

ORDINANCE NO. 12-074

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-5 (BUSINESS DISTRICT) TO B-4 (BUSINESS DISTRICT) AND 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, Abbott Springs, Ltd. 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-5 (Business District) to B-4 (Business District) and R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a mixed use development consisting of 19 apartment homes and approximately 21,865 square feet of retail/commercial lease space, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 24th day of September 2012, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 9th day of October 2012, 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-5 (Business District) to B-4 (Business District) and R-3A (Multifamily Apartment

Residential District) with a planned unit development (PUD) to allow a mixed use development consisting of 19 apartment homes and approximately 21,865 square feet of retail/commercial lease space, for 5 acres, being located at 2600 S. Clear Creek Road, Killeen, Texas.

Section II. That the approval of this request is based upon the submitted planned unit development narrative and site plan.

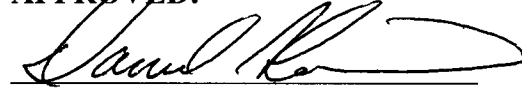
Section III. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

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 9th day of October 2012, 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:



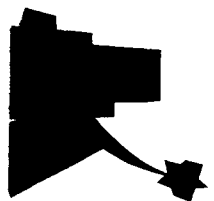
Daniel A. Corbin, MAYOR

ATTEST:


Paula A. Miller, CITY SECRETARY

APPROVED AS TO FORM


Kathryn H. Davis, City Attorney



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

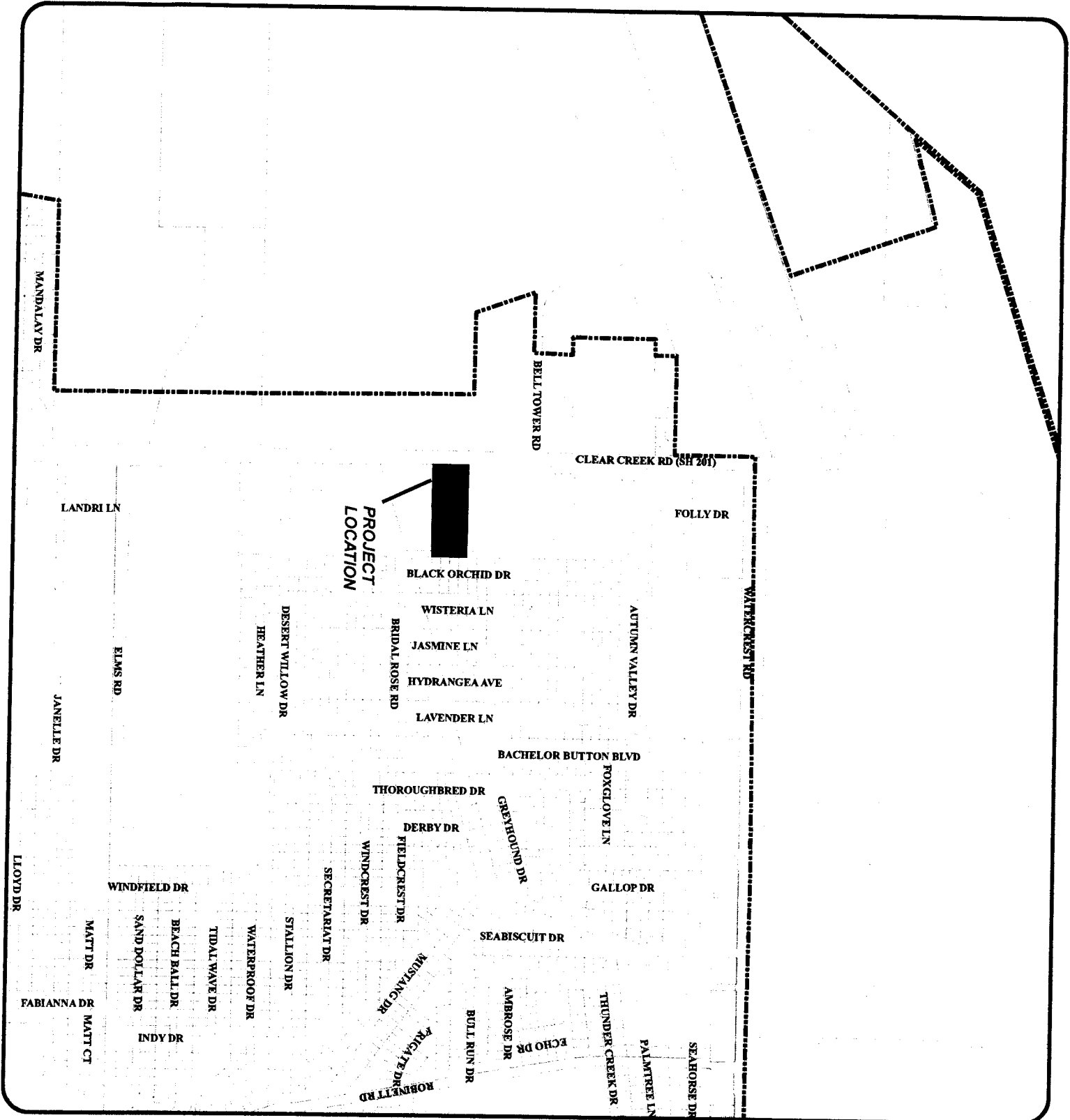
