.

Character of the Area:

North: Undeveloped lots and existing commercial businesses zoned "B-3" (Local Business District)

South: Existing single-family homes zoned "R-1" (Single-Family Residential District)

West: Undeveloped lots and existing multifamily zoned "B-3" (Local Business District) and Planned Unit Development (PUD)

East: Outside of the City limits

Future Land Use Map Analysis:

The subject property is located within the 'Intended Growth' area on the Growth Sector Map and is designated as 'Residential Mix' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Aside from large multiplex garden apartments, most housing types should be allowed here. This place type encourages most residential uses such as single-family detached, townhouses, small-plex (2-4 units), etc. Commercial uses need to be context sensitive and neighborhood scale commercial should be allowed along avenues and higher intensity roadways.

The 'Intended Growth' growth sector includes vacant tracts currently under development or already have development approvals secured for future buildout. It also includes property that is in close proximity to existing development and has access to existing or planned infrastructure. Development in this sector should align with the Big Ideas of this plan, particularly those related to diversifying the housing and neighborhood options in the city.

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

- LU1 - Use place types and complete neighborhoods as building blocks
- NH4 - Build complete neighborhoods

The Comprehensive Plan emphasizes place-based economic development and an increase in demand for "complete" neighborhoods where a variety of residential types, office, and retail are all integrated together.

Neighborhood Analysis:

Land Use:

- This property is located within Killeen Development Zone #7.
- Current land use mix within this area comprises approximately:
 - 1% non-residential uses
 - 99% residential uses

Zoning district breakdown in DZ7:

- 3% agricultural
- 6% non-residential zoning districts
- 91% residential zoning districts.

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

'Residential Mix' promotes:

Use Mix: up to 25% non-residential, 95% residential uses

Primary Uses: Single-Family, Accessory Dwelling Unit (ADU), Townhouses, Smallplex (2-4 Units), Live-work

Secondary Uses: Small Office, Small Retail, Restaurant, Accessory Commercial Unit (ACU), School, House of Worship

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 Rosewood Drive, which is classified as a 100-foot wide Minor Arterial on the City of Killeen Thoroughfare Plan. Staff estimates that this development will generate 1,398 trips per day, with 160 peak hour trips. The development is already constructed and was not required to submit a Traffic Impact Analysis based on the date of the preliminary plat.

Environmental Assessment:

The southwest corner of the subject property is within the FEMA Zone AE regulatory Special Flood Hazard Area (SFHA). There is a riverine habitat and freshwater pond located on or adjacent to the property as identified on the National Wetlands Inventory.

Public Notification:

Staff notified one-hundred and seven (107) surrounding property owners regarding this request. Of those property owners notified, forty-two (42) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and thirteen (13) reside outside of Killeen. As of date of this staff report, staff has received thirteen (13) written responses from two (2) different property owners in support of the request (KNC Associates and Abbott Springs, Ltd.), and one (1) written response in opposition (5405 Birmingham Circle).

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 amendment request;
- Approve the PUD amendment request with conditions; or
- Approve the PUD amendment request as presented by the applicant.

Which alternative is recommended? Why?

Staff recommends approval of the requested PUD amendment with condition that number 16 on the list of permitted uses be amended as follows:

16. ~~"Retail uses and businesses of all sizes to include secondhand goods and antiques with no outside storage or display of secondhand goods, excluding the sale of secondhand goods"~~.

Staff finds that approval of the request will allow development of a ten thousand (10,000) sq. ft. retail store, while also ensuring that the sale of secondhand goods will not be permitted within the development.

CONFORMITY TO CITY POLICY:

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

FINANCIAL IMPACT:

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

This zoning request does not involve the expenditure of City funds.

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 July 17, 2023, the Planning and Zoning Commission recommended approval of the requested PUD amendment with condition that No. 16 on the list of permitted uses be amended to exclude secondhand goods, but allow for antique stores, as follows:

"Retail uses and businesses of all sizes to include secondhand goods and antiques with no outside storage or display of secondhand goods, excluding the sale of secondhand goods, but allowing for the sale of antiques."

The motion passed by a vote of 3 to 2, with Commissioners Sabree and Ploeckelmann in opposition.

Commissioner Sabree expressed concern regarding the proliferation of dollar stores in the area.

