

**ORDINANCE 23-069**

**AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY CHANGING THE ZONING OF APPROXIMATELY 6.18 ACRES, BEING PART OF TRACT C, OUT OF THE KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT FROM "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT) TO "PUD" (PLANNED UNIT DEVELOPMENT) WITH "RT-1" (RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, 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**, Republic Engineering & Development Services, LLC, on behalf of BFF Construction LLC, presented to the City of Killeen a request for an amendment to the City of Killeen Zoning Ordinance by changing the classification of approximately 6.18 acres, being part of Tract C, out of the Killeen Area Investment Corp Industrial Tract from "R-3" (Multifamily Residential District) to "PUD" (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District) uses, as described in the attached PUD Concept Plan and PUD Development Standards;

**WHEREAS**, the Planning and Zoning Commission of the City of Killeen, following a public hearing on the 16<sup>th</sup> day of October 2023, duly recommended approval of the application for amendment;

**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 28<sup>th</sup> day of November 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.** The zoning classification of approximately 6.18 acres, being part of Tract C, out of the Killeen Area Investment Corp Industrial Tract from "R-3" (Multifamily Residential District) to "PUD" (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District) uses, as described in the attached PUD Concept Plan and PUD Development Standards, for the property generally located west of Dogwood Boulevard and approximately 950 feet south of E. Veterans Memorial Boulevard, Killeen, Texas.

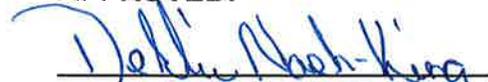
**SECTION II.** Should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**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.** 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 28<sup>th</sup> day of November 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

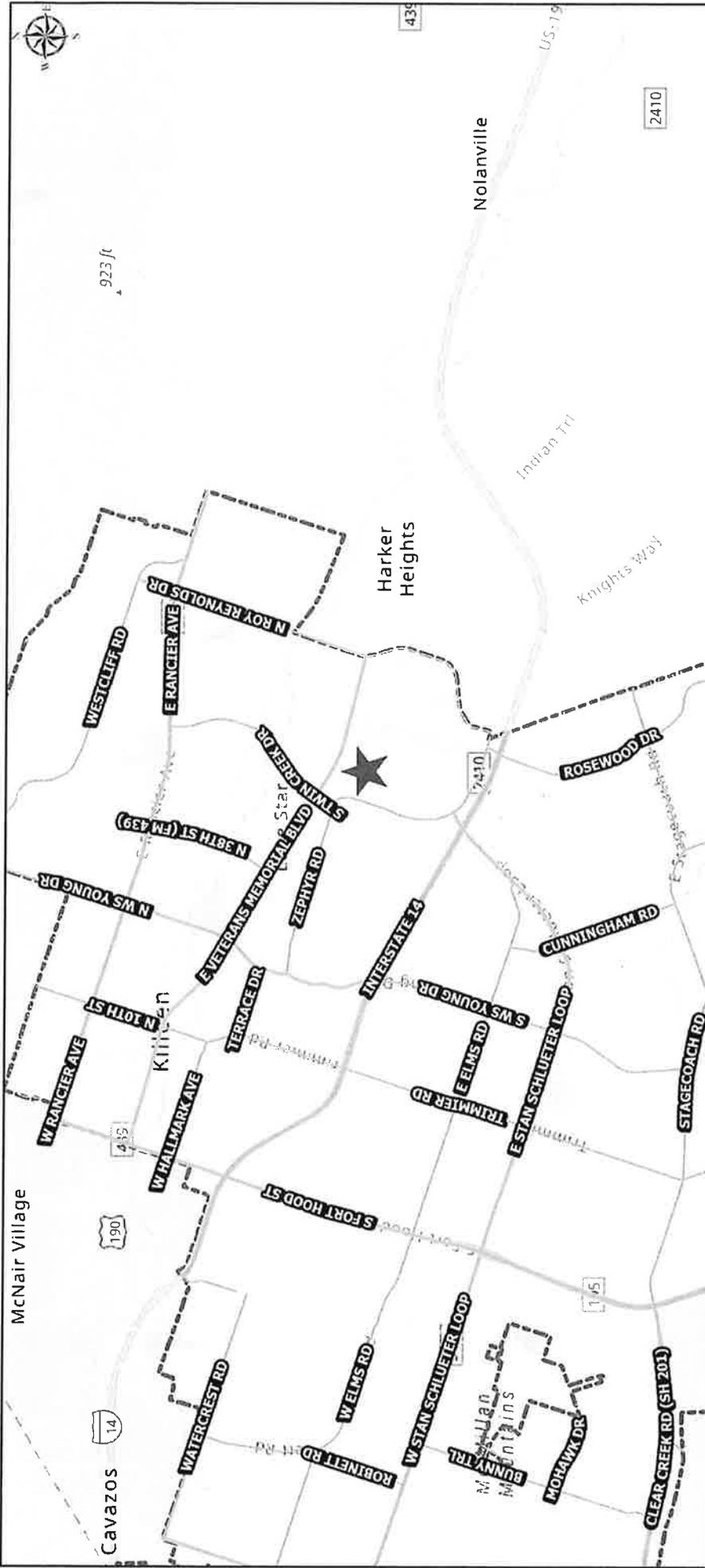
**ATTEST:**

  
Laura J. Calcote, CITY SECRETARY

**APPROVED AS TO FORM**

  
Holli C. Clements, CITY ATTORNEY  
Case #Z23-23  
Ord. #23-069





**LOCATION MAP**

Council District: 1



Subject Property Legal Description: KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR C, ACRES 6.180