#Z12-37

ZONING FROM:

BSTO PUD

PROPERTY OWNER:

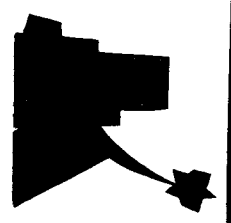
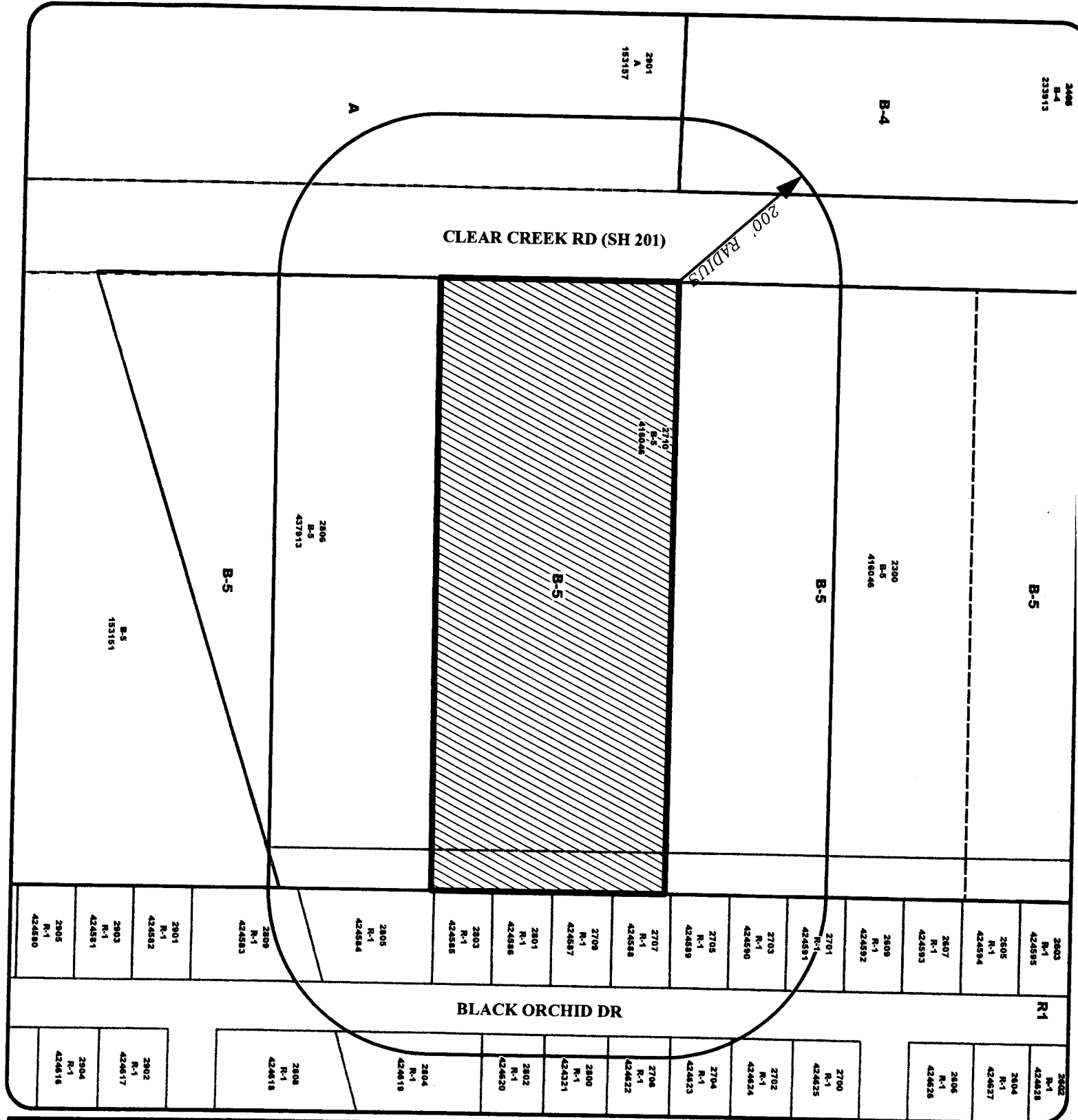
ABBOTT SPRINGS LTD