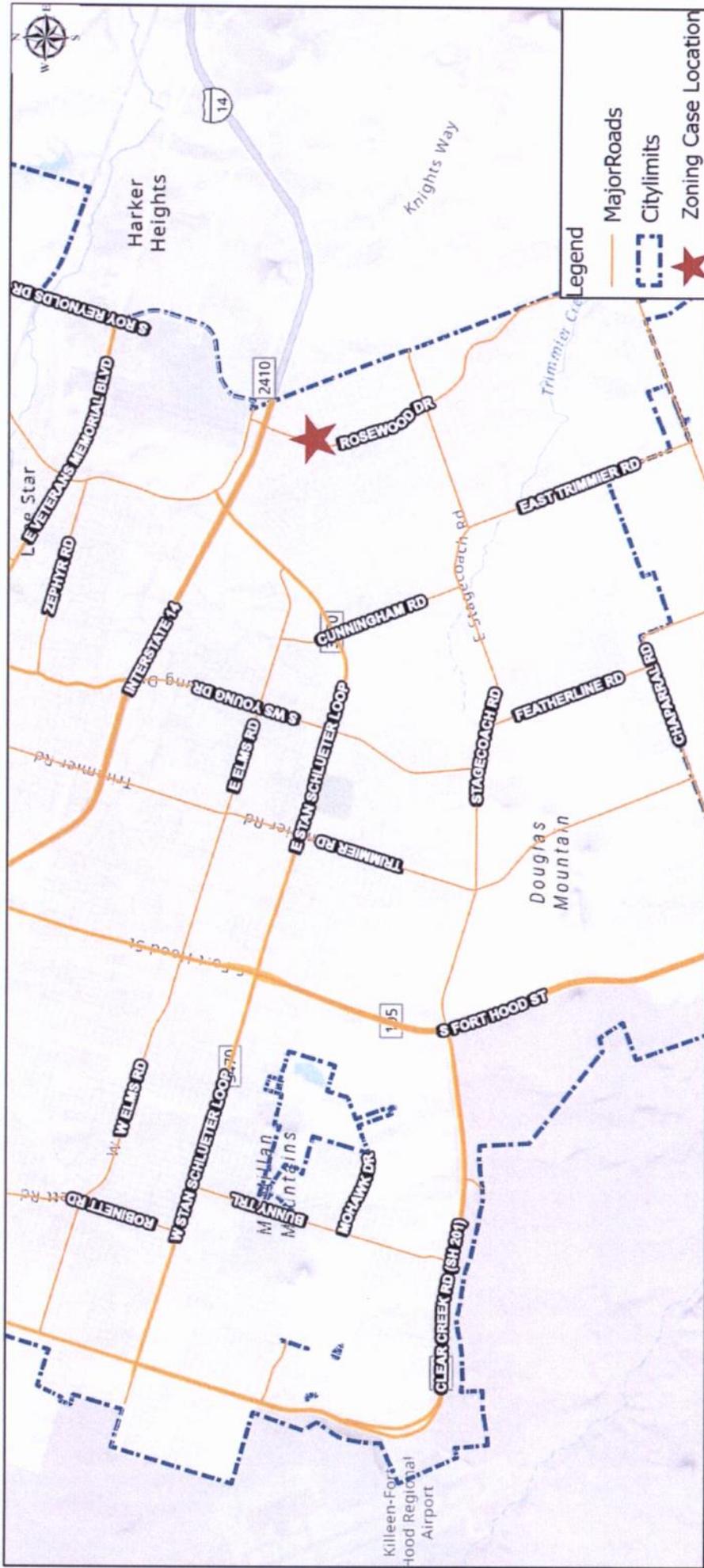
Commissioner Ploeckelmann stated that he supports the recommendation by staff.

DEPARTMENTAL CLEARANCES:

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

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Letter of Request
PUD Amendment
PUD Amendment with Staff Recommendation
Responses
Minutes
Ordinance
Pharr vs. Tippitt Considerations



LOCATION MAP
Council District: 2

Zoning Case 2023-15

AMENDMENT TO PUD STANDARD

Subject Property Legal Description: Being Lots 1-5, Block 1, Rosewood Springs Preliminary Plat, and all of Lots 1-30, Block 2, Lots 1-54, Block 3, Lots 1-44, Block 4 and Lots 1-35, Block 5, Rosewood Springs, Phase One, recorded in Instrument No. 2021-39491 - A, B, C, & D, Plat Records of Bell County Texas, and Lots 1-6, Rosewood Commercial, recorded in Plat Year 2018, No. 87, Plat Records of Bell County, Texas.





Zoning Case 2023-15 AMENDMENT TO PUD STANDARD

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NOTIFICATION MAP
Council District: 2

Zoning Case 2023-15 AMENDMENT TO PUD STANDARD

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- Legend
- Current Zoning
 - B-5
 - PUD
 - B-3
 - CUP
 - R-1
 - R-2
 - RT-1

SITE PHOTOS

Case #Z23-15: PUD to PUD Amendment



View of the subject property looking east:



View of the surrounding property looking north:



SITE PHOTOS

Case #Z23-15: PUD to PUD Amendment



View of the surrounding property looking south:



View of the surrounding property looking west:



Quintero Engineering, LLC
Civil Engineering • Land Surveying
Planning • Construction Management
www.quinteroeng.com