**Zoning Case 2023-23**

R-3 TO PUD w/ RT-1

**Legend**

Major Roads

City Limits

Zoning Case Location





AERIAL MAP

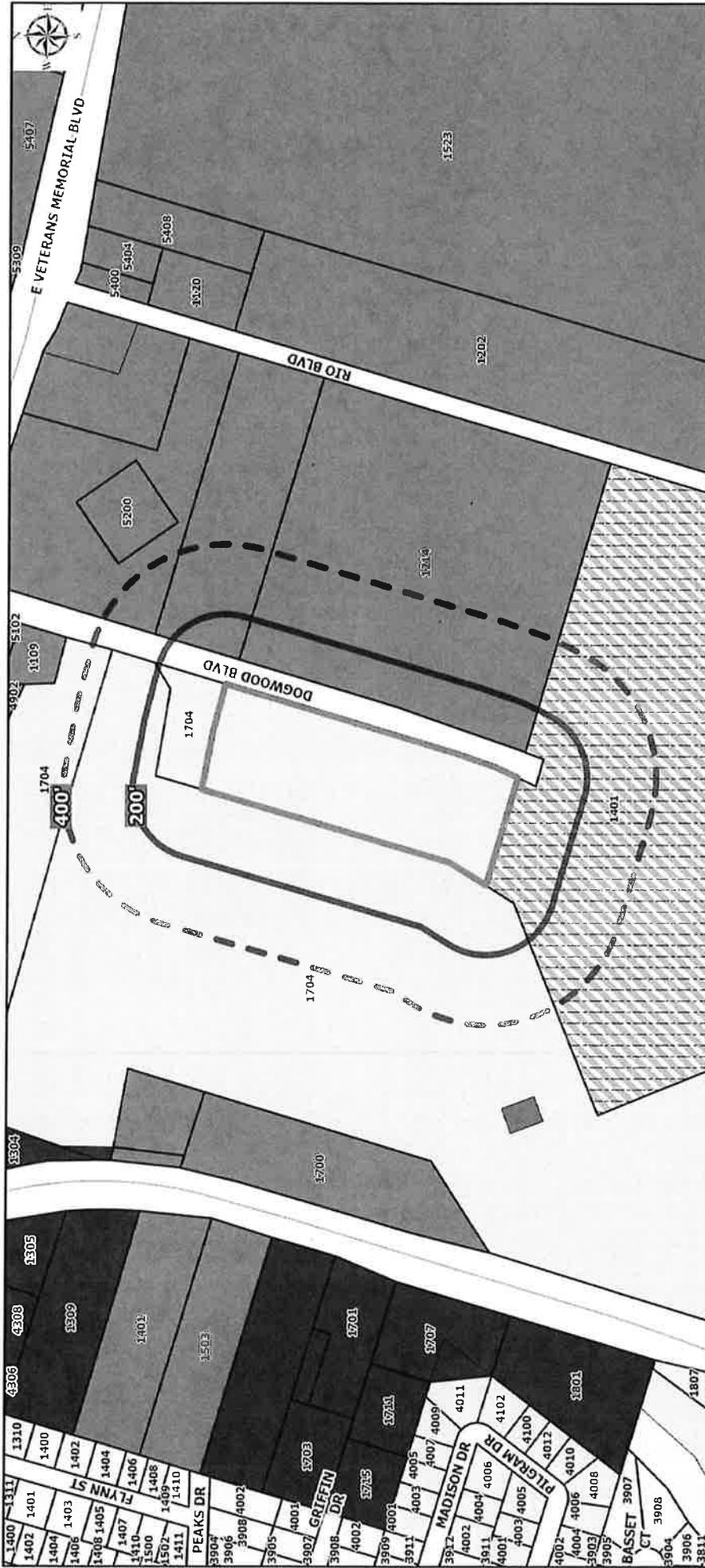
Council District: 1  
0 200 400 Feet

Subject Property Legal Description: KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR C, ACRES 6.180

# Zoning Case 2023-23

R-3 TO PUD w/ RT-1

Legend  
Citylimits



# Zoning Case 2023-23

R-3 TO PUD w/ RT-1

NOTIFICATION MAP  
 Council District: 1

Legend

	B-3		M-1		R-3
	B-5		PUD		R-MP
			R-1		

Subject Property Legal Description: KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR C, ACRES 6.180

# SITE PHOTOS

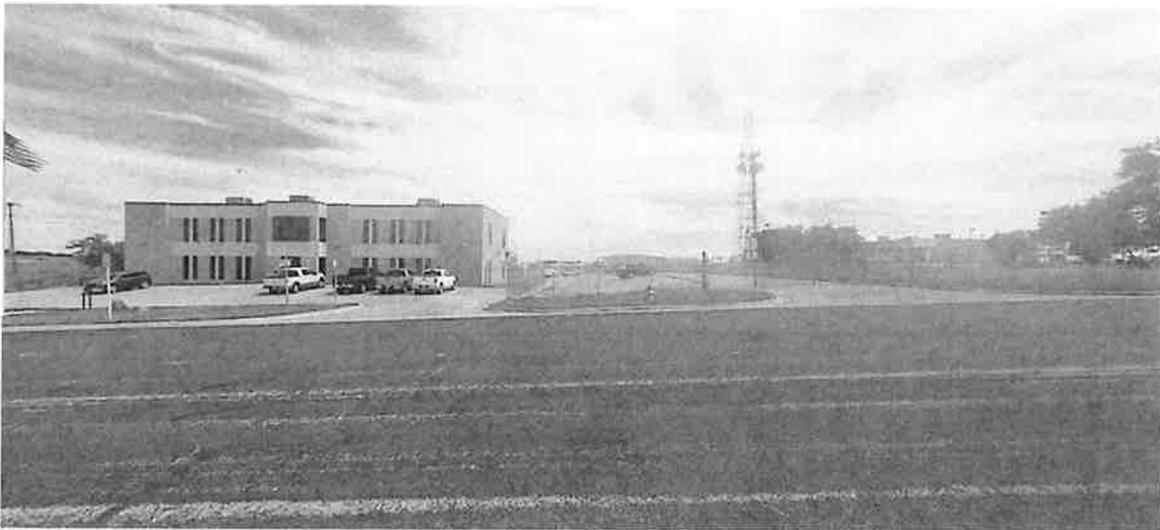
Case #Z23-23: "R-3" to "PUD" w/ "RT-1"



View of the property looking west:



View of the property looking east:



View of the property looking north:



View of the property looking south:



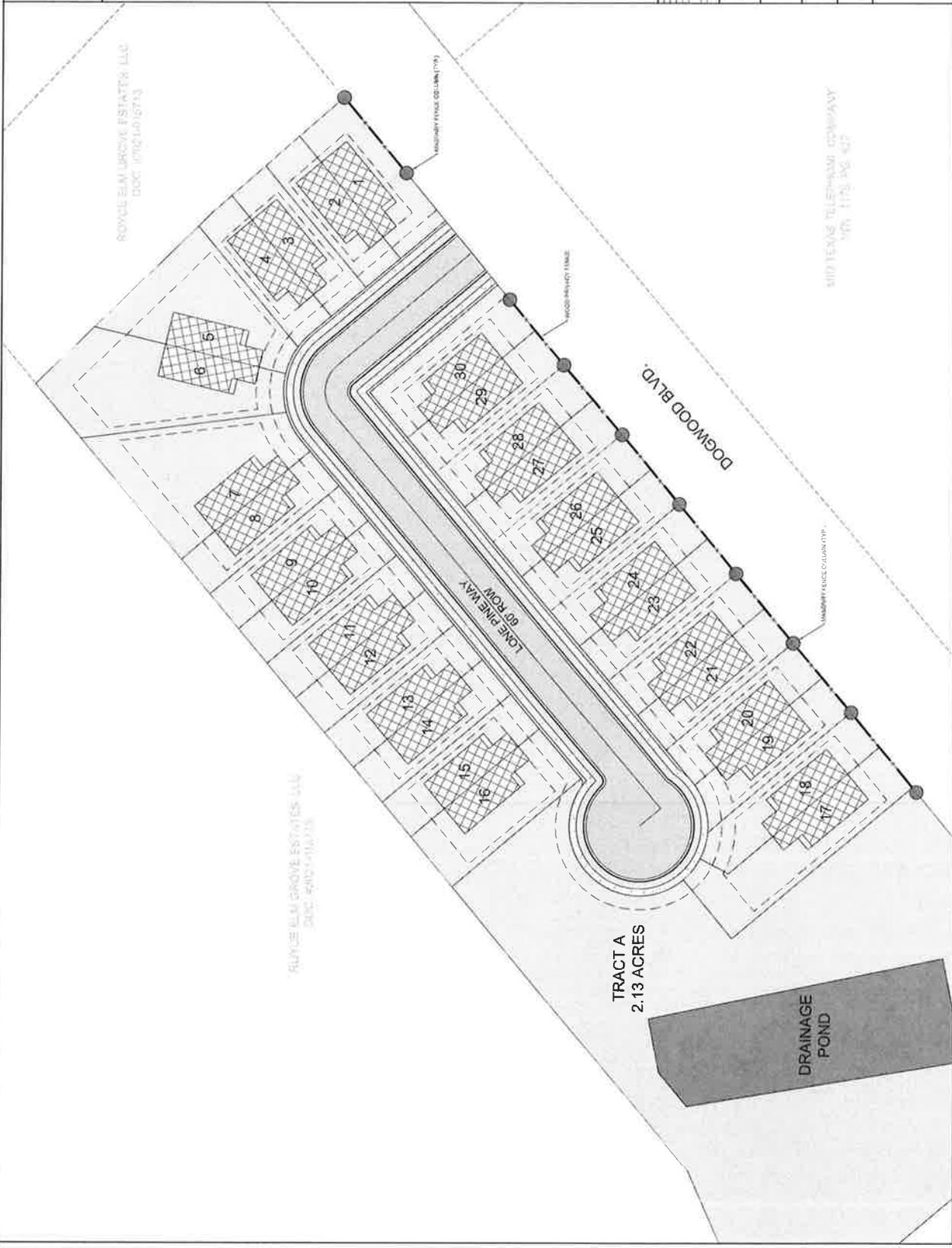


**PUD NOTES:**

- DIMENSIONS ARE TO CENTERLINE UNLESS NOTED OTHERWISE
- TYPICAL LOT DIMENSION IS 25'x125'

**NEIGHBORHOOD ENHANCEMENTS:**

- ENHANCED FENCING ALONG DOGWOOD BLVD AND MADONNY DRIVE
- THIS EXHIBIT WILL BE INSTALLED PER LOCAL MAINTENANCE DRAINAGE TRUCK



DOGWOOD	
CONCEPT PLAN	
SHEET NO. 2	
THIS DOCUMENT IS RELEASED FOR THE PROJECT UNDER THE AUTHORITY OF THE CITY OF DALLAS. IT IS NOT TO BE USED FOR ANY OTHER PROJECT OR PERMIT PURPOSES.	

