

Case File # 211-17

OUT PROCESSING ZONING CHECKLIST

Left side of file:

- Original Application
- Corporate Resolution/Partnership Agreement (if needed)
- Authorization to sign/Power of Attorney (if needed)
- Deed Restrictions/Warranty Deed
- Field Notes (if applicable)
- Site Plan (if applicable)

Right side of file:

- Ordinance/CC Memo (Ord. Number 11-050)
- Owner Approval Letter/Dated 6-30-11
- CC Minutes (Date 6-28-11)
- CC Agenda (Date 6-28-11)
- CC Packet: (CCMO, Minutes, Considerations, Application, SPO Responses)

- Public Notice
- P&Z Minutes (Signed Copy) (Date 6-13-11)
- P&Z Agenda (Date 6-13-11)
- P&Z Packet: (P&Z Memo, Considerations, Application, Maps, SPO responses)

- PVT
- SPO Responses (if any)
- PO/SPO Letter: 11 Sent Support
3 Opposed Undelivered
- SPO Map
- Copy of SPO Database
- Receipt for application fee
- CUP (site plan if applicable) PUD
- Label made for outside folder
- Copy of Ordinance given to Mapping (Date 6-30-11)
- Changed zoning in Land Management (Date _____)



City of Killeen
Zoning Change Application

CASE #:

Z11-17

Name(s) of Property Owner (s): DOREL KILLEEN HOLDINGS LLC

Address: 155 SCHMIDT BLVD

City: FARMINGDALE State: NY Zip: 11735-1403

Home Phone: (212) 564 9427 Business Phone: (631) 231 5041 Cell Phone: 212 564-9427

Name of Applicant: _____
(if different than Property Owner)

Address: _____

City: _____ State: _____ Zip: _____

Home Phone: () _____ Business Phone: () _____ Cell Phone: _____

Address/ Location of Property to be Rezoned: NE CORNER WINTHROP & TIPPMAN BLVD

Has the Property been Platted? Y (N) _____
Lot(s) Block(s) Subdivision

Legal Description: 1.73 ACRES - SEE SURVEY
Metes and Bounds Description

Is there a simultaneous plat of this property? DOREL ADDITION UNIT I
(Plat Name)

Type of Ownership: _____ Sole Ownership _____ Partnership Corporation _____ Other

Recorded Copy of Warranty Deed: Is copy of the deed attached? (YES) NO

Present Zoning(s): B2 Present Use: VACANT

Proposed Zoning(s): C3A-PUD Proposed Use: APARTMENT

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Home Phone: (____) _____ Business Phone: (____) _____ Cell Phone: _____

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application, are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, **I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter.** If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to "I", "my," or "me" is a reference to the entity.

Signature of Agent _____ Title _____

Printed/Typed Name of Agent _____ Date _____

Signature of Property Owner *[Handwritten Signature]* Title MEMBER

Printed/Typed Name of Property Owner HOWARD MURPHY Date 04/11/11

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

* Applications must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association.



City of Killeen
Zoning Change Application

Old Application
form
CASE #:
211-17

Name(s) of Property Owner (s): FOLKMARSON FAMILY REVOCABLE TRUST

Address: 708 BADGER TRAIL

City: HARKER HEIGHTS State: TX Zip: 76548-2168

Home Phone: () _____ Business Phone: () _____ Cell Phone: _____

Name of Applicant: DOREL KILLEEN HOLDINGS LLC
(if different than Property Owner)

Address: 655 SCHMIDT BLVD

City: FARMINGDALE State: NY Zip: 11735-1403

Home Phone: () _____ Business Phone: (631) 231 5041 Cell Phone: 210 564-9927

Address/ Location of Property to be Rezoned: CORNER OF WINTHER & TRIMMIER

Has the Property been Platted? Y (N) _____
Lot(s) Block(s) Subdivision

Legal Description: 1.73 ACRES - SEE ATTACHED SURVEY
Metes and Bounds Description

Is there a simultaneous plat of this property? DOREL ADDITION UNIT 2
(Plat Name)

Type of Ownership: _____ Sole Ownership _____ Partnership Corporation _____ Other

Recorded Copy of Warranty Deed: Is copy of the deed attached? (YES) NO

Present Zoning(s): B2 Present Use: VACANT

Proposed Zoning(s): C3A TOWN Proposed Use: APARTMENT

COPY

“NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS’ LICENSE NUMBER.”

SPECIAL WARRANTY DEED

DATE: March 10, 2011

GRANTOR: DONALD A. FOLKERSON and JANET G. FOLKERSON, as Trustees for the FOLKERSON FAMILY REVOCABLE TRUST; DOUGLAS M. FOLKERSON and wife, CECILE L. FOLKERSON and GREGORY B. FOLKERSON

GRANTOR'S MAILING ADDRESS: 600 Indian Trail, Ste. 100, Harker Heights, Bell County, Texas
76548

GRANTEE: DOREL KILLEEN HOLDINGS, LLC, a Delaware limited liability company

GRANTEE'S MAILING ADDRESS: 155 Schmitt Blvd., Farmingdale, Nassau County, New York
11735

CONSIDERATION: The sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration, the receipt of which is hereby acknowledged.

PROPERTY:

Being 1.730 acres of land, more or less, out of the W. H. COLE SURVEY, Abstract 201, Bell County, Texas, more particularly described in Exhibit “A” attached hereto and made a part hereof as though fully set out herein.

THE PROPERTY IS CONVEYED IN AN “AS IS, WHERE IS” CONDITION, WITH ALL FAULTS.

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time: any and all reservations, restrictions, covenants, conditions and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS, AND CONVEYS to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, TO HAVE AND HOLD IT to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, when the claim is by, through or under Grantor but not otherwise.

When the context requires, singular nouns and pronouns include the plural.

FOLKERSON FAMILY REVOCABLE TRUST

BY: Donald A. Folkerson
DONALD A. FOLKERSON, Trustee

BY: Janet G. Folkerson
JANET G. FOLKERSON, Trustees

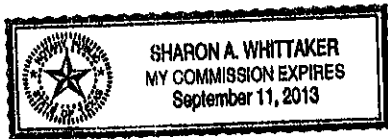
Douglas M. Folkerson
DOUGLAS M. FOLKERSON

Cecile L. Folkerson
CECILE L. FOLKERSON

Gregory B. Folkerson
GREGORY B. FOLKERSON

STATE OF TEXAS
COUNTY OF BELL

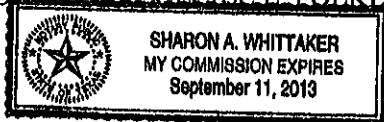
This instrument was acknowledged before me on the 11th day of March, 2011, by DONALD A. FOLKERSON and JANET G. FOLKERSON, as Trustees for the FOLKERSON FAMILY REVOCABLE TRUST.



Sharon A. Whittaker
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

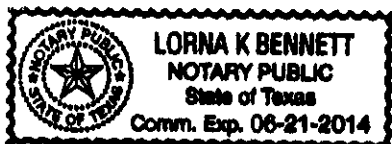
This instrument was acknowledged before me on the 11th day of March, 2011, by DOUGLAS M. FOLKERSON and wife CECILE L. FOLKERSON.



Sharon A. Whittaker
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on the 11th day of March, 2011, by GREGORY B. FOLKERSON.



Lorna K Bennett
NOTARY PUBLIC, STATE OF TEXAS

2908 TRIMMIER
1.730 ACRES

FIELD NOTES for a 1.730 acre tract of land in Bell County, Texas, being part of the W. H. Cole Survey, Abstract No. 201, and the land herein described being all of a called 1.73 acre tract conveyed to The Folkerson Family Revocable Trust, of record in Volume 3595, Page 328, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod, found at the intersection of the east right-of-way line of Trimmier Road with the north right-of-way line of Winkler Avenue, being the southwest corner of said 1.73 acre tract, for the southwest corner of this tract;

THENCE N. 17° 25' 52" E., 250.02 feet, with the east right-of-way line of said Trimmier Road and the west line of said 1.73 acre tract, to a 1/2" iron rod found at the northwest corner of said 1.73 acre tract and the southwest corner of Lot 2, Block 1, Isdale Addition Extension, an addition to the City of Killeen, Texas, of record in Cabinet B, Slide 226-A, Plat Records of Bell County, Texas, for the northwest corner of this tract;

THENCE S. 72° 46' 07" E., 300.86 feet, with the north line of said 1.73 acre tract and the south line of said Lot 2, to a 1/2" iron rod found at the northeast corner of said 1.73 acre tract and the southeast corner of said Lot 2, same being the northerly southwest corner of Lot 3 and the northwest corner of Lot 4, said Block 1, for the northeast corner of this tract;

THENCE S. 17° 36' 58" W., 251.74 feet, with the east line of said 1.73 acre tract and the west line of said Lot 4, to a 1/2" iron rod found on the north right-of-way line of said Winkler Avenue at the southeast corner of said 1.73 acre tract and the southwest corner of said Lot 4, for the southeast corner of this tract;

THENCE N. 72° 26' 26" W., 300.05 feet, with the north right-of-way line of said Winkler Avenue and the south line of said 1.73 acre tract, to the POINT OF BEGINNING containing 1.730 acres of land.

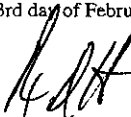
The bearings for the above description are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (CORS 96), per Leica Texas SmartNet GPS observations.

See accompanying drawing.

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract and that this description is true and correct to the best of my knowledge and belief. Survey completed on the ground February 22, 2011.

IN WITNESS THEREOF, my hand and seal this the 23rd day of February, 2011.


Rex D. Haas
Registered Professional
Land Surveyor, No. 4378



CONDITIONS AND STIPULATIONS

1. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment, that is not shown in Schedule B, you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.
2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this Commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, Exceptions and Exclusions.

DELETION OF ARBITRATION PROVISION

(Not applicable to the Texas Residential Owner Policy)

ARBITRATION is a common form of alternative dispute resolution. It can be a quicker and cheaper means to settle a dispute with your Title Insurance Company. However, if you agree to arbitrate, you give up your right to take the Title Company to court and your rights to discovery of evidence may be limited in the arbitration process. In addition, you cannot usually appeal an arbitrator's award.

Your policy contains an arbitration provision (shown below). It allows you or the Company to require arbitration if the amount of insurance is \$2,000,000 or less. If you want to retain your right to sue the Company in case of a dispute over a claim, you must request deletion of the arbitration provision before the policy is issued. You can do this by signing this form and returning it to the Company at or before the Closing of your real estate transaction or by writing to the Company.

The arbitration provision in the Policy is as follows:

"Unless prohibited by applicable law or unless this arbitration section is deleted by specific provision in Schedule B of this policy, either the Company or the Insured may demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Arbitrable matters include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this Policy, and service of the Company in connection with its issuance or the breach of a policy provision or other obligation. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less SHALL BE arbitrated at the request of either the Company or the Insured, unless the insured is an individual person (as distinguished from a corporation, trust, partnership, association or other legal entity). All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this Policy and under the Rules in effect on the date the demand for arbitration is made or, at the option of the Insured, the Rules in effect at the Date of Policy shall be binding upon the parties. The award may include attorneys' fees only if the laws of the state in which the land is located permit a court to award attorneys' fees to a prevailing party. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof."

The Law of the situs of the land shall apply to any arbitration under the Title Insurance Arbitration Rules.

A Copy of the Rules may be obtained from the Company upon request.

I request deletion of the Arbitration provision.

SIGNATURE

DATE

TEXAS COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

Effective Date: February 27, 2011 at 8:00 a.m.

GF No. A1012085

Commitment No. A1012085 issued March 10, 2011, 5:00 p.m.

1. The policy or policies to be issued are:

- (a) OWNER'S POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)

Policy Amount: \$390,000.00

PROPOSED INSURED:

DOREL KILLEEN HOLDINGS, LLC

- (b) TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE
- ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)

Policy Amount: \$

PROPOSED INSURED:

- (c) LOAN POLICY OF TITLE INSURANCE (FORM T-2)

Policy Amount: \$

PROPOSED INSURED:

Proposed Borrower:

- (d) TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (FORM T-2R)

Policy Amount: \$

PROPOSED INSURED:

Proposed Borrower:

- (e) LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)

Binder Amount: \$

PROPOSED INSURED:

Proposed Borrower:

- (f) OTHER:

Policy Amount: \$


PROPOSED INSURED:

2. The interest in the land covered by this Commitment is: Fee Simple

3. Record Title to the land on the Effective Date appears to be vested in:

FOLKERSON FAMILY REVOCABLE TRUST and DOUGLAS M. FOLKERSON and wife, CECILE L.

Authorized Countersignature



American Abstract & Title Co., Inc./PS

Old Republic National Title Insurance Company

SCHEDULE A - continued

Commitment No. A1012085

GF No. A1012085

FOLKERSON and GREGORY B. FOLKERSON

4. Legal description of land:

Being 1.730 acres of land, more or less, out of the W. H. Cole Survey, Abstract 201, Bell County, Texas, described by metes and bounds in fieldnotes attached hereto.

2908 TRIMMIER
1.730 ACRES

FIELD NOTES for a 1.730 acre tract of land in Bell County, Texas, being part of the W. H. Cole Survey, Abstract No. 201, and the land herein described being all of a called 1.73 acre tract conveyed to The Folkerson Family Revocable Trust, of record in Volume 3595, Page 328, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

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THENCE S. 72° 46' 07" E., 300.86 feet, with the north line of said 1.73 acre tract and the south line of said Lot 2, up a 1/2" iron rod found at the northeast corner of said 1.73 acre tract and the southeast corner of said Lot 2, same being the northerly southwest corner of Lot 3 and the northwest corner of Lot 4, said Block 1, for the northeast corner of this tract;

THENCE S. 17° 36' 58" W., 251.74 feet, with the east line of said 1.73 acre tract and the west line of said Lot 4, to a 1/2" iron rod found on the north right-of-way line of said Winkler Avenue at the southeast corner of said 1.73 acre tract and the southwest corner of said Lot 4, for the southeast corner of this tract;

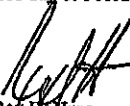
THENCE N. 72° 26' 26" W., 300.05 feet, with the north right-of-way line of said Winkler Avenue and the south line of said 1.73 acre tract, to the POINT OF BEGINNING containing 1.730 acres of land.

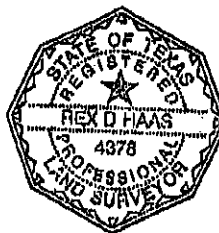
The bearings for the above description are based on the Texas State Plane Coordinate System, Central Zone, NAD 83 (CORS 96), per Leica Texas SmartNet GPS observations.

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract and that this description is true and correct to the best of my knowledge and belief. Survey completed on the ground February 22, 2011.

IN WITNESS THEREOF, my hand and seal this the 23rd day of February, 2011.


Rex D. Haas
Registered Professional
Land Surveyor, No. 4378



SCHEDULE B

Commitment No. A1012085

GF No. A1012085

EXCEPTIONS FROM COVERAGE

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):
DELETE THIS EXCEPTION.
2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any, of any spouse of any insured.(Applies to the Owner Policy only.)
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities
 - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.(Applies to the Owner Policy only.)
5. Standby fees, taxes and assessments by any taxing authority for the year 2011, and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, *Texas Tax Code*, or because of improvements not assessed for the previous tax year. (If Texas Short Form Residential Mortgagee Policy of Title Insurance (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year 2011 and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner.(Applies to the Mortgagee Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)
8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage.(Applies to Mortgagee Policy only.)
9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Mortgagee Policy of Title Insurance (T-2R). (Applies to Texas Short Form Residential Mortgagee Policy of Title

American Abstract & Title Co., Inc./PS

Old Republic National Title Insurance Company

Texas Commitment T-7 (Rev. 02-01-10) - Schedule B

Valid Only if Schedules A, C, D and Cover are attached

SCHEDULE B - continued

Commitment No. A1012085

GF No. A1012085

Insurance (T-2R) only). Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Mortgagee Policy of Title Insurance (T-2R).

10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):

- ~~a. Any and all leases, recorded or unrecorded, with rights of tenants in possession.~~
- ~~b. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.~~
- ~~c. Any and all visible or apparent easements and rights of way over, under and across subject property.~~
- ~~d. Rights of parties in possession. (Owners policy only)~~

SCHEDULE C

Commitment No. A1012085

GF No. A1012085

Your policy will not cover loss, costs, attorney's fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
 - no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
 - all standby fees, taxes, assessments and charges against the property have been paid,
 - all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, sub-contractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialmen's liens have attached to the property,
 - there is legal right of access to and from the land,
 - (on a Mortgagee Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
5. Prior to the closing of the present transaction, we must be provided a Certification of Trust acceptable to title company for examination and possible further requirements.
6. The Closing Agent must verify the marital status of the titleholder(s).
7. PURSUANT TO ARTICLE 9.48, SECTION 6(a) and (b) OF THE TEXAS INSURANCE CODE, EFFECTIVE JANUARY 1, 2004, TITLE COMPANIES ARE REQUIRED TO COLLECT AND REMIT TO THE TEXAS TITLE INSURANCE GUARANTY ASSOCIATION A FIVE DOLLAR (\$5.00) GUARANTY FEE FOR EACH TITLE INSURANCE POLICY ISSUED. THEREFORE, WE REQUIRE THAT YOUR REMITTANCE TO THIS TITLE COMPANY INCLUDE \$5.00 FOR EACH TITLE POLICY YOU ARE REQUESTING.
8. We must be furnished with tax certificates from all authorities within whose taxing jurisdiction the property is located certifying all taxes paid up to and including 2010. TITLE COMPANY WILL OBTAIN TAX CERTIFICATE(S) UNLESS INSTRUCTED OTHERWISE AT TIME ORDER IS PLACED.
9. Please collect and remit \$36.02 for each tax certificate to AMERICAN ABSTRACT & TITLE CO., INC.
10. Upon payment of all standby fees and taxes due and the payment of applicable premium, Item No. 3 on Schedule "B" of the Mortgagee's Title Policy only will be amended to read as follows: "Standby fees and taxes for the year 2011 and subsequent years, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, *Texas Tax Code*, or because of improvements not assessed for the previous tax year. Company insures that standby fees and taxes for the year 2011 are not yet due and payable."

American Abstract & Title Co., Inc./PS

Old Republic National Title Insurance Company

Texas Commitment T-7 (Rev. 02-01-10) - Schedule C

Valid Only if Schedules A, B, D and Cover are attached

SCHEDULE C - continued

Commitment No. A1012085

GF No. A1012085

11. Upon approval of a survey, by Approved Surveyor, showing all improvements, easements and encroachments, and upon the payment of the applicable premium, if any, Item No. 2 on Schedule "B" of the Owner and/or Mortgagee's Title Policy will be amended to read as follows: "Any shortages in area." Additionally, the exception to visible and apparent easements on Schedule "B" will be deleted in the Mortgagee's Title Policy.
12. We must be furnished with a properly executed Affidavit of Debts and Liens, executed by the seller(s).
13. We must be furnished with a properly executed Waiver of Inspection, executed by the purchaser(s).
14. THIS PARAGRAPH IS NOT APPLICABLE TO TEXAS RESIDENTIAL OWNER POLICY OF TITLE INSURANCE (FORM T-1R) ONE-TO-FOUR FAMILY RESIDENCES...THE TITLE INSURANCE POLICY BEING ISSUED TO YOU CONTAINS AN ARBITRATION PROVISION. IT ALLOWS YOU OR THE COMPANY TO REQUIRE ARBITRATION IF THE AMOUNT OF INSURANCE IS \$2,000,000.00 OR LESS. IF YOU WANT TO RETAIN YOUR RIGHT TO SUE THE COMPANY IN CASE OF DISPUTE OVER A CLAIM, YOU MUST REQUEST DELETION OF THE ARBITRATION PROVISION BEFORE THE POLICY IS ISSUED. IF YOU ARE THE PURCHASER IN THE TRANSACTION AND ELECT DELETION OF THE ARBITRATION PROVISION, A FORM WILL BE PRESENTED TO YOU AT CLOSING FOR EXECUTION. IF YOU ARE THE LENDER IN THE TRANSACTION AND DESIRE DELETION OF THE ARBITRATION PROVISION, PLEASE INFORM US THROUGH YOUR LOAN CLOSING INSTRUCTIONS.
15. This title must be updated prior to closing.

NOTE TO ALL BUYERS, SELLERS, BORROWERS, LENDERS, AND ALL PARTIES INTERESTED IN THE TRANSACTION COVERED BY THIS COMMITMENT. THE FOLLOWING CONSTITUTES A MAJOR CHANGE IN THE PROCEDURES AND REQUIREMENTS FOR DISBURSEMENT OF FUNDS BY THE TITLE AGENT PURSUANT TO THIS TRANSACTION: EFFECTIVE AUGUST 1, 1988, THE STATE BOARD OF INSURANCE ADOPTED PROCEDURAL RULE P-27 WHICH REQUIRES THE "GOOD FUNDS" BE RECEIVED AND DEPOSITED BEFORE A TITLE AGENT MAY DISBURSE FROM ITS TRUST FUND ACCOUNT. THE TERM "GOOD FUNDS" IS DEFINED AS: (1) CASH OR WIRE TRANSFERS; (2) CERTIFIED FUNDS, INCLUDING CERTIFIED CHECKS AND CASHIER'S CHECKS; (3) UNCERTIFIED FUNDS IN AMOUNTS LESS THAN \$1,500.00 INCLUDING CHECKS, TRAVELER'S CHECKS, MONEY ORDERS AND NEGOTIABLE ORDERS OR WITHDRAWAL, PROVIDED MULTIPLE ITEMS SHALL NOTE BE USED TO AVOID THE \$1,500.00 LIMITATION; (4) UNCERTIFIED FUNDS IN AMOUNTS OF \$1,500.00 OR MORE, DRAFTS, AND ANY OTHER ITEMS WHEN COLLECTED BY THE FINANCIAL INSTITUTION; (5) STATE OF TEXAS WARRANTS.

SCHEDULE D

Commitment No. A1012085

GF No. A1012085

Pursuant to the requirements of Rule P-21, Basic Manual of Rules, Rates and Forms for the writing of Title Insurance in the State of Texas, the following disclosures are made:

Shareholders owning, controlling or holding, either directly or indirectly, 10% or more of the shares of Old Republic National Title Insurance Company and all individuals partnerships, corporations, trusts or other entities owning ten percent (10%) or more of Old Republic National Title Insurance Company of as of the last day of the year preceding the date hereinabove set fort are as follows: Old Republic National Title Insurance Company – 100%, a wholly owned subsidiary of Old Republic Title Insurance Group, Inc., a wholly owned subsidiary of Old Republic International Corporation

DIRECTORS OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

HARRINGTON BISCHOF
JOHN W. POPP
DENNIS P. VAN MEIGHAM
RANDE K. YEAGER

JOHN M. DIXON
ARNOLD L. STEINER
JAMES A. KELLOGG
CHARLES F. TITTERTON

STEVE R. WALKER
A. C. ZUCARO
FREDERICKA TAUBITZ
LEO E. KNIGHT, JR.

OFFICERS OF OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

RANDE K. YEAGER, Chairman, CEO
MARK BILBREY, President
MIKE TARPEY, Vice President and Treasurer
ROBERT J. CHAPMAN, Executive Vice President
PATRICK A. CONNOR, Executive Vice President

STEPHEN C. WILSON, Executive Vice President, Vice Chairman
DANIEL M. WOLD, Sr. Vice President, Secretary & General Counsel
GARY J. HORN, Executive Vice President, CFO
MARK M. BUDZINSKI, Executive Vice President
R. WAYNE SHUPE, Executive Vice President

TITLE INSURANCE AGENCY

Owners of 1% or more of stock of American Abstract & Title Co., Inc. are:
 (1) Betty Langford, (2) Frank Roberts (3) Burk A. Roberts, (4) Craig A. Langford

Directors of American Abstract & Title Co., Inc. are:

Betty Langford, Frank Roberts

Officers of American Abstract & Title Co., Inc. are:

Betty L. Langford, President
Craig A. Langford, Vice-President
Frank Roberts, Secretary-Treasurer

3. You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm or corporation receiving any sum from the settlement of this transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated title premium* is:

Owner's Policy	\$ 2445.00
Loan Policy	\$ _____
Endorsement Charges	\$ _____
Other	\$ _____
Total	\$ 2,445.00

Of this total amount: \$ _____ or 15.00% will be paid to the policy issuing Title Insurance Company; \$ _____ or 53% will be retained by the issuing Title Insurance Agent, and the remainder of the estimated premium will be paid to other parties as follows:

Amount	To Whom	For Services
\$ 30%	CentraLand Title	Title Examination

American Abstract & Title Co., Inc./PS

Old Republic National Title Insurance Company

SCHEDULE D - continued

Commitment No. A1012085

GF No. A1012085

\$ _____
\$ _____

* The estimated premium is based upon information furnished to us as of the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the Commissioner of Insurance.

