

ORDINANCE 11-052

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-3 (LOCAL BUSINESS DISTRICT) TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) WITH A PLANNED UNIT DEVELOPMENT (PUD); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Dorel Killeen Holdings, LLC has presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of the hereinafter described property from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a 164-unit apartment complex, clubhouse, pool, cabana, and sports park area, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 13th day of June 2011, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 6:00 P.M., on the 28th day of June 2011, at the City Hall, City of Killeen;

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the opinion that the request should be approved;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

Section I. That the zoning classification of the following described tract be changed from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a 164-unit apartment complex, clubhouse, pool, cabana, and sports park area, for 6.642 acres, being part of the W. H. Cole Survey, Abstract No. 201, and being located along the north right-of-way of Winkler Avenue, approximately 792' east of the intersection of Trimmier Road, Killeen, Texas.

Section II. That the approval of this request is based upon the submitted planned unit development narrative (Exhibit 'A') and site plan (Exhibit 'B'), with the following amendment:

- The proposed wooden privacy fence (east property line) shall be opaque and at least 6' in height.
- Ornamental trees (e.g. Bradford Pear, Crape Myrtle, etc.) with shallow root systems shall be planted within the 9' landscape buffer and additional large canopy trees (e.g. oak, etc.) shall be planted around the clubhouse.
- An amended site plan illustrating the proposed sports park area shall be submitted to the Planning staff prior to any permitting activity.

Section III. 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 IV. 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 V. That this ordinance shall take effect immediately upon passage of the ordinance.

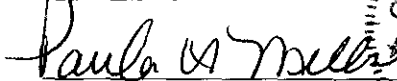
PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 28th day of June 2011, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED:




Timothy L. Hancock, MAYOR

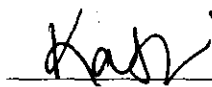
ATTEST:



Paula A. Miller, CITY SECRETARY



APPROVED AS TO FORM



Kathryn H. Davis, City Attorney



the dorel apartments

Dorel Killeen Apartments
Dorel Killeen Holdings LLC, Owner
115 Schmidt Avenue
Farmingdale, New York 53705e

May 12, 2011

Project Description:

The Dorel Killeen Apartments is a 200-unit residential apartment community located on Trimmier Road on the south side of Killeen, Texas. The project consists of a mix of 2&3-story buildings featuring a mix of 1, 2 and 3 bedroom apartments with surface parking (Please refer to the attached pages for more detailed information). Site amenities include: close proximity to Ft. Hood, major retail stores, and Central Texas College campus, private balconies, pools, clubhouse and ample parking with dedicated motorcycle parking. The complex is also located on a HOP bus route.

Owner:

Dorel Killeen Holdings LLC
115 Schmidt Ave.
Farmingdale, NY 53703
(608) 255-7100

Architect:

Niles Bolton Associates Inc.
One Buckhead Plaza
3060 Peachtree Road NW
Suite 600
Atlanta, GA
(404) 365-7610

Landscape Architect:

TGB Partners
901 South Mo Pac Expressway #350
Austin, TX 78746
(512) 327-1840

Civil Engineer:

Civil Engineering Consultants

11500 IH West

Suite 395

San Antonio, TX 78230

(210) 641-9999

Site Information:

The project presented is proposed as a PUD. The site has frontage on Trimmier Road and Winkler Avenue with vehicular access off of Winkler. There are two lots in the project. The first lot is approximately 1.7 acres and is located on the corner of Trimmier Road and Winkler Avenue. The second is located at the end of Winkler Avenue and is approximately 6.624 acres. The two properties are connected by Winkler Avenue. The Leasing Office will front on Trimmier with vehicular parking located in an un-gated lot off of Winkler. There will be gated entries at both lots with visitor parking being provided in a non gated area on the front lot. At the rear lot visitors will have a dedicated entry drive to avoid conflicts with resident use of the gates. Gates will be provided with Knox locks for fire department operation. The rear tract will feature two exist gates to allow for improved circulation.