## **Dogwood Addition Planned Unit Development (PUD) Features & Regulations**

### **A. Purpose and Intent**

The Dogwood Addition Planned Unit Development (PUD) is composed of 6.18 acres as described in **Exhibit A**, Field Notes. The development aims to create a single-family residential neighborhood accessible to a larger demographic of the City of Killeen. The site plan attached as **Exhibit B** provides an illustration of the design intent of this PUD.

### **B. Land Uses**

The entire 6.18 acres of the project will utilize the RT-1 Residential Townhouse Single Family district. The development shall adhere to all provisions for this 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.

### **D. Residential Development Standards**

#### **1. Allowable and Prohibited Uses**

All buildings and premises located in this PUD shall be limited to townhouse development and accessory buildings and uses as described in Killeen Code of Ordinances Section 31-186. A townhouse shall be defined as one (1) single-family unit within a group of two or more dwelling units in which each dwelling unit extends from foundation to roof and with open space on at least two sides and attached to another dwelling unit on a least one side. A Townhouse group shall be defined as two to five townhouses.

#### **2. Height Regulations**

A townhouse in this district shall be a minimum of 1 story and a maximum height of 35 feet.

#### **3. Area Regulations**

##### **a. *Townhouse Group.***

- i. There shall not be less than 10 feet of separation between each townhouse group.

- ii. A townhouse group shall include only two (2) connected units.
- b. *Lot requirements:*
- i. Each townhouse lot shall have a lot area of not less than 3,500 square feet.
  - ii. Each townhouse lot shall have a width not less than 30 feet.
  - iii. Each lot shall contain a private yard with not less than four hundred (400) square feet of area. Parking areas shall not be included in the computation of the required private yard area. A wall or solid fence not less than six (6) feet in height shall be required on side lot lines where the required private yard adjoins such lot lines. A private yard may contain a patio cover or roof which does not cover more than twenty-five (25) percent of the private yard.
  - iv. Front yard:
    - 1. The front yard/setback requirement shall be twenty (20) feet and a front loading garage shall be set back from the property line not less than twenty (20) feet. Carports shall not be permitted in the front yard.
    - 2. In no case shall the required front yard of any townhouse be less than any required front yard on the same side of the street between intersecting streets.
  - v. Side Yard:
    - 1. There shall be not less than five (5) feet of side yard provided at the side property line of any townhouse subdivision.
    - 2. A side yard adjacent to a side street shall not be less than fifteen (15) feet.
  - vi. Rear Yard:
    - 1. There shall be a rear yard having a depth of not less than twenty (20) feet as measured from the rear property line.
    - 2. Garages or carports having direct access to a rear alley or common driveway shall be set back from the rear lot line not less than twenty (20) feet.
4. Parking Regulations
- a. Two (2) off-street parking spaces shall be provided for each townhouse.
    - i. Resident parking spaces shall be provided in the front or rear of each unit. The spaces shall be in the unit's garage, carport, and/or driveway. No additional visitor parking shall be required.

- b. The width of driveways located in the front yard of townhouse lots shall not exceed sixty (60) percent of the width of the respective lots.

5. Block Length

Block length, measured along the centerline, shall not exceed 800'.

**E. Roadway Types**

Local roads within the district shall be 31' wide (back-of-curb to back-of-curb) within a 60' ROW. A 5' sidewalk shall be located on both sides of the road separated 5' from back-of-curb.

**F. Landscaping and Street Trees**

1. Landscaping

All provisions in Sec. 31.880 shall apply, unless otherwise noted below.

- a. Trees. Street trees are required in lieu of front yard trees.
- b. Shrubs. A minimum of eight (8) three-gallon shrubs shall be planted in the front yard of each lot.
- c. Ground Cover. Front and rear yards shall be fully sodded prior to final inspection of each home. St. Augustine grass is prohibited for use as a ground cover within the development.
- d. Front yard ground cover, street trees, and shrubs shall have an automated underground irrigation system.

2. Street Trees

a. Approved Street Tree Species

Street trees permitted for use are as follows:

- Lacey Oak
- Chinquapin Oak
- Shumard Oak
- Texas Red Oak
- White Oak
- Cedar Elm
- American Elm
- Bigtooth Maple
- Lacebark Elm
- Bur Oak
- Redbud

3. Street Tree Placement

Street trees shall be planted on both sides of the local road. One street tree shall be planted per residential lot. The street tree shall be planted within 3' of the sidewalk in the front of each residential lot. The tree shall be generally located midway between the edge of driveway and lot corner, away from the driveway. Street trees shall be required to be planted by the homebuilder with the installation of landscaping for each residential house. The street tree shall be credited to any required landscaping per residential lot/unit.

Street trees shall be container grown and shall be at least one and one half (1 ½) inches in caliper and six feet (6') in heights at the time of planting.

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

4. Street Tree Staking

Once installed, street trees shall be staked with 7' steel posts and shall be painted dark green. Posts shall be driven into the ground a minimum 18" with a minimum 5' exposed above ground. Posts shall be consistent in height and aligned parallel to adjacent curbs. 12 gauge stranded cable with rubber hose shall be used to protect the tree trunk.

5. 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 ROW adjacent to the lot.

If a street tree dies, the adjacent property owner shall also be responsible for replacing the tree with a new tree matching the above specifications.

**G. Fencing Standards**

1. 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 6' in height.
- c. The finished side of the fence shall face the public ROW.

2. Enhanced Fencing Adjacent to Dogwood Blvd.

- a. Fencing adjacent to Dogwood Blvd. on residential lots shall be wood privacy fencing 6' tall.
- b. 10 masonry columns shall be installed per the attached Site Plan.
- c. All fencing and masonry columns along Dogwood Blvd. must be consistent and match.

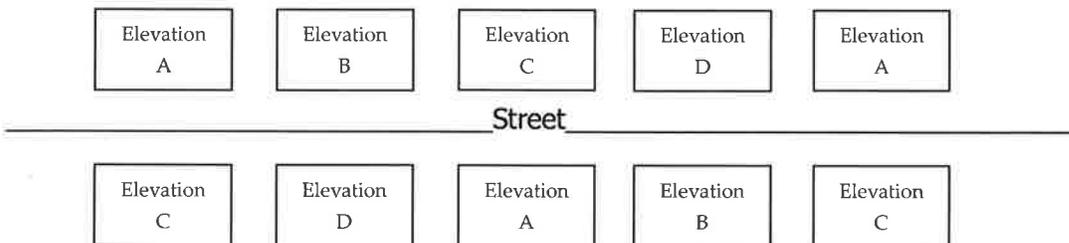
- d. Enhanced fencing along Dogwood Blvd. can be installed by the homebuilder at time of home construction.