IMPORTANT NOTICE

To obtain information or make a complaint:

You may contact American Abstract & Title Co Inc.
at:

254-526-9525

2501-B E Elms Rd.
Killeen, TX 76542

You may also contact Old Republic National Title
Insurance Company at:

1-888-678-1700

400 Second Avenue South
Minneapolis, Minnesota 55401
Attn: Claims Department

You may contact the Texas Department of
Insurance to obtain information on companies,
coverages, rights or complaints at:

1-800-252-3439

You may write the Texas Department of
Insurance:

P. O. Box 149104
Austin, TX 78714-9104
Fax: (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-mail: ConsumerProtection@tdi.state.tx.us

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your
premium or about a claim you should contact the
Old Republic National Title Insurance Company
first. If the dispute is not resolved, you may
contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY

This notice is for information only and does not
become a part or condition of the attached
document.

AVISO IMPORTANTE

Para obtener informacion o para someter una queja:

Puede comunicarse con American Abstract & Title Co Inc.
at:

254-526-9525

2501-B E Elms Rd.
Killeen, TX 76542

Usted tambien puede escribir a Old Republic National Title
Insurance Company:

1-888-678-1700

400 Second Avenue South
Minneapolis, Minnesota 55401
Attn: Claims Department

Puede comunicarse con el Departamento de Seguros de
Texas para obtener informacion acerca de companias,
coberturas, derechos o quejas al:

1-800-252-3439

Puede escribir al Departament de Seguros de Texas:

P. O. Box 149104
Austin, TX 78714-9104
Fax: (512) 475-1771
Web: <http://www.tdi.state.tx.us>
E-mail: ConsumerProtection@tdi.state.tx.us

DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un
reclamo, debe comunicarse con Old Republic National Title
Insurance Company primero. Si no se resuelve la disputa,
puede entonces comunicarse con el departamento (TDI).

UNA ESTE AVISO A SU POLIZA: Este aviso es solo
para proposito de informacion y no se convierte en parte o
condicion del documento adjunto.

TEXAS TITLE INSURANCE INFORMATION

<p>Title insurance insures you against loss resulting from certain risks to your title.</p> <p>The Commitment for Title Insurance is the title insurance company's promise to issue the title insurance policy. The Commitment is a legal document. You should review it carefully to completely understand it before your closing date.</p>	<p>El seguro de título le asegura en relación a pérdidas resultantes de ciertos riesgos que pueden afectar el título de su propiedad.</p> <p>El Compromiso para Seguro de Título es la promesa de la compañía aseguradora de títulos de emitir la póliza de seguro de título. El Compromiso es un documento legal. Usted debe leerlo cuidadosamente y entenderlo completamente antes de la fecha para finalizar su transacción.</p>
--	---

Your Commitment for Title Insurance is a legal contract between you and us. The Commitment is not an opinion or report of your title. It is a contract to issue you a policy subject to the Commitment's terms and requirements.

Before issuing a Commitment for Title Insurance (the Commitment) or a Title Insurance Policy (the Policy), the Title Insurance Company (the Company) determines whether the title is insurable. This determination has already been made. Part of that determination involves the Company's decision to insure the title except for certain risks that will not be covered by the Policy. Some of these risks are listed in Schedule B of the attached Commitment as Exceptions. Other risks are stated in the Policy as Exclusions. These risks will not be covered by the Policy. The Policy is not an abstract of title nor does a Company have an obligation to determine the ownership of any mineral interest.

— **MINERALS AND MINERAL RIGHTS** may not be covered by the Policy. The Company may be unwilling to insure title unless there is an exclusion or an exception as to Minerals and Mineral Rights in the Policy. Optional endorsements insuring certain risks involving minerals, and the use of improvements (excluding lawns, shrubbery and trees) and permanent buildings may be available for purchase. If the title insurer issues the title policy with an exclusion or exception to the minerals and mineral rights, neither this Policy, nor the optional endorsements, ensure that the purchaser has title to the mineral rights related to the surface estate.

Another part of the determination involves whether the promise to insure is conditioned upon certain requirements being met. Schedule C of the Commitment lists these requirements that must be satisfied or the Company will refuse to cover them. You may want to discuss any matters shown in Schedules B and C of the Commitment with an attorney. These matters will affect your title and your use of the land.

When your Policy is issued, the coverage will be limited by the Policy's Exceptions, Exclusions and Conditions, defined below.

— **EXCEPTIONS** are title risks that a Policy generally covers but does not cover in a particular instance. Exceptions are shown on Schedule B or discussed in Schedule C of the Commitment. They can also be added if you do not comply with the Conditions section of the Commitment. When the Policy is issued, all Exceptions will be on Schedule B of the Policy.

— **EXCLUSIONS** are title risks that a Policy generally does not cover. Exclusions are contained in the Policy but not shown or discussed in the Commitment.

— **CONDITIONS** are additional provisions that qualify or limit your coverage. Conditions include your responsibilities and those of the Company. They are contained in the Policy but not shown or discussed in the Commitment. The Policy Conditions are not the same as the Commitment Conditions.

You can get a copy of the policy form approved by the Texas Department of Insurance by calling the Title Insurance Company at 1-888-678-1700 or by calling the title insurance agent that issued the Commitment. The Texas Department of Insurance may revise the policy form from time to time.

You can also get a brochure that explains the policy from the Texas Department of Insurance by calling 1-800-252-3439.

Before the Policy is issued, you may request changes in the policy. Some of the changes to consider are:

— Request amendment of the "area and boundary" exception (Schedule B, paragraph 2). To get this amendment, you must furnish a survey and comply with other requirements of the Company. On the Owner Policy, you must pay an additional premium for the amendment. If the survey is acceptable to the Company and if the Company's other requirements are met, your Policy will insure you against loss because of discrepancies or conflicts in boundary lines, encroachments or protrusions, or overlapping of improvements. The Company may then decide not to insure against specific boundary or survey problems by making special exceptions in the Policy. Whether or not you request amendment of the "area and boundary" exception, you should determine whether you want to purchase and review a survey if a survey is not being provided to you.

— Allow the Company to add an exception to "rights of parties in possession." If you refuse this exception, the Company or the title insurance agent may inspect the property. The Company may except to and not insure you against the rights of specific persons, such as renters, adverse owners or easement holders who occupy the land. The Company may charge you for the inspection. If you want to make your own inspection, you must sign a Waiver of Inspection form and allow the Company to add this exception to your Policy.

The entire premium for a Policy must be paid when the Policy is issued. You will not owe any additional premiums unless you want to increase your coverage at a later date and the Company agrees to add an Increased Value Endorsement.

Old Republic National Title Insurance Company
400 Second Avenue South
Minneapolis, Minnesota 55401

Commitment For Title Insurance

Issued through the Office of:



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



SPECIAL WARRANTY DEED

THE STATE OF TEXAS
COUNTY OF BELL

*
* KNOW ALL MEN BY THESE PRESENTS:
*

DONALD A. FOLKERSON and wife, JANET G. FOLKERSON, ("Grantors"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$ 10.00), and other good and valuable consideration to the undersigned paid by the Grantee herein named, the receipt and sufficiency of which is hereby acknowledged, have GRANTED, SOLD, AND CONVEYED, and by these presents do GRANT, SELL, AND CONVEY unto THE FOLKERSON FAMILY REVOCABLE TRUST, as ("Grantee"), all their interests in and to the following described real property in BELL County, TEXAS to-wit:

A tract of land out of and a part of the W.H. Cole Survey, Patent No. 239, Vol. 3, Bell County, Texas and being out of and a part of that certain tract described as 100 acres, Tract One, in a deed from M.H. Levy to John H. Weiss as recorded in Vol. 700, Page 69, Deed Records of Bell County, Texas.

BEGINNING at an iron rod which bears S. 19°34'58" W., 320.0 feet from the intersection of the east margin of Trimmier Road and the south margin of that certain tract described as 12.31 acres in a deed to Howard S. Boasley of record in Vol. 911, Page 205, Deed Records of Bell County, Texas.

THENCE S. 19° 34'58" W., along the east margin of Trimmier Road, 250.03 feet to an iron rod for the southwest corner of this.

THENCE S. 70° 51' 07" E., along the north margin of a 60 foot strip reserved for a road easement, 300.0 feet to an iron rod for the southeast corner of this.

THENCE N. 19° 29' 21" E., 251.20 feet to an iron rod for the northeast corner of this .

THENCE N. 71° 08' 15" W., 300.0 feet to the point of beginning, containing 1.73 acres of land.

This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, easements, maintenance charges and the liens securing said charges, and mineral reservations of whatsoever nature, if any, affecting the premises conveyed herein, now of record in the county wherein the land is located.

TO HAVE AND TO HOLD THE PROPERTY, together with all and singular the rights and appurtenances belonging in any way to the Property, subject to all visible and apparent easements, to Grantee, its successors and assigns forever, and Grantors binds themselves, their successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property to Grantee and its successors and assigns, against every person lawfully claiming or to claim all or any part of the Property, subject to the provisions stated above.

EXECUTED THIS 20th day of March, 1997.


DONALD A. FOLKERSON, GRANTOR


JANET G. FOLKERSON, GRANTOR

007056

FILED FOR RECORD

'97 MAR 24 PM 9 01

VADA SUTTON
CNTY CLERK, BELL CNTY TX.
BY ✓ DEPUTY

MONTEITH ABSTRACT & TITLE CO.
P.O. BOX 1599
KILLEEN, TEXAS 76540
817-526-7506

209

VOL. 3595 PAGE 569



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.
SAN ANTONIO • LAREDO
TEXAS FIRM REGISTRATION NUMBERS
ENGINEERING F-2214 & SURVEYING 100410

May 12, 2011

Tony McIlwain
Planning and Development Services
City of Killeen
200 E. Avenue D, 2nd Floor
Killeen, Texas

RE: Dorel Apartment Project
SUBJECT: Rezoning, Master Plan Revisions, PUD Plan

Dear Mr. McIlwain:

On behalf of Dorel Killeen Holdings LLC we are requesting that the Zoning Cases, including the associated PUD, and Master Plan Amendment for the Dorel Apartment Complex be placed back in the system to allow for consideration by the Planning and Zoning Commission on June 13, 2011.

We are enclosing five copies of the revised PUD Plan and PUD Document. The previously furnished elevation drawing is still applicable to this project.

Should you have any questions or need additional information please let me know.

Very Truly Yours,
Civil Engineering Consultants

A handwritten signature in black ink, appearing to read 'Alan D. Lindskog', with a long horizontal flourish extending to the right.

Alan D. Lindskog, P.E., R.P.L.S.
Principal

Cc: Dorel Killeen Holdings LLC



CIVIL ENGINEERING CONSULTANTS
 DON DURDEN, INC.
 SAN ANTONIO • LAREDO
 TEXAS FIRM REGISTRATION NUMBERS
 ENGINEERING F-2214 & SURVEYING 100410

200 units
 one bldg. has
 been removed.
 Needs 11.478 Acres
 Increased parking
 and impervious cover
 Increase in green
 spaces - how will
 it be utilized

May 6, 2011

Johnny Frederick
 Chairman
 Planning and Zoning Commission
 City of Killeen
 200 E. Ave D, 2nd Floor
 Killeen, Texas 76541

E-mail: jfrederick@hotmail.com (original to be delivered)

RE: Dorel PUD
 SUBJECT: Traffic Impact

Dear Chairman Frederick:

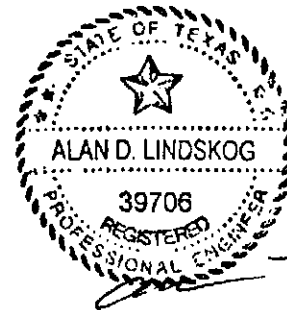
In response to concerns by Commission members that the proposed development would significantly impact traffic on Trimmier and that residents of the proposed development would not be able to exit or enter Winkler from Trimmier the developer instructed CEC to conduct a traffic study for the proposed development.

Attached is a copy of our traffic engineer's report and the report from the firm we used to conduct traffic counts. It is our traffic engineer's opinion that the data shows that the existing traffic level on Trimmier is well below acceptable limits and that the addition of the traffic from the proposed apartment complex will not have a significant adverse impact on the Trimmier traffic. Additionally the traffic on Trimmier will allow for traffic on Winkler to enter onto and exist from Trimmier without undue delays.

Should you have any questions please let me know.

Very Truly Yours
 Civil engineering Consultants

Alan D. Lindskog, P.E., R.P.L.S.
 Principal



Handwritten signature and date 5/7/11

**Cc: City of Killeen: Tony McIlwain (tmcilwain@ci.killeen.tx.us)
John Nett (jnett@ci.killeen.tx.us)
Miguel Diaz mangeld@austin.rr.com**



TRAFFIC DATA SURVEY

Trimmier Road
Killeen, Texas
Bell County



Prepared for: Civil Engineering Consultants
11550 IH 10 West, Suite 395
San Antonio, Texas 78230

Prepared By: AC Group, LLC
5838 Cliffbrier Drive
San Antonio, Texas 78250

Project 25-11
May 2, 2011



2 May 2011

Civil Engineering Consultants

Attn: Mr. Joe Nix, P.E.

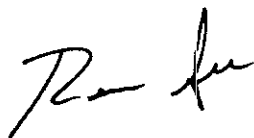
11550 IH 10 West, Ste 395

San Antonio, Texas 78230

Mr. Nix

This report contains the traffic survey requested for Trimmier Road in Killeen, Texas. Twenty-four hour average daily traffic (ADT) volume data was collected between 12:00 AM on Wednesday, April 27, 2011 and ending at 12:00 AM on Thursday, April 28, 2011. A site map is included to illustrate the study area.

The traffic data found in this document is true and conducted to the best of our ability. Thank you for the opportunity to assist you and AC Group, LLC looks forward to working with Civil Engineering Consultants in the future.



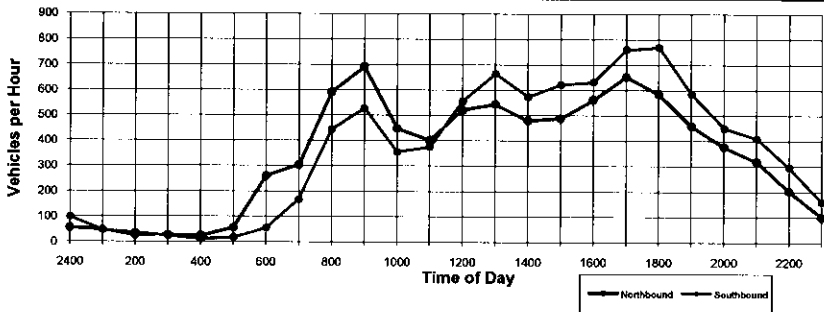
Rene Arredondo, P.E., PTOE
Director of Operations
AC Group, LLC



**Trimmier Road and Lowes Boulevard
Northbound and Southbound Trimmier Road**

Average Daily Traffic Data

Project No. : 25-11
 Station No. : 100
 Counter No. : 4784 / 6324
 Date: April 27, 2011
 Day of Week: Wednesday
 Site: NB and SB Trimmier Road
 Location: Trimmier Road
 City/State: Killeen, Texas



End Time	Northbound Trimmier Road	Southbound Trimmier Road
15	10	14
30	13	8
45	10	8
100	13 46	15 45
115	6	11
130	6	9
145	7	6
200	6 25	9 35
215	5	9
230	5	4
245	6	4
300	10 26	7 24
315	3	3
330	5	3
345	2	3
400	13 23	2 11
415	8	4
430	8	2
445	20	5
500	19 55	6 17
515	34	11
530	62	12
545	90	12
600	74 260	20 55
615	75	23
630	53	23
645	76	40
700	99 303	81 167
715	117	73
730	151	97
745	165	115
800	157 590	157 442
815	137	136
830	158	114
845	208	150
900	189 692	126 526
915	138	88
930	105	93
945	100	80
1000	103 416	94 355
1015	86	79
1030	90	88
1045	114	89
1100	110 400	119 375
1115	113	122
1130	103	132
1145	150	149
1200	154 520	152 555

End Time	Northbound Trimmier Road	Southbound Trimmier Road
1215	135	193
1230	122	142
1245	154	158
1300	131 542	170 663
1315	136	158
1330	123	134
1345	104	131
1400	114 477	149 572
1415	129	166
1430	132	141
1445	117	161
1500	109 487	153 621
1515	163	149
1530	130	158
1545	158	162
1600	110 561	162 631
1615	158	185
1630	180	203
1645	164	179
1700	150 652	193 760
1715	160	183
1730	144	185
1745	143	206
1800	136 583	195 769
1815	135	149
1830	104	153
1845	112	141
1900	107 458	141 584
1915	121	107
1930	86	119
1945	82	103
2000	87 376	120 449
2015	75	119
2030	85	105
2045	70	92
2100	88 318	93 409
2115	63	74
2130	59	89
2145	37	70
2200	43 202	61 294
2215	32	43
2230	27	46
2245	22	41
2300	18 99	30 160
2315	14	29
2330	15	27
2345	9	24
2400	16 54	17 97

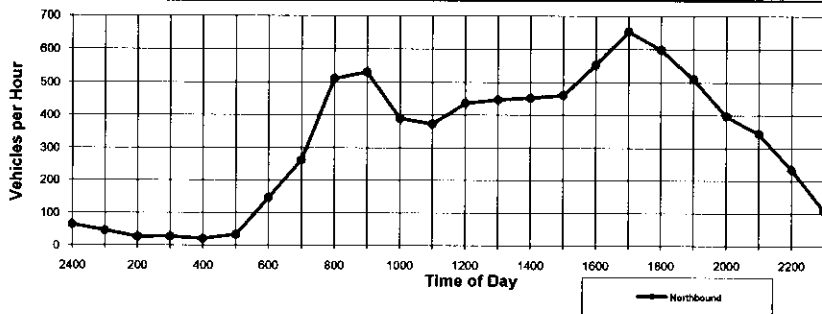
Daily Traffic Data **8,195** **8,618**
 Total ADT **16,811**



Average Daily Traffic Data

Project No. : 25-11
 Station No. : 200
 Counter No. : 6327
 Date: April 27, 2011
 Day of Week: Wednesday
 Site: Northbound Trimmer Road
 Location: Trimmer Road and Weiss Drive
 City/State: Killeen, Texas

**Trimmer Road and Weiss Drive
 Northbound Trimmer Road**



End Time	Northbound Trimmer Road	
15	15	
30	8	
45	13	
100	9	45
115	9	
130	6	
145	6	
200	4	25
215	7	
230	6	
245	5	
300	8	26
315	4	
330	3	
345	3	
400	9	19
415	5	
430	2	
445	8	
500	17	32
515	24	
530	34	
545	47	
600	41	146
615	48	
630	46	
645	71	
700	97	262
715	95	
730	138	
745	133	
800	145	511
815	129	
830	120	
845	168	
900	113	510
915	110	
930	92	
945	92	
1000	95	389
1015	83	
1030	91	
1045	94	
1100	104	372
1115	88	
1130	79	
1145	146	
1200	123	436

End Time	Northbound Trimmer Road	
1215	134	
1230	93	
1245	117	
1300	102	446
1315	119	
1330	118	
1345	106	
1400	109	452
1415	139	
1430	109	
1445	102	
1500	110	460
1515	173	
1530	123	
1545	136	
1600	121	553
1615	143	
1630	157	
1645	174	
1700	179	653
1715	169	
1730	136	
1745	146	
1800	147	598
1815	155	
1830	138	
1845	117	
1900	100	510
1915	124	
1930	96	
1945	88	
2000	89	397
2015	66	
2030	94	
2045	89	
2100	95	344
2115	82	
2130	62	
2145	45	
2200	44	233
2215	32	
2230	23	
2245	30	
2300	22	107
2315	23	
2330	11	
2345	16	
2400	13	63

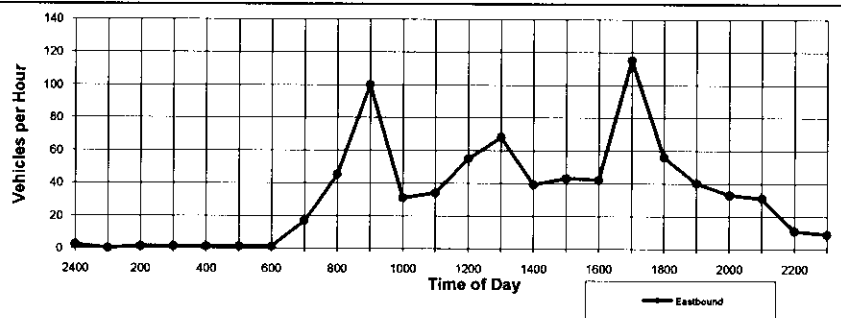
Daily Traffic Data **7,609**
 Total ADT **7,609**



**Trimmer Road and Weiss Drive
Eastbound Weiss Drive**

Average Daily Traffic Data

Project No. : 25-11
 Station No. : 300
 Counter No. : 3655
 Date: April 27, 2011
 Day of Week: Wednesday
 Site: Eastbound Weiss Drive
 Location: Trimmer Road and Weiss Drive
 City/State: Killeen, Texas



End Time	Eastbound Weiss Drive	
15	0	
30	0	
45	0	
100	0	0
115	1	
130	0	
145	0	
200	0	1
215	1	
230	0	
245	0	
300	0	1
315	0	
330	1	
345	0	
400	0	1
415	0	
430	1	
445	0	
500	0	1
515	0	
530	0	
545	0	
600	1	1
615	1	
630	5	
645	3	
700	8	17
715	10	
730	11	
745	15	
800	9	45
815	16	
830	23	
845	23	
900	38	100
915	13	
930	3	
945	7	
1000	8	31
1015	14	
1030	8	
1045	8	
1100	4	34
1115	8	
1130	12	
1145	6	
1200	29	55

End Time	Eastbound Weiss Drive	
1215	13	
1230	14	
1245	12	
1300	29	68
1315	10	
1330	15	
1345	9	
1400	5	39
1415	12	
1430	7	
1445	15	
1500	9	43
1515	6	
1530	12	
1545	18	
1600	6	42
1615	13	
1630	37	
1645	48	
1700	17	115
1715	15	
1730	14	
1745	14	
1800	13	56
1815	8	
1830	10	
1845	11	
1900	11	40
1915	9	
1930	9	
1945	10	
2000	5	33
2015	4	
2030	11	
2045	9	
2100	7	31
2115	3	
2130	4	
2145	3	
2200	1	11
2215	4	
2230	1	
2245	4	
2300	0	9
2315	1	
2330	1	
2345	0	
2400	0	2

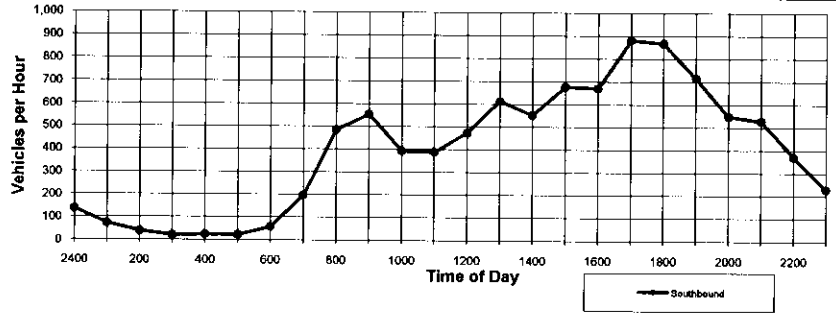
Daily Traffic Data: **776**
 Total ADT: **776**



**Trimmier Road and Weiss Drive
Southbound Trimmier Road**

Average Daily Traffic Data

Project No. : 25-11
 Station No. : 400
 Counter No. : 6337
 Date: April 27, 2011
 Day of Week: Wednesday
 Site: Southbound Trimmier Road
 Location: Trimmier Road and Weiss Drive
 City/State: Killeen, Texas



End Time	Southbound Trimmier Road	
15	18	
30	20	
45	11	
100	21	70
115	13	
130	11	
145	4	
200	9	37
215	6	
230	5	
245	4	
300	4	19
315	4	
330	10	
345	4	
400	4	22
415	5	
430	1	
445	5	
500	10	21
515	10	
530	14	
545	15	
600	17	56
615	27	
630	36	
645	50	
700	82	195
715	87	
730	95	
745	127	
800	174	483
815	140	
830	138	
845	150	
900	124	552
915	88	
930	112	
945	82	
1000	109	391
1015	94	
1030	103	
1045	91	
1100	98	386
1115	120	
1130	104	
1145	122	
1200	125	471