April 20, 2023

City of Killeen – Planning & Development Services
Attn: Wallis Meshier
200 E. Avenue D, 2nd Floor
Killeen, Texas 76541

RE: Zoning Change Letter of Request – Rosewood Drive, Killeen

Dear Mrs. Meshier,

On behalf of the owner of the property, we are submitting this letter of request for a Planned Unit Development (PUD) amendment on the existing PUD (ordinance 19-017) for the properties located at 3918-4900 Rosewood Drive, Killeen. The surrounding properties are a mixture of Local Business District (B-3) and the existing PUD which has Local Business District (B-3), Single-Family Residential District (SF-2), Two-Family Residential District (R-2), and Residential Townhouse Single-Family District (RT-1). Based on the existing PUD, the aforementioned lots would be non-conforming. This amendment would increase the single leased/owned business area from the existing maximum 5,000 square foot lease area to a maximum of 10,000 square feet. This would allow the property to be more marketable and promote commercial growth for the surrounding residential properties. We have recently submitted a re-plat for Lots 2 & 3, Block 2, Rosewood Commercial; it has been administratively approved by City Staff and is waiting for final signatures. The developer plans to develop a 22,000 square foot Commercial building consisting of one (1) - 10,000 square foot commercial lease space, and an additional 12,000 square foot commercial lease areas, which can be broken down to six (6) – 2,000 square foot lease spaces. This change is consistent with the newly adopted comprehensive plan and a PUD amendment will not negatively impact the surrounding properties but rather complement the existing land uses.

Should you need additional information or have any questions, please do not hesitate to contact our office at 254.493.9962 or me directly on my cell phone at 254.394.0034.

Sincerely,

A handwritten signature in red ink that reads 'Gorge J. Meza'.

Gorge J. Meza
Project Manager
Quintero Engineering, LLC

1501 W. Stan Schlueter Lp., Killeen, Texas 76549
Phone 254.493.9962 Fax 254.432.7070
T.B.P.E. Firm No.: 14709 T.B.P.L.S. Firm No. 10194110

04/19/2023

DISTRICT "RBD" ROSEWOOD BUSINESS DISTRICT

Purpose.

The "RBD" rosewood business district is created to provide for limited commercial uses serving the common and frequent needs of the residents in the immediate vicinity.

Use regulations.

A building or premises in a "RBD" rosewood business district shall not exceed gross building size of thirty thousand (30,000) square feet and no single leased/owned business area shall exceed ~~ten-five~~ thousand ~~10,000-5,000~~ square feet. This district shall allow the following uses:

1. Any use permitted in the "B-2" Local Retail District.
2. Bakery or confectionery, wholesale.
3. Day camp.
4. Center for the acute or chronic ill.
5. Appliance (household) sales and repair service.
6. Bakery or confectionery: engaged in preparation, baking, cooking and selling of products at retail on the premises, with six (6) or less employees.
7. Cleaning or laundry (self-service).
8. Cleaning, pressing and dyeing: with six (6) or less employees.
9. Florist, garden shop, greenhouse or nursery office (retail): no growing of plants, shrubs or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater.
10. General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales or health food sales.
11. Cafeteria or catering service.
12. Lodges or fraternal organizations with greater than five thousand (5,000) square feet of leasable space.
13. Restaurant or café permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, all of which are adopted hereby and made a part hereof for all purposes. No restaurant will be permitted to dispense any type of alcoholic beverage through any "drive-through" facility or window.
14. Small animal clinic, pet grooming shop and/or inside kennel and boarding. No cremation or outside kennels.
15. Hotel or motel.
16. Retail uses and businesses of all sizes to include secondhand goods and antiques with no outside storage or display of second hand goods.
17. Auto parts sales, new, at retail.
18. A customarily incidental use: sale of beer and/or wine only for off-premises consumption only shall be considered a customarily incidental use in this district, but not in any residential district or any more restrictive business district.
19. Storage warehouse with leasable space of less than twenty-five thousand (25,000) square feet.
20. Trade or business school.
21. Commercial parking (public garage or parking lot).
22. Veterinarian clinic with indoor pet kennels.
23. Gasoline service station in excess of four (4) pumps, auto laundry or car wash if provided with an eight (8) foot fence in height when adjoining residential
24. Restaurant, coffee shop or café with drive through if provided with an eight (8) foot fence in height when adjoining residential

04/19/2023

Height regulations.

No structure shall be erected in a "RBD" rosewood business district having a height in excess of thirty (30) feet.

Area regulations.