**H. Parkland and Common Open Space**

Due to the topographical challenges within the project, the development will pay a fee-in-lieu-of for both parkland dedication and parkland improvements. These fees shall be \$750 and \$450, respectively, for each townhouse unit (30 units anticipated as depicted on the corresponding site plan). These fees shall be due at time of plat recordation.

**I. Plan Repetition**

- 1. Townhouse groups of the same elevation shall not be placed within three (3) townhouse groups on the same side of the street, or within two (2) townhouse groups on the opposite side of the street.



- 2. For purposes of this section, elevations shall be substantially different in terms of shape, massing, and form. The same elevation with different materials, different architectural features, or different fenestration shall not be considered a different elevation for purposes of this section.
- 3. Homes of the same or similar floorplan may be repeated within two (2) lots on the same side of the street or directly across the street from one another, provided the rooflines and elevations are noticeably different from one another.
- 4. Mirrored elevations shall not be considered different elevations for purposes of this section.
- 5. The homebuilder may seek pre-approval of proposed elevations from the Planning Division prior to submitting permit applications.

**J. Architectural Standards**

All new structures within the district shall include at least four (4) of the following architectural elements:

1. Horizontal articulation - A minimum of three (3) wall planes shall be provided on the front elevation, with offsets being at least twelve (12) inches deep.
2. Covered front porch - A covered front porch of at least forty (40) square feet in area per each unit within a townhouse group shall be provided. Such porch shall measure not less than five (5) feet in any direction.
3. Enhanced windows - Windows on the front elevation shall incorporate at least one (1) window enhancement, including: transoms, bay windows, shutters, dormers, eyebrow windows, headers, or other similar window enhancements.
4. Enhanced garage doors - Garage doors shall have accent windows and decorative hardware permanently affixed to the garage door.
5. Architectural features - The front elevation shall incorporate no fewer than (2) different architectural features, including: corbels, quoining, louvered vents, keystones, decorative railings, columns, cupola, turret, coach lights, or decorative half-timbering. Incorporation of at least four (4) different architectural features from this list counts as two (2) architectural elements.
6. Variable roof design - At least two (2) different roof types (e.g. hip and gable), heights, pitches, plate heights, or planes shall be provided.
7. Enhanced front doors. Front doors shall incorporate sidelights, double doors, a single front door with decorative glass, or other similar front door enhancements.

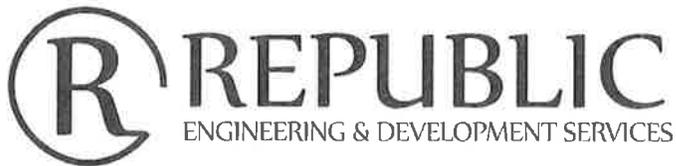
**K. Garages**

If a garage is provided, the following standards shall be met:

1. A garage door facing the street shall not comprise more than fifty (50) percent of the horizontal length of the front elevation; or
2. The exterior wall on either side of the garage door shall not protrude further than any other horizontal building plane on the front elevation.

**L. Corner Lots and Lots Backing up to Existing or Proposed Streets**

All lots whose side or rear lot line is adjacent to a street shall be one (1) story.



✉ info@RepublicEDS.com

📍 P.O. Box 3123  
Harker Heights, TX 76548

August 31, 2023

Planning & Development Services Department  
City of Killeen  
200 East Avenue D  
Killeen, Texas 76541

To Whom it May Concern,

The purpose of this letter is to accompany the zone change request, per the application requirements, for the property located on Dogwood Blvd, west of 1214 Dogwood Blvd. The proposed use of the property is single family attached residential. The reason for the request is to make the proposed housing product more accessible to a larger demographic of the City of Killeen and more equitable to the general population. The proposed zoning change will not have an effect to the surrounding areas as the current zoning allows for similar and/or higher densities than proposed zoning. The proposed zoning change is consistent with the FLUM. Property is designated as neighborhood Commercial in the FLUM which allows residential uses of townhouse and smallplex.

Proposed zoning is PUD-RT-1. This will use all RT-1 regulations except as follows:

- A townhouse group can include only 2 units connected (31-217)
- Minimum 10' between structures (31-220.1.b)
- Visitor parking is allowed on the street (31-221.1.a)

Proposed PUD-RT-1 district will provide the following community enhancements:

- Public benches throughout development per the attached Concept Plan
- Masonry fence columns along Dogwood Blvd per the attached Concept Plan.

Sincerely,

Tyler Freese

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**October 16, 2023**  
**CASE # Z23-23**  
**“R-3” to PUD with “RT-1”**

**HOLD** a public hearing and consider a request submitted by Republic Engineering & Development Services, LLC, on behalf of BFF Construction LLC, (Case #Z23-23) to rezone approximately 6.18 acres, being part of Tract C, out of the Killeen Area Investment Corp Industrial Tract from “R-3” (Multifamily Residential District) to PUD (Planned Unit Development) with “RT-1” (Residential Townhouse Single-Family District). This property is located west of Dogwood Blvd. and approximately 950 feet south of E. Veterans Memorial Blvd., Killeen, Texas.

Mr. Millard presented the staff report for this item. He stated that, if approved, the applicant intends to construct thirty (30) single-family attached units, with two (2) units per structure. The proposed units will have access via a public street ending in a cul-de-sac. The concept plan also includes a two (2) acre open space area with detention pond, which will be owned and maintained by a Homeowners’ Association (HOA).

Mr. Millard stated that the purpose of the proposed PUD is to allow a townhouse group to include only two (2) connected units instead of three (3) to five (5) units; and to reduce the minimum separation between structures from fifteen (15) feet to ten (10) feet. The distinction between the proposed development and a typical duplex development is that each dwelling unit will be on its own lot. The proposed development pattern of attached single-family dwellings with only two (2) units per structure is currently not permitted by-right in any zoning district.

Mr. Millard stated that the request is consistent with the ‘Neighborhood Commercial’ designation on the Future Land Use Map (FLUM). Therefore, staff recommends approval of the applicant’s request to rezone the subject property from “R-3” (Multifamily Residential District) to “PUD” (Planned Unit Development) with “RT-1” (Residential Townhouse Single-Family District), as presented.

Tyler Freese of Republic Engineering & Development Services was present to represent the request.

Chairman Minor opened the public hearing at 5:14 p.m.

With no one wishing to speak, public hearing was closed at 5:14 p.m.