End Time	Southbound Trimmier Road	
1215	191	
1230	120	
1245	149	
1300	152	612
1315	144	
1330	121	
1345	137	
1400	148	550
1415	156	
1430	175	
1445	165	
1500	180	676
1515	159	
1530	169	
1545	187	
1600	155	670
1615	222	
1630	219	
1645	213	
1700	226	880
1715	227	
1730	185	
1745	221	
1800	233	866
1815	194	
1830	166	
1845	176	
1900	179	715
1915	147	
1930	128	
1945	135	
2000	137	547
2015	150	
2030	142	
2045	122	
2100	113	527
2115	122	
2130	102	
2145	80	
2200	66	370
2215	71	
2230	67	
2245	53	
2300	36	227
2315	45	
2330	37	
2345	31	
2400	21	134

Daily Traffic Data: 9,477
 Total ADT: 9,477

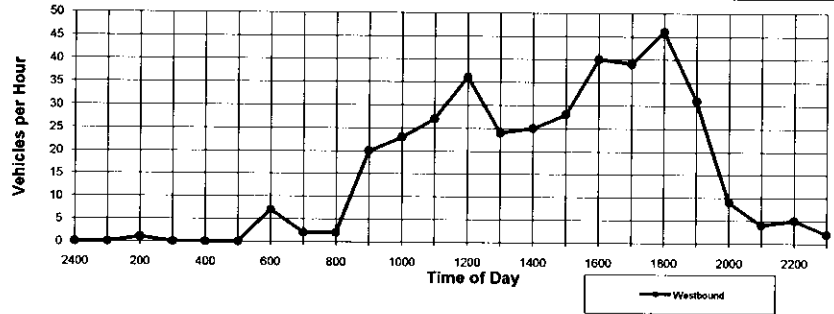
AC GROUP LLC

Traffic Data Surveys

Average Daily Traffic Data

Project No. : 25-11
 Station No. : 500
 Counter No. : 3647
 Date: April 27, 2011
 Day of Week: Wednesday
 Site: Westbound Winkler Avenue
 Location: Trimmer Road and Winkler Avenue
 City/State: Killeen, Texas

Trimmer Road and Winkler Avenue Westbound Winkler Avenue



End Time	Westbound Winkler Avenue
15	0
30	0
45	0
100	0
115	0
130	0
145	1
200	1
215	0
230	0
245	0
300	0
315	0
330	0
345	0
400	0
415	0
430	0
445	0
500	0
515	1
530	0
545	3
600	3
615	2
630	0
645	0
700	0
715	0
730	1
745	1
800	0
815	1
830	9
845	4
900	6
915	2
930	6
945	6
1000	9
1015	7
1030	10
1045	3
1100	7
1115	3
1130	12
1145	6
1200	15

End Time	Westbound Winkler Avenue
1215	6
1230	16
1245	0
1300	2
1315	2
1330	12
1345	3
1400	8
1415	2
1430	12
1445	5
1500	9
1515	8
1530	17
1545	4
1600	11
1615	7
1630	13
1645	8
1700	11
1715	9
1730	20
1745	8
1800	9
1815	5
1830	17
1845	5
1900	4
1915	2
1930	4
1945	2
2000	1
2015	0
2030	1
2045	1
2100	2
2115	4
2130	1
2145	0
2200	0
2215	1
2230	0
2245	1
2300	0
2315	0
2330	0
2345	0
2400	0

Daily Traffic Data
Total ADT

371
371

Traffic Study – Winkler Apartments Trimmier Road

A traffic study was conducted along Trimmier Road to determine the current traffic loading on the collector street between US Highway 190 and E. Elms Street. Directional traffic counts were made on Trimmier Road at Lowes Boulevard and at Weiss Drive. In addition, the approach volumes to Trimmier Road on Weiss Drive and on Winkler Avenue were recorded. The traffic surveys were made on Wednesday, April 27, 2011. Copies of the traffic surveys are attached.

Trimmier Road is typically a four-lane roadway, with auxiliary lanes through the commercial area near US Highway 190.

Highway capacity can be determined by various means, including the Highway Performance Monitoring System (HPMS) Field Manual prepared by the Federal Highway Administration. The principles of the HPMS are taken from the *Highway Capacity Manual 2000* (HCM) prepared by the Transportation Research Board (funded by the National Cooperative Highway Research Program and the Transit Cooperative Research Program.)

The base saturation flow rate of a roadway, according to the HCM and the HPMS is 1,900 person cars per hour per lane (pcphpl). The net saturation flow rate (or relative capacity) takes into account adjustment factors such as percentage right and left turns from the lanes, type of area of the city, peak hour, and lane width.

- Right and left turns. On a typical urban collector street during the peak hour, the percentage right and left turns is usually 10%. The HCM uses 10% turning volumes as a default. The adjustment factor for 10% turns is 0.85.
- Type of area. The HCM uses an adjustment factor of 0.9 in the central business district and 1.0 elsewhere. The HPMS uses a value of 0.991 for urban conditions and a value of 1.0 for rural conditions. An adjustment factor of 0.991 is used for this study.
- Peak Hour. During the peak hour when roadways are typically more congested, an adjustment factor of 0.92 is used by the HCM.
- Lane width. The adjustment factor for lane width, f_w , is based on a comparison of a 12-foot wide lane. [$f_w = 1 + (W-12)/30$]. For an 11-foot wide lane the adjustment factor would be 0.97.

The net saturation flow rate for Trimmier Road would be 1,428 pcphpl [$1,900 * 0.85 * 0.991 * 0.92 * 0.97$]. For a roadway with two lanes in each direction, the relative capacity of the roadway would be 2,856 vehicles per hour per direction. At the signalized intersection of Trimmier Road and Lowes Boulevard, where Trimmier Road would be expected to have at least 60% of the green time of the traffic signal, the relative capacity of Trimmier Road would be 60% of the 2,856 vehicles per hour (not considering the auxiliary lanes) or 1,714 vehicles per hour per direction.

The maximum traffic volumes observed on Trimmier Road approaching Lowes Boulevard were 692 vehicles per hour northbound between 8 and 9 AM and 769 vehicles per hour southbound between 5 and 6 PM.

The maximum traffic volumes observed on Trimmier Road approaching Weiss Drive were 653 vehicles per hour northbound between 4:00 and 5:00 PM and 880 vehicles per hour southbound between 4 and 5 PM.

Winkler Avenue

The anticipated traffic volumes on Winkler Drive with as many as 200 additional apartment units would be determined by distributing the anticipated daily exiting traffic volumes from the 200 apartment units by the hourly approach volumes observed on Winkler Avenue. [The distribution may be distorted as traffic generated by the day care center on Winkler Avenue would indicate a larger volume of exiting traffic during the evening peak than would be generated by the apartments.] The anticipated daily exiting volume for 200 apartment units, determined by using the ITE *TRIP GENERATION* Manual, 8th Edition, would be 668 vehicle trips per day. The approach volumes on Winkler Avenue corresponding with the peak volumes on Trimmier Road would be 56 vehicles between 8 and 9 AM and 129 vehicles between 5 and 6 PM.

If the approach traffic to Trimmier Road from Winkler Avenue was distributed onto Trimmier Road using the hourly ratios of northbound and southbound traffic on Trimmier Road, the anticipated turning movements could be determined. The anticipated turning movements from Winkler Avenue during the 8-9 AM peak would be 27 right turns and 29 left turns. During the 5-6 PM peak, the anticipated turning movements would be 53 right turns and 76 left turns.

The ITE *TRIP GENERATION* Manual indicates that 200 apartment units would be expected to generate an average of 82 entering vehicle trips during the highest peak hour (the evening peak). Using the direction distribution of the Trimmier Road traffic during the evening peak, the apartment development would be expected to generate 33 right turns from Trimmier Road onto Winkler Avenue and 49 left turns from Trimmier Road onto Winkler Avenue.

During the traffic survey, the northbound traffic on Trimmier Road approaching Winkler Avenue and Weiss Drive was observed to be grouped, or platooned, as result of the traffic signal at E. Elms Street and Trimmier Road. These groupings provided gaps in the northbound traffic to allow left turns onto Winkler Avenue and other developments along Trimmier Road.

Conclusion

Trimmier Road can adequately handle approximately 1,428 vehicles per lane per hour near Weiss Drive and Winkler Avenue. The present traffic volumes on Trimmier Road are less than 900 vehicles per hour per direction. The two lanes per direction on Trimmier Road can adequately accommodate the through traffic movements in one lane, leaving the other lane available for traffic waiting or slowing to turn right or left. The traffic signal at E. Elm Street and Trimmier Road provides grouping of the northbound traffic resulting in gaps for southbound traffic on Trimmier Road to turn left without significant delays. A 60-second traffic signal cycle would result in at least one gap per minute at Winkler Avenue. The proposed 200 apartments on Winkler Avenue would create an average southbound left turn demand of less than one vehicle per minute, less than the number of gaps caused by the E. Elm Street traffic signal.

KILLEEN DAILY HERALD

Serving The Growing Central Texas Area

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF BELL

Personally appeared before the undersigned authority

Sabrina John who being sworn says that the attached ad

for: **CITY OF KILLEEN**

published in the **Killeen Daily Herald** on the following

dates to-wit: **June 12, 2011** at a cost of **\$362.80**.

Advertising Representative

Subscribed and sworn before me on June 13, 2011.

Notary Public, Bell, Texas



RECEIVED
JUL 21 2011
PLANNING

P.O. Box 1300

1809 Florence Rd.

Killeen, TX 76540

(254) 634-2

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing is scheduled to be held by the City Council, City of Killeen, at 6:00 p.m., on Tuesday, June 28, 2011, in Council Chambers at City Hall, 101 North College Street, to consider the following:

HOLD a public hearing and consider a request by Choon Ok Song (Case #Z11-27) to rezone part of Lot 1, Block 17, Bellaire Heights, 2nd Extension replat from B-3 (Local Business District) to B-3A (General Business and Alcohol Sales District) for a package liquor store. The property is locally known as 2602 S. Fort Hood Street, Suite 100, Killeen, Texas.

HOLD a public hearing and consider a request by Mary Fisher (Case #Z11-28) to rezone an area north of Terrace Drive at Goode Drive from RMH (Residential Mobile Home District) and R-2 (Two Family Residential District) to R-2 (Two Family Residential District) with CUP (Conditional Use Permit) for a communication tower.

HOLD a public hearing and consider a request by Reeves Creek Developers (Case #Z11-29) to rezone approximately 61.23 acres, being part of the Eugene LaSere Survey, Abstract No. 527 from 'A' (Agricultural District) to R-1 (Single-family Residential District). The property is located at Bunny Trail and Brushy Creek Drive and Guadalupe Drive, Killeen, Texas.

HOLD a public hearing and consider a request by Splawn Ranch Partnership (Case #Z11-30) to rezone approximately 1.297 acres, being part of the William H. Cole Survey, Abstract No. 200 from COD (Cemetery Overlay District) to COD (Cemetery Overlay District) w/CUP (Conditional Use Permit) for a gas station/convenience store. The property is located at the southeast intersection of Splawn Ranch Drive and S. Fort Hood Street, Killeen, Texas.

HOLD a public hearing and consider a request by Dorel Killeen Holdings, LLC, to revise the Comprehensive Plan's future land use map to change a 'General Commercial' designated area to a 'Multifamily Residential' designated area, for approximately 1.73 acres. The property is located on the north right-of-way of Winkler Avenue at the intersection of Trimmer Road.

HOLD a public hearing and consider a request by Dorel Killeen Holdings, LLC, (Case #Z11-17) to rezone approximately 1.73 acres, being part of the W. H. Cole Survey, Abstract No. 239 from B-2 (Local Retail District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is locally known as 2908 Trimmer Road, Killeen, Texas.

HOLD a public hearing and consider a request by Al R. and Bonnie J. Young to revise the Comprehensive Plan's future land use map (FLUM) to change a 'General Residential' and 'Four-Plex Residential' designated areas to a 'Multifamily Residential' designated area, for approximately 6.642 acres. The property is located on the north right-of-way of Winkler Avenue east of the intersection of Trimmer Road.

HOLD a public hearing and consider a request by Al R. Young and Bonnie J. Young, (Case #Z11-18) to rezone approximately 6.642 acres being part of the W. H. Cole Survey, Abstract No. 200 from B-3 (Local Business District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is located on the north right-of-way of Winkler Avenue, east of the intersection of Trimmer Road, Killeen, Texas.

WITNESS MY HAND THIS 12th DAY OF JUNE 2011.

Paula A. Miller
City Secretary

By Tony McIlwain



CITY OF KILLEEN
PLANNING & DEVELOPMENT SERVICES

June 30, 2011

Dorel Killeen Holdings LLC
155 Schmidt Blvd
Farmingdale, NY 11735-1403

RE: Zoning Case #Z11-17: B-2 to R-3A

Dear Property Owner:

On Tuesday, June 28, 2011, the City Council of the City of Killeen granted your request for rezoning, from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a 36-unit apartment complex, leasing office, and pool for 1.73 acres, being part of the W. H. Cole Survey, Abstract No. 239, and being locally known as 2908 Trimmier Road, Killeen, Texas.

Please feel free to contact our office if you should have any questions.

Sincerely,

Vicki Wanken
Planning Assistant

Enclosure
Ord. #11-050

cc: Howard Moreno
501 Adams St
San Antonio, TX 78210

ORDINANCE 11-050

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-2 (LOCAL RETAIL 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-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a 36-unit apartment complex, leasing office, and pool, 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 $\frac{3}{4}$ majority opinion that the request should be approved;

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

Section 1. That the zoning classification of the following described tract be changed from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a 36-unit apartment complex, leasing office, and pool for 1.73 acres, being part of the W. H. Cole Survey, Abstract No. 239, and being locally known

as 2908 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 along the east property line shall be opaque and at least 6' in height.

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





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 interests 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 Trimmer 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:

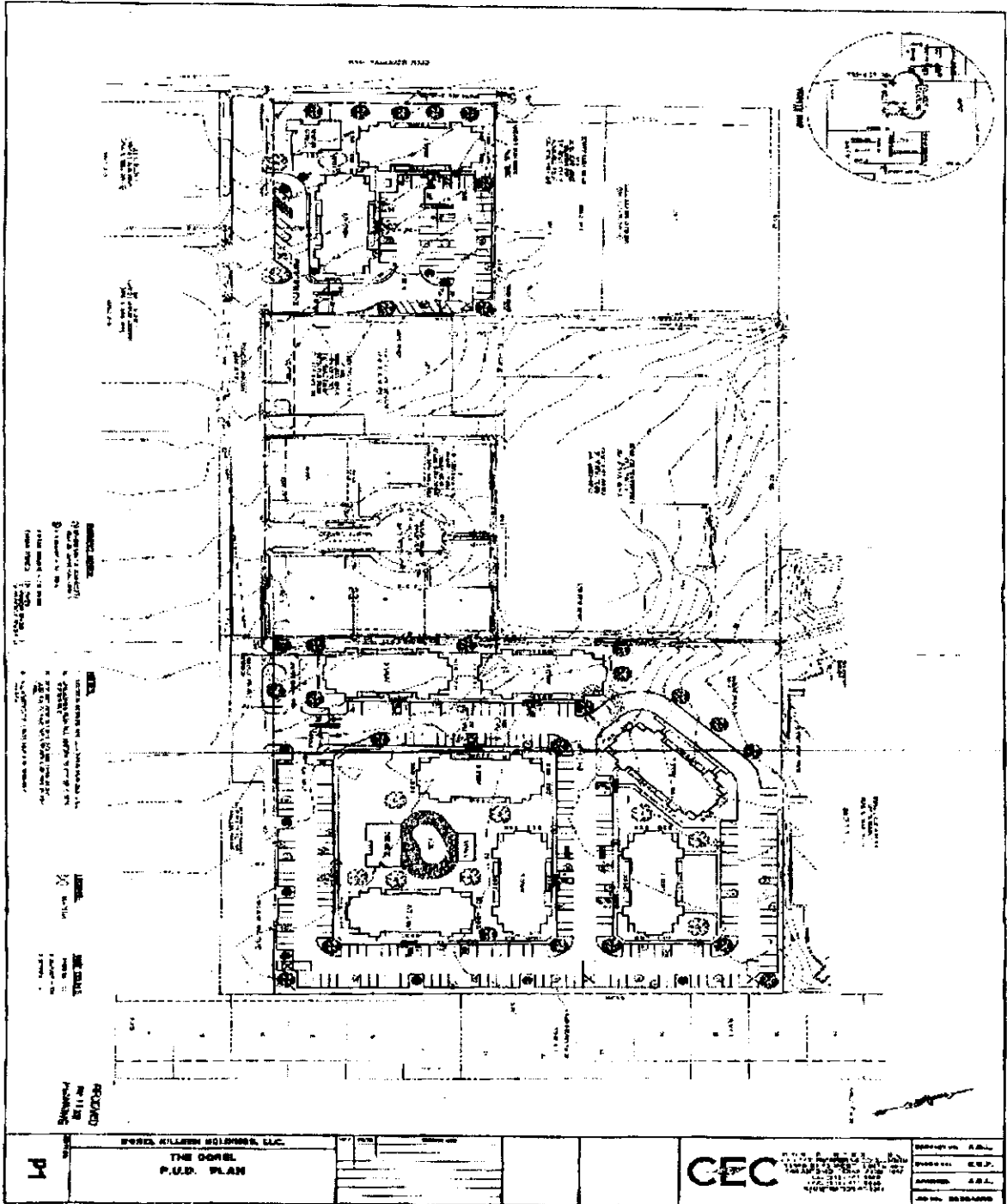
Site lighting plans will be provided as part of the permit package. Exterior lights will have LED fixtures equipped with motion detectors to adjust lighting levels based on presence of vehicles or people.

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.



2/16/19



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

#Z11-17

ZONING FROM:

B-2 to R-3A W/PUD

LEGAL DESCRIPTION:

1.73 ACRES OUT OF
WH COLE SURVEY
A-201

ADDRESS/LOCATION:

2908 TRIMMIE RD
KILLEEN, TX 76542

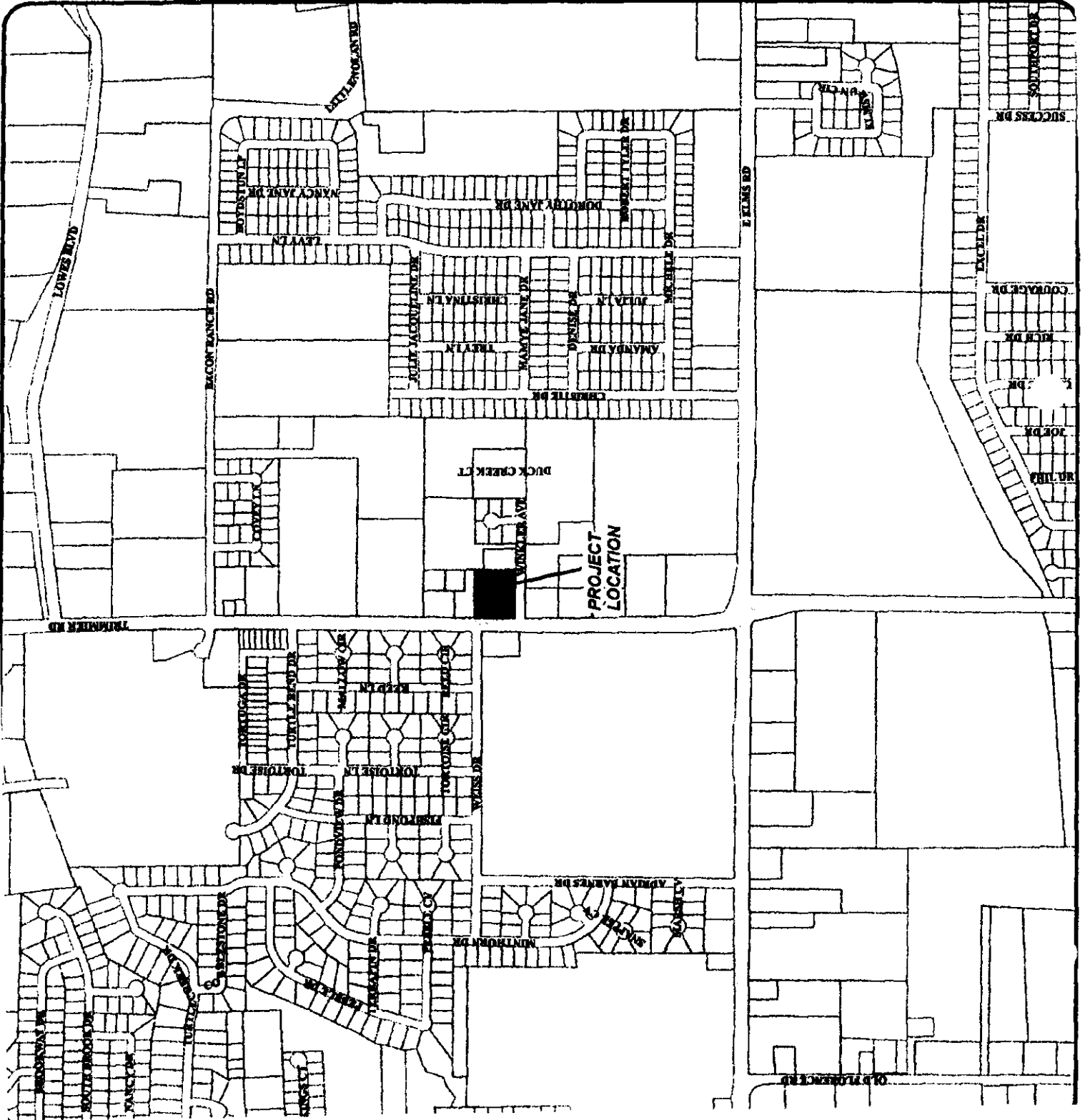
PROPERTY OWNER:

DOREL KILLEEN HOLDINGS LLC

Legend
Zoning Cases 2011 selection
City Limits
Production GIS/AMN/P/azul



DATE:
5/15/2011





PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:
#Z11-17

ZONING FROM:
B-2 to R-3A W/PUD

OPPOSITION:
39%

ADDRESS/LOCATION:
2908 TRIMMIR RD
KILLEEN, TX 76542

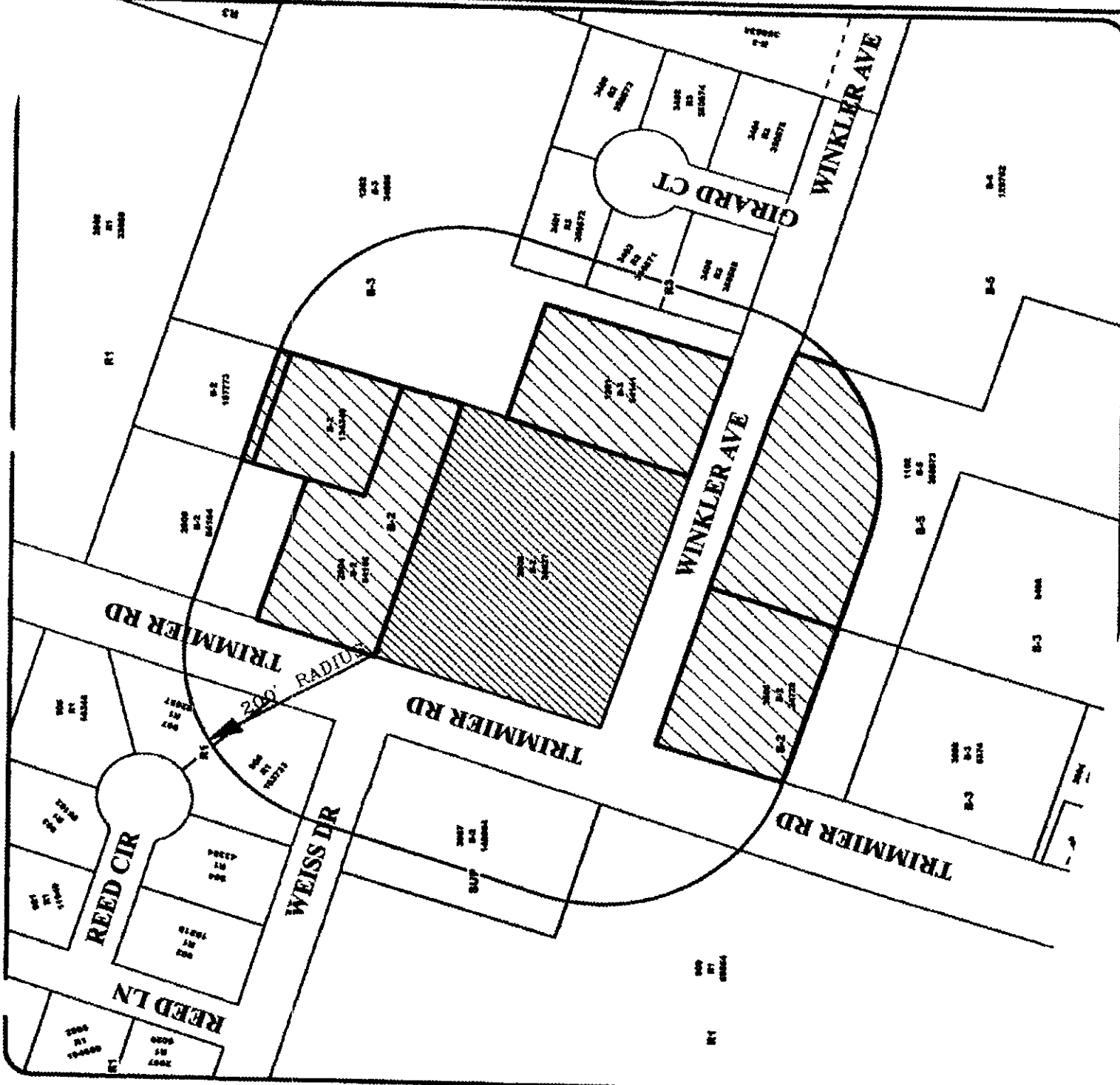
PROPERTY OWNER:
DOREL KILLEN HOLDINGS LLC

Legend

- Buffer of 11-17
- Properties in Opposition
- Zoning Cases 2011 selection
- City Limits
- Production GISADMIN: StreetCenterline
- Production GISADMIN: StreetCenterline
- Zoning Overlay Districts
- CURRENT ZONING
- Production GISADMIN: Parcel



DATE:
5/15/2011



CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

**ZONING CASE #Z11-17
B-2 (LOCAL RETAIL 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 1.73 acres from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) overlay.