Legend
Production GISADMIN ZoningCase#2012
City Limits
Production GISADMIN Parcel

Date: 9/11/2012





PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:
#Z12-37

ZONING FROM:

B5 TO PUD

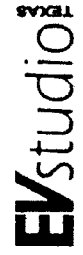
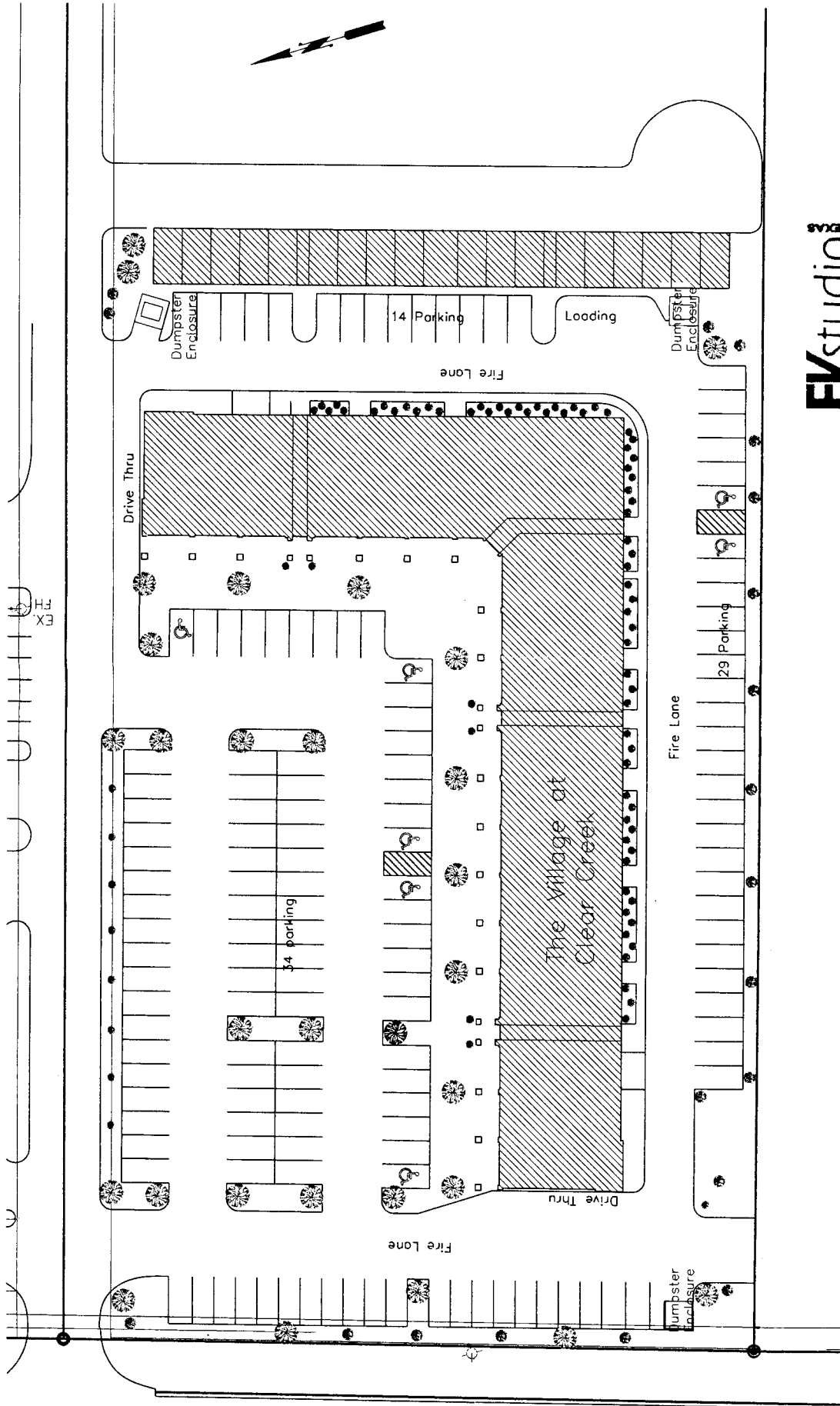
PROPERTY OWNER:

ABBOTT SPRINGS LTD

- Legend**
- Buffer_of_12-37
 - Production: GISADMIN.ZoningCases2012
 - Municipality Limits
 - CURRENT ZONING
 - Production: GISADMIN.Parcel
 - Subdivision

Date: 9/11/2012



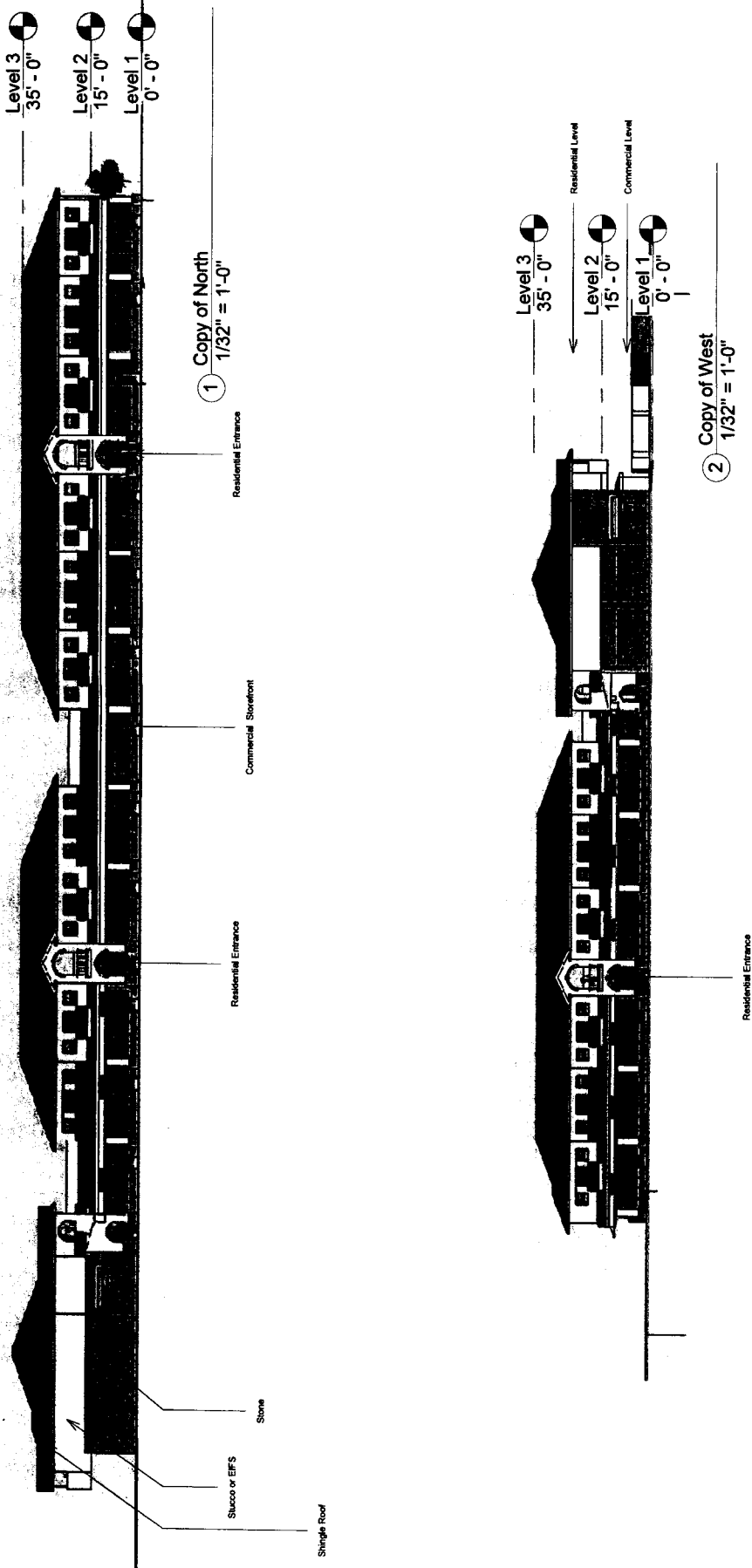


PROPOSED PROJECT:

THE VILLAGE AT CLEAR CREEK

PROJECT OWNER:

109 W. Ave. D
 Copper, CO, TX 76522
 254.238.4405
 1117 Cherokee St, Suite 100
 Denver, CO 80204
 303.670.7242
 4602 Plettner Lane 4D
 Evergreen, CO 80439
 303.670.7242



CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

ZONING CASE #Z12-37

B-5 (BUSINESS DISTRICT) TO B-4 (BUSINESS DISTRICT) AND R-3A (MULTI FAMILY RESIDENTIAL DISTRICT) WITH A PUD OVERLAY

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

This request is to rezone approximately five (5) acres from B-5 (Business District) to R-3A (Multifamily Apartment Residential District) and B-4 (Business District) with a planned unit development (PUD) overlay. The site plan provided by the applicant shows a mixed use development consisting of 19 apartment homes and 21,865 square feet of leasable retail/commercial area.

The development will be built at a height not to exceed 35 feet and two bedroom apartment units ranging in are between 850 square feet to 1,000 square feet.

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.

- *Uses.* A building or premises in the district “B-4” business district shall be used only for the following purposes:

- Any use permitted in the “B-3” district.
- Antique shop.
- Secondhand goods store. No outside display, repair or storage.
- Auto sales. Where the major business is the showroom display and sale of new automobiles by an authorized dealer and used car sales, repair work and storage facilities on the same premises shall be purely incidental; provided, that the area allowed for the repair and storage of cars shall not be nearer than twenty (20) feet from the required front line of the principal building.
- Auto sales. Used cars; no salvage, dismantling or wrecking on premises; no display of vehicles in required front yard.
- Commercial parking (public garage or parking lot).
- Auto upholstery or muffler shop.
- Auto repair (garage).
- Cold storage plant (locker rental).
- Bakery or confectionery, wholesale.
- Bomb shelter (as a principal use).
- Building material or lumber sales (no outside storage).
- Cleaning, pressing, and dyeing:
 - No direct exterior exhaust from cleaning plant permitted.
 - Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.
- Florist, garden shop, greenhouse or nursery (retail).
- Ballpark, stadium, athletic field (private).
- Wholesale offices.
- Lodges or fraternal organizations.
- Philanthropic institutions (not elsewhere listed).
- Cabinet, upholstery, woodworking shop.
- Plumbing, electrical, air conditioning service shop (no outside storage).
- Trade or business school.
- Sale of beer and/or wine only for off-premises consumption only.
- Garment manufacturing in a space of four thousand (4,000) square feet or less, with all loading and unloading off-street.