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

## CONSIDERATIONS

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

### A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

### B. Conditional Use Permit (if applicable)

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

### C. Conditions to Consider

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



**CASE #Z23-23:  
“R-3” TO “PUD”**

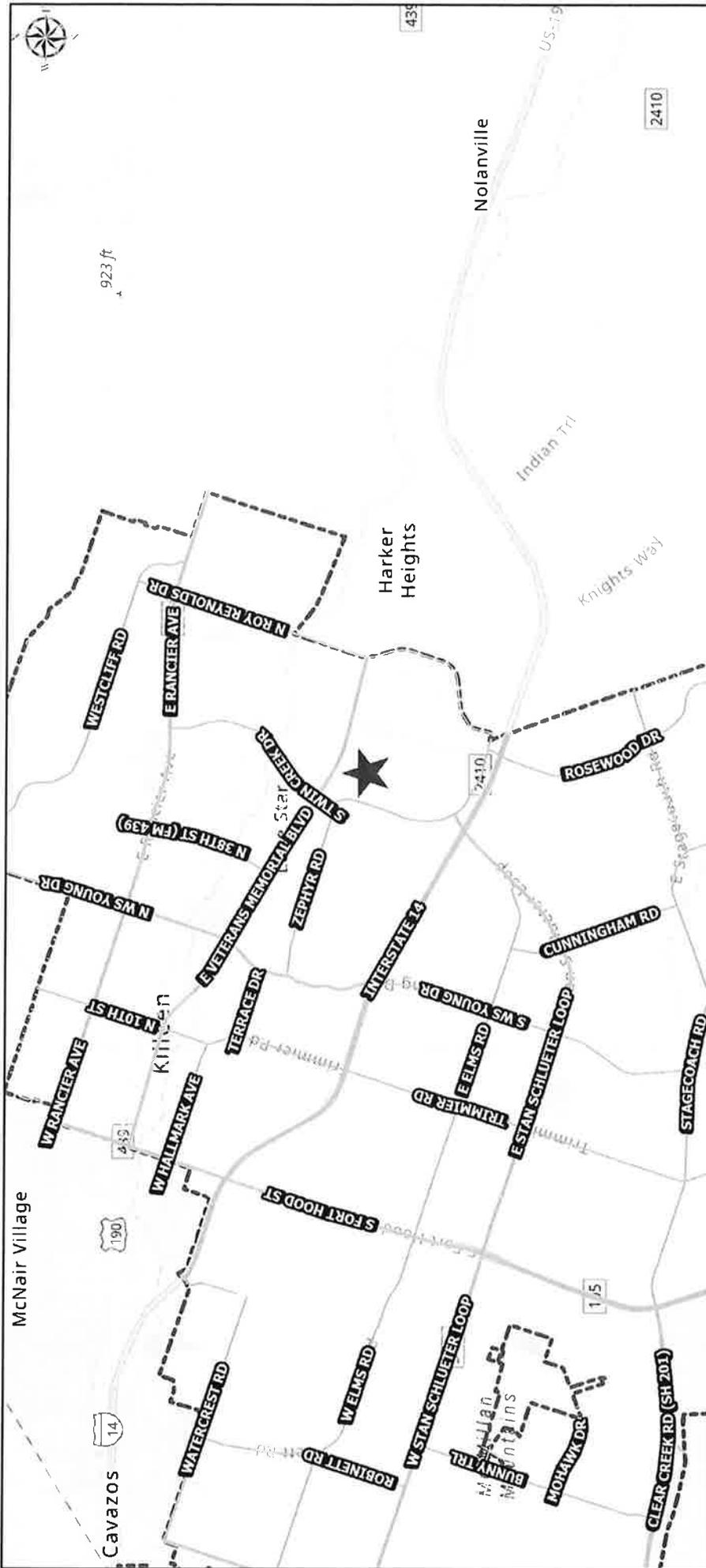
**PH-23-057**

**November 14, 2023**

## Case #Z23-23: “R-3” to “PUD”

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- **HOLD** a public hearing and consider a request submitted by Republic Engineering & Development Services, LLC on behalf of BFF Construction, LLC (Case #Z23-23) to rezone approximately 6.18 acres, being part of Tract C, out of the Killeen Area Investment Corp Industrial Tract, from “R-3” (Multifamily Residential District) to “PUD” (Planned Unit Development) with “RT-1” (Residential Townhouse Single-Family District).



**LOCATION MAP**  
 Council District: 1

0 1 2 Miles

Subject Property Legal Description: KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR C, ACRES 6.180

**Zoning Case 2023-23**  
 R-3 TO PUD w/ RT-1

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



AERIAL MAP

Council District: 1



Subject Property Legal Description: KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR C, ACRES 6.180

# Zoning Case 2023-23

R-3 TO PUD w/ RT-1

Legend  
 Citylimits

# Case #Z23-23: “R-3” to “PUD”

5

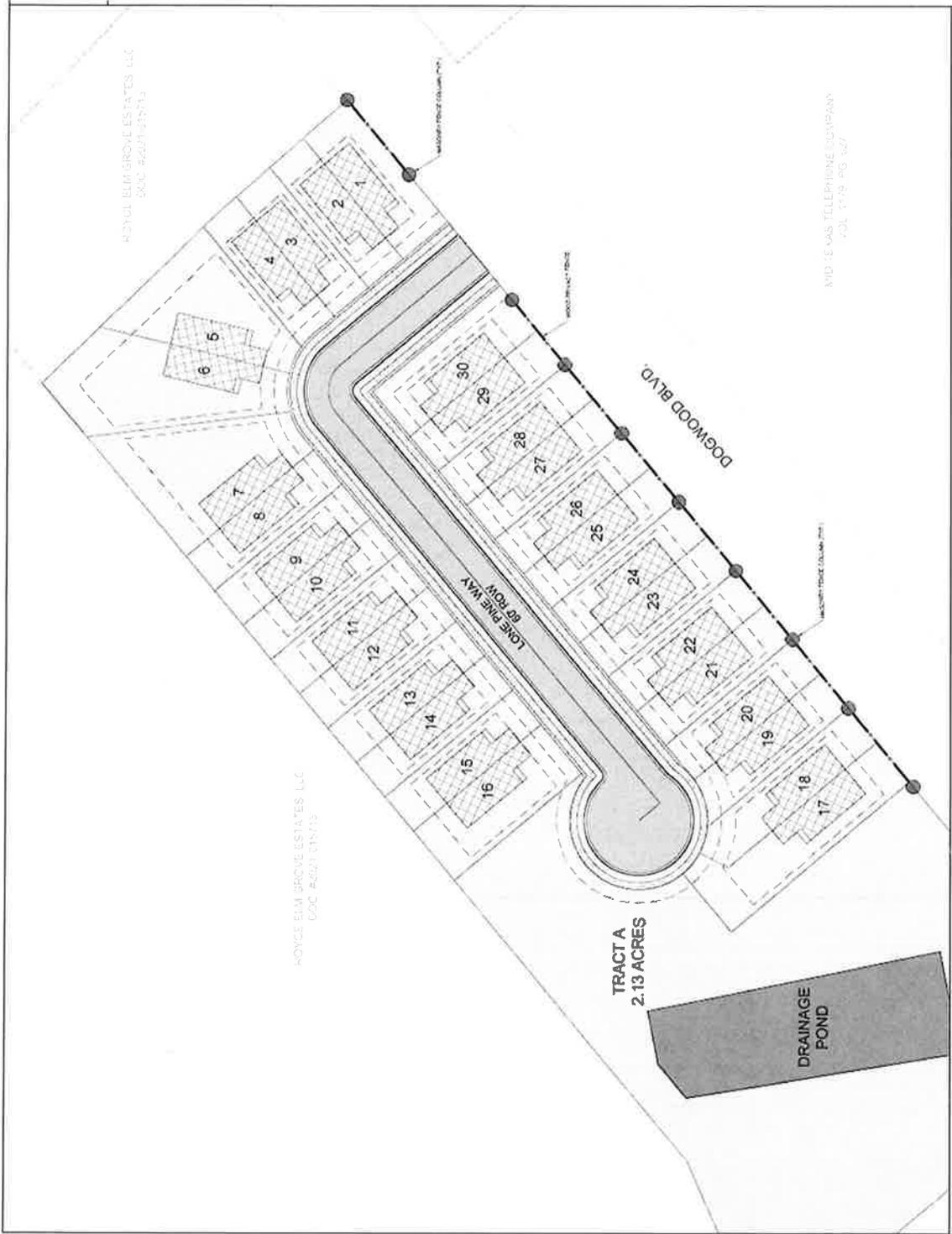
View of the subject property facing west from Dogwood Blvd.:



## Case #Z23-23: “R-3” to “PUD”

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- The subject property is located on the west side of Dogwood Blvd., approximately 950 feet south of East Veterans Memorial Blvd., Killeen, Texas.
- If approved, the applicant intends to develop thirty (30) single-family attached units, with two (2) units per structure.
- The proposed units will have access via a public street ending in a cul-de-sac. The concept plan also includes a two (2) acre open space area with detention pond, which will be owned and maintained by a Homeowners' Association (HOA).