The site plan provided by the applicant shows two (2) apartment buildings, a leasing office, a pool and 68 parking spaces and 1 motorcycle parking space. This 1.73 acre portion of the development would contain 36 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 document and site plan are included as attachments to this staff report.

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 at the north intersection of Trimmier Road and Winkler Avenue, Killeen, Texas.

Legal Description: The 1.73 acres are part of the W. H. Cole Survey, Abstract No. 239, Killeen, Texas.

Zoning/ Plat Case History:

- The property was rezoned from R-1 to B-2 per ordinance #76-23 on May 25, 1976.
- The property has not been platted.

Character of the Area:

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

Figure 1. Zoning Map

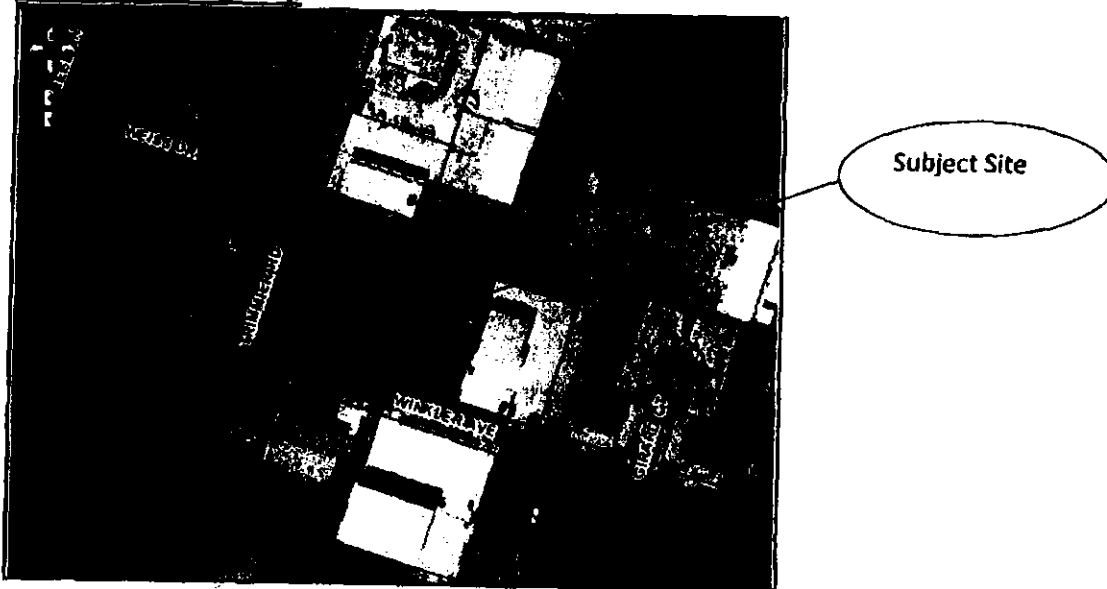
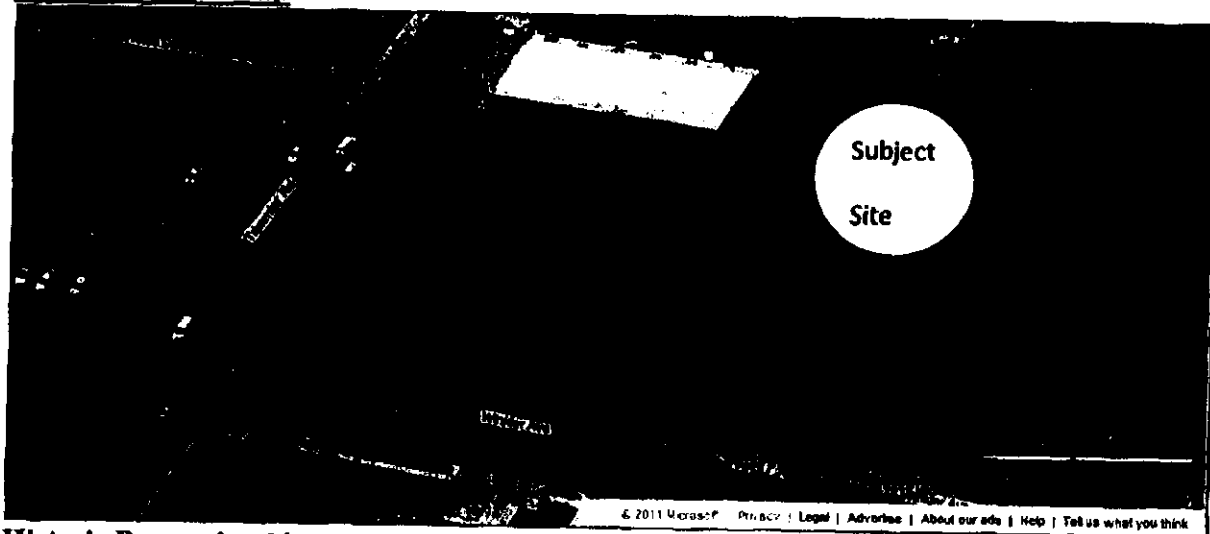


Figure 2. Aerial Map



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.

Transportation:

Existing conditions: Trimmier Road and this portion of Winkler Avenue meet the city's standards for composition and width. Trimmier Road is classified as a 90' minor arterial on the city's Thoroughfare Plan. Winkler Avenue is classified as a local street on the city's Thoroughfare Plan.

Proposed Improvements: The developer would make improvements to Winkler Avenue.

Projected Traffic Generation: The traffic impact will be moderate.

Environmental Assessment

Topography: This property has elevations ranging from 918' to 924'.

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

Land Use

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 rezone request is not consistent with the Comprehensive Plan.

Public Notification

The staff notified eleven (11) surrounding property owners regarding this request. Staff has received protests from the following property owners: Kay Cosper, owner of 3500 Trimmier Road; Kim and Kelly Barr, owners of 1102 Winkler Avenue, and the Isdale Family Revocable Trust, owners of 1201 Winkler Avenue and 2904 Trimmier Road. These protests have been provided as part of this staff report and account for approximately 39 % of the area of the lots and land immediately adjoining the subject tract and within the 200' notification boundary.

In accordance with Killeen Code of Ordinances section 31-39(d), “unless such proposed amendment, supplement, or change has been recommended for approval by the planning commission, or in case of a protest by the owners of twenty (20) percent or more of either the area of the lots included in such proposed change, or the area of those lots or land immediately adjacent thereto and extending two hundred (200) feet from that area, then such change shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the city council.”

Recommendation

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

- 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 this request. Those in opposition were concerned about the increase in traffic in this corridor due the development.

The applicant has not satisfied 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 1.73 acres of land, which would allow a maximum of 30 units on the site. The applicant is proposing 36 units on the 1.73 acre site. Therefore, this project phase therefore has a deficiency of .34 acre based upon code requirements. Staff has no opposition to the additional six units being proposed by the developer. However, staff supports the zoning request with the expectation that the FLUM of the Comprehensive Plan is amended from General Commercial (GC) 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 centers. 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.

PH-5 A. **HOLD** a public hearing and consider a request by Dorel Killeen Holdings, LLC, to revise the Comprehensive Plan's future land use map to change a 'General Commercial' designated area to a 'Multifamily Residential' designated area, for approximately 1.73 acres. The property is located on the north right-of-way of Winkler Avenue at the intersection of Trimmier Road.

B. **HOLD** a public hearing and consider a request for an ordinance by Dorel Killeen Holdings, LLC, (Case #Z11-17) to rezone approximately 1.73 acres, being part of the W. H. Cole Survey, Abstract No. 239 from B-2 (Local Retail District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is locally known as 2908 Trimmier Road, Killeen, Texas (Requires $\frac{3}{4}$ majority vote for approval).

Citing a conflict of interest, Mayor Pro-Tem Cosper stepped down from the dais.

The captions of the ordinances were read as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL COMMERCIAL' TO 'MULTIFAMILY RESIDENTIAL' FOR 2908 TRIMMIER ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

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-2 (LOCAL RETAIL 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.

The rezoning request requires a change in the comprehensive plan from general commercial to multi-family residential, and it is intended for development as an apartment complex. There are existing apartments and multi-family land uses in the area, and staff does not believe this change could be considered spot zoning. The Planning and Zoning Commission recommended approval of the change to the comprehensive plan and rezoning request. The PUD provides for 36 apartment units with a leasing office, pool, and parking spaces. The protests from surrounding property owners centered on increase in traffic, overuse of multi-family, and cutting through one of the properties to travel down Winkler Avenue.

Mayor Hancock opened the public hearing.

Alan Lindskog, 11550 IH 10 West #305, San Antonio, references a study by HUD that indicated the city was underserved by apartment growth in the Killeen-Belton-Temple area. As more people are finding it difficult to secure financing to purchase houses, they are seeking apartments in order to save money for down payments. Apartments in this area would allow residents to walk to surrounding stores, rather than driving, and access to the HOP is available.

Abstract No. 527 from 'A' (Agricultural District) to R-1 (Single-family Residential District). The property is located at Bunny Trail and Brushy Creek Drive and Guadalupe Drive, Killeen, Texas.

- PH-4 **HOLD** a public hearing and consider an ordinance as requested by Splawn Ranch Partnership (Case #Z11-30) to rezone approximately 1.297 acres, being part of the William H. Cole Survey, Abstract No. 200 from COD (Cemetery Overlay District) to COD (Cemetery Overlay District) w/CUP (Conditional Use Permit) for a gas station/convenience store. The property is located at the southeast intersection of Splawn Ranch Drive and S. Fort Hood Street, Killeen, Texas.
- PH-5 A. **HOLD** a public hearing and consider a request by Dorel Killeen Holdings, LLC, to revise the Comprehensive Plan's future land use map to change a 'General Commercial' designated area to a 'Multifamily Residential' designated area, for approximately 1.73 acres. The property is located on the north right-of-way of Winkler Avenue at the intersection of Trimmier Road.
- B. **HOLD** a public hearing and consider an ordinance as requested by Dorel Killeen Holdings, LLC, (Case #Z11-17) to rezone approximately 1.73 acres, being part of the W. H. Cole Survey, Abstract No. 239 from B-2 (Local Retail District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is locally known as 2908 Trimmier Road, Killeen, Texas. (Requires ¾ majority vote for approval)
- PH-6 A. **HOLD** a public hearing and consider a request by Al R. and Bonnie J. Young to revise the Comprehensive Plan's future land use map (FLUM) to change a 'General Residential' and 'Four-Plex Residential' designated areas to a 'Multifamily Residential' designated area, for approximately 6.642 acres. The property is located on the north right-of-way of Winkler Avenue east of the intersection of Trimmier Road.
- B. **HOLD** a public hearing and consider an ordinance as requested by Al R. Young and Bonnie J. Young, (Case #Z11-18) to rezone approximately 6.642 acres being part of the W. H. Cole Survey, Abstract No. 201 from B-3 (Local Business District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is located on the north right-of-way of Winkler Avenue, east of the intersection of Trimmier Road, Killeen, Texas.
- PH-7 **HOLD** a public hearing and consider an ordinance amending the Fiscal Year 2010-11 Annual Budget and Plan of Municipal Services.

Ordinances / Resolutions

- OR-1 Consider an ordinance granting an electric power franchise to Oncor Electric Delivery Company, LLC. (2nd or 3 readings)
- OR-2 Consider an ordinance authorizing the issuance and sale of City of Killeen, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2011.
- OR-3 Consider an ordinance authorizing the issuance and sale of City of Killeen, Texas, General Obligation Refunding Bonds, Series 2011.
- OR-4 Consider an ordinance authorizing the issuance and sale of City of Killeen, Texas, Waterworks and Sewer System Revenue Refunding Bonds, Series 2011.

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
JUNE 13, 2011**

**CASE #Z11-17
B-2 TO R-3A W/PUD**

HOLD a public hearing and consider a request by Dorel Killeen Holdings, LLC, to rezone approximately 1.73 acres, being part of the W. H. Cole Survey, Abstract No. 239 from B-2 (Local Retail District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is locally known as 2908 Trimmier Road, Killeen, Texas.

Vice Chair Langford requested staff comments.

City Planner McIlwain stated that this is a request to approximately 1.73 acres from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development overlay.

The site plan provided by the applicant shows nine (9) apartment buildings containing 200 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.

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.

The staff notified eleven (11) surrounding property owners regarding this request. Staff received three (3) letters in opposition.

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.

Staff supported the zoning request with the expectation that the FLUM of the Comprehensive Plan is amended from General Commercial (GC) 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. However, Staff has concerns as to whether the applicant would be able to satisfy 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 1.73 acres of land, which would allow a maximum of 30 units on the site. The applicant is proposing 36 units on the 1.73 acre site. Therefore, this project phase therefore has a deficiency of .34 acre based upon code requirements. Staff has no opposition to the additional six units being proposed by the developer.

Staff recommends approval of the PUD request subject to the following conditions:

- The proposed wooden privacy fence (east property line) shall be opaque and at least 6' in height.

Mr. Alan Lindskog, 11550 IH 10 W #305, San Antonio, Texas, was present to represent this request. Mr. Lindskog stated that on this particular parcel of property there will be two (2) apartment buildings with thirty-six (36) units and that there is more parking planned than what the city's code of ordinance requires.

Vice Chair Langford opened the public hearing. Ms. Kay Cospers voiced concerns on the possibility of the increase in traffic. With no one else requesting to speak the public hearing was closed.

Commissioner Pickett motioned to recommend approval of zoning case #Z11-17. Commissioner Hicks seconded the motion. The motion was a 3-3 vote; Vice Chair Langford broke the tie by voting in favor of the request passing the motion 4-3.

Vice Chair Langford stated that this will be forwarded to City Council on June 28, 2011, with a recommendation to approve.

CONSIDERATIONS

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

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

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.



Isdale Chiropractic Clinic

Scott Isdale, D.C. • Shawn Isdale, D.C. • Jessica Bryant, D.C.

To whom this may concern,

We understand the property in question is to be used to build the front portion of the multi-unit apartment complex. The proposal showed single, two, and three story units to be built on the site in discussion.

My primary concern is the proposed three story apartments. Placing the height units on the back portion of the development would be better for our business.

May I suggest that P & Z be aware of the probable necessity of widening Trimmier to include a turning lane with this development. Single entry access, especially off a major road like Trimmier, will complicate traffic further.

Sincerely,

RECEIVED

JUN 10 2011

PLANNING

[Signature of Dr. Scott Isdale]
Dr. Scott Isdale

[Signature of Dr. Shawn Isdale]
Dr. Shawn Isdale

YOUR NAME:	<i>ALS Scott & Shawn Isdale</i>	
CURRENT ADDRESS:	<i>1201 Winkler Ave</i>	
ADDRESS OF PROPERTY OWNED:	<i>SAME</i>	
COMMENTS:	<i>See Attached.</i>	B-2 to R-3A w/PUD
SIGNATURE:	<i>[Signature]</i>	SPO #Z11-171 05-07

RECEIVED

June 10, 2011
In regards to: CASE # Z11-17

City Of Killeen
Planning & Development Services Department
P.O. Box 1329
Killeen, Texas 76540-1329

Attention: Planning and Zoning Commission

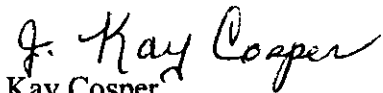
I, Kay Cosper, owner of property at 3500 Trimmier Rd., Killeen, Tx am in opposition of the request to rezone this property within the 200-foot radius. I do not believe this would be the highest cohesive use of adjoining property. The value of my property could lower if changed from B-2. So I state that this property should stay zoned B-2.

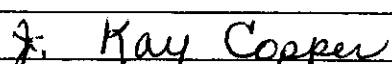
It would be inappropriate to rezone from B-2 since the property requesting rezoning to R-3A is bound on all sides by businesses. All traffic would exit and enter onto Trimmier Rd and with this increase of traffic without a middle turning lane there would possibly be more accidents and congestion on the roadway since we already have Ellison High School's traffic pushing onto Trimmier Rd.

Our delivery trucks back up to the building from Winkler Ave. Depending on the truck's size, sometimes a truck extends into the roadway onto Winkler Ave. Winkler Ave. only has one outlet and that is onto Trimmier Rd.

I believe the City of Killeen does not need a multi-family apartment complex on this lot. Respectively I believe business areas should stay business areas.

Sincerely,


Kay Cosper
Owner

YOUR NAME: Kay Cosper
CURRENT ADDRESS: 3265 E. Stagecoach Rd., Killeen, Tx 76542
ADDRESS OF PROPERTY OWNED: 3500 Trimmier Rd., Killeen, Tx 76542
COMMENTS: Opposition (see attachment) B-2 to R-3A w/PUD
SIGNATURE:  SPO #Z11-171/6

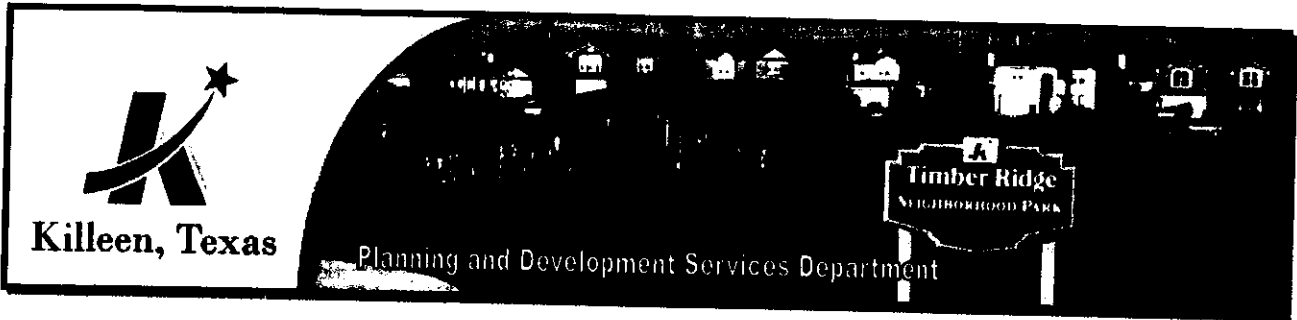
RECEIVED
JUN 10 2011
PLANNING

YOUR NAME:	Kim/Kelly Baer
CURRENT ADDRESS:	635 Donna Ave
ADDRESS OF PROPERTY OWNED:	1102 Winkler Ave
COMMENTS:	Oppose due to not highest & best use of land B-2 to R-3A w/PUD Down zoning to Apartments → Traffic
SIGNATURE:	Kim Baer SPO #Z11-171/5

P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX
WWW.CI.KILLEEN.TX.US

RECEIVED

JUN 13 2011
 PLANNING



TO: PLANNING AND ZONING COMMISSION
 FROM: TONY D. MCILWAIN, AICP, CFM, CITY PLANNER
 DATE: JUNE 8, 2011

REZONING CASE: #Z11-17 B-2 (LOCAL RETAIL DISTRICT) TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) W/ PUD

Nature of the Request

This request is to rezone approximately 1.73 acres from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development overlay.

The site plan provided by the applicant shows 9 apartment buildings containing 200 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.

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 at the north intersection of Trimmier Road and Winkler Avenue, Killeen, Texas.

Legal Description: The 1.73 acres are part of the W. H. Cole Survey, Abstract No. 239, Killeen, Texas.

Zoning/ Plat Case History:

- The property was rezoned from R-1 to B-2 per ordinance #76-23 on May 25, 1976.
- The property has not been platted.

Character of the Area:

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

Figure 1. Zoning Map

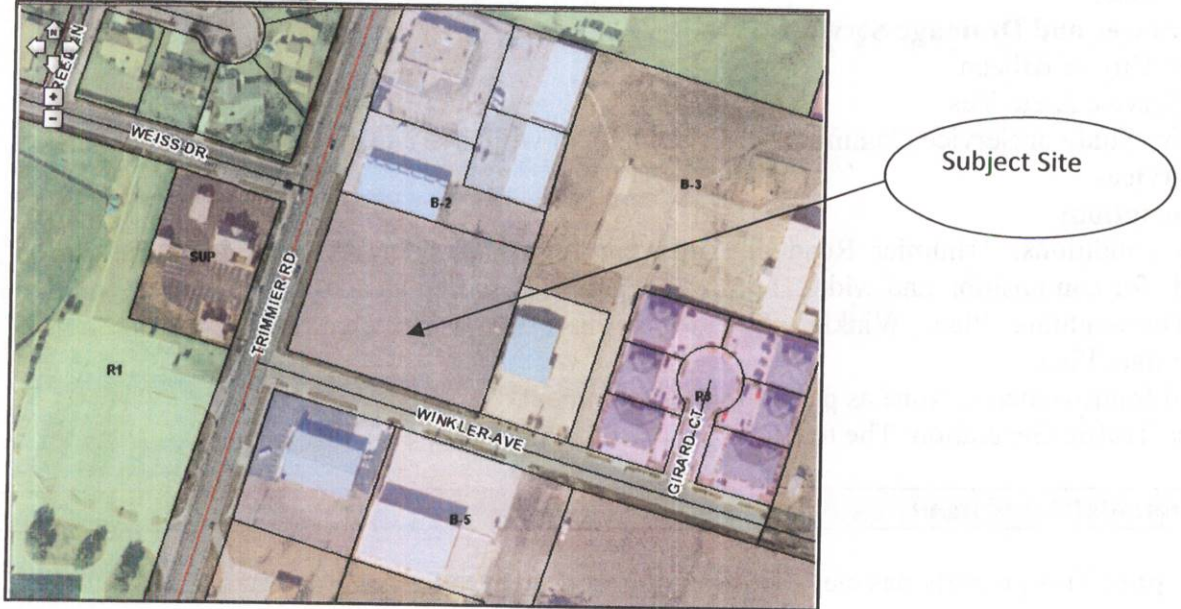
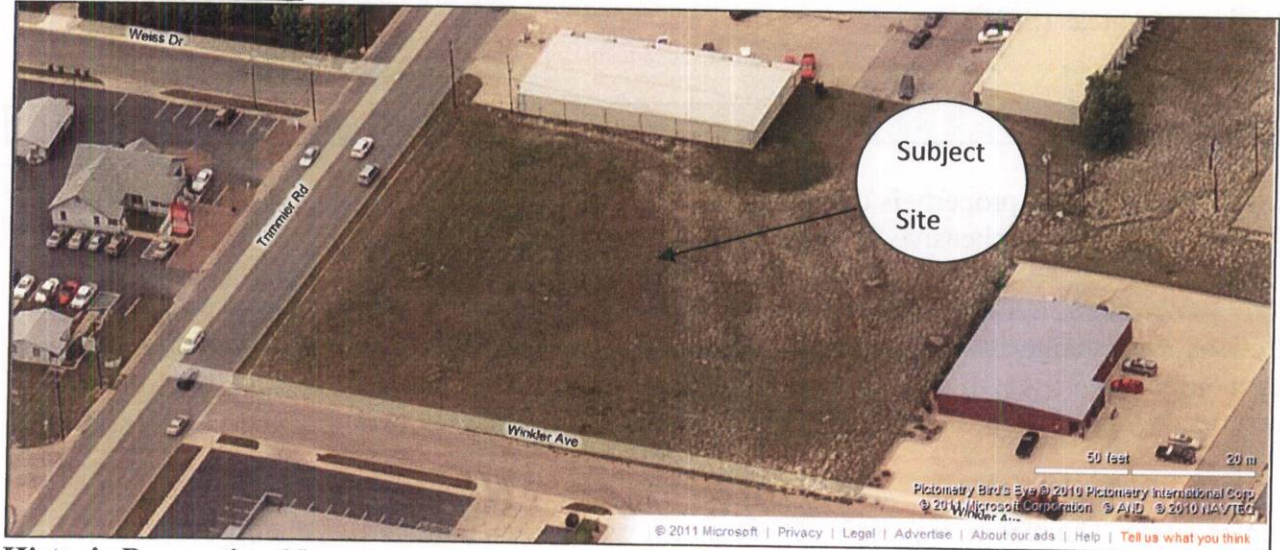


Figure 2. Aerial Map



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.