- (a) *Size of yards.* The size of yards in the "RBD" rosewood business district shall be as follows:
- (1) *Front yards.* There shall be a front yard having a depth of not less than twenty-five (25) feet.
 - (2) *Side yards.* There shall be a minimum side yard of ten (10) feet if abutting a residentially zoned property. A side yard adjacent to a non-residential zoned property is zero. A side yard adjacent to a side street shall not be less than ten (10) feet.
 - (3) *Rear yards.* There shall be a rear yard having a depth of not less than ten (10) feet.
- (b) *Size of lot.* The size of lots in a "RBD" rosewood business district shall be as follows:
- (1) *Lot area.* No building or structure shall be erected on any lot having less than nine hundred (900) square feet.
 - (2) *Lot width.* The width of the lot shall not be less than thirty (30) feet.

Screening and Buffer Area regulations.

The screening device requirements in the district "RBD" rosewood business district shall be as follows:

- (a) *Definition.* For the purposes of this section, the phrase "screening device" shall mean a barrier of stone, brick, pierced brick or block, uniformly colored wood, metal U-panel, R-panel that compliments the color of the building-no galvalume color, or other permanent material of equal character, density and design, at least six (6) feet in height, provided, 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.
- (b) *When required.* A screening device shall be erected before any use of the property in "RBD" when such property abuts residentially zoned property. A single fence can be installed on and along the property line and be shared between the residential and commercial properties if the fence is constructed of one hundred percent (100%) concrete or masonry. The shared fence shall be maintained by the adjoining commercial property. Insofar as it is practical, such screening device shall be erected along the entire length of the common line between such business property and the abutting residentially zoned property. A lattice weave or material covering over a chain link fence is not considered a screening device.
- (c) *Responsibility to erect.* When a screening device is required under the terms of this section, it shall be the responsibility of the user of the commercial or industrial property to erect the required screening device, and the same shall be a condition precedent to the issuance of a certificate of occupancy for the premises on which the device is located.
- (d) *Maintenance.* All screening devices required by this section or action of the planning commission shall be perpetually maintained by the user of the property on which the device is located, if not a shared fence between commercial and residential.
- (e) *Height limited.* No fence or other screening device, whether required or not, shall exceed eight (8) feet in height, without prior approval.

Landscaping and adequate buffers are required and must protect abutting and adjacent residential areas from potential impacts of parking, lighting and undesirable scale of commercial building elements. The required buffer shall be fifteen (15) feet when siding or backing on to all residential districts. This may be reduced to ten (10) feet by planting trees in accordance with the following formula:

A minimum six (6) feet tall canopy tree shall count for 200 sq ft.

A minimum six (6) feet 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: $5 \times 200 = 1000$ sq ft.

Therefore reduction shall be:

1000 sq. ft. divided by 100 (lot width) = 10 ft. 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, storm water 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.

Sign regulations.

Signs within the "RBD" rosewood business district shall be a maximum size of one hundred (100) square feet and be constructed as a monument sign or mounted flat against an exterior wall. Signs shall be non-flashing and illuminated from an interior source. Multi-tenant buildings, each tenant is allowed one sign with individual letters only and shall be pre-approved by owner to insure integrity of the building design.

Architectural regulations.

The intent of the building design standards is to improve the visual appeal of storefronts and businesses to provide for compatibility with residential neighborhoods and reduce visual and noise impacts on abutting residential areas.

- (1) Exterior walls shall be constructed of stone, brick, EIFS - (must be minimum 7' AFF), metal or stucco. Metal cannot be more than 25% of any one wall not to include canopies, except on back walls not facing a street shall be allowed 100% of any one product. Metal panel must be color and match design of building.
- (2) Windows shall be provided rather than blank walls. Windows shall begin zero (0) to twenty-four (24) inches above the finished grade of the floor. A minimum of sixty (60%) percent of all glass which faces the street shall be in nonreflective, transparent glazing glass. At this building level, reflective glass shall not be used. Window painting is not permitted.
- (3) Exterior walls shall be articulated to reduce the mass and scale of a uniform impersonal appearance of large buildings and to provide visual interest. No uninterrupted length of any facade shall exceed 50 feet and architectural features on exterior walls providing a minimum of three (3) of the following elements
 - a) Variation in color and materials;
 - b) For walls between 50 feet and up to 100 feet in length wall plane projections or recesses having a depth of at least six (6") inches and extending at least two (2) feet of the length of the facade between projections and recesses;