## Case #Z23-23: “R-3” to “PUD”

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- This subject property is currently zoned “R-3” (Multifamily Residential District). Duplexes are permitted by-right in “R-3”.
- The PUD zoning classification is an overlay designation intended to provide flexibility and permit development projects that do not fit in a specific zoning classification.
- The distinction between the proposed development and a typical duplex development is that each dwelling unit will be on its own lot.

## Case #Z23-23: “R-3” to “PUD”

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- The proposed development pattern of attached single-family dwellings with only two (2) units per structure is currently not permitted by-right in any zoning district.
- For this reason, the applicant is proposing a PUD. However, if the PUD is not approved, the applicant can develop duplexes on the property by-right.

## Case #Z23-23: “R-3” to “PUD”

- The proposed PUD includes the following modifications to the minimum standards for “RT-1” development:
  - Changes the definition of *townhouse group* in Sec. 31-217 to permit two (2) attached dwelling units instead of three (3) to five (5) units.
  - Changes the separation requirement between each townhouse group in Sec. 31-220(1)(b) from fifteen (15) feet to ten (10) feet.

## Case #Z23-23: “R-3” to “PUD”

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- ▣ Changes the standard in Sec. 31-221(2) to allow a driveway in the front yard to be up to 60% of the width of the lot, instead of 50%.
- ▣ Changes the standard in Sec. 31-219 to allow the proposed townhouses to be one story instead of two.
- ▣ Changes the front yard setback requirements in Sec. 31-220(2)(e)(1) from 15 ft. to 20 ft. This change will allow for protruding garages.

## Case #Z23-23: “R-3” to “PUD”

- In exchange, the following PUD development standards are proposed:
  - Street trees will be required between the sidewalk and curb along the public street. Street trees are in lieu of front yard trees.
  - A minimum of eight (8) three-gallon shrubs shall be planted in the front yard of each lot.
  - Front yards will be fully sodded with automatic underground irrigation systems.

## Case #Z23-23: “R-3” to “PUD”

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- Saint Augustine grass will be prohibited.
- Wood privacy fencing along Dogwood Blvd. will have masonry columns at regular intervals.
- Townhouse groups of the same elevation shall not be placed within three (3) townhouse groups on the same side of the street, or within two (2) townhouse groups on the opposite side of the street. Four (4) unique elevations are required.
- Parks fees will be paid in accordance with single-family requirements and will total \$36,000.

# Case #Z23-23: "R-3" to "PUD"

## PUD repetition standard:



Street

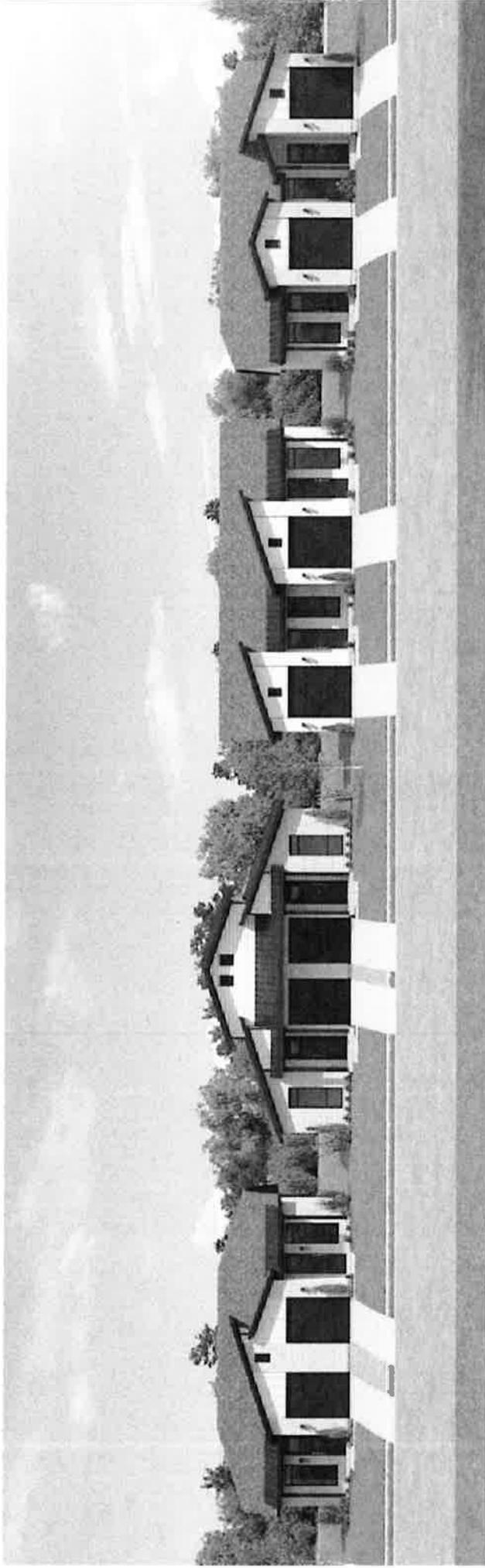
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# Case #Z23-23: “R-3” to “PUD”

15

Proposed elevations:



# Comprehensive Plan Analysis

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- The subject property is designated as 'Neighborhood Commercial' on the Future Land Use Map (FLUM) of the Comprehensive Plan.
- The 'Neighborhood Commercial' place type supports townhouse and smallplex residential building typologies.
- It also allows up to 25% residential development.

# Comprehensive Plan Analysis

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- The subject property is designated as 'Neighborhood Infill' on the Growth Sector Map.
- This sector includes areas of the city that are already developed and have access to city services and infrastructure, but have vacant, underutilized, or poorly developed properties.
- The Comprehensive Plan encourages development that provides incremental increases in density and walkable access to businesses and amenities in the vicinity.

# Comprehensive Plan Analysis

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- This request supports or furthers the following Killeen 2040 Comprehensive Plan recommendations:
  - **LU1** – Use place types and complete neighborhoods as building blocks.
  - **LU2** – Improve the fiscal productivity of development.
  - **LU3** – Encourage incremental evolution of neighborhoods.
  - **NH3** – Diversify housing mix (types and price points).
  - **MC4** – Design neighborhood streets to prioritize people, place, and fiscal productivity.

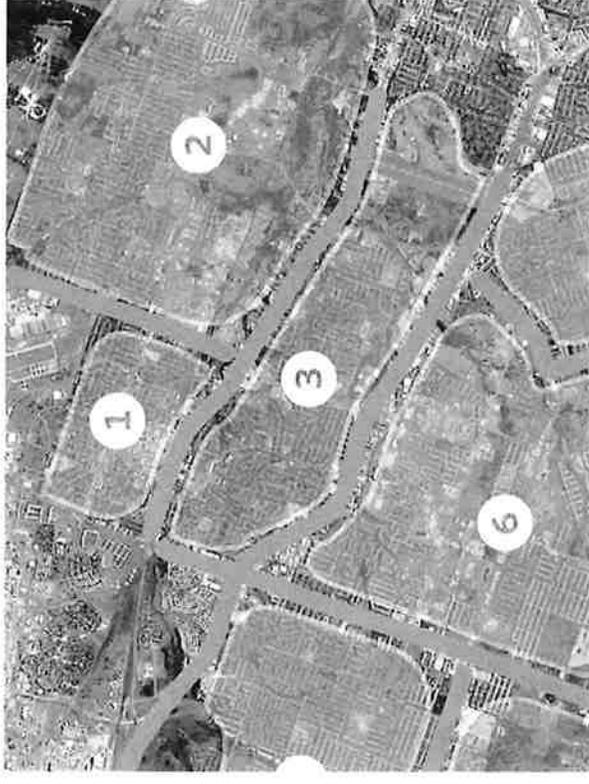
# Comprehensive Plan Analysis

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- **Big Idea #5** states: “Neighborhoods, not subdivisions, make great places for everyone.”
- The Comprehensive Plan emphasizes the need to diversify the housing mix available in Killeen by providing more options at varying price points, and the need to build complete neighborhoods with a mix of different uses within walking distance of one another.