Transportation:

Existing conditions: Trimmier Road and this portion of Winkler Avenue meets the city's standards for composition and width. Trimmier Road is classified as a 90' minor arterial on the city's Thoroughfare Plan. Winkler Avenue is classified as a local street on the city's Thoroughfare Plan.

Proposed Improvements: None as part of this development.

Projected Traffic Generation: The traffic impact will be moderate.

Environmental Assessment

Topography: This property has elevations ranging from 918' to 924'.

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 rezone request is not consistent with the Comprehensive Plan.

Public Notification

The staff notified eleven (11) surrounding property owners regarding this request. Staff has received no protests at this time.

Staff Recommendation

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.

Staff supports the zoning request with the expectation that the FLUM of the Comprehensive Plan is amended from General Commercial (GC) 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. However, Staff has concerns as to whether the applicant would be able to satisfy 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 1.73 acres of land, which would allow a maximum of 30 units on the site. The applicant is proposing 36 units on the 1.73 acre site. Therefore, this project phase therefore has a deficiency of .34 acre based upon code requirements. Staff has no opposition to the additional six units being proposed by the developer.

Staff recommends approval of the PUD request subject to the following conditions:

- The proposed wooden privacy fence (east property line) shall be opaque and at least 6' in height.

**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
JUNE 13, 2011
CITY HALL, 101 N. COLLEGE STREET
MAIN CONFERENCE ROOM**

ROLL CALL

PRESENT:

Commission: Craig Langford, Vice Chair; Robert Hicks; Bobby Lee Hoover; Joel Steine; Austin Pickett; Eugene Kim; Terry Traina

Staff: Tony D. McIlwain, AICP, CFM, City Planner; Kristina Ramirez, PE, CFM, Drainage Engineer; Scott Osburn, Assistant City Attorney II; Vicki Wanken, Planning Assistant; Maria Lopez, Principal Secretary

ABSENT: Johnny Frederick, Chair; Miguel Diaz

CALL TO ORDER – 6:00 P.M. – CITY HALL COUNCIL CHAMBERS

Vice Chair Langford called the meeting of the Planning and Zoning Commission to order at 6:01 p.m.

APPROVAL OF AGENDA

Commissioner Steine motioned to approve the agenda. Commissioner Pickett seconded the motion. The motion was passed unanimously.

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission Meeting of **May 23, 2011**.

Commissioner Hicks motioned to approve the consent agenda. Commissioner Pickett seconded the motion. The motion was passed unanimously.

Vice Chair Langford stated that the consent agenda is approved.

CITIZENS PETITIONS FOR INFORMATION

No one requested to speak.

PUBLIC HEARING

PH-1 HOLD a public hearing and consider a request by Choon Ok Song (**Case #Z11-27**) to rezone part of Lot 1, Block 17, Bellaire Heights, 2nd Extension replat from B-3 (Local Business District) to B-3A (Local Business and Retail Alcohol Sales District) for a package liquor store. The property is locally known as 2602 S. Fort Hood Street, Suite 100, Killeen, Texas.

Vice Chair Langford requested staff comments.

City Planner McIlwain stated that this request by Sherketter Joyner, on behalf of Choon Ok Song, is requesting to rezone 2602 S. Fort Hood Street, Suite #100 (former location of A.J. Beauty Supply) from B-3 (Local Business District) to B-3A (Local Business and Retail Alcohol Sales District) to allow for liquor sales.

The property is located at the corner of South Fort Hood Street (S. H. 195) and Alpine Street and is part of Lot 1, Block 17, Bellaire Heights, 2nd Extension replat.

The property is designated as 'General Commercial' on the future land use map (FLUM) of the Comprehensive Plan. The Comprehensive Plan calls for a wide range of commercial retail and service uses, at varying scales and intensities depending on the site. The request is consistent with the Comprehensive Plan.

The staff notified nine (9) surrounding property owners within a 200' notification boundary regarding this request. No responses in opposition or support have been received.

Staff recommended approval of the request. The site is located on a lot greater than 10,000 square feet and there is no violation of the 25' rear yard setback. The façade requirements have been met and there are no churches, public/private schools or public/private hospitals within 300' feet of the subject site.

Ms. Sherketter Joyner, 2008 Cottontail Drive, Leander, Texas, was present to represent this request.

Vice Chair Langford opened the public hearing. With no one requesting to speak the public hearing was closed.

Commissioner Pickett motioned to recommend approval of zoning case #Z11-27. Commissioner Hicks seconded the motion. The motion passed 5-0 with Commissioner Traina abstaining.

Vice Chair Langford stated that this will be forwarded to City Council on June 28, 2011, with a recommendation to approve.

PH-2 HOLD a public hearing and consider a request by Mary Fisher (**Case #Z11-28**) to rezone an area north of Terrace Drive at Goode Drive from RMH (Residential Mobile Home District) and R-2 (Two Family Residential District) to R-2 (Two Family Residential District) with CUP (Conditional Use Permit) for a communication tower.

Vice Chair Langford requested staff comments.

City Planner McIlwain stated that this request by American Tower Inc. on behalf of Mary Fisher, is requesting to rezone a leased area of 50' x 50' (2,500 sq. feet) within Marlboro Mobile Home Park to allow for erection of a 100' communication tower.

A conditional use permit is required for any tower that is constructed in a residential zoned district. Conditional use permits must be approved by the majority of the planning and zoning commission and then by the city council with a three-fourths affirmative vote. The city council may impose reasonable conditions and safeguards deemed appropriate to that application in order to protect the health, safety, and welfare of the public and protect property and values.

The property is designated as 'General Residential' on the future land use map (FLUM) of the Comprehensive Plan. The Comprehensive Plan calls for detached residential dwellings; Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes) Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards; Public/institutional; Parks and public spaces. The request is consistent with the Comprehensive Plan.

The staff notified five (5) surrounding property owners within a 200' notification boundary regarding this request. No responses were received.

Staff had no objection to the applicant's request. The proposed location will allow a 100' tall tower to be erected in the center area of the proposed CUP area and satisfy the setback requirements of 150' from adjacent parcels and residentially zoned structures.

Mr. David Prejean, 1901 Royal Lane #104, Dallas, Texas, was present to represent this request.

Vice Chair Langford opened the public hearing. With no one requesting to speak the public hearing was closed.

Commissioner Steine motioned to recommend approval of zoning case #Z11-28. Commissioner Hicks seconded the motion. The motion passed 5-1 with Commissioner Traina in opposition.

Vice Chair Langford stated that this will be forwarded to City Council on June 28, 2011, with a recommendation to approve.

PH-3 HOLD a public hearing and consider a request by Reeces Creek Developers (**Case #Z11-29**) to rezone approximately 61.23 acres, being part of the Eugene LaSere Survey, Abstract No. 527 from 'A' (Agricultural District) to R-1 (Single-family Residential District). The property is located at Bunny Trail and Brushy Creek Drive and Guadalupe Drive, Killeen, Texas.

Vice Chair Langford requested staff comments.

City Planner McIlwain stated that this request by Reeces Creek Developers, Ltd is to rezone

approximately 61.23 acre, part of the Eugene La Sere Survey, Abstract No. 527, from 'A' (Agricultural District) to R-1 (Single Family Residential District). The property is located east of Bunny Trail and south of the terminus of Brushy Creek Drive and Guadalupe Drive.

The property is designated as 'Suburban Residential' on the future land use map (FLUM) of the Comprehensive Plan. The 'Suburban Residential' designation of the Comprehensive Plan allows detached residential dwellings, planned developments to provide for other housing types (e.g., townhouse, patio) in a suburban character setting; public/institutional, and parks and public spaces. The rezone request is consistent with the Comprehensive Plan.

The staff notified four (4) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no protests.

Staff recommended approval of the applicant's R-1 zoning request as it is consistent with the FLUM of the Comprehensive Plan.

Mr. Robert Mitchell, Mitchell and Associates, 101 N. College Street, Killeen, Texas, was present to represent this request.

Vice Chair Langford opened the public hearing. With no one requesting to speak the public hearing was closed.

Commissioner Traina motioned to recommend approval of zoning case #Z11-29. Commissioner Steine seconded the motion. The motion carried unanimously.

Vice Chair Langford stated that this will be forwarded to City Council on June 28, 2011, with a recommendation to approve.

PH-4 HOLD a public hearing and consider a request by Splawn Ranch Partnership (**Case #Z11-30**) to rezone approximately 1.297 acres, being part of the William H. Cole Survey, Abstract No. 200 from COD (Cemetery Overlay District) to COD (Cemetery Overlay District) w/CUP (Conditional Use Permit) for a gas station/convenience store. The property is located at the southeast intersection of Splawn Ranch Drive and S. Fort Hood Street, Killeen, Texas.

Vice Chair Langford requested staff comments.

City Planner McIlwain stated that this is a request to rezone 1.297 acres, being part of the William H. Cole Survey, Abstract no. 200, from Cemetery Overlay District (COD) to COD with a conditional use permit (CUP) to allow for a convenience store and associated gas station. The preliminary plans call for a 5,000 square feet building with available lease space.

The city council by an affirmative majority vote may by ordinance grant a conditional use permit as provided in section 31-456 of this chapter for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the Veterans Cemetery. Conditional use permits granted shall be considered permanent provided the

property owner remains in continuous compliance with any conditions or safeguards imposed.

The property is designated as 'Suburban Commercial' on the future land use map (FLUM) of the Comprehensive Plan. The Suburban Commercial character allows for a range of commercial retail and service uses, at varying scales and intensities depending on the site. This includes the following development types:

- Office (both large and/or multi-story buildings and small-scale office uses depending on the site)
- Planned development to accommodate custom site designs or mixing of uses in a suburban character setting
- Public/institutional
- Parks and public spaces

The rezone request is consistent with the Comprehensive Plan.

There are no surrounding property owners within 200' notification area other than the developer.

Staff recommended approval of the applicant's conditional use permit based upon the submitted site plan. Additionally, if any portion of the proposed building is for lease, all future business uses shall be consistent with the provisions of the COD. Any use that is not allowable under the COD will require approval of another conditional use permit. A neighborhood-level retail and commercial use such as this will be a benefit to the surrounding residential subdivisions.

Mr. Robert Mitchell, Mitchell and Associates, 101 N. College Street, Killeen, Texas, was present to represent this request.

Vice Chair Langford opened the public hearing. With no one requesting to speak the public hearing was closed.

Commissioner Steine motioned to recommend approval of zoning case #Z11-30. Commissioner Kim seconded the motion. The motion carried unanimously.

Vice Chair Langford stated that this will be forwarded to City Council on June 28, 2011, with a recommendation to approve.

PH-5 HOLD a public hearing and consider a request by Dorel Killeen Holdings, LLC, (**Case #Z11-17**) to rezone approximately 1.73 acres, being part of the W. H. Cole Survey, Abstract No. 239 from B-2 (Local Retail District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is locally known as 2908 Trimmier Road, Killeen, Texas.

Vice Chair Langford requested staff comments.

City Planner McIlwain stated that this is a request to approximately 1.73 acres from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit

development overlay.

The site plan provided by the applicant shows nine (9) apartment buildings containing 200 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.

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.

The staff notified eleven (11) surrounding property owners regarding this request. Staff received three (3) letters in opposition.

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.

Staff supported the zoning request with the expectation that the FLUM of the Comprehensive Plan is amended from General Commercial (GC) 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. However, Staff has concerns

as to whether the applicant would be able to satisfy 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 1.73 acres of land, which would allow a maximum of 30 units on the site. The applicant is proposing 36 units on the 1.73 acre site. Therefore, this project phase therefore has a deficiency of .34 acre based upon code requirements. Staff has no opposition to the additional six units being proposed by the developer.

Staff recommends approval of the PUD request subject to the following conditions:

- The proposed wooden privacy fence (east property line) shall be opaque and at least 6' in height.

Mr. Alan Lindskog, 11550 IH 10 W #305, San Antonio, Texas, was present to represent this request. Mr. Lindskog stated that on this particular parcel of property there will be two (2) apartment buildings with thirty-six (36) units and that there is more parking planned that what the city's code of ordinance requires.

Vice Chair Langford opened the public hearing.

Ms. Kay Cosper, owner of Creative Carpet and Interiors, 3500 Trimmier Road, Killeen, voiced concerns on the traffic situation. She felt that it would be inappropriate to rezone R-3A since the property on all sides is bound on all sides by businesses, increase in traffic without a turning lane would possibly be more accidents and congestion on the roadway. Ellison High School is directly across the street. Our business at times has a problem with delivery trucks being able to get in and out and I believe the City of Killeen does not need a multifamily apartment complex on this lot. She believes that business areas should stay business areas.

With no one else requesting to speak the public hearing was closed.

Commissioner Pickett motioned to recommend approval of zoning case #Z11-17. Commissioner Hicks seconded the motion. The motion was a 3-3 vote; Vice Chair Langford broke the tie by voting in favor of the request passing the motion 4-3.

Vice Chair Langford stated that this will be forwarded to City Council on June 28, 2011, with a recommendation to approve.

PH-6 A. HOLD a public hearing and consider a request by Al R. and Bonnie J. Young to revise the Comprehensive Plan's future land use map (FLUM) to change a 'General Residential' and 'Four-Plex Residential' designated areas to a 'Multifamily Residential' designated area, for approximately 6.642 acres. The property is located on the north right-of-way of Winkler Avenue east of the intersection of Trimmier Road.

Vice Chair Langford requested staff comments.

City Planner McIlwain stated that this is a request to revise the comprehensive plan's future land use map (FLUM) to change 'General Residential' and 'Four-Plex Residential' designated areas to a 'Multifamily Residential' designated area, for approximately 6.642 acres. The property is located on the north right-of-way of Winkler Avenue east of the intersection of Trimmer Road.

The applicant has submitted a concurrent request to rezone the subject property from B-3 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development as required per Killeen Code of Ordinances section 31-256.9. If approved, this request would require an amendment to the future land use map.

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.

The 'Multifamily Residential' designation of the Comprehensive Plan encourages the following character: Multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums), parks and public spaces.

Staff recommended an amendment to the future land use map of the comprehensive plan. The rationale for making this recommendation is based upon the following observations:

The immediate area consists of multifamily developments, which are consistent with the FLUM. Therefore, the proposed amendment to the subject area bears a significant relationship with the existing character of the surrounding community. The amendment to the plan will encourage high density infill development in close proximity to commercial and retail opportunities. The amendment is not "spot planning" (i.e. the amendment will not undermine the integrity of the land use planning concept or jeopardize development control) as there is no perceived preferential treatment being conferred to this parcel of land.

Mr. Alan Lindskog, 11550 IH 10 W #305, San Antonio, Texas, was present to represent this request.

Vice Chair Langford opened the public hearing. With no one requesting to speak the public hearing was closed.

Commissioner Steine motioned to recommend approval of zoning case #Z11-17. Commissioner Pickett seconded the motion. The motion was a 3-3 vote; Vice Chair Langford broke the tie by voting in favor of the request passing the motion 4-3.

Vice Chair Langford stated that this will be forwarded to City Council on June 28, 2011, with a recommendation to approve.

B. HOLD a public hearing and consider a request by Al R. Young and Bonnie J. Young, (Case #Z11-18) to rezone approximately 6.642 acres being part of the W. H. Cole Survey, Abstract No. 201 from B-3 (Local Business District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is located on the north right-of-way of Winkler Avenue, east of the intersection of Trimmier Road, Killeen, Texas.

Vice Chair Langford requested staff comments.

City Planner McIlwain stated that this is a request to rezone approximately 6.642 acres, being part of the W. H. Cole Survey, Abstract No. 201, from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District) with a planned unit development overlay for Dorel Apartments. The property is located on the north right-of-way of Winkler Avenue, east of Trimmier Road, Killeen, Texas.

The site plan provided by the applicant shows nine (9) apartment buildings containing 200 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.

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.

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). 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. The rezone request is not consistent with the Comprehensive Plan

Staff notified thirty-one (31) surrounding property owners within the 200 foot buffer. No responses were received.

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.

Staff supported 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 desired that development of this type will reduce vehicle trips and encourage walking and other alternative means of transportation to local stores, shops, etc. However, 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.

Staff recommended approval of the PUD request subject to 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.
- Designation of private park areas at the detention basin area and the immediate area around the clubhouse. Staff would recommend that the area near the clubhouse contain picnic tables and seating.

- The proposed wooden privacy fence (east property line) shall be opaque and at least 6' in height.

Mr. Alan Lindskog, 11550 IH 10 W #305, San Antonio, Texas, was present to represent this request.

Vice Chair Langford opened the public hearing. With no one requesting to speak the public hearing was closed.

Commissioner Pickett motioned to recommend approval of zoning case #Z11-17. Commissioner Hicks seconded the motion. The motion was a 3-3 vote; Vice Chair Langford broke the tie by voting in favor of the request passing the motion 4-3.

Vice Chair Langford stated that this will be forwarded to City Council on June 28, 2011, with a recommendation to approve.

COMMISSION & STAFF ITEMS

I. Attendance Chart (For your information).

The Commissioners reviewed their attendance charts.

ADJOURNMENT

Vice Chair Langford adjourned the Planning and Zoning Meeting at 7:35 p.m. The next regularly scheduled meeting for the Planning and Zoning Commission is **June 27, 2011** at 6:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.



Craig Langford
Vice Chair, Planning & Zoning Commission



Vicki Wanken, Planning Assistant



**AGENDA
REGULAR MEETING
PLANNING AND ZONING COMMISSION
JUNE 13, 2011
CITY HALL
101 N. COLLEGE STREET
COUNCIL CHAMBERS**

WORKSHOP – 5:00 P.M. – Main Conference Room

- I. Discuss agenda items for the **June 13, 2011** regular Planning and Zoning Commission meeting.

CALL TO ORDER – 6:00 P.M. – CITY HALL COUNCIL CHAMBERS

ROLL CALL

COMMISSION	STAFF
<input type="checkbox"/> Johnny Frederick, Chairman	<input type="checkbox"/> Dr. Ray Shanaa, AICP, Executive Director of Planning and Development Services
<input type="checkbox"/> Craig Langford, Vice Chairman	<input type="checkbox"/> Tony D. McIlwain, AICP, CFM, City Planner
<input type="checkbox"/> Miguel Diaz, Jr.	<input type="checkbox"/> Jill Hall, Senior Planner
<input type="checkbox"/> Eugene Kim	<input type="checkbox"/> John Nett, P.E., CFM, City Engineer
<input type="checkbox"/> Robert Hicks, Sr.	<input type="checkbox"/> Scott Osburn, Assistant City Attorney
<input type="checkbox"/> Bobby Lee Hoover	<input type="checkbox"/> Kristina Ramirez, P.E., CFM, Drainage Engineer
<input type="checkbox"/> Austin Pickett	<input type="checkbox"/> Earl Abbott, CBO, CFM, Building Official
<input type="checkbox"/> Joel Steine	<input type="checkbox"/> Vicki Wanken, Planning Assistant
<input type="checkbox"/> Terry Traina	<input type="checkbox"/> Terri Lorenz, Executive Assistant
	<input type="checkbox"/> Maria Lopez, Principal Secretary

APPROVAL OF AGENDA

Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for **June 13, 2011**.

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission Meeting of **May 23, 2011**.

CITIZENS PETITIONS FOR INFORMATION

COMMISSION AND STAFF ITEMS

I. Attendance Chart (For your information)

ADJOURNMENT

The next regularly scheduled meeting for the Planning and Zoning Commission is **June 27, 2011** at 6:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the Planning and Zoning Commission may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

AMERICANS WITH DISABILITIES ACT

This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7700, City Manager's Office, or TDD 1-800-734-2989.

I certify that the above notice of meeting was posted on the bulletin boards at City Hall and the Police Department and on the website of the City of Killeen, Texas, **on or before 5:00 p.m. on June 10, 2011.**

Vicki Wanken

Vicki Wanken, Planning Assistant

PUBLIC HEARING

- PH-1 HOLD** a public hearing and consider a request by Choon Ok Song (Case #Z11-27) to rezone part of Lot 1, Block 17, Bellaire Heights, 2nd Extension replat from B-3 (Local Business District) to B-3A (General Business and Alcohol Sales District) for a package liquor store. The property is locally known as 2602 S. Fort Hood Street, Suite 100, Killeen, Texas.
(This is scheduled to be heard by City Council on June 28, 2011.)
- PH-2 HOLD** a public hearing and consider a request by Mary Fisher (Case #Z11-28) to rezone an area north of Terrace Drive at Goode Drive from RMH (Residential Mobile Home District) and R-2 (Two Family Residential District) to R-2 (Two Family Residential District) with CUP (Conditional Use Permit) for a communication tower.
(This is scheduled to be heard by City Council on June 28, 2011.)
- PH-3 HOLD** a public hearing and consider a request by Reeces Creek Developers (Case #Z11-29) to rezone approximately 61.23 acres, being part of the Eugene LaSere Survey, Abstract No. 527 from 'A' (Agricultural District) to R-1 (Single-family Residential District). The property is located at Bunny Trail and Brushy Creek Drive and Guadalupe Drive, Killeen, Texas.
(This is scheduled to be heard by City Council on June 28, 2011.)
- PH-4 HOLD** a public hearing and consider a request by Splawn Ranch Partnership (Case #Z11-30) to rezone approximately 1.297 acres, being part of the William H. Cole Survey, Abstract No. 200 from COD (Cemetery Overlay District) to COD (Cemetery Overlay District) w/CUP (Conditional Use Permit) for a gas station/convenience store. The property is located at the southeast intersection of Splawn Ranch Drive and S. Fort Hood Street, Killeen, Texas.
(This is scheduled to be heard by City Council on June 28, 2011.)
- PH-5 HOLD** a public hearing and consider a request by Dorel Killeen Holdings, LLC, (Case #Z11-17) to rezone approximately 1.73 acres, being part of the W. H. Cole Survey, Abstract No. 239 from B-2 (Local Retail District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is locally known as 2908 Trimmier Road, Killeen, Texas.
(This is scheduled to be heard by City Council on June 28, 2011.)
- PH-6 A. HOLD** a public hearing and consider a request by Al R. and Bonnie J. Young to revise the Comprehensive Plan's future land use map (FLUM) to change a 'General Residential' and 'Four-Plex Residential' designated areas to a 'Multifamily Residential' designated area, for approximately 6.642 acres. The property is located on the north right-of-way of Winkler Avenue east of the intersection of Trimmier Road.
(This is scheduled to be heard by City Council on June 28, 2011.)
- B. HOLD** a public hearing and consider a request by Al R. Young and Bonnie J. Young, (Case #Z11-18) to rezone approximately 6.642 acres being part of the W. H. Cole Survey, Abstract No. 201 from B-3 (Local Business District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is located on the north right-of-way of Winkler Avenue, east of the intersection of Trimmier Road, Killeen, Texas.
(This is scheduled to be heard by City Council on June 28, 2011.)

KILLEEN DAILY HERALD

Serving The Growing Central Texas Area

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF BELL

Personally appeared before the undersigned authority

Sabrina John who being sworn says that the attached ad

for: **CITY OF KILLEEN**

published in the **Killeen Daily Herald** on the following

dates to-wit: **April 10, 2011** at a cost of **\$273.70**.