Landscaping will be located along the street facades, on building grounds, and at buffer and parking areas and will comply with applicable City of Killeen Ordinances. Landscape islands are provided along the Winkler Easement and the common property line with the adjacent residential subdivisions. These islands will allow for trees, which when they mature, will be taller than those which could be planted adjacent to the property lines due to conflicts with overhead power lines.

Construction Schedule:

Construction is anticipated to begin in August 2011. Construction may be phased with approximately one hundred to one hundred and twenty units in the first phase and the remaining units in the second phase.

Building Use and Square Footage:

Three types of buildings will be used on the project. The sixteen unit apartment building features eight two bedroom units and eight one bedroom units and will be two stories in height. The twenty unit apartment building has two story end sections with a central three story core and has eight one bedroom and twelve two bedroom units. The twenty four unit building will have twelve one bedroom and twelve two bedroom units. One building will have four three bedroom units in place of four one bedroom units. The apartment building's exterior facade will feature brick veneer at the stairwells and fiber-cement siding with a fiberglass asphalt shingle roof.

The Leasing office will feature a brick veneer exterior, a glass entry and a fiberglass asphalt roof. Special design elements for the development include: exterior balconies, energy efficient windows, LED exterior lighting and decorative metal fencing. The exterior materials, landscaping, signage, and site lighting will compliment adjacent properties in this area. Units will also be sprinklered for fire protection.

Unit amenities will include modern appliances, faux wood floors in living, kitchen dining and baths, crown molding accents, nine foot ceilings, breakfast bar, walk-in closets, ceiling fans, full size washer and dryer, audible intrusion alarms, faux wood blinds, extra storage, private balconies and cable-ready with high speed internet capability. Community amenities will include pools, gated access, clubhouse with open air cabana and Barbeque area, business/conference center with Wi-Fi access, and fitness center. Community green features will include LED exterior lighting, high efficiency heating and cooling, sustainable building materials and energy-efficient windows.

The following is the gross square footage of proposed building types:

2 Story Building	15,516 sf.
2/3 Story Building	20,356 sf.
3 Story Building	23,274 sf.

The front lot will have one two story building facing Trimmier and a 2/3 story building located parallel to Winkler. Please refer to the attached Site Plan for additional information. Copies of floor plans and elevations for buildings from a similar development are also attached. The elevations have not been updated to reflect the brick veneer at the stair towers.

Parking Requirements:

The current site plan provides ³⁴⁰ parking spaces for the 200 units. In addition there are ¹³ motor cycle parking spaces. Accessible parking is provided for all buildings and the leasing office.

Upon development of final site and grading plans it is the intent to add a limited number of garage units and covered parking stalls. The addition of the garages or expansion of the storm water detention area may reduce the total number of parking spaces. However, the site will maintain the minimum number of spaces (333) required by City of Killeen Ordinances. These spaces will include the garage spaces.

Guest parking spaces on Lot 2 will be located between the buildings and the unconstructed portion of Winkler Ave. Please refer to Site Plan for additional information.

Codes

The development will be constructed in accordance with the Building and Fire Codes as adopted by the City of Killeen. The recent adoption of the 2009 International Fire Code limits the location of the three story buildings to being within thirty feet of a fire lane and also requires the fire lane be twenty six feet wide.

Mail Drop-off and Pick-up:

Resident mailboxes are located outside adjacent to Pool area at Lot 1 and outside off of connecting road at Lot 2.

Maintenance:

Trash removal will be picked up by the City of Killeen or by private contractor at the locations shown within Lot 1 and Lot 2.

Statement of Purpose:

This PUD zoning district is being established as required by the City of Killeen Zoning Ordinance to allow for the construction of a 200-unit multifamily housing project consistent with the density, style and massing of the adjacent neighborhoods.

Permitted Uses:

1. Those that are stated as permitted uses in the proposed ~~R3-A~~ PUD district.
2. Uses accessory to permitted uses in the proposed R3-A PUD district.

Home Owners Association

Since this is a single owner project and no individual interest s will be sold there is no need for a home owners association.

Lot Area:

Lot 1 = approximately 1.73 acres

Lot 2 = approximately 6.642 acres

Building height

3 Story: (Proposed ridge height: 42'-11", average height from eave to ridge 12'-6")

2 Story (Proposed ridge height: 21'-3 ¾", average height from eave to ridge 12'-6")

2/3 story buildings will be two story on the ends and three story in the middle

Impervious Cover

It is anticipated that the impervious cover for this development will be in the sixty six to sixty eight percent range.