# Comprehensive Plan Analysis

- The property is located within Development Zone #3.
- The current land use mix includes:
  - 47.5% non-residential uses
  - 52.5% residential use
- Zoning district breakdown in DZ3:
  - 45% non-residential zoning districts
  - 52% residential zoning districts
  - 3% special districts



## Case #Z23-23: “R-3” to “PUD”

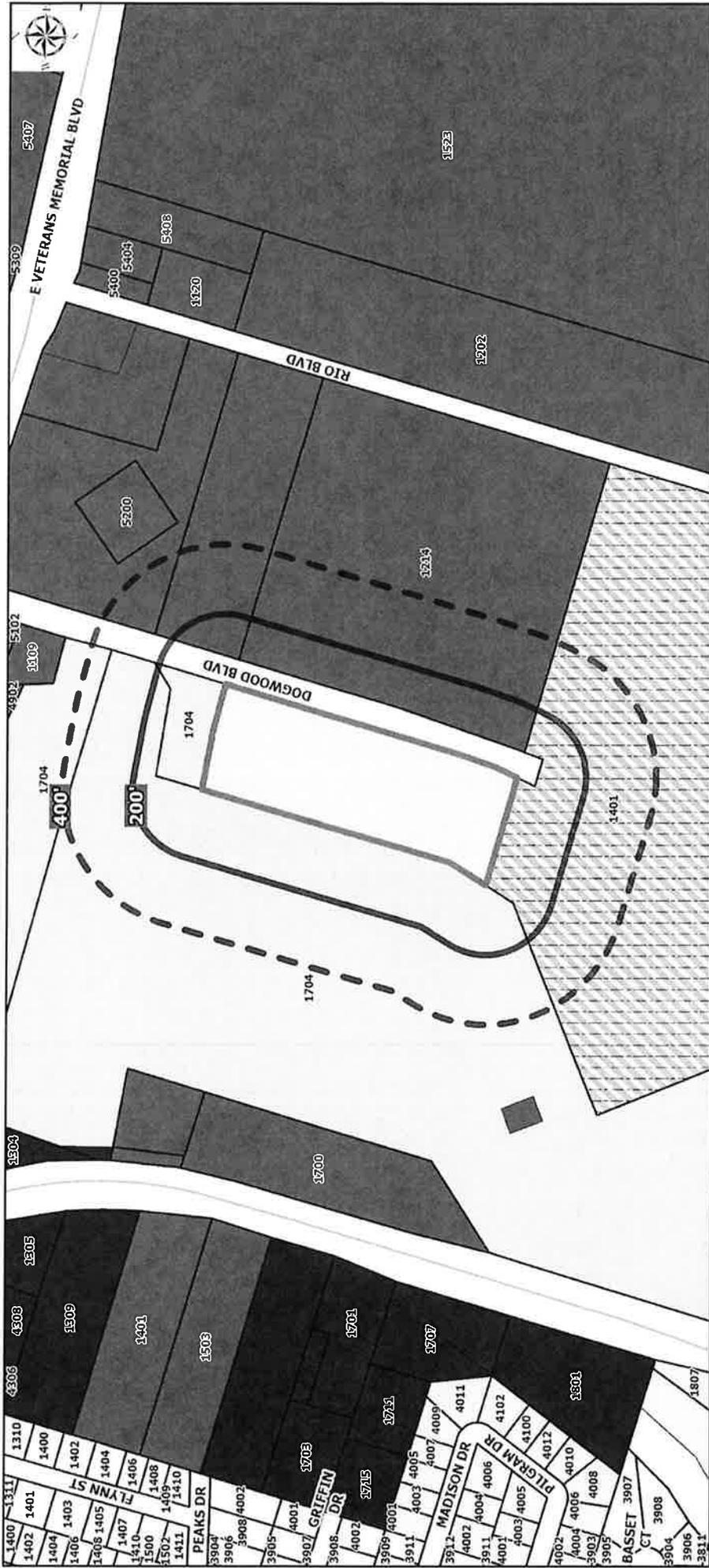
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- The subject property is not within any FEMA regulatory Special Flood Hazard Areas (SFHA). However, there is a known wetland area on the property, as identified on the National Wetlands Inventory.



# Public Notification

- Staff notified seven (7) surrounding property owners regarding this request. Of those property owners notified, two (2) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and six (6) reside outside of Killeen.
  
- To date, staff has received no written responses regarding this request.



NOTIFICATION MAP  
 Council District: 1  
 0 200 400 Feet

Legend

- Current Zoning
- B-3
  - B-5
  - M-1
  - PUD
  - R-3
  - R-MP
  - R-1

Subject Property Legal Description: KILLEEN AREA INVESTMENT CORP INDUSTRIAL TRACT, LOT PT TR C, ACRES 6.180

## Zoning Case 2023-23

### R-3 TO PUD w/ RT-1

# Alternatives

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- The City Council has three (3) alternatives. The Council may:
  - Disapprove the applicant's PUD request;
  - Approve the applicant's PUD request with conditions; or
  - Approve the applicant's PUD request as presented.

## Staff Recommendation

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- Staff finds that the applicant's request is consistent with the policies and principles of the Killeen 2040 Comprehensive Plan. The proposed development will provide for a diverse mix of housing options in this area.
- Therefore, staff recommends approval of the applicant's request to rezone the subject property from "R-3" (Multifamily Residential District) to "PUD" (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District), as presented.

# Commission Recommendation

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- At their regular meeting on October 16, 2023, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 6 to 0.

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**DATE:** November 14, 2023  
**TO:** Kent Cagle, City Manager  
**FROM:** Edwin Revell, Executive Director of Development Services  
**SUBJECT:** Zoning Case #23-23: "R-3" (Multifamily Residential District) to "PUD" (Planned Unit Development) with "RT-1" (Residential Townhouses Single-Family District)

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** BFF Construction, LLC

**Agent:** Republic Engineering & Development Services, LLC

**Current Zoning:** "R-3" (Multifamily Residential District)

**Proposed Zoning:** "PUD" (Planned Unit Development) w/ "RT-1" (Residential Townhouse Single-Family District)

**Current FLUM Designation:** 'Neighborhood Commercial'

**Summary of Request:**

Republic Engineering & Development Services, LLC, on behalf of BFF Construction LLC, requests to rezone approximately 6.18 acres, being part of Tract C, out of the Killeen Area Investment Corp Industrial Tract from "R-3" (Multifamily Residential District) to PUD (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District) as the base zoning.

If the PUD (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District) is approved, the applicant intends to develop thirty (30) single-family attached units, with two (2) units per structure. The proposed units will have access via a public street ending in a cul-de-sac. The concept plan also includes a two (2) acre open space area with detention pond, which will be owned and maintained by a Homeowners' Association (HOA).

This subject property is currently zoned "R-3" (Multifamily Residential District). Duplexes are permitted by-right in "R-3". The PUD zoning classification is an overlay designation intended to provide flexibility and permit development projects that do not fit in a specific zoning classification. The distinction between the proposed development and a typical duplex development is that each dwelling unit will be on its own lot.

The proposed development pattern of attached single-family dwellings with only two (2) units per structure is currently not permitted by-right in any zoning district. For this reason, the

applicant is proposing a PUD. However, if the PUD is not approved, the applicant can develop duplexes on the property by-right.