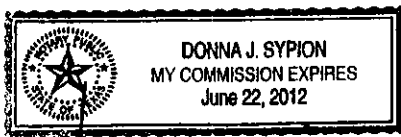


Advertising Representative

Subscribed and sworn before me on April 11, 2011.



Notary Public, Bell, Texas



NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing is scheduled to be held by the City Council, City of Killeen, at 6:00 p.m., on Tuesday, April 26, 2011, in Council Chambers at City Hall, 101 North College Street, to consider the following:

HOLD a public hearing and consider a request by Killeen Eastlake Associates I, Ltd., (Case #Z11-16) to rezone a portion of Lot 1, Block 1, Eastlake Addition from B-4 (Business District) to B-3A (Local Business and Retail Alcohol Sales District). The property is located on the north right-of-way of E. Rancier Avenue Lane, and is locally known as 3301 E. Rancier, Suites D-101 and D-102, Killeen, Texas.

HOLD a public hearing and consider a request by the Folkerson Family Revocable Trust to revise the Comprehensive Plan's Future Land Use Map to change a General Commercial designated area to a Multifamily Residential designated area, for approximately 1.73 acres. The property is located on the north right-of-way of Winkler Avenue at the intersection of Trimmier Road.

HOLD a public hearing and consider a request by The Folkerson Family Revocable Trust (Case #Z11-17) to rezone approximately 1.73 acres, being part of the W H Cole Survey, Abstract No 239 from B-2 (Local Retail District) to R-3F (Multi-family Residential District) with a PUD (Planned Unit Development). The property is located at the northeast intersection of Winkler Avenue and Trimmier Road and is locally known as 2908 Trimmier Rd, Killeen, Texas

HOLD a public hearing and consider a request by Al R. Young and Bonnie J. Young to revise the comprehensive plan's future land use map (FLUM) to change a 'General Residential' and 'Four-Plex Residential' designated areas to a 'Multifamily Residential' designated area, for approximately 6.642 acres. The property is located on the north right-of-way of Winkler Avenue east of the intersection of Trimmier Road.

HOLD a public hearing and consider a request by Al R. Young and Bonnie J. Young, (Case #Z11-18) to rezone approximately 6.642 acres being part of the W. H. Cole Survey, Abstract No. 201 from B-3 (Local Business District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is located on the north right-of-way of Winkler Avenue east of Young's Prairie Phase One, Killeen, Texas.

WITNESS MY HAND THIS 10TH DAY OF APRIL 2011.

Paula A. Miller
City Secretary

By Tony McIlwain
City Planner

(Legal notice published in the Killeen Daily Herald April 10, 2011.)



CITY OF KILLEEN

PLANNING & DEVELOPMENT SERVICES

June 1, 2011

RE: CASE #Z11-17: A request has been submitted to rezone approximately 1.73 acres, being part of the W H Cole Survey, Abstract No 239 from B-2 (Local Retail District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is locally known as 2908 Trimmier Rd, Killeen, Texas.

Dear Property Owner:

Dorel Killeen Holdings, LLC, owner of the above mentioned property, have requested rezoning of this property. The City of Killeen is required by state law to notify all property owners within a 200-foot radius of the request. The enclosed maps show the property to be rezoned. This property is marked by diagonal lines, and the circular line indicates those properties within the 200-foot radius.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **June 13, 2011**, in the City Council Chambers, City Hall, 101 North College Street. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

In addition to attending this meeting, you may indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: *Planning and Zoning Commission, City of Killeen, PO Box 1329, Killeen, Texas 76540-1329*. To be considered a protest under provisions of the State Local Government Code, the protest must be written and signed by the property owner of a property located within the 200-foot notification area (you may use the slip on the bottom of this page). Any petition, whether in support or opposition to this request must be received by the Planning Department no later than **5:00 p.m., June 13, 2011**.

After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **June 28, 2011**, at **6:00 p.m.**, where you may also appear and speak.

If you desire additional information relative to this matter, please call (254) 501-7630.

Sincerely,

Vicki Wanken
Planning Assistant
Attachments

YOUR NAME:	
CURRENT ADDRESS:	
ADDRESS OF PROPERTY OWNED:	
COMMENTS:	B-2 to R-3A w/PUD
SIGNATURE:	SPO #Z11-17/

**B-1
PROFESSIONAL
BUSINESS
DISTRICT**

All uses allowed in section 31-186, with the exception of one-family dwellings. Physical therapy clinic. Chemical or X-ray laboratory. Dispensing optician. Dental Laboratory. Office of Practitioners of recognized professions (doctors, lawyers, dentists, architects, certified public accountants, registered engineers and related professions)

**B-DC
BUSINESS
DAYCARE**

Day Care Center

**B-2
LOCAL RETAIL
DISTRICT**

Any use permitted in district "B-1" or "B-DC."
Appliance (household) sales.
Bakery shop (retail sales only).
Barbershop, beauty shop, to include permanent cosmetics (licensed per Texas Health and Safety Code, Chapter 146 as amended).
Construction field office and yard: on the job site; for duration of construction only.
Cleaning or laundry (grick-up station).
Cleaning or laundry (self-service) using fully automatic equipment, as follows: Washers, capacity of not more than forty (40) pounds. Dryers or extractors, capacity of not more than sixty (60) pounds. Dry cleaning machines. Custom Personal service shops such as a health studio (to include massage establishments as defined in TX Occupations Code Section 453, as amended), answering service, typing service, tailor, employment agency, FM piped music, income tax service, letter or mailing service, marriage counselor, secretarial service or shoe repair. Drugstore or pharmacy. Electric utility substation.

Florist (retail): retail sales of flowers and small plants. No flower or plant raising or outside display or storage. Grocery store (drive-in). Home for the aged. Registered public surveyor. Restaurant, coffee shop, or cafe (no drive-in service). Retail stores, (other than listed): offering all types of personal consumer goods for retail sales.

**B-3
LOCAL BUSINESS
DISTRICT**

Any use permitted in district "B-2"
Bank, savings and loan or other financial institution
Day camp
Hospital, home or center for the acute or chronically ill
Mortuary or funeral chapel
Appliance (household) sales & repair.
Bakery or confectionery engaged in preparation, baking, cooking and selling of products at retail on premises, with 6 or less employees
Boat and accessory sales, rentals & service
Bowling alleys
Cleaning or laundry (self-service)
Cleaning, pressing and dyeing with 6 or less employees
Florist, garden shop, green house 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 principle building, whichever is greater
General food products, retail sales, supermarkets, butcher shops, dairy stores, seafood sales, or health food
Catereria or catering service
Marine supplies, sales and service
Office, general business

Restaurant or cafe (with drive-in or pick-up service)
Tennis or swim club
Small animal clinic or pet grooming shop
Hotel or motel
Job printing; not more than 17x25 page size
Gasoline service station, auto laundry or car wash
Auto parts sales, new at retail

**B-3A
LOCAL BUSINESS
AND RETAIL
ALCOHOL SALES
DISTRICT**

Any use permitted in the "B-3" district, in accordance with the requirements of this division.
Package stores to be operated under, and in accordance with, a valid Texas Alcoholic Beverage Commission issued package store permit provided that such establishment, however, allow a variance from this distance requirement in accordance with TABC § 109.33(c).

Cold storage plant (locker rental)
Bakery or confectionery wholesaler
Bomb shelter (as principle use)
Building material or lumber sales (no outside storage)
Cleaning, pressing and dyeing; no direct exterior exhausts from plant; dust must be controlled by bag or filter and separator or precipitator to eliminate dust, odor, fumes or noise.
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 4,000 square feet or less, with all loading and unloading off-street.

**B-4
BUSINESS
DISTRICT**

Any use permitted in district "B-3".
Antique shop.
Secondhand goods store. No outside display, repair or storage.
Auto sales. Major business being showroom display and sale of new autos by authorized dealer; used car sales, repair and storage on same premises shall be purely incidental; this area not near than 20 feet from required front yard or principle building.
Auto Sales; used cars, no salvage, dismantling or wrecking on premises; no display of vehicles in required front yard.
Commercial parking (public lot)
Auto upholstery or muffler shop
Auto repair (garage)

Taverning (as licensed per Texas Health and Safety Code, Chapter 146, as amended).

**B-C1
GENERAL
BUSINESS AND
ALCOHOL SALES
DISTRICT**

Any use permitted in district "B-5", excluding the sale of beer, wine and/or any other alcoholic beverages for off-premises consumption.
Business establishments dispensing alcoholic beverages under TABC, in accordance with permits issued, and the rules and regulations promulgated by TABC, all of which are adopted hereby and made a part hereof for all purposes.

Railroad yard, roundhouse, shop.
Textile or garment manufacture.
Automobile, mobile home, heavy equipment manufacture.
Electroplating.
Sewage treatment plant.
Electrical equipment or appliance manufacture (large).
Furniture, cabinet, kitchen equipment manufacture.
Oil well tools, oil well equipment manufacture.
Aircraft, aircraft hardware or parts manufacture.
A customarily incidental use: The sale of beer, wine and/or alcoholic beverages at retail shall not be considered a customarily incidental use in this district.

**M-2
HEAVY
MANUFACTURING
DISTRICT**

Any use permitted in the "M-1" district.
Grain elevator.
Flour mill.
Yeast plant.
Petroleum or chemical products bulk storage.
Planting mill.
Clay products manufacture.
Calvanizing, hot-dip metal process.
Cotton or cottonseed processing or storage.
Paper manufacture.
Poultry raising or processing.
Stockyards, feed pens, livestock sales with pens and/or shipping facilities.
Slaughter of animals or meat packing.
Boiler works.
Fireworks and munitions manufacture or storage.
Fertilizer manufacture.
Salvage or reclamation of products (outside).
Stone, sand gravel or mineral extraction.

**M-1
RESTAURANT AND
ALCOHOL SALES
DISTRICT**

Restaurant permitted to offer alcohol beverages for sale operating under rules & regulations of TABC
Any commercial, non-residential use permitted in B-3, B-4 or B-5 districts in which the restaurant is located excluding the sale of beer, wine or any other alcoholic beverages for on-premises consumption or the operations of a private club under any other provision of this chapter

**B-5
BUSINESS
DISTRICT**

Any use permitted in district "B-4".
Building material and lumber sales (outside storage permitted).
Storage warehouse. Less than 100,000 square feet.
Newspaper or job printing.
Railroad or bus passenger terminal.
Tire recapping or retreading.
Trailer rental or sales.
Wholesale house.
Auto parts sales, used. No outside storage, display or dismantling.
A customarily incidental use.
Any commercial use not included in any other district provided such use is not noxious or offensive because of odors, dust, noise, fumes or vibrations.
Mobile home sales.
Sale of beer, wine and/or all other alcoholic beverages for off-premises consumption only.

**M-1
MANUFACTURING
DISTRICT**

Any use permitted in B-5 except the sale of beer, wine and/or any other alcoholic beverages for off-premises consumption at retail.
Paper products manufacture.
Wood, paper, plastic container manufacture.
Stone monument works.
Petroleum products wholesale storage.
Processing of chemicals or mineral extractions, not elsewhere classified.
Food processing.
Foundry, forge plant, rolling mill, metal fabrication plant.
Feed mill.
Petroleum or chemical products manufacture (indors).
Planting mill.

**CUP
CONDITIONAL
USE PERMIT**

A Conditional Use Permit is granted under the provision of this division shall be considered only an addition to the uses permitted on a particular tract of land. The conditional use permit runs with the land, regardless of ownership, until termination of the permit.

HOD HISTORIC OVERLAY DISTRICT

The historic overlay district (HOD) is intended to establish and provide for the protection, preservation, and enhancement of buildings, structures, sites and areas of historical importance or value. The HOD is a tool to help improve property values; to encourage neighborhood conservation; to foster civic pride and past accomplishments; to protect and enhance city attractions to strengthen the economy; and to promote the use of historical and cultural landmarks for the general community. The HOD is intended to help promote the development of a downtown consistent with the community objectives identified in the downtown action agenda. The HOD boundary regulations apply to all property located within the historic district

A
AGRICULTURAL DISTRICT

A building or premises in a district "A" Agricultural District shall be used only for the following purposes:
Stables, commercial or private
Agricultural uses to include animal production, crop production, horticulture, and support housing.
Home occupations as permitted in district "R-1" single-family residential district.

A-R1
AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT

Agricultural single-family residential in accordance with division 3 of this article
Accessory buildings customarily incidental to the uses in this section

RM-1
RESIDENTIAL MODULAR HOME SINGLE-FAMILY

All uses permitted in R-1
One-family dwellings of modular construction and affixed to a permanent foundation standards for one- and two-family housing units.
Residential units of modular construction may not be placed in any other district.

R-1
SINGLE-FAMILY RESIDENTIAL DISTRICT

One-family dwellings
Churches or other places of worship
Colleges, universities or other institutions of higher learning
Country clubs or golf courses, but not including miniature golf courses, driving range, similar forms of commercial am. art
Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line
Parks, playgrounds, community buildings and other public recreational facilities
Public buildings, including libraries, museums, police and fire stations
Real estate sales offices during the development of residential subdivisions but not to exceed 2 years

Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
Schools, public elementary or high schools, private with curriculum equivalent to that of a public elementary or high school.
Temporary buildings for uses incidental to construction work on the premises
Water supply reservoirs, pumping plants and towers.
Accessory buildings and uses, incidental to the uses in this section and located on the same lot therewith, not involving the conduct of a retail building.
Cemetery

SF-2
SINGLE-FAMILY RESIDENTIAL DISTRICT

Single-family dwellings meeting the criteria of the garden home district, with the minimum floor area of 1,100 square feet
All uses allowed in section 31-186, including those defined as home occupation uses.

RT-1
RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT

All buildings located in the district "R-1" residential townhouse single-family district shall be limited to townhouse development and accessory buildings and uses as described in section 31-186

R-2
TWO-FAMILY RESIDENTIAL DISTRICT

Any use permitted in district "R-1," two-family dwellings

R-3F
MULTI-FAMILY RESIDENTIAL DISTRICT

All uses allowed in section "R-1"
Multifamily structures containing 3 or 4 separate dwellings units
Institutions of a religious, educational, charitable or philanthropic nature, but not a penal or mental institution
Licensed group or community home housing five (5) or fewer persons
Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business

R-3A
MULTI-FAMILY RESIDENTIAL DISTRICT

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 and located on the same lot therewith, not involving the conduct of a business
Planned Unit Development required.

R-MP
MOBILE HOME DISTRICT

Mobile home conforming to the current ordinance regulating same, either:
As a part of a mobile home park, or
Provided, however, that mobile trailer parks in existence on the date of the ordinance from which this section is derived with proper zoning and current mobile trailer park permits shall hereinafter be designated "R-MP" mobile home district. All other mobile trailer parks shall be considered nonconforming.
Accessory buildings and structures incidental to the above uses, including community center, swimming pools, etc.
Installations owned and operated by the city, the county, the state or public utility companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services to or through the "R-MP" district.
Provided, however, that mobile trailer parks in existence on the date of the ordinance from which this section is derived with proper zoning and current mobile trailer park permits shall hereinafter be designated as "R-MP" mobile home district.
All other mobile trailer parks shall be considered nonconforming.

PUD
PLANNED UNIT DEVELOPMENT

A PUD is a land use design incorporating the concepts of density and common open space. The PUD designation serves as an "overlay zoning" development classification. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site

COB
CEMETERY OVERLAY DISTRICT

Offices of practitioners of the recognized professions, such as: doctors, dentists, lawyers, architects, certified public accountants, registered engineers and related professions.
Uses customarily incidental to the primary use, subject to the special conditions contained in section 31-276(3).
Buildings may be used for one or more of the uses prescribed in section (2) only under the following conditions:
Public access to such incidental buildings shall be from the interior of the building.
No parking space shall occupy any part of the required front yard, except as provided in section 31-287 (a)(1)b.
Sign standards for this district shall apply to both primary and incidental uses.
No building in this district shall be constructed or altered to produce a storefront, show, window or display window, and there shall be no merchandise visible from the exterior of the building.
No outside storage shall be permitted in this district.
Office, general business.
An on-premises residential use or living quarters may be included in one structure in a commercial land use district when the main use of the structure is commercial, provided both uses are in compliance with appropriate building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.
Business day care.
Bakery shop (retail sales only).
Barbershop, beauty shop to include permanent cosmetics (licensed per

Texas Health and Safety Code, Chapter 146 amended).
Construction field office and yard, on the job site, for duration of construction only.
Mortuary or funeral chapel.
Drugstore or pharmacy. Florist (retail) retail sales of flowers and small plants. No flowers or plant raising or outside display or storage.
All structures within this district shall be constructed with 80% stone, brick or stucco veneer having a limestone front facade. No metal siding shall be visible from curbs.
No off-premises signs shall be permitted in this district. On-premises signs are restricted to one sign per lot. The permitted sign shall be set back 10 feet from the property line, shall not exceed 10 feet in height and the face shall not exceed 100 square feet and the sign shall be constructed of limestone masonry material to match the building facade.

UOD
UNIVERSITY OVERLAY DISTRICT

Offices of practitioners of recognized professions.
Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in section 31-276(3).
Buildings may be used for one or more of the uses prescribed in section (2) only under the following conditions:
The total area of a professional building devoted to one single incidental use shall not exceed fifteen (15) percent of the gross floor area of the building.
The total area of a professional building devoted to incidental uses in the aggregate shall not exceed twenty-five (25) percent of the gross floor area of the building.
Public access to such incidental uses shall be from the interior of the building.
No parking space shall occupy any part of the required front yard, except as provided in section 31-287 (a)(1)b.
e. Sign standards for this district shall apply to both primary and incidental uses.
No building in this district shall be constructed or altered to produce a storefront, show, window or display window, and there shall be no merchandise visible from the exterior of the building.
No outside storage shall be permitted in this district.
Office, general business.

An on-premises residential use or living quarters may be included in one structure in a commercial land use district when the main use of the structure is commercial, provided both uses are in compliance with appropriate building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.
Business day care.
Bakery shop (retail sales only).
Barbershop, beauty shop to include permanent cosmetics (licensed per Texas Health and Safety Code, Chapter 146 amended).
Construction field office and yard, on the job site, for duration of construction only.
Cleaning or laundry (pick-up only).
Drugstore or pharmacy.
Florist (retail) retail sales of flowers and small plants. No flower or plant raising or outside display or storage.
Restaurant, coffee shop, or cafe (no dine-in/dine thru service).
Bank, savings and loan or other financial institution.
All structures within this district shall be constructed with 80% stone, brick or stucco veneer having a limestone front facade. No metal siding shall be visible from curbs.
No off-premises signs shall be permitted in this district. On-premises signs are restricted to one sign per lot. The permitted sign shall be set back 10 feet from the property line, shall not exceed 10 feet in height and the face shall not exceed 100 square feet and the sign shall be constructed of limestone masonry material to match the building facade.

HOME OCCUPATIONS

Author, Artist, Sculptor, dressmaker, seamstress or tailor
Music/Dance Teacher (one pupil at a time)
Individual tutoring
Minister, rabbi or priest
Home crafts such as rug weaving, model making
Office facility of: Architect, attorney, engineer, insurance agent, accountant, real estates broker, or similar profession, sales or manufacturing representative, service provider
Millinery, repair shop for small electrical appliances and food preparation establishments



CITY OF KILLEEN
PLANNING & DEVELOPMENT SERVICES

June 1, 2011

RE: CASE #Z11-17: A request has been submitted to rezone approximately 1.73 acres, being part of the W H Cole Survey, Abstract No 239 from B-2 (Local Retail District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is locally known as 2908 Trimmier Rd, Killeen, Texas.

Dear Property Owner:

The Planning and Zoning Commission of the City of Killeen has scheduled a public hearing on your request for rezoning the property referenced above, on **June 13, 2011, 6:00 p.m.**, in the Council Chambers, City Hall, 101 North College Street, Killeen, Texas.

As required under the provision of State Law, all property owners within two hundred (200) feet of this location have received written notification of this request. You or your authorized agent must attend this hearing to present any facts which you feel the Planning and Zoning Commission should consider in evaluating your request. In preparing your remarks you may want to address the factors identified on Enclosure "1".

If for any reason you or your authorized agent cannot attend this hearing, please call us at (254) 501-7631, so a new hearing date can be set.

Following this public hearing, the Planning and Zoning Commission will forward a recommendation on your request to the City Council for final action.

The City Council meeting to hear this request is scheduled for **June 28, 2011, at 6:00 p.m.**, in the Council Chambers, City Hall, 101 North College Street, Killeen, Texas.

Sincerely,

Vicki Wanken
Planning Assistant

Enclosure

cc: Howard Moreno
501 Adams St
San Antonio, TX 78210

ENCLOSURE "1"

The City of Killeen Zoning Ordinance provides authority to the City Council to pass ordinances changing the boundaries of zoning districts. It requires that a public hearing be held by both the Planning and Zoning Commission and the City Council prior to decision.

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

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

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.

**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
APRIL 11, 2011
CITY HALL, 101 N. COLLEGE STREET
MAIN CONFERENCE ROOM**

ROLL CALL

PRESENT:

Commission: Johnny Frederick, Chair; Craig Langford, Vice Chair; Bobby Lee Hoover; Eugene Kim; Joel Steine; Austin Pickett; Miguel Diaz; Terry Traina

Staff: Tony D. McIlwain, AICP, CFM, City Planner,; John P. Nett P.E., CFM, City Engineer; Scott Osburn, Assistant City Attorney II; Jill Hall, Senior Planner; Vicki Wanken, Planning Assistant; Terri Lorenz, Executive Assistant

ABSENT: Robert Hicks

CALL TO ORDER – 6:00 P.M. – CITY HALL COUNCIL CHAMBERS

Chairman Frederick called the meeting of the Planning and Zoning Commission to order at 6:04 p.m.

APPROVAL OF AGENDA

Vice Chair Langford motioned to approve the agenda. Commissioner Pickett seconded the motion. The motion was passed unanimously.

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission Meeting of **March 28, 2011.**

Commissioner Pickett motioned to approve the agenda. Commissioner Kim seconded the motion. The motion was passed unanimously.

Chairman Frederick stated that the consent agenda is approved.

CITIZENS PETITIONS FOR INFORMATION

No one requested to speak.

PUBLIC HEARING

PH-1 HOLD a public hearing and consider a request by Killeen Eastlake Associates I, Ltd., (**Case #Z11-16**) to rezone a portion of Lot 1, Block 1 Eastlake Addition from B-5 (Business District) to B-3A (Local Business and Retail Alcohol Sales District). The property is located on the north right-of-way of E. Rancier Avenue, and is locally known as 3301 E. Rancier Ave., Suites D-101 and D-102, Killeen, Texas.

Chairman Frederick requested staff comments.

Senior Planner Hall stated that this is a request by Killeen Eastlake Associates I. Ltd, to rezone part of Lot 1, Block 1, Eastlake Addition from B-5 (Business District) to B-3A (Local Business and Retail Alcohol Sales District) to allow for liquor sales. The property is located on the north right-of-way of Rancier Avenue, approximately 317 feet east of the intersection of 38th Street and is locally known as 3301 E. Rancier Avenue, Suites D-101 and D-102, Killeen, Texas.

The property is designated as 'General Commercial' on the future land use map (FLUM) of the Comprehensive Plan.

The Comprehensive Plan calls for a wide range of commercial retail and service uses, at varying scales and intensities depending on the site.

The request is consistent with the Comprehensive Plan.

The staff notified three (3) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no protests.

Staff recommended approval of the request. The site is located on a lot greater than 10,000 square feet and meets the city's 25' rear yard setback and façade requirements. There are no churches, or public/private hospitals within 300' feet of the subject site as required under TABC section 109.33. It was noted that there is a daycare at the far end of the shopping plaza and is over 1,000 feet from the proposed liquor store.

Ms. Jeannie Snelling, 200 Cove Terrace, Copperas Cove, Texas, was present to represent this request.

Chairman Frederick opened the public hearing. With no one requesting to speak the public hearing was closed.

Commissioner Kim motioned to recommend approval of zoning case #Z11-16. Commissioner Traina seconded the motion. The motion carried unanimously.

Chairman Frederick stated that this will be forwarded to City Council on April 26, 2011 with a recommendation to approve.