Side and Rear Yard Requirements:

Yard areas will be provided as shown on the PUD Plan.

Landscaping and Fencing:

Site landscaping will be provided as shown on approved plans. A nine foot wide landscape buffer will be provided along the east side of the property adjacent to the residential subdivision. Landscaping compatible with the existing overhead electric lines will be provided in this buffer. Landscaping in the complex will comply with City of Killeen Ordinances.

Wrought Iron style fences will be provided along Trimmier and the Winkler rights-of way as shown on the PUD Plan. A new wood fence will be constructed along the adjacent residential development and between the front lot and the adjacent commercial lot to the north.

Utility Service:

Utility service (electric and telephone) will be underground within the complex. Public water will be extended within the complex and sewer service will be from public main extensions and private laterals. Easements for public infrastructure will be provided on the subdivision plat.

Streets and Drainage:

Winkler Road will be extended past the entrance to the rear portion of the development. The extension will terminate just east of the entry and this extension coupled with an ingress-egress easement at the entry gate will provide a place for vehicles which inadvertently come down Winkler to turn around. Since Winkler may be extended in the future to serve property to the south the addition of a cul-de-sac at this location is not warranted.

A public storm drainage system will run through the complex. It will begin at the east end of Winkler and pick up flow from the Winkler Road easement area and an undeveloped area to the south. The drainage will follow drive aisles through the complex with inlets picking up local flows. The system will discharge into a storm water detention basin at the northwest corner of the site which will limit flows from Lots 1 and 2 to predevelopment flows for a fifty year storm as opposed to the City requirements of a 25 Year storm for the front lot and a fifty year storm for the rear lot. The basin will outlet into an existing detention facility in the adjacent Stone Creek Apartments. The connection will be made within the limit of an existing drainage easement or in an additional easement if available.

Flows from the front portion of the development will be collected and piped to the detention basin outfall. This system will eliminate any impact on immediately adjacent properties.

Lighting:

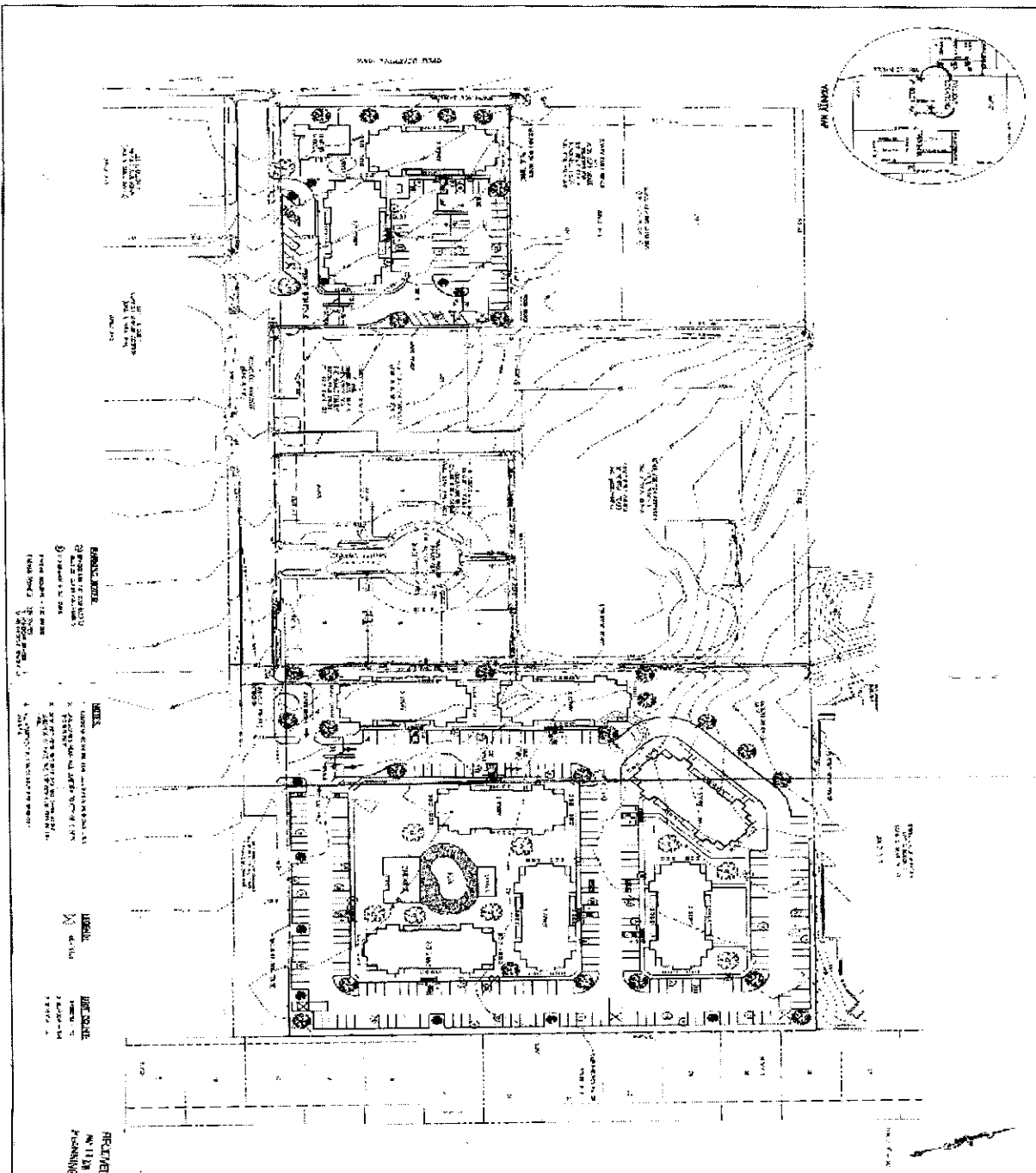
Site lighting plans will be provided as part of the permit package. Exterior lights will have LED fixtures equipped with motion detectors to adjust lighting levels based on presence of vehicles or people.

Adjacent Fourplexes:

The six fourplex structures locate to the west of the rear lot will be incorporated into this development and their landscaping will be upgraded to the standards of this development. Management and maintenance of those units will be handled by the apartment staff.

Signage:

Signage will be provided as approved on the approved plans.



NOTES:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL UTILITIES SHOWN ARE BASED ON RECORD PLANS AND FIELD SURVEY.
3. ALL EASEMENTS AND ENCUMBRANCES ARE SHOWN AND SHALL BE MAINTAINED.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES.
5. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY ENGINEER.
6. ALL UTILITIES SHALL BE DEEPENED AND REPAIRED AS NECESSARY.
7. ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED AS SHOWN.
8. ALL PAVING SHALL BE DONE IN ACCORDANCE WITH THE CITY SPECIFICATIONS.
9. ALL SIGNAGE SHALL BE APPROVED BY THE CITY.
10. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
11. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
12. ALL UTILITIES SHALL BE REINSTALLED AND TESTED AFTER CONSTRUCTION.
13. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
14. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
15. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
16. ALL UTILITIES SHALL BE REINSTALLED AND TESTED AFTER CONSTRUCTION.
17. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
18. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
19. ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
20. ALL UTILITIES SHALL BE REINSTALLED AND TESTED AFTER CONSTRUCTION.

RECEIVED
APR 11 AM
PLANNING

<p>THE DOREL P.U.D. PLAN</p>	<p>DATE: _____</p>	<p>SCALE: _____</p>	<p>PROJECT NO: _____</p>	<p>CLIENT: _____</p>	<p>DESIGNER: _____</p>	<p>APPROVER: _____</p>	<p>DATE: _____</p>
	<p>NO. 1</p>	<p>NO. 2</p>	<p>NO. 3</p>	<p>NO. 4</p>	<p>NO. 5</p>	<p>NO. 6</p>	<p>NO. 7</p>

CEC

CHICAGO ENGINEERING CONSULTANTS, INC.
1100 N. LAKE ST., SUITE 1000
CHICAGO, ILL. 60610
TEL: (312) 467-1000
FAX: (312) 467-1001
WWW.CEC-ILL.COM