- c) For walls between 100 and up to 200 feet in length wall plane projections or recesses having a depth of at least six (6") inches and extending at least three (3) feet of the length of the facade between projections and recesses;
 - d) For walls greater than 200 feet in length wall plane projections or recesses having a depth of at least six (6") inches and extending at least five (5) feet of the length of the facade between projections and recesses.
 - e) Variation of a minimum of two (2) feet in height of parapets. Variation to parapet height may include pilasters and projecting raised entrance features;
 - f) Pilasters projecting from the plane of the wall by a minimum of twelve (12) inches;
 - g) Canopies projecting a minimum of five (5) feet from the plane of the primary facade walls;
 - h) Banding shall be complimentary to scale with the building and approved through the permitting process.
 - i) Repetitive ornamentation including decorated applied features such as wall-mounted light fixtures or applied materials. Repetitive ornamentation shall be located with a maximum spacing of forty (40) feet.
 - j) The executive director of planning and development services may grant an administrative approval to use materials not listed when the intent of the regulations is met, or when special situations arise regarding the rear of buildings.
- (4) *Roof Lines* . To provide a visual terminus to the tops of buildings and soften flat roof designs, roof designs must conform to one of the following options:
- a) *Roof line with architectural focal point* . A roof line focal point refers to a prominent rooftop feature such as a peak, tower, gable, dome, barrel vault or roof line trellis structure.
 - b) *Roof line variation* . The roof line articulated through a variation or step in roof height or detail, such as:
 - c) *Projecting cornice* . Roof line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
 - d) *Articulated parapet* . Roof line parapets shall incorporate angled or curved detail elements.
 - e) *Pitched roof or full mansard* . A roof with angled edges, with or without a defined ridgeline and extended eaves.
 - f) Rooftop and mechanical equipment shall effectively be screened from view, only on three (3) sides if the back does not the face street and flat roof construction parapet walls are required on all four (4) sides) through one or more of the following methods:
 - 1. A concealing roof line;
 - 2. A screening wall or grillwork directly surrounding the equipment;

Parking and Lighting regulations.

- 1. Off-street parking and loading that is required in Sec 31-279 shall be provided for all uses in this zone.
- 2. Light standards shall not exceed sixteen (16) feet in height and shall be fully shielded. Light shall not be directed on any abutting property.
- 3. Wall-mounted exterior lighting shall not be directed on any abutting property.

PUD Amendment with staff recommendation

DISTRICT "RBD" ROSEWOOD BUSINESS DISTRICT

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2. Bakery or confectionery, wholesale.
3. Day camp.
4. Center for the acute or chronic ill.
5. Appliance (household) sales and repair service.
6. Bakery or confectionery: engaged in preparation, baking, cooking and selling of products at retail on the premises, with six (6) or less employees.
7. Cleaning or laundry (self-service).
8. Cleaning, pressing and dyeing: with six (6) or less employees.
9. Florist, garden shop, greenhouse or nursery office (retail): no growing of plants, shrubs or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater.
10. General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales or health food sales.
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14. Small animal clinic, pet grooming shop and/or inside kennel and boarding. No cremation or outside kennels.
15. Hotel or motel.
16. Retail uses and businesses ~~of all sizes to include secondhand goods and antiques with no outside storage or display of, excluding the sale of~~ secondhand goods.
17. Auto parts sales, new, at retail.
18. A customarily incidental use: sale of beer and/or wine only for off-premises consumption only shall be considered a customarily incidental use in this district, but not in any residential district or any more restrictive business district.
19. Storage warehouse with leasable space of less than twenty-five thousand (25,000) square feet.
20. Trade or business school.
21. Commercial parking (public garage or parking lot).
22. Veterinarian clinic with indoor pet kennels.
23. Gasoline service station in excess of four (4) pumps, auto laundry or car wash if provided with an eight (8) foot fence in height when adjoining residential
24. Restaurant, coffee shop or café with drive through if provided with an eight (8) foot fence in height when adjoining residential

PUD Amendment with staff recommendation

Height regulations.

No structure shall be erected in a "RBD" rosewood business district having a height in excess of thirty (30) feet.

Area regulations.

- (a) *Size of yards.* The size of yards in the "RBD" rosewood business district shall be as follows:
 - (1) *Front yards.* There shall be a front yard having a depth of not less than twenty-five (25) feet.
 - (2) *Side yards.* There shall be a minimum side yard of ten (10) feet if abutting a residentially zoned property. A side yard adjacent to a non-residential zoned property is zero. A side yard adjacent to a side street shall not be less than ten (10) feet.
 - (3) *Rear yards.* There shall be a rear yard having a depth of not less than ten (10) feet.
- (b) *Size of lot.* The size of lots in a "RBD" rosewood business district shall be as follows:
 - (1) *Lot area.* No building or structure shall be erected on any lot having less than nine hundred (900) square feet.
 - (2) *Lot width.* The width of the lot shall not be less than thirty (30) feet.

Screening and Buffer Area regulations.