PH-2 A. HOLD a public hearing and consider a request by Dorel Killeen Holdings, LLC, to revise the Comprehensive Plan's Future Land Use Map to change a 'General Commercial' designated area to a 'Multifamily Residential' designated area, for approximately 1.73 acres. The property is located on the north right-of-way of Winkler Avenue at the intersection of Trimmier Road.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request is to revise the Comprehensive Plan Future Land Use Map (FLUM) to change a 'General Commercial' designated area to a 'Multifamily Residential' designated area, for approximately 1.73 acres. The property is located on the north right-of-way of Winkler Avenue at the intersection of Trimmier Road.

The applicant has submitted a concurrent request to rezone the subject property from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development as required per Killeen Code of Ordinances section 31-256.9. If approved, this request would require an amendment to the future land use map.

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.

The 'Multifamily Residential' designation of the Comprehensive Plan encourages the following character: Multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums), parks and public spaces.

Staff recommended an amendment to the Future Land Use Map of the Comprehensive Plan. The rationale for making this recommendation was based upon the following observations:

The immediate area consists of multifamily developments, which are consistent with the FLUM. Therefore, the proposed amendment to the subject area bears a significant relationship with the existing character of the surrounding community. The amendment to the plan will encourage high density infill development in close proximity to commercial and retail opportunities. The amendment is not "spot planning" (i.e. the amendment will not undermine the integrity of the land use planning concept or jeopardize development control) as there is no perceived preferential treatment being conferred to this parcel of land.

Chairman Frederick opened the public hearing.

Mr. Howard Moreno and Mr. Alan Lindskog spoke in support of the amendment to the Comprehensive Plan.

With no one else requesting to speak, the public hearing was closed.

Commissioner Diaz motioned to recommend approval of the revision to the Comprehensive Plan's Future Land Use map. Commissioner Traina seconded the motion. The motion passed 5-1 with Commissioner Kim in opposition and Commissioner Pickett abstaining.

Chairman Frederick stated that this will be forwarded to City Council on April 26, 2011 with a recommendation to approve.

B. HOLD a public hearing and consider a request by Dorel Killeen Holdings, LLC, (Case #Z11-17) to rezone approximately 1.73 acres, being part of the W. H. Cole Survey, Abstract No. 239

from B-2 (Local Retail District) to R-3A (Multi-family Residential District) with a PUD (Planned Unit Development). The property is located at the northeast intersection of Winkler Avenue and Trimmier Road and is locally known as 2908 Trimmier Road, Killeen, Texas.

This request was postponed due to a notification error and will be heard on April 25, 2011 at the next regular meeting of the Planning and Zoning Commission.

PH-3 A. HOLD a public hearing and consider a request by Al R. and Bonnie J. Young to revise the Comprehensive Plan's Future Land Use Map (FLUM) to change a 'General Residential' and 'Four-Plex Residential' designated areas to a 'Multifamily Residential' designated area, for approximately 6.642 acres. The property is located on the north right-of-way of Winkler Avenue east of the intersection of Trimmier Road.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request is to revise the Comprehensive Plan's Future Land Use Map to change 'General Residential' and 'Four-Plex Residential' designated areas to a 'Multifamily Residential' designated area, for approximately 6.642 acres. The property is located on the north right-of-way of Winkler Avenue east of the intersection of Trimmier Road.

The applicant has submitted a concurrent request to rezone the subject property from B-3 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development as required per Killeen Code of Ordinances section 31-256.9. If approved, this request would require an amendment to the future land use map.

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.

The 'Multifamily Residential' designation of the Comprehensive Plan encourages the following character: Multi-unit attached residential in concentrated developments (5 or more units per building), whether for rent (apartments) or ownership (condominiums), parks and public spaces.

Staff recommended an amendment to the Future Land Use Map of the Comprehensive Plan. The rationale for making this recommendation was based upon the following observations:

The immediate area consists of multifamily developments, which are consistent with the FLUM. Therefore, the proposed amendment to the subject area bears a significant relationship with the existing character of the surrounding community. The amendment to the plan will encourage high density infill development in close proximity to commercial and retail opportunities. The amendment is not "spot planning" (i.e. the amendment will not undermine the integrity of the land use planning concept or jeopardize development control) as there is no perceived preferential

treatment being conferred to this parcel of land.

Chairman Frederick opened the public hearing.

Mr. Howard Moreno and Mr. Alan Lindskog spoke in support of the amendment to the Comprehensive Plan.

With no one else requesting to speak, the public hearing was closed.

Commissioner Diaz motioned to recommend disapproval of the revision to the Comprehensive Plan's Future Land Use Map. His recommendation was based on his concerns regarding the property having sole point of access to Trimmier from Winkler Avenue. Commissioner Traina seconded the motion. The motion passed 5-2 with Commissioners Pickett and Langford in opposition to the recommendation for disapproval.

Chairman Frederick stated that this will be forwarded to City Council on April 26, 2011 with a recommendation to disapprove.

B. HOLD a public hearing and consider a request by Al R. Young and Bonnie J. Young, (Case #Z11-18) to rezone approximately 6.642 acres being part of the W. H. Cole Survey, Abstract No. 201 from B-3 (Local Business District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is located on the north right-of-way of Winkler Avenue, east of Young's Prairie Addition, Phase One, Killeen, Texas.

The applicant withdrew this request for rezoning due to the Planning and Zoning Commission's recommendation of disapproval for public hearing item # 3-A.

COMMISSION & STAFF ITEMS

I. Attendance Chart (For your information).

The Commissioners reviewed their attendance charts.

ADJOURNMENT

Chairman Frederick adjourned the Planning and Zoning Meeting at 6:26 p.m. The next regularly scheduled meeting for the Planning and Zoning Commission is **April 25, 2011** at 6:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.


Johnny Frederick
Chairman, Planning & Zoning Commission


Vicki Wanken, Planning Assistant



**AGENDA
REGULAR MEETING
PLANNING AND ZONING COMMISSION
APRIL 11, 2011
CITY HALL
101 N. COLLEGE STREET
COUNCIL CHAMBERS**

WORKSHOP – 5:00 P.M. – Main Conference Room

- I.** Discuss agenda items for the **April 11, 2011** regular Planning and Zoning Commission meeting.
- II.** Committee Reports
 - Downtown Partnership Committee – March 24, 2011
 - i. Update on the façade improvement grant program and the sign grant program.
 - ii. Update on police activity in the downtown area.
 - iii. Update on code enforcement activity in the downtown area.
 - iv. Update on the downtown Green Avenue Park & Farmers Market project.
 - v. Update on the award of two Certified Local Government Grants for the preparation of a district nomination to the National Register of Historic Places and for the development of historical outreach videos.

CALL TO ORDER – 6:00 P.M. – CITY HALL COUNCIL CHAMBERS

ROLL CALL	
COMMISSION	STAFF
___ Johnny Frederick, Chairman ___ Craig Langford, Vice Chairman ___ Miguel Diaz, Jr. ___ Eugene Kim ___ Robert Hicks, Sr. ___ Bobby Lee Hoover ___ Austin Pickett ___ Joel Steine ___ Terry Traina	___ Dr. Ray Shanaa, AICP, Executive Director of Planning and Development Services ___ Tony D. McIlwain, AICP, CFM, City Planner ___ Jill Hall, Senior Planner ___ John Nett, P.E., CFM, City Engineer ___ Scott Osburn, Assistant City Attorney ___ Kristina Ramirez, P.E., CFM, Drainage Engineer ___ Earl Abbott, CBO, CFM, Building Official ___ Vicki Wanken, Planning Assistant ___ Terri Lorenz, Executive Assistant ___ Maria Lopez, Principal Secretary

APPROVAL OF AGENDA

Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for **April 11, 2011.**

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission Meeting of **March 28, 2011.**

CITIZENS PETITIONS FOR INFORMATION

PUBLIC HEARING

PH-1 HOLD a public hearing and consider a request submitted by Killeen Eastlake Associates I, Ltd., (**Case #Z11-16**) to rezone a portion of Lot 1, Block 1 Eastlake Addition from B-4 (Business District) to B-3A (Local Business and Retail Alcohol Sales District). The property is located on the north right-of-way of E. Rancier Avenue Lane, and is locally known as 3301 E. Rancier, Suites D-101 and D-102, Killeen, Texas.

(This is scheduled to be heard by City Council on April 26, 2011.)

PH-2 A. HOLD a public hearing and consider a request by the Folkerson Family Revocable Trust to revise the Comprehensive Plan's Future Land Use Map to change a General Commercial designated area to a Multifamily Residential designated area, for approximately 1.73 acres. The property is located on the north right-of-way of Winkler Avenue at the intersection of Trimmier Road.

(This is scheduled to be heard by City Council on April 26, 2011.)

B. HOLD a public hearing and consider a request by The Folkerson Family Revocable Trust (**Case #Z11-17**) to rezone approximately 1.73 acres, being part of the W H Cole Survey, Abstract No 239 from B-2 (Local Retail District) to R-3F (Multi-family Residential District) with a PUD (Planned Unit Development). The property is located at the northeast intersection of Winkler Avenue and Trimmier Road and is locally known as 2908 Trimmier Rd, Killeen, Texas

(This is scheduled to be heard by City Council on April 26, 2011.)

PH-3 A. HOLD a public hearing and consider a request by Al R. and Bonnie J. Young to revise the comprehensive plan's future land use map (FLUM) to change a 'General Residential' and 'Four-Plex Residential' designated areas to a 'Multifamily Residential' designated area, for approximately 6.642 acres. The property is located on the north right-of-way of Winkler Avenue east of the intersection of Trimmier Road.

(This is scheduled to be heard by City Council on April 26, 2011.)

B. HOLD a public hearing and consider a request by Al R. Young and Bonnie J. Young, (**Case #Z11-18**) to rezone approximately 6.642 acres being part of the W. H. Cole Survey, Abstract No. 201 from B-3 (Local Business District) to R-3A (Multi-family Apartment Residential District)

with a PUD (Planned Unit Development). The property is located on the north right-of-way of Winkler Avenue east of Young's Prairie Phase One, Killeen, Texas.

(This is scheduled to be heard by City Council on April 26, 2011.)

COMMISSION & STAFF ITEMS

- I. Attendance Chart (For your information)

ADJOURNMENT

The next regularly scheduled meeting for the Planning and Zoning Commission is **April 25, 2011** at 6:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the Planning and Zoning Commission may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

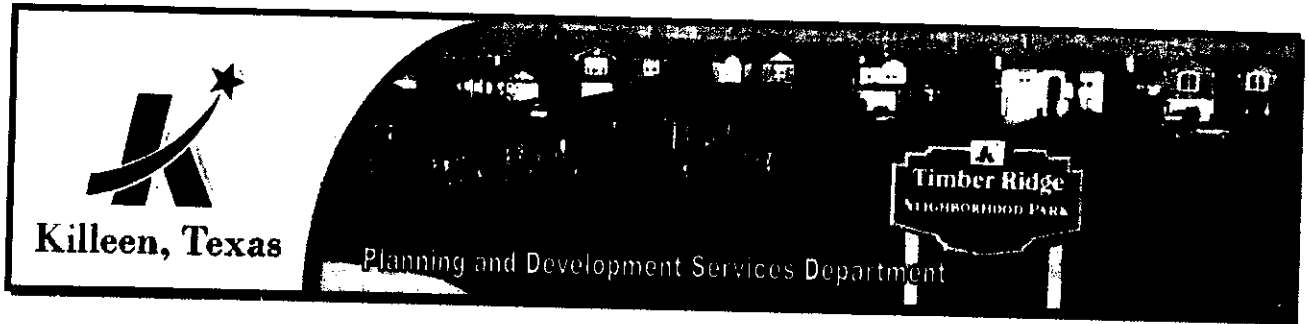
AMERICANS WITH DISABILITIES ACT

This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7700, City Manager's Office, or TDD 1-800-734-2989.

I certify that the above notice of meeting was posted on the bulletin boards at City Hall and the Police Department and on the website of the City of Killeen, Texas, **on or before 5:00 p.m. on April 8, 2011.**

Vicki Wanken

Vicki Wanken, Planning Assistant



TO: PLANNING AND ZONING COMMISSION
 FROM: TONY D. MCILWAIN, AICP, CFM, CITY PLANNER
 DATE: APRIL 7, 2011

REZONING CASE: #Z11-17 B-2 (LOCAL RETAIL DISTRICT) TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) W/ PUD

Nature of the Request

This request is to rezone approximately 1.73 acres from B-2 (Local Retail District) to R-3A (Multifamily Apartment Residential District) with a planned unit development overlay.

The site plan provided by the applicant shows ten (10) apartment buildings containing 220 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.

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 at the north intersection of Trimmier Road and Winkler Avenue, Killeen, Texas.

Legal Description: The 1.73 acres are part of the W. H. Cole Survey, Abstract No. 239, Killeen, Texas.

Zoning/ Plat Case History:

- The property was rezoned from R-1 to B-2 per ordinance #76-23 on May 25, 1976.

- The property has not been platted.

Character of the Area:

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

Figure 1. Zoning Map

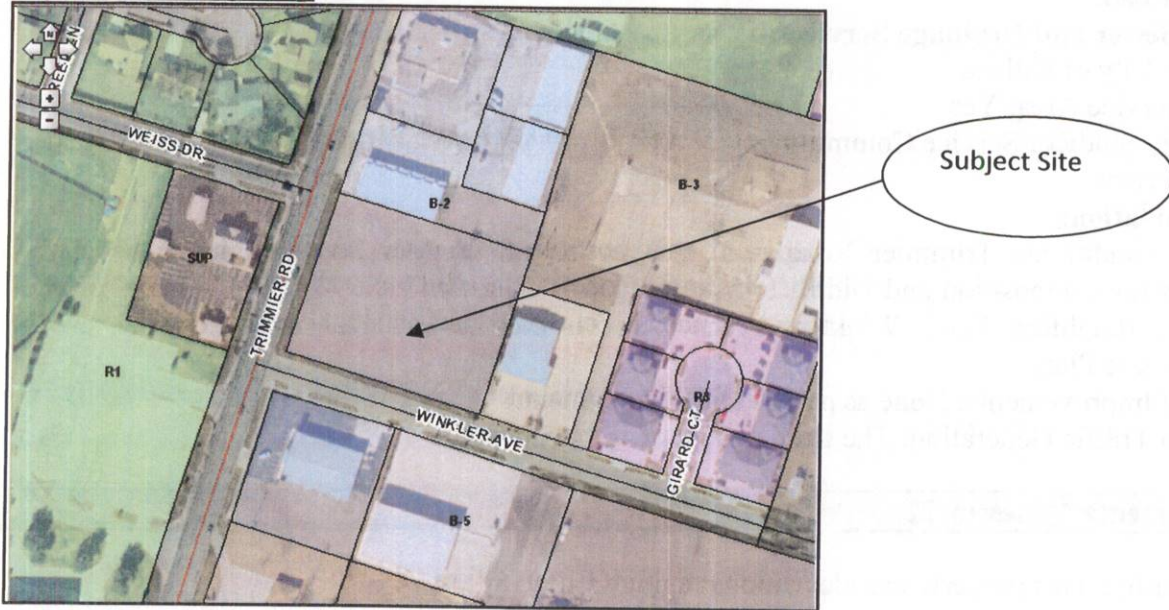
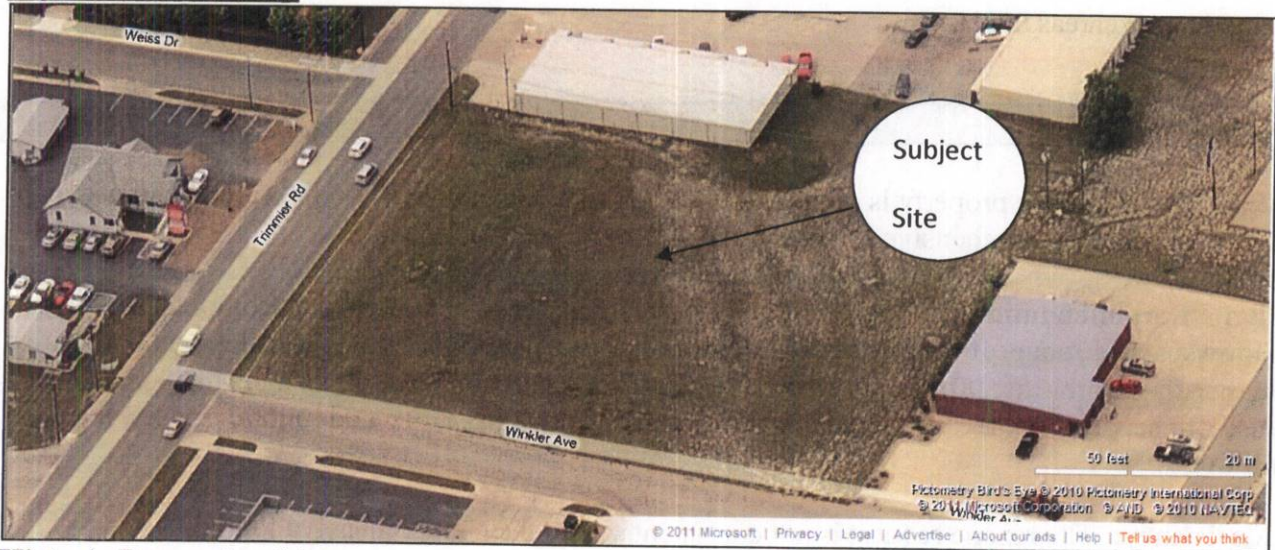


Figure 2. Aerial Map



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.

Transportation:

Existing conditions: Trimmier Road and this portion of Winkler Avenue meets the city's standards for composition and width. Trimmier Road is classified as a 90' minor arterial on the city's Thoroughfare Plan. Winkler Avenue is classified as a local street on the city's Thoroughfare Plan.

Proposed Improvements: None as part of this development.

Projected Traffic Generation: The traffic impact will be moderate.

Environmental Assessment

Topography: This property has elevations ranging from 918' to 924'.

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 rezone request is not consistent with the Comprehensive Plan.

Public Notification

The staff notified eleven (11) surrounding property owners regarding this request. Staff has received no protests at this time.

Staff Recommendation

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.

Staff supports the zoning request with the expectation that the FLUM of the Comprehensive Plan is amended from General Commercial (GC) 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. However, Staff has concerns as to whether the applicant would be able to satisfy 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 1.73 acres of land, which would allow a maximum of 30 units on the site. The applicant is proposing 36 units on the 1.73 acre site. Staff would like to density reduced for this phase of development by 6 units.

**THE CITY OF KILLEEN
REQUEST FOR ZONING CHANGE OR CONDITIONAL USE PERMIT**

CASE NUMBER: Z11-17

DATE: 03-30-11

1. APPLICANT:

Name: Folkerson Family Trust
 Received: \$ 200.00
 Present Zoning: B-2
 Proposed Zoning/Permit: R-3A w/ PUD
 Requested Time Period: N/A
 Proposed Use: Apartment Complex
 Address/General Location: 2908 Trimmier Rd
 Legal Description of Property: 1.73 acres part of WH Cole Srvy

2. BACKGROUND:

A. Site Characteristics:

- (1) Size (Sq. Ft. or Acres): _____ (2) Approximate Dimensions (feet): _____
 (3) Existing Use/Improvements: _____
 (4) Special Characteristics (floodplain, historic or environmental significance, etc.): _____

B. Neighborhood Characteristics:

- (1) Predominant Land Use(s):
 a. Single Family _____ d. Office/Prof. _____ g. Institutional _____
 b. Multi-Family _____ e. Commercial/Retail _____ h. Vacant/Agricultural _____
 c. Mobile Home _____ f. Industrial _____ i. Residential Modular Home _____
- (2) Building Conditions:
 a. Sound _____ b. Deteriorating _____ c. Mixed _____
- (3) Predominant Zoning Type(s) of Area: _____
- (4) Compatibility of Predominantly Existing Land use with Existing Zoning of the Area:
 a. Consistent _____ b. Inconsistent _____
- (5) Special Characteristics (floodplain, historic or environmental significance, etc.) _____

C. Community Infrastructure

- (1) Paving of street giving principal access to subject property:
 a. Meets City standards for composition and width ✓
 b. Substandard composition _____
 c. Inadequate capacity for anticipated traffic _____
 d. Not paved _____
- (2) Adequacy of water supply for anticipated development:
 a. Available with adequate size and pressure ✓
 b. Inadequate water main size _____
 c. Inadequate water pressure _____
 d. Not immediately accessible to subject property _____
- (3) Adequacy of sewer facilities for anticipated development:
 a. Available with adequate capacity ✓
 b. Available with inadequate capacity _____
 c. Not immediately accessible to subject property _____
- (4) Community facilities and services:
- | | <u>Adequate</u> | <u>Proposed</u> | <u>Inadequate</u> |
|----------------------|-----------------|-----------------|-------------------|
| a. Parks/open space | _____ | _____ | _____ |
| b. Police protection | _____ | _____ | _____ |
| c. Fire protection | _____ | _____ | _____ |
| d. Other _____ | _____ | _____ | _____ |

3-31-11



CITY OF KILLEEN
PLANNING & DEVELOPMENT SERVICES

March 30, 2011

RE: CASE #Z11-17: A request has been submitted to rezone approximately 1.73 acres, being part of the W H Cole Survey, Abstract No 239 from B-2 (Local Retail District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is locally known as 2908 Trimmier Rd, Killeen, Texas.

Dear Property Owner:

The Folkerson Family Revocable Trust, owners of the above mentioned property, have requested rezoning of this property. The City of Killeen is required by state law to notify all property owners within a 200-foot radius of the request. The enclosed maps show the property to be rezoned. This property is marked by diagonal lines, and the circular line indicates those properties within the 200-foot radius.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **April 11, 2011**, in the City Council Chambers, City Hall, 101 North College Street. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

In addition to attending this meeting, you may indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: *Planning and Zoning Commission, City of Killeen, PO Box 1329, Killeen, Texas 76540-1329*. To be considered a protest under provisions of the State Local Government Code, the protest must be written and signed by the property owner of a property located within the 200-foot notification area (you may use the slip on the bottom of this page). Any petition, whether in support or opposition to this request must be received by the Planning Department no later than **5:00 p.m., April 11, 2011**.

After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **April 26, 2011, at 6:00 p.m.**, where you may also appear and speak.

If you desire additional information relative to this matter, please call (254) 501-7630.

Sincerely,



Vicki Wanken
Planning Assistant
Attachments

YOUR NAME:	
CURRENT ADDRESS:	
ADDRESS OF PROPERTY OWNED:	
COMMENTS:	B-2 to R-3A w/PUD
SIGNATURE:	SPO #Z11-17/

A
AGRICULTURAL DISTRICT

A building or premises in a district "A" Agricultural District shall be used only for the following purposes:
Stables, commercial or private Agricultural uses to include animal production, crop production, horticulture, and support housing.
Home occupations as permitted in district "R-1" single-family residential district.

A-R1
AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT

Agricultural single-family residential in accordance with division 3 of this article
Accessory buildings customarily incidental to the uses in this section

RM-1
RESIDENTIAL MODULAR HOME SINGLE-FAMILY

All uses permitted in "R-1"
One-family dwellings of modular construction and affixed to a permanent foundation standards for one- and two-family housing units.
Residential units of modular construction may not be placed in any other district.

R-1
SINGLE-FAMILY RESIDENTIAL DISTRICT

One-family dwellings
Churches or other places of worship
Colleges, universities or other institutions of higher learning
Country clubs or golf courses, but not including miniature golf courses, driving range, similar forms of commercial amusement
Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.
Parks, playgrounds, community buildings and other public recreational facilities
Public buildings, including libraries, museums, police and fire stations
Real estate sales offices during the development of residential subdivisions but not to exceed 2 years

Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.
Schools, public elementary or high schools.
Schools, private with curriculum equivalent to that of a public elementary or high school.
Temporary buildings for uses incidental to construction work on the premises
Water supply reservoirs, pumping plants and towers.
Accessory buildings and uses, incidental to the uses in this section and located on the same lot therewith, not involving the conduct of a retail business.
Cemetery

SF-2
SINGLE-FAMILY RESIDENTIAL DISTRICT

Single-family dwellings meeting the criteria of the garden home district, with the minimum floor area of 1,100 square feet.
All uses allowed in section 31-186, including those defined as home occupation uses.