PROPERTY: A.B.L.
DESIGNER: R.E.P.
APPROVER: A.B.L.
JOB NO. 00000000

Exhibit B



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

#211-18

ZONING FROM:
B-3 to R-3A W/PUD

LEGAL DESCRIPTION:

6.642 ACRES OUT OF
WH COLE SURVEY
ABSTRACT 201

ADDRESS/LOCATION:

WINKLER AVE
KILLEEN, TX 76542

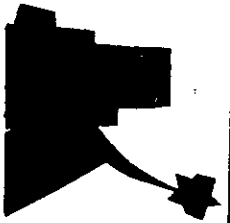
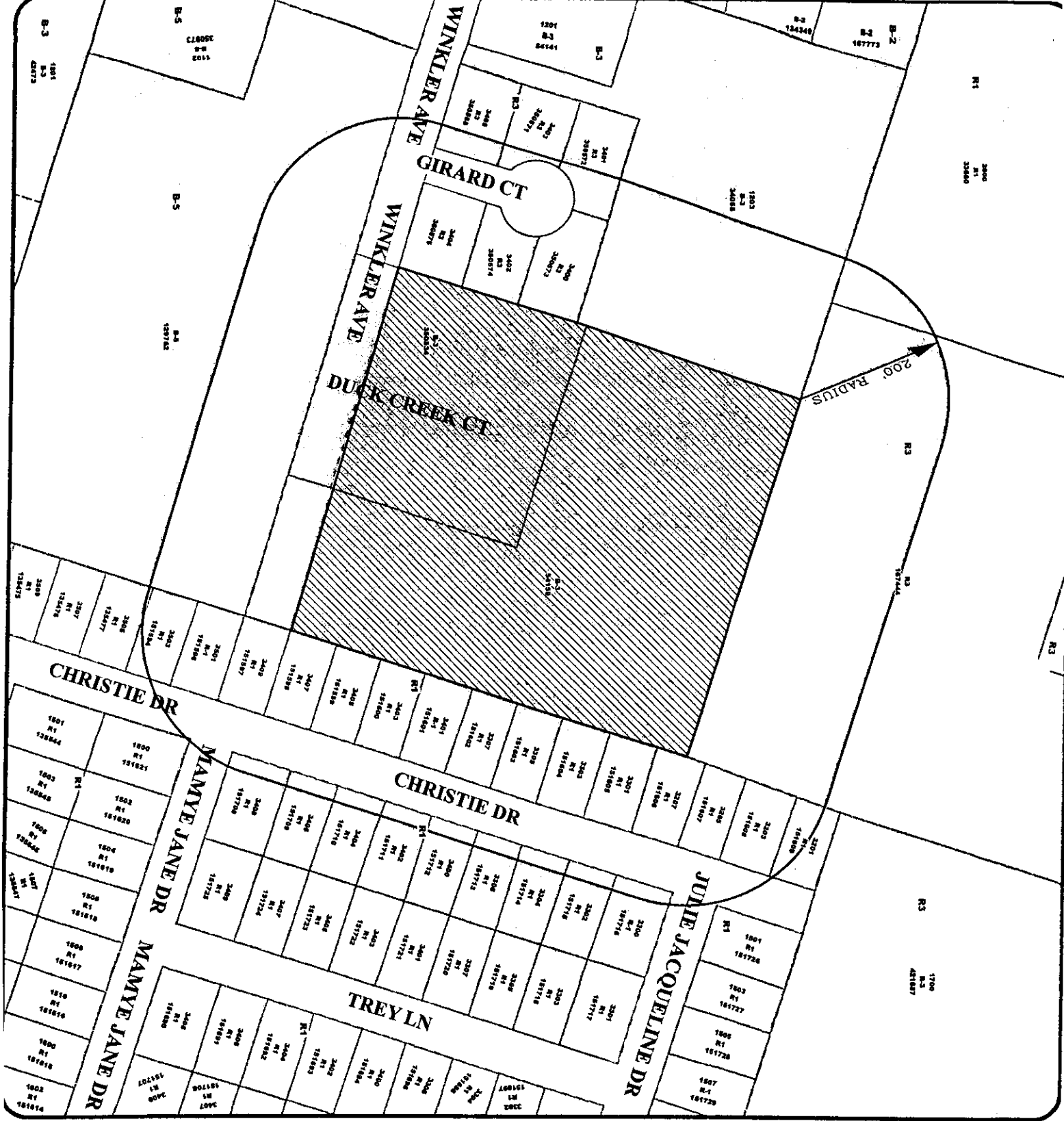
PROPERTY OWNER:

AL & BONNIE YOUNG

Legend
Zoning Cases 2011 selection
City Limits
Production GIS/ADMIN/PAWEL

DATE:
5/15/2011





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:
#211-18

ZONING FROM:
B-3 to R-3A w/PUD

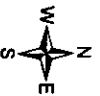
LEGAL DESCRIPTION:
6.642 ACRES OUT OF
WH COLE SURVEY
ABSTRACT 201

ADDRESS/LOCATION:
WINKLER AVE
KILLEEN, TX 76542

PROPERTY OWNER:
AL & BONNIE YOUNG

- Legend**
- Buffer of 11-18
 - City Limits
 - Zoning Cases 2011
 - GISADMIN, StreetCenterline
 - Zoning Overlay Districts
 - CURRENT ZONING
 - GISADMIN, Parcel
- Production: GISADMIN, StreetCenterline
Production: GISADMIN, Parcel

DATE:
5/15/2011



CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

**ZONING CASE #Z11-18
B-3 (LOCAL BUSINESS DISTRICT) TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) WITH PLANNED UNIT DEVELOPMENT (PUD)**

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

This request is to rezone approximately 6.642 acres from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District) with a planned unit development overlay (PUD) for Dorel Apartments.

The site plan provided by the applicant shows seven (7) apartment buildings, a clubhouse, pool, cabana and 272 parking spaces and 12 motorcycle spaces. This 6.642 acre site would contain 164 apartment units. Two-story buildings would contain 16 units, while 2/3 story buildings would typically contain 20 units, and three-story buildings will contain 24 units. Table 1 (below) illustrates the gross square footage of proposed building types.

Table 1. Gross square feet per building

2-story building	15,516 sf.
2/3-story building	20,356 sf.
3-story building	23,274 sf.

There will be 92 one-bedroom apartments, 104 two-bedroom apartments, and 4 three bedroom apartments in total for the apartment complex. The PUD development will contain 353 parking spaces, which includes 11 handicapped spaces, and 13 motorcycle spaces. The applicant will provide a nine foot landscape buffer and privacy fence along the east side of the property adjacent to the single-family residential subdivision.

District Descriptions:

- *Uses.* A building or premises in an R-3A multifamily apartment residential district shall be used only for the following purposes:
 - Any use permitted in the R-1 or R-2 districts.

- Multifamily structures containing five (5) or more separate dwelling units, including large apartment complexes with high rise structures.
- Boarding and lodging houses.
- Fraternity or sorority houses.
- Licensed group or community homes housing six (6) or more persons.
- Dormitories for educational or employment purposes as a primary use.
- Any group housing activity not otherwise identified in another multifamily or business district.
- Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business.

➤ *Planned unit development required.* Rezoning applications requesting zoning under this division shall be subject to the requirements of 31-256.9 of this division, if applicable.

Planned unit development (PUD) required.

A planned unit development (PUD) as provided in chapter 31, article V, division 8, Killeen code of ordinances shall be required for any request for an R-3F and/or R-3A district when the total acreage of the request alone, or when the total acreage of the request combined with all adjacent areas zoned R-2, R-3, R-3F, and R-3A, and/or areas within a two-thousand feet radius of any of the property seeking to be rezoned, consist of twenty-five (25) acres or more.

The purpose for requiring a PUD is to provide the planning and zoning commission and the city council with the ability to determine the proposed development's impact on surrounding properties, existing infrastructure and open/recreational space and also to determine whether additional public improvements to serve denser multifamily development are necessary to promote the health, safety and welfare of the development's residents.