The screening device requirements in the district "RBD" rosewood business district shall be as follows:

- (a) *Definition.* For the purposes of this section, the phrase "screening device" shall mean a barrier of stone, brick, pierced brick or block, uniformly colored wood, metal U-panel, R-panel that compliments the color of the building-no galvalume color, or other permanent material of equal character, density and design, at least six (6) feet in height, provided, 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.
- (b) *When required.* A screening device shall be erected before any use of the property in "RBD" when such property abuts residentially zoned property. A single fence can be installed on and along the property line and be shared between the residential and commercial properties if the fence is constructed of one hundred percent (100%) concrete or masonry. The shared fence shall be maintained by the adjoining commercial property. Insofar as it is practical, such screening device shall be erected along the entire length of the common line between such business property and the abutting residentially zoned property. A lattice weave or material covering over a chain link fence is not considered a screening device.
- (c) *Responsibility to erect.* When a screening device is required under the terms of this section, it shall be the responsibility of the user of the commercial or industrial property to erect the required screening device, and the same shall be a condition precedent to the issuance of a certificate of occupancy for the premises on which the device is located.
- (d) *Maintenance.* All screening devices required by this section or action of the planning commission shall be perpetually maintained by the user of the property on which the device is located, if not a shared fence between commercial and residential.
- (e) *Height limited.* No fence or other screening device, whether required or not, shall exceed eight (8) feet in height, without prior approval.

PUD Amendment with staff recommendation

Landscaping and adequate buffers are required and must protect abutting and adjacent residential areas from potential impacts of parking, lighting and undesirable scale of commercial building elements. The required buffer shall be fifteen (15) feet when siding or backing on to all residential districts. This may be reduced to ten (10) feet by planting trees in accordance with the following formula:

A minimum six (6) feet tall canopy tree shall count for 200 sq ft.

A minimum six (6) feet 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: $5 \times 200 = 1000$ sq ft.

Therefore reduction shall be:

1000 sq. ft. divided by 100 (lot width) = 10 ft. 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, storm water 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.

Sign regulations.

Signs within the "RBD" rosewood business district shall be a maximum size of one hundred (100) square feet and be constructed as a monument sign or mounted flat against an exterior wall. Signs shall be non-flashing and illuminated from an interior source. Multi-tenant buildings, each tenant is allowed one sign with individual letters only and shall be pre-approved by owner to insure integrity of the building design.

Architectural regulations.

The intent of the building design standards is to improve the visual appeal of storefronts and businesses to provide for compatibility with residential neighborhoods and reduce visual and noise impacts on abutting residential areas.

- (1) Exterior walls shall be constructed of stone, brick, EIFS - (must be minimum 7' AFF), metal or stucco. Metal cannot be more than 25% of any one wall not to include canopies, except on back walls not facing a street shall be allowed 100% of any one product. Metal panel must be color and match design of building.
- (2) Windows shall be provided rather than blank walls. Windows shall begin zero (0) to twenty-four (24) inches above the finished grade of the floor. A minimum of sixty (60%) percent of all glass which faces the street shall be in nonreflective, transparent glazing glass. At this building level, reflective glass shall not be used. Window painting is not permitted.
- (3) Exterior walls shall be articulated to reduce the mass and scale of a uniform impersonal appearance of large buildings and to provide visual interest. No uninterrupted length of any facade shall exceed 50 feet and architectural features on exterior walls providing a minimum of three (3) of the following elements
 - a) Variation in color and materials;
 - b) For walls between 50 feet and up to 100 feet in length wall plane projections or recesses having a depth of at least six (6") inches and extending at least two (2) feet of the length of the facade between projections and recesses;

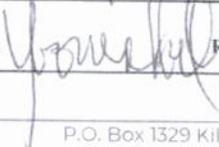
PUD Amendment with staff recommendation

- c) For walls between 100 and up to 200 feet in length wall plane projections or recesses having a depth of at least six (6") inches and extending at least three (3) feet of the length of the facade between projections and recesses;
 - d) For walls greater than 200 feet in length wall plane projections or recesses having a depth of at least six (6") inches and extending at least five (5) feet of the length of the facade between projections and recesses.
 - e) Variation of a minimum of two (2) feet in height of parapets. Variation to parapet height may include pilasters and projecting raised entrance features;
 - f) Pilasters projecting from the plane of the wall by a minimum of twelve (12) inches;
 - g) Canopies projecting a minimum of five (5) feet from the plane of the primary facade walls;
 - h) Banding shall be complimentary to scale with the building and approved through the permitting process.
 - i) Repetitive ornamentation including decorated applied features such as wall-mounted light fixtures or applied materials. Repetitive ornamentation shall be located with a maximum spacing of forty (40) feet.
 - j) The executive director of planning and development services may grant an administrative approval to use materials not listed when the intent of the regulations is met, or when special situations arise regarding the rear of buildings.
- (4) *Roof Lines* . To provide a visual terminus to the tops of buildings and soften flat roof designs, roof designs must conform to one of the following options:
- a) *Roof line with architectural focal point* . A roof line focal point refers to a prominent rooftop feature such as a peak, tower, gable, dome, barrel vault or roof line trellis structure.
 - b) *Roof line variation* . The roof line articulated through a variation or step in roof height or detail, such as:
 - c) *Projecting cornice* . Roof line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
 - d) *Articulated parapet* . Roof line parapets shall incorporate angled or curved detail elements.
 - e) *Pitched roof or full mansard* . A roof with angled edges, with or without a defined ridgeline and extended eaves.
 - f) Rooftop and mechanical equipment shall effectively be screened from view, only on three (3) sides if the back does not the face street and flat roof construction parapet walls are required on all four (4) sides) through one or more of the following methods:
 - 1. A concealing roof line;
 - 2. A screening wall or grillwork directly surrounding the equipment;