The proposed PUD includes the following development standards:

- Changes the definition of townhouse group in Sec. 31-217 to permit two (2) attached dwelling units instead of three (3) to five (5) units.
- Changes the separation requirement between each townhouse group in Sec. 31-220(1)(b) from fifteen (15) feet to ten (10) feet.
- Changes the standard in Sec. 31-221(2) to allow a driveway in the front yard to be up to 60% of the width of the lot, instead of 50%.
- Changes the standard in Sec. 31-219 to allow the proposed townhouses to be one story instead of two.
- Changes the front yard setback requirements in Sec. 31-220(2)(e)(1) from 15 ft. to 20 ft. This change will allow for protruding garages.
- Street trees will be required between the sidewalk and curb along the public street. Street trees are in lieu of front yard trees.
- A minimum of eight (8) three-gallon shrubs shall be planted in the front yard of each lot.
- Front yards will be fully sodded with automatic underground irrigation systems. Saint Augustine grass will be prohibited.
- Parks fees will be paid in accordance with single-family requirements and will total \$36,000.
- Wood privacy fencing along Dogwood Blvd. will have masonry columns at regular intervals.
- Townhouse groups of the same elevation shall not be placed within three (3) townhouse groups on the same side of the street, or within two (2) townhouse groups on the opposite side of the street. Four (4) unique elevations are required.

#### **Killeen Code of Ordinances Chapter 31 Compliance:**

This property is currently zoned as "R-3" (Multifamily Residential District). In accordance with the Killeen Code of Ordinances Sec. 31-246(1), duplexes are permitted by right in the district. However, the developer is choosing to amend the language, in accordance with the proposed "PUD" (Planned Unit Development), to allow a townhouse group to include only two (2) connected units versus three (3) to five (5) units and a minimum separation between structures of ten (10) instead of a minimum of fifteen (15) feet of separation in accordance with Sec. 31-217 and Sec. 31-220(1)b. Approving the development of duplex residential units as townhomes will allow the developer to sell individual units as it will be platted as a townhome development and each side of the duplex will be platted on separate lots.

Additionally, in accordance with Killeen Code of Ordinances Sec. 31-801, the "PUD" (Planned Unit Development) classification is an overlay designation to provide the flexibility to permit development projects, and this classification serves to:

1. Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;

2. Ensure structured review and approval procedures are applied to unique development projects that are intended to take advantage of common open space and promote pedestrian circulation;
3. Allow developers greater freedom to be innovative in selecting the means to provide access, light, open space, and amenities and
4. Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and locations.

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

The property was annexed into the City's corporate limits on or prior to September 9, 1962. The property was rezoned from "M-1" (Manufacturing District) to "R-3" (Multifamily Residential District) on May 23, 2006. The property was platted as part of Tract C, out of the Killeen Area Investment Corp Industrial Tract, and recorded on December 10, 1974.

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

**North:** Existing residential mobile homes zoned "R-MP" (Mobile Home and Travel Trailer Park)

**South:** Existing undeveloped property zoned "PUD" (Planned Unit Development), Anthem Park

**West:** Existing residential mobile homes zoned "R-MP" (Mobile Home and Travel Trailer Park)

**East:** Existing commercial uses zoned "M-1" (Manufacturing District)

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

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and is designated as 'Neighborhood Commercial' on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Neighborhood Infill' growth sector includes areas of the city that are already developed and have access to city services and infrastructure but have vacant, underutilized, or poorly developed properties. Growth policies for this sector should encourage the development or redevelopment of these properties with accessory dwelling units, small-plex (2-4 units), and micro commercial that provides incremental increases in density. Development should match the existing character and improve walkable access to businesses and amenities for people living and working in the vicinity.

The 'Neighborhood Commercial' designation on the Future Land Use Map (FLUM) is a predominantly commercial extension of a traditional neighborhood. These places generally grow along with a neighborhood and need to be allowed to change over time to intensify as its surrounding neighborhood does. Generally speaking, these are placed along a corridor of some kind, often a higher-traffic roadway that serves as the edge of a neighborhood. These areas bridge pedestrian and auto-oriented development patterns. Street parking and continuous building frontages are very important here as they create a pleasant experience for people who traverse the area on foot. Large parking lots which separate the building from the street would

be out of scale here. If larger parking already exists here, sharing of parking should be encouraged. These areas often begin as transitional spaces; thus, higher intensity small lot residential is also acceptable here. Public spaces can be created through good architectural practices like forecourts and pedestrian amenities in building setbacks.

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

- LU1 - Use place types and complete neighborhoods as building blocks
- LU2 - Improve the fiscal productivity of development
- LU3 - Encourage incremental evolution of neighborhoods
- NH3 - Diversify housing mix (types and price points)
- 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 to keep housing in a community affordable and attract and retain people in different stages of life and socioeconomic levels. Several elements that contribute to creating a neighborhood include housing and commercial options, parks and public spaces, and street design, prioritizing walkability and human interaction over automobiles. The applicant's proposed PUD includes a housing type, residential townhomes, that are not readily available in this area. This development will include sidewalks and street trees.

### **Neighborhood Analysis:**

#### **Land Use:**

- This property is located within Killeen Development Zone #3.
- Current land use mix within this area comprises approximately:
  - 47.5% non-residential uses
  - 52.5% of residential uses

#### **Zoning district breakdown in DZ3:**

- 45% non-residential zoning districts
- 52% of residential zoning districts
- 3% Special Districts\*

\*These numbers exclude a detailed breakdown of special districts, such as conditional or special use permits and planned unit developments.

**'Neighborhood Commercial'** promotes:

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

**Primary Uses:** Small Format Retail and Office Uses

**Secondary Uses:** Home-Based Businesses and Urban Residential

**Parks Master Plan Review:**

- The project site is located in park growth benefit area number one.
- There are no future trail corridors in the vicinity of the proposed development. The Anthem Park PUD to the south will be dedicating public parkland.

#### **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 are from Dogwood Blvd., which is classified as a 60-foot wide Local Street on the 2022 Thoroughfare Plan. Staff estimates that the proposed development will generate approximately 283 vehicle trips per day and has determined that a Traffic Impact Analysis (TIA) is not required for the proposed development.

#### **Environmental Assessment:**

The subject property is not within any FEMA regulatory Special Flood Hazard Areas (SFHA). There is a known wetland area on or adjacent to the property, as identified on the National Wetlands Inventory labeled R4SBC, a riverine habitat.

#### **Public Notification:**

Staff notified seven (7) surrounding property owners regarding this request. Of those property owners notified, two (2) reside outside of the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by the Council, and six (6) reside outside of Killeen. As of the date of this staff report, staff has received zero (0) written responses regarding the request.

#### **Staff Findings:**

Staff finds that the applicant's request is consistent with the policies and principles of the Killeen 2040 Comprehensive Plan. The proposed development will provide for a diverse mix of housing options in this area.

**THE ALTERNATIVES CONSIDERED:**

The City Council may:

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

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request to rezone the subject property from "R-3" (Multifamily Residential District) to "PUD" (Planned Unit Development) with "RT-1" (Residential Townhouse Single-Family District) as presented. Staff finds that the request is consistent with the policies and principles of the Killeen 2040 Comprehensive Plan.

**CONFORMITY TO CITY POLICY:**

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

**FINANCIAL IMPACT:**

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

This zoning request does not involve the expenditure of City funds. However, 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 October 16, 2023, the Planning and Zoning Commission recommended approval of the applicant's request as presented to rezone the subject property from "R-3" (Multifamily Residential District) to "PUD" with "RT-1" (Residential Townhouses Single-Family District) by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
PUD Concept Plan  
PUD Development Standards  
Letter of Request  
Minutes  
Ordinance  
Considerations  
Presentation