Properties are considered adjacent and subject to the computation of this section if they are continuously zoned for multifamily and/or two family residential use regardless of ownership, property lines, easements or rights-of-way.

The applicant shall provide any public infrastructure beyond the city's minimum development standards that is required to service the proposed development, including open/recreational space and oversized water, sewer and drainage facilities and greater street widths.

The applicant is responsible for determining whether or not a PUD is required. However, if the director of planning and development services determines at any time that a PUD is required and one was not submitted the applicant shall be informed in writing and they shall either modify their application to include the PUD or withdraw the application and have all associated application fee(s) returned.

Property Specifics

Applicant/Property Owner: Dorel Killeen Holdings, LLC

Property Location: The property is located on the north right-of-way of Winkler Avenue, east of Trimmer Road, Killeen, Texas.

Legal Description: The 6.642 acres are part of the W. H. Cole Survey, Abstract No. 201, Killeen, Texas.

Zoning/ Plat Case History:

- The property was rezoned from R-3 to B-3 per ordinance no. 89-65 on September 12, 1989.
- The property has not been platted.

Character of the Area:

Existing Land Use(s) on the Property: Vacant/ undeveloped.

Figure 1. Zoning Map

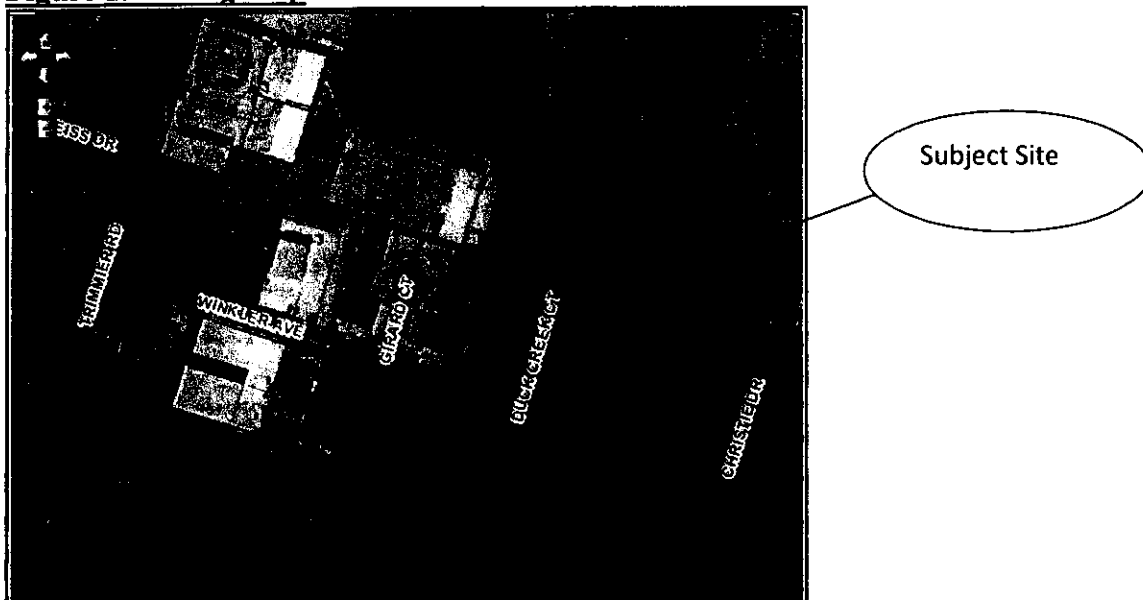
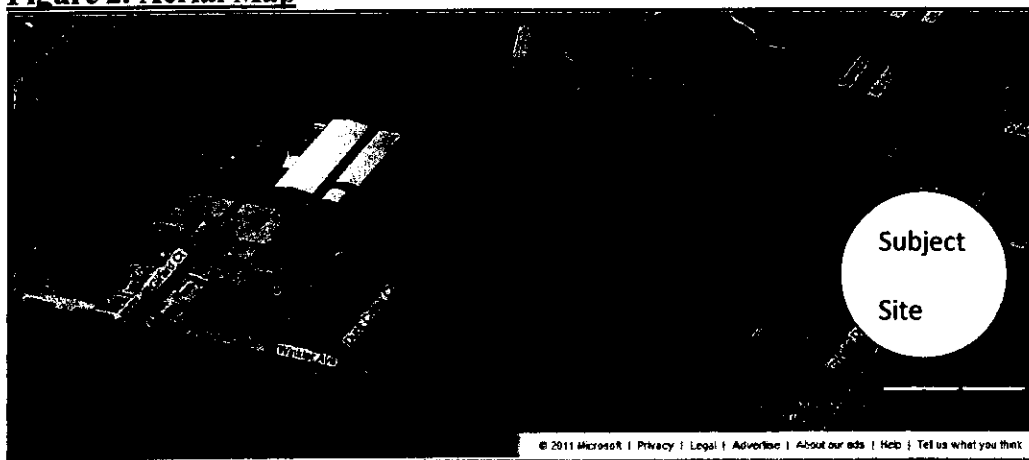