Parking and Lighting regulations.

1. Off-street parking and loading that is required in Sec 31-279 shall be provided for all uses in this zone.
2. Light standards shall not exceed sixteen (16) feet in height and shall be fully shielded. Light shall not be directed on any abutting property.
3. Wall-mounted exterior lighting shall not be directed on any abutting property.

-CUT HERE-

YOUR NAME: Yvonne Hull	PHONE NUMBER: 254-688445
CURRENT ADDRESS: 5405 Birmingham Circle Killeen TX	
ADDRESS OF PROPERTY OWNED: 5405 Birmingham Circle	
COMMENTS: I am against this change! This will lower the value of the property. Noise has already increased since the development of the property. Studies show that the area will be trashed in 5 years. Vote No! We do not need more housings. We need safe parks and family entertainment. No Dollar Generals! No low income stores. This invites crime! Keep Killeen family friendly. Killeen needs more parks not trash.	
SIGNATURE: 	REQUEST TO AMEND STANDARDS OF THE PUD SP0# 223-15/069

P.O. Box 1329 Killeen, Texas 76541 254.501.7648 Fax 254.501.7628
www.killeenTexas.gov

RECEIVED
JUL 28 2023
PLANNING

RE: Case Z23-15

Not Surrounding PO

YOUR NAME: Abbott Springs, Ltd.	PHONE NUMBER: (254) 526-5117
CURRENT ADDRESS: 3800 So.W.S. Young Dr., Suite 101, Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 4136 Rosewood Drive	
COMMENTS:	
We approve of the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/005 <i>owner</i>

RE: Case Z23-15

Not Surrounding PO

YOUR NAME: Abbott Springs, Ltd.	PHONE NUMBER: (254) 526-5117
CURRENT ADDRESS: 3800 So.W.S. Young Dr., Suite 101, Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 4354 Rosewood Drive	
COMMENTS:	
We approve of the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/005 <i>owner</i>

RE: Case Z23-15

Not Surrounding PO

YOUR NAME: Abbott Springs, Ltd.	PHONE NUMBER: (254) 526-5117
CURRENT ADDRESS: 3800 So.W.S. Young Dr., Suite 101, Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 4900 Rosewood Drive	
COMMENTS:	
We approve of the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/D05 <i>owner</i>

RE: Case Z23-15

Not Surrounding PO

YOUR NAME: Abbott Springs, Ltd.	PHONE NUMBER: (254) 526-5117
CURRENT ADDRESS: 3800 So.W.S. Young Dr., Suite 101, Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 4572 Rosewood Drive	
COMMENTS:	
We approve of the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/D05 <i>OWNER</i>

RE: Case Z23-15

Not Surrounding PO

YOUR NAME: Abbott Springs, Ltd.	PHONE NUMBER: (254) 526-5117
CURRENT ADDRESS: 3800 So.W.S. Young Dr., Suite 101, Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 4790 Rosewood Drive	
COMMENTS:	
We approve of the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/D05 <i>OWNER</i>

RE: Case Z23-15

YOUR NAME: KNC Associates	PHONE NUMBER: (254) 289-0604
CURRENT ADDRESS: 7787 Trimmier Rd. Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 2741 Rosewood Drive	
COMMENTS:	
I have no problem with the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/DO5

001,003,009,006,
008,016,017

RE: Case Z23-15

YOUR NAME: KNC Associates	PHONE NUMBER: (254) 289-0604
CURRENT ADDRESS: 7787 Trimmier Rd. Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 2981 Rosewood Drive	
COMMENTS:	
I am in favor of the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/DO5

001,003,009,006,008,
016,017

RE: Case Z23-15

YOUR NAME: KNC Associates	PHONE NUMBER: (254) 289-0604
CURRENT ADDRESS: 7787 Trimmier Rd. Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 4661 Rosewood Drive	
COMMENTS:	
KNC Associates is in favor of the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/DO5

001,002,003,006,008
009,016,017

RE: Case Z23-15

YOUR NAME: KNC Associates	PHONE NUMBER: (254) 289-0604
CURRENT ADDRESS: 7787 Trimmier Rd. Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 4901 Rosewood Drive	
COMMENTS:	
KNC Associates is in favor of the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/DO5