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: Abbot Springs, Ltd.

Property Location: The property is located along the east right-of-way of Clear Creek Road (S.H. 201), approximately 540' south of Bell Tower Road, Killeen, Texas.

Legal Description: Lot 1, Block 1, Ware Addition

Annexation/ Zoning/ Plat Case History:

- The property was annexed into the city per ordinance no. 95-79 on November 14, 1995.
- The property was rezoned from 'A' (Agricultural District) to B-5 per ordinance #06-111 on September 17, 2006.
- The property has not been platted as Lot 1, block 1, Ware Addition, which was filed for record on June 15, 2012 in cabinet D, Slide 359C, Plat Records of Bell County, Texas.

Character of the Area:

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

Figure 1. Zoning Map

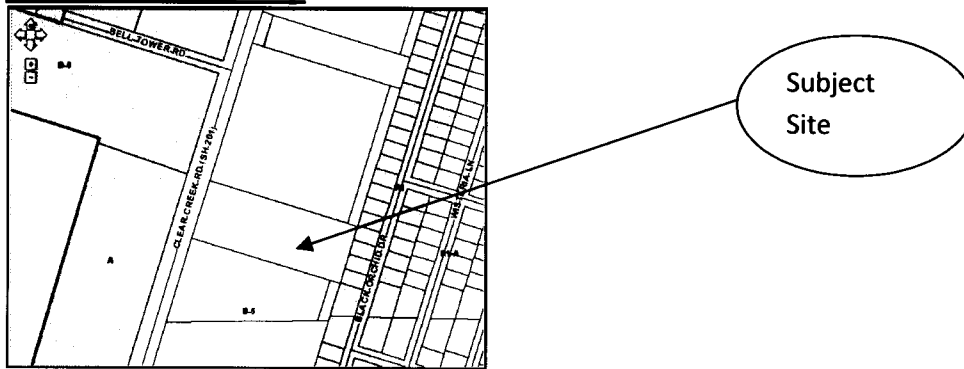


Figure 2. Aerial Map



Historic Properties: None

Infrastructure and Community Facilities

Emergency Response:

Fire District: 7

Fire Response Zone: 7-5

Miles from Fire Station: Approximately 1.6 miles from Fire Station No. 7, which is located at 3701 Watercrest Drive.

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.

Transportation:

Existing conditions: Clear Creek Road (S. H. 201) is classified as a 90' minor arterial on the city's Thoroughfare Plan. There is also a platted 50' marginal access road on this property.

Proposed Improvements: The developer is responsible for construction of the marginal access road.

Projected Traffic Generation: The traffic impact may be substantial upon build-out.

Environmental Assessment

Topography: This property has elevations ranging from 984' to 990'.

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 Commercial' on the future land use map (FLUM) of the Comprehensive Plan (Plan).

Plan Recommendation: The 'General Commercial' designation of the Comprehensive Plan allows a wide range of commercial retail and service uses, at varying scales and intensities depending on the site. Office uses (both large and/or multi-story buildings and small-scale office uses depending on the site), public/institutional uses and parks and public spaces are also allowed.

Consistency: The PUD request is consistent with the Comprehensive Plan. It is an overlay district that allows land uses

Public Notification

The staff notified twelve (12) surrounding property owners regarding this request.

Recommendation

The Planning and Zoning Commission recommended approval of the applicant's PUD concept with the underlying zoning of B-4 (Business District) and R-3A (Multi-family Apartment Residential District) by a vote of 5 to 0, with Commissioner Steine abstaining. This represents a concept that has been long anticipated in the city and will be an attractive "first attempt" of mixed use.