Figure 2. Aerial Map



Historic Properties: None

Infrastructure and Community Facilities

Emergency Response:

Fire District: 6

Fire Response Zone: 6-1

Miles from Fire Station: Approximately 1 mile from Fire Station no. 6, which is located at 2001 E. Elms Road.

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Development will have adequate access to water and sewer services. As part of the development of this site, it will be necessary to extend an additional sewer main from the upper pressure plane to the development.

Transportation:

Existing conditions: Winkler Avenue is classified as a local street on the city's Thoroughfare Plan and will have to be constructed as an improved right-of-way for this development.

Proposed Improvements: The construction of Winkler Avenue will be required as part of this development.

Projected Traffic Generation: The traffic impact will be significant.

Environmental Assessment

Topography: This property has elevations ranging from 906' to 914'.

Regulated Floodplain/Floodway/Creek: The proposed development is not within any special flood hazard areas (SFHA).

Land Use Analysis

Land Use Plan: The property is designated as 'General Residential' (GR) and 'Four-Plex Residential' (RQ) on the future land use map (FLUM) of the Comprehensive Plan (Plan).

Plan Recommendation: The 'General Residential' designation of the Comprehensive Plan encourages detached residential dwellings as the primary focus. Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes) are allowed. Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards are likewise encouraged. Public/institutional land uses, and parks and public spaces are allowed within this designation.

The 'Four-Plex Residential' designation of the Comprehensive Plan encourages clusters of this unique housing type, with four units typically in two-story buildings, parks and public spaces.

Consistency: The rezone request is not consistent with the Comprehensive Plan.

Public Notification

The staff notified thirty one (31) surrounding property owners regarding this request. Staff has received no protests for this request.

Recommendation

The Planning and Zoning Commission recommended approval of the rezone by a vote of 4 to 3 with the following conditions:

- Ornamental trees (e.g. Bradford Pear, Crape Myrtle, etc.) with shallow root systems shall be planted within the 9' landscape buffer and additional large canopy trees (e.g. oak, etc.) shall be planted around the clubhouse.
- An amended site plan illustrating the proposed sports park area shall be submitted to the Planning staff prior to any permitting activity.
- The proposed wooden privacy fence (east property line) shall be opaque and at least 6' in height.

Commissioners Traina, Kim, and Hoover were in opposition to the request. Those in opposition were concerned about the increase in traffic in this corridor due the development.

The development does not meet the R-3A district's minimum lot area to dwelling unit ratio. The minimum lot area of R-3A developments greater than one half (1/2) acre shall not be less than two thousand five hundred (2,500) square feet of land area per dwelling unit. This proposed portion of the development is located on 6.642 acres of land, which would allow a maximum of 116 units on the site. The applicant is proposing 164 units on the site, which requires 9.41 acres of land area. Therefore, this project phase has a deficiency of 2.76 acres based upon code requirements. However, staff supports the zoning request with the expectation that the FLUM of the Comprehensive Plan is amended from General Residential (GR) and Four-Plex Residential (RQ) to Multifamily Residential (MFR). There are attractive apartment complexes in this area, and this is a logical location to encourage in-fill development with higher density housing near commercial activity. It is anticipated that development of this type will reduce vehicle trips and encourage walking and other alternative means of transportation to local stores, shops, etc.