001,002,003,006,008,
009,016,017

RE: Case Z23-15

YOUR NAME: KNC Associates	PHONE NUMBER: (254) 289-0604
CURRENT ADDRESS: 7787 Trimmier Rd. Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 2820 Rosewood Drive	
COMMENTS:	
KNC Associates is in favor of the rezoning to allow a larger building.	
RECEIVED	
JUL 13 2023	
PLANNING	
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/DO5

001, 002, 003, 006,
008, 009, 016, 017

RE: Case Z23-15

YOUR NAME: KNC Associates	PHONE NUMBER: (254) 289-0604
CURRENT ADDRESS: 7787 Trimmier Rd. Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 2958 Rosewood Drive	
COMMENTS:	
KNC Associates is in favor of the rezoning to allow a larger building.	
RECEIVED	
JUL 13 2023	
PLANNING	
Signature:	Request to Amend Standards of the PUD SPO# Z23-15/DO5

001, 002, 003, 006,
008, 009, 016, 017

RE: Case Z23-15

YOUR NAME: KNC Associates	PHONE NUMBER: (254) 289-0604
CURRENT ADDRESS: 7787 Trimmier Rd. Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 2820 Rosewood Drive	
COMMENTS:	
KNC Associates is in favor of the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	

Request to Amend Standards of the PUD SPO# Z23-15/005

001, 002, 003, 006, 005
016, 017

RE: Case Z23-15

YOUR NAME: KNC Associates	PHONE NUMBER: (254) 289-0604
CURRENT ADDRESS: 7787 Trimmier Rd. Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 2820 Rosewood Drive	
COMMENTS:	
KNC Associates is in favor of the rezoning to allow a larger building.	RECEIVED
	JUL 13 2023
	PLANNING
Signature:	

Request to Amend Standards of the PUD SPO# Z23-15/005

001, 002, 003, 006, 005
016, 017

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
JULY 17, 2023
CASE# Z23-15
AMENDMENT TO PUD STANDARDS**

HOLD a public hearing and consider a request submitted by Quintero Engineering on behalf of nine (9) property owners (**Case #Z23-15**) to amend the Planned Unit Development (PUD) standards for the Rosewood Springs Planned Unit Development (Ordinance No. 19-017) to increase the maximum square footage of leased/owned business area within the commercial properties from 5,000 sq. ft. to 10,000 sq. ft. The properties are generally located on the east side of Rosewood Drive at the intersections of Rosewood Drive and Rose Garden Loop, Killeen, Texas.

Ms. Larsen presented the staff report for this item. She stated that, if approved, the applicant intends to develop a 22,000 sq. ft. commercial building, which will consist of one 10,000 sq. ft. lease space, and an additional 12,000 sq. ft. of commercial lease spaces, which can be broken down into six individual 2,000 sq. ft. lease spaces.

Ms. Larsen stated that the intent of the requested PUD amendment is to allow for a single leased/owned business to be up to ten thousand (10,000) square feet instead of five thousand (5,000) square feet.

Ms. Larsen stated that staff recommends approval of the requested PUD amendment with condition that number 16 on the list of permitted uses be amended to exclude the sale of secondhand goods.

Commissioner Sabree asked what the recommendation regarding secondhand goods is. Ms. Larsen explained that staff is recommending that the sale of secondhand goods be removed from the list of permitted uses within the PUD. Commissioner Jones stated that he is in favor of allowing the sale of antiques within the PUD.

Mr. George Meza was present to represent the case.

Commissioner Jones asked Mr. Meza about the recommended change to the permitted uses. Mr. Meza stated that it was recommendation from staff.

Vice Chair Gukeisen opened the public hearing at 5:52 p.m.

Ms. Melissa Brown spoke in opposition to the request. She stated this PUD was originally approved as a gateway to Killeen, and she is not in favor of another dollar store in the area.

Ms. Stephanie Magnani spoke in favor of the request. Ms. Magnani stated that the Rosewood area is an amenity desert and in order get essentials, residents must go through Central Texas Expressway to any shopping areas and that intersection has a high number of accidents.

With no one else wishing to speak, the public hearing was closed at 5:57 p.m.

Commissioner Jones moved to approve the requested PUD amendment with the condition that number 16 on the list of permitted uses be amended prohibit the sale of secondhand goods but allow for the sale of antiques.

Commissioner O'Brien seconded, and the motion passed by a vote of 3 to 2 with Vice Chair Gukeisen breaking a tie in favor of the motion. Commissioners Ploeckelmann and Sabree voted in opposition to the motion.

Commissioner Sabree stated that she is not in favor of more dollar stores in the area. Commissioner Ploeckelmann stated that he supports staff's recommendation.

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 in 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.