RT-1
RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT

All buildings located in the district "RT-1" residential townhouse single-family district shall be limited to townhouse development and accessory buildings and uses as described in section 31-186

R-2
TWO-FAMILY RESIDENTIAL DISTRICT

Any use permitted in district "R-1"

R-3F
MULTI-FAMILY RESIDENTIAL DISTRICT

All uses allowed in section "R-1"
Multifamily structures containing 3 or 4 separate dwellings units
Institutions of a religious, educational, charitable or philanthropic nature, but not a penal or mental institution
Licensed group or community home housing five (5) or fewer persons
Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, not involving the conduct of a retail business

R-3A
MULTI-FAMILY APARTMENT RESIDENTIAL DISTRICT

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 and located on the same lot therewith, not involving the conduct of a business
Planned Unit Development, required

R-MP
MOBILE HOME DISTRICT

Mobile home, conforming to the current ordinance regulating same, either:
As a part of a mobile home park, or
Provided, however, that mobile trailer parks in existence on the date of the ordinance from which this section is derived with proper zoning and current mobile trailer park permits shall hereinafter be designated "R-MP" mobile home district. All other mobile trailer parks shall be considered nonconforming.
Accessory buildings and structures incidental to the above uses, including community center, swimming pools, etc.
Installations owned and operated by the city, the county, the state or public utility companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services to or through the "R-MP" district.
Provided, however, that mobile trailer parks in existence on the date of the ordinance from which this section is derived with proper zoning and current mobile trailer park permits shall hereinafter be designated as "R-MP" mobile home district.
All other mobile trailer parks shall be considered nonconforming.

R-MS
MANUFACTURED HOUSING DISTRICT

Manufactured housing, as defined herein, as part of a manufactured home subdivision, for occupancy as a single family home, shown on a subdivision plat approved by the commission and city council and filed for record.

designed specifically for and restricted to a manufactured home development

PUD
PLANNED UNIT DEVELOPMENT

A PUD is a land use design incorporating the concepts of density and common open space. The PUD designation serves as an "overlay zoning and development classification. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site

COO
CEMETERY OVERLAY DISTRICT

Offices of practitioners of the recognized professions, such as: doctors, dentists, lawyers, architects, certified public accountants, registered engineers and related professions.
Uses customarily incidental to the primary use, subject to the special conditions contained in section 31-276(c).
Buildings may be used for one or more of the uses prescribed in section (2) only under the following conditions:
Public access to such incidental uses shall be from the interior of the building.
No parking space shall occupy any part of the required front yard, except as provided in section 31-287 (a)(1)(b).
Sign standards for this district shall apply to both primary and incidental uses.

R-MS
MANUFACTURED HOUSING DISTRICT

Manufactured housing, as defined herein, as part of a manufactured home subdivision, for occupancy as a single family home, shown on a subdivision plat approved by the commission and city council and filed for record.

Texas Health and Safety Code, Chapter 146 amended.
Construction field office and yard, on the job site, for duration of construction only.
Mortuary or funeral chapel.
Drugstore or pharmacy. Floral (retail) retail sales of flowers and small plants.
No flowers or plant raising or outside display or storage.
All structures within this district shall be constructed with 80% stone, brick or stucco veneer having a limestone front facade. No metal siding shall be visible from curbs.

UOD
UNIVERSITY OVERLAY DISTRICT

Offices of practitioners of recognized professions.
Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in section 31-276(c).
Buildings may be used for one or more of the uses prescribed in section (2) only under the following conditions:
The total area of a professional building devoted to any single incidental use shall not exceed fifteen (15) percent of the gross floor area of the building.
The total area of a professional building devoted to incidental uses in the aggregate shall not exceed twenty-five (25) percent of the gross floor area of the building.
Public access to such incidental uses shall be from the interior of the building.
No parking space shall occupy any part of the required front yard, except as provided in section 31-287 (a)(1)(b).
Sign standards for this district shall apply to both primary and incidental uses.
No building in this district shall be constructed or altered to produce a storefront, show window or display window, and there shall be no merchandise visible from the exterior of the building.
No outside storage shall be permitted in this district.
Office, general business.

UOD
UNIVERSITY OVERLAY DISTRICT

Offices of practitioners of recognized professions.
Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in section 31-276(c).
Buildings may be used for one or more of the uses prescribed in section (2) only under the following conditions:
The total area of a professional building devoted to any single incidental use shall not exceed fifteen (15) percent of the gross floor area of the building.
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Public access to such incidental uses shall be from the interior of the building.
No parking space shall occupy any part of the required front yard, except as provided in section 31-287 (a)(1)(b).
Sign standards for this district shall apply to both primary and incidental uses.
No building in this district shall be constructed or altered to produce a storefront, show window or display window, and there shall be no merchandise visible from the exterior of the building.
No outside storage shall be permitted in this district.
Office, general business.

An on-premises residential use or living quarters may be included in one structure in a commercial land use district when the main use of the structure is commercial, provided both uses are in compliance with appropriate building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.
Business day care.
Bakery shop (retail sales only).
Barbershop, beauty shop to include permanent cosmetics (licensed per Texas Health and Safety Code, Chapter 146 amended)

HOME OCCUPATIONS

Construction field office and yard, on the job site, for duration of construction only.
Cleaning or laundry (pick-up only).
Drugstore or pharmacy.
Floral (retail) retail sales of flowers and small plants. No flower or plant raising or outside display or storage.
Restaurant, coffee shop, or cafe (no drive-in/dine thru service).
Bank, savings and loan or other financial institution.
All structures within this district shall be constructed with 80% stone, brick or stucco veneer having a limestone front facade. No metal siding shall be visible from curbs.
No off-premises signs shall be permitted in this district. On-premises signs are restricted to one sign per lot. The permitted sign shall be set back 10 feet from the property line, shall not exceed 10 feet in height and the face shall not exceed 100 square feet and the sign shall be constructed of limestone masonry material to match the building facade.

HOME OCCUPATIONS

Construction field office and yard, on the job site, for duration of construction only.
Cleaning or laundry (pick-up only).
Drugstore or pharmacy.
Floral (retail) retail sales of flowers and small plants. No flower or plant raising or outside display or storage.
Restaurant, coffee shop, or cafe (no drive-in/dine thru service).
Bank, savings and loan or other financial institution.
All structures within this district shall be constructed with 80% stone, brick or stucco veneer having a limestone front facade. No metal siding shall be visible from curbs.
No off-premises signs shall be permitted in this district. On-premises signs are restricted to one sign per lot. The permitted sign shall be set back 10 feet from the property line, shall not exceed 10 feet in height and the face shall not exceed 100 square feet and the sign shall be constructed of limestone masonry material to match the building facade.

**B-1
PROFESSIONAL
BUSINESS
DISTRICT**

All uses allowed in section 31-186, with the exception of one-family dwellings. Physical therapy clinic. Chemical or X-ray laboratory. Dispensing optician. Dental Laboratory. Office of Practitioners of recognized professions (doctors, lawyers, dentists, architects, certified public accountants, registered engineers and related professions)

**B-2
LOCAL RETAIL
DISTRICT**

Any use permitted in district "B-1" or "B-DC." Appliance (household) sales. Bakery shop (retail sales only). Barber/shop, beauty shop, to include permanent cosmetics (licensed per Texas Health and Safety Code, Chapter 146 as amended). Construction field office and yard, on the job site; for duration of construction only. Cleaning or laundry (quick-up station). Cleaning or laundry (self-service) using fully automatic equipment, as follows: Washers, capacity of not more than forty (40) pounds. Dryers or extractors, capacity of not more than sixty (60) pounds. Dry cleaning machines. Custom Personal service shops such as a health studio (to include massage establishments as defined in TX Occupations Code Section 435, as amended), answering service, typing service, tailor, employment agency, FM piped music, income tax service, letter or mailing service, marriage counselor, secretarial service or shoe repair. Drugstore or pharmacy. Electric utility substation.

**B-3
LOCAL BUSINESS
DISTRICT**

Any use permitted in district "B-2" Bank, savings and loan or other financial institution. Day camp. Hospital, home or center for the acute or chronically ill. Mortuary or funeral chapel. Appliance (household) sales & repair. Bakery or confectionery engaged in preparation, baking, cooking and selling of products at retail on premises, with 6 or less employees. Boat and accessory sales, rentals & service. Bowling alleys. Cleaning or laundry (self service). Cleaning, pressing and dyeing with 6 or less employees. Florist, garden shop, green house 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 principle building, whichever is greater. General food products, retail sales, supermarkets, butcher shops, dairy stores, seafood sales, or health food. Cafeteria or catering service. Marine supplies, sales and service. Office, general business.

**B-3A
LOCAL BUSINESS
AND RETAIL
ALCOHOL SALES
DISTRICT**

Any use permitted in the "B-3" district, in accordance with the requirements of this division. Package stores to be operated under, and in accordance with, a valid Texas Alcoholic Beverage Commission issued package store permit provided that such establishment: however, allow a variance from this distance requirement in accordance with TABC § 109.33(c).

**B-4
BUSINESS
DISTRICT**

Any use permitted in district "B-3". Antique shop. Secondhand goods store. No outside display, repair or storage. Auto sales. Major business being showroom display and sale of new autos by authorized dealer; used car sales, repair and storage on same premises shall be purely incidental; this area not near than 20 feet from required front yard for principle building. Auto Sales, used cars, no salvage, dismantling or wrecking on premises, no display of vehicles in required front yard. Commercial parking (public lot). Auto upholstery or muffler shop. Auto repair (garage).

Restaurant or cafe (with drive-in or pick-up service). Tennis or swim club. Small animal clinic or pet grooming shop. Hotel or motel. Job printing; not more than 17x25 page size. Gasoline service station. Auto laundry or car wash. Auto parts sales, new at retail. A customarily incidental use; sales of beer/wine for off-premises consumption. Theatres of general release. Mini/self storage; no outside storage, sales, service, repair activities.

**B-5
BUSINESS
DISTRICT**

Any use permitted in district "B-4". Building material and lumber sales (outside storage permitted). Storage warehouse. Less than 100,000 square feet. Newspaper or job printing. Railroad or bus passenger terminal. Tire recapping or re-treading. Trailer rental or sales. Wholesale house. Auto parts sales, used. No outside storage, display or dismantling. A customarily incidental use. Any commercial use not included in any other district provided such use is not noxious or offensive because of odors, dust, noise, fumes or vibrations. Mobile home sales. Sale of beer, wine and/or all other alcoholic beverages for off-premises consumption only.

Cold storage plant (locker rental). Bakery or confectionery wholesale. Bomb shelter (as principle use). Building material or lumber sales (no outside storage). Cleaning, pressing and dyeing; no direct exterior exhaust from plant. dust must be controlled by bag or filter and separator or precipitator to eliminate dust, odor, fumes or noise. Front, 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. Carment manufacturing in a space of 4,000 square feet or less, with all loading and unloading off-street.

**B-C-1
GENERAL
BUSINESS AND
ALCOHOL SALES
DISTRICT**

Any uses permitted in district "B-5", excluding the sale of beer, wine and/or any other alcoholic beverages for off-premises consumption. Business establishments dispensing alcoholic beverages under TABC, in accordance with permits issued, and the rules and regulations promulgated by TABC, all of which are adopted hereby and made a part hereof for all purposes.

Cold storage plant (locker rental). Bakery or confectionery wholesale. Bomb shelter (as principle use). Building material or lumber sales (no outside storage). Cleaning, pressing and dyeing; no direct exterior exhaust from plant. dust must be controlled by bag or filter and separator or precipitator to eliminate dust, odor, fumes or noise. Front, 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. Carment manufacturing in a space of 4,000 square feet or less, with all loading and unloading off-street.

**RC-1
RESTAURANT AND
ALCOHOL SALES
DISTRICT**

Restaurant permitted to offer alcohol beverages for sale operating under rules & regulations of TABC. Any commercial non-residential use permitted in B-3, B-4 or B-5 districts in which the restaurant is located excluding the sale of beer, wine or any other alcoholic beverages for on-premises consumption or the operations of a private club under any other provision of this chapter.

Tattooing (as licensed per Texas Health and Safety Code, Chapter 146, as amended).

**M-1
MANUFACTURING
DISTRICT**

Any use permitted in B-5 except the sale of beer, wine and/or any other alcoholic beverages for off-premises consumption at retail. Paper products manufacture. Wood, paper, plastic container manufacture. Stone monument works. Petroleum products. Wholesale storage. Processing of chemicals or mineral extractions, not elsewhere classified. Food processing. Foundry, forge plant, rolling mill, metal fabrication plant. Feed mill. Petroleum or chemical products manufacture (indoors). Planting mill.

Railroad yard, roundhouse, shop. Textile or garment manufacture. Automobile, mobile home, heavy equipment manufacture. Electroplating. Sewage treatment plant. Electrical equipment or appliance manufacture (large). Furniture, cabinet, kitchen equipment manufacture. Oil well tools, oil well equipment manufacture. Aircraft, aircraft hardware or parts manufacture. A customarily incidental use: The sale of beer, wine and/or alcoholic beverages at retail shall not be considered a customarily incidental use in this district.

**M-2
HEAVY
MANUFACTURING
DISTRICT**

Any use permitted in the "M-1" district. Grain elevator. Flour mill. News plant. Petroleum or chemical products bulk storage. Planting mill. Clay products manufacture. Galvanizing, hot-dip metal process. Cotton or cottonseed processing or storage. Paper manufacture. Poultry raising or processing. Sockyards, feed pens, livestock sales with barns and/or shipping facilities. Slaughter of animals or meat packing. Boiler works. Fireworks and munitions manufacture or storage. Fertilizer manufacture. Salvage or reclamation of products (outside). Stone, sand gravel or mineral extraction.

**CUP
CONDITIONAL
USE PERMIT**

A Conditional Use Permit is granted under the provision of this division shall be considered only an addition to the uses permitted on a particular tract of land. The conditional use permit runs with the land, regardless of ownership, until termination of the permit.

**HOD
HISTORIC
OVERLAY
DISTRICT**

The historic overlay district (HOD) is intended to establish and provide for the protection, preservation, and enhancement of buildings, structures, sites and areas of historical importance or value. The HOD is a tool to help improve property values; to encourage neighborhood conservation; to foster civic pride and past accomplishments; to protect and enhance city attractions to strengthen the economy, and to promote the use of historical and cultural landmarks for the general community. The HOD is intended to help promote the development of a downtown consistent with the community objectives identified in the downtown action agenda. The HOD boundary regulations apply to all property located within the historic district.



CITY OF KILLEEN
PLANNING & DEVELOPMENT SERVICES

March 30, 2011

RE: CASE #Z11-17: A request has been submitted to rezone approximately 1.73 acres, being part of the W H Cole Survey, Abstract No 239 from B-2 (Local Retail District) to R-3A (Multi-family Apartment Residential District) with a PUD (Planned Unit Development). The property is locally known as 2908 Trimmier Rd, Killeen, Texas.

Dear Property Owner:

The Planning and Zoning Commission of the City of Killeen has scheduled a public hearing on your request for rezoning the property referenced above, on **April 11, 2011, 6:00 p.m.**, in the Council Chambers, City Hall, 101 North College Street, Killeen, Texas.

As required under the provision of State Law, all property owners within two hundred (200) feet of this location have received written notification of this request. You or your authorized agent must attend this hearing to present any facts which you feel the Planning and Zoning Commission should consider in evaluating your request. In preparing your remarks you may want to address the factors identified on Enclosure "1".

If for any reason you or your authorized agent cannot attend this hearing, please call us at (254) 501-7631, so a new hearing date can be set.

Following this public hearing, the Planning and Zoning Commission will forward a recommendation on your request to the City Council for final action.

The City Council meeting to hear this request is scheduled for **April 26, 2011, at 6:00 p.m.**, in the Council Chambers, City Hall, 101 North College Street, Killeen, Texas.

Sincerely,

Vicki Wanken
Planning Assistant

Enclosure

cc: Howard Moreno
501 Adams St
San Antonio, TX 78210

ENCLOSURE "1"

The City of Killeen Zoning Ordinance provides authority to the City Council to pass ordinances changing the boundaries of zoning districts. It requires that a public hearing be held by both the Planning and Zoning Commission and the City Council prior to decision.

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

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.

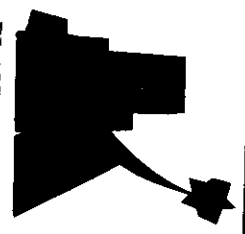
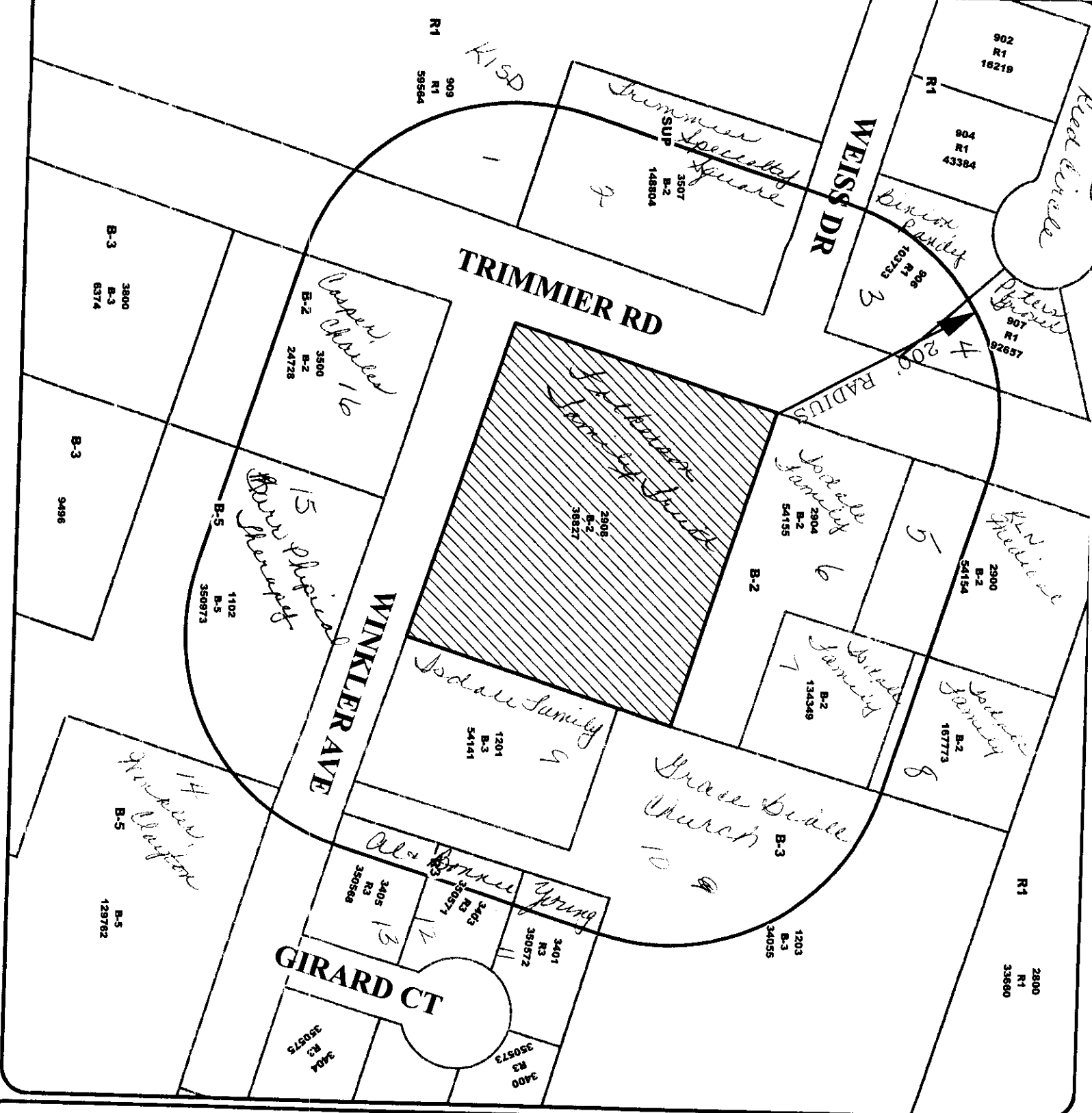
Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

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. Specific/Special Use Permit

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.



PLANNING AND DEVELOPMENT SERVICES

ZONING CASE:
#Z11-17

ZONING FROM:
B-2 to R-3A W/PUD

LEGAL DESCRIPTION:
1.73 ACRES OUT OF
WH COLE SURVEY
VOL. 700 PG. 69

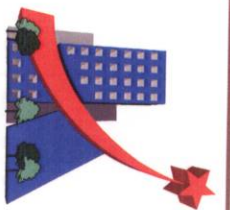
ADDRESS/LOCATION:
2908 TRIMMIER RD
KILLEEN, TX 76542

PROPERTY OWNER:
FALKERSON FAMILY
REVOCABLE TRUST

- Legend**
- Buffer of 11-17
 - Zoning Cases 2011 selection
 - City Limits
 - Production GISADMIN Street/Centerline
 - Zoning Overlay Districts
 - CURRENT ZONING
 - Production GISADMIN Parcel

DATE:
3/15/2011





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:
#Z11-17

ZONING FROM:
B-2 to PUD

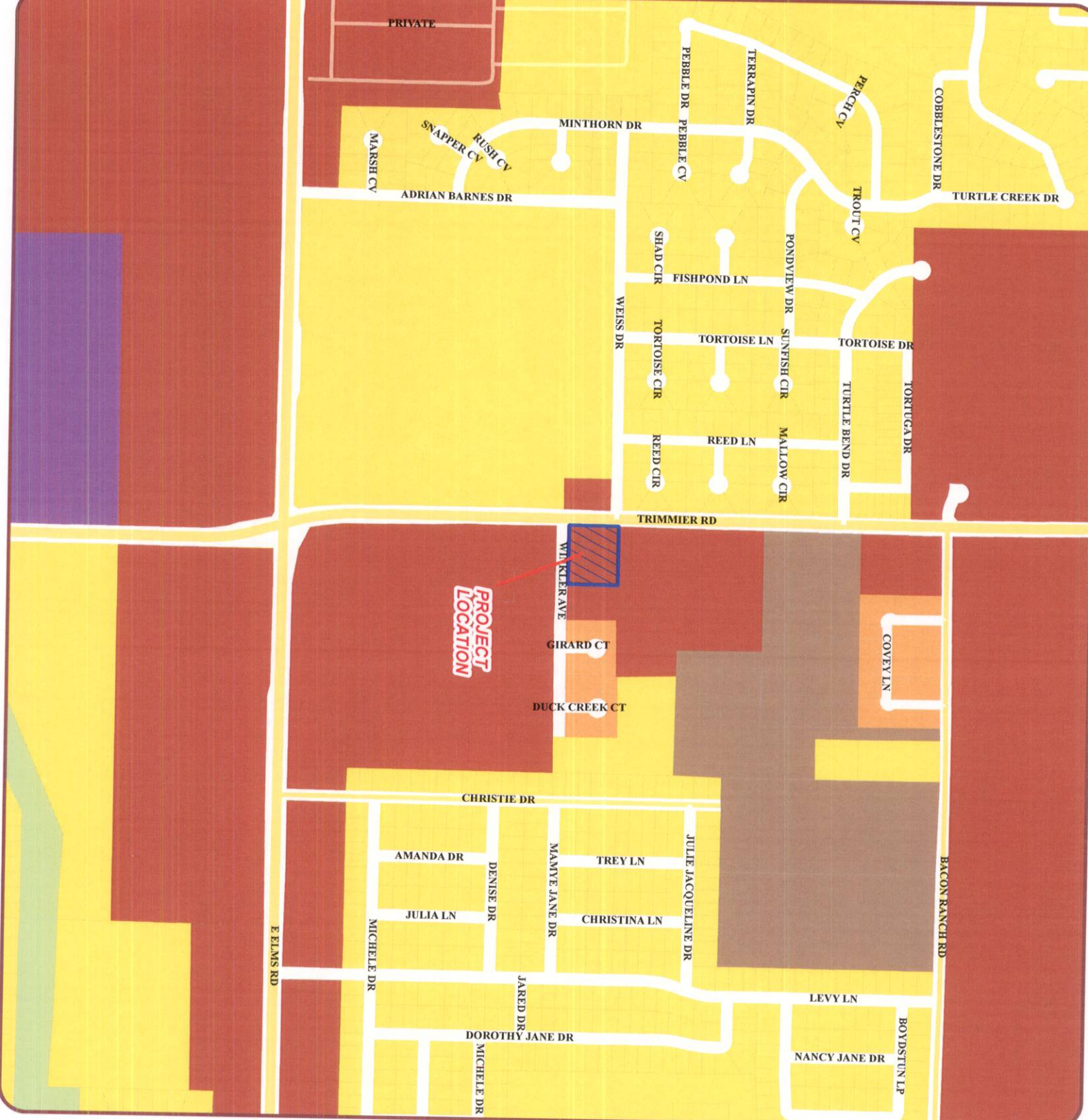
LEGAL DESCRIPTION:
1.73 ACRES OUT OF
WH COLE SURVEY
VOL. 700 PG. 69

ADDRESS/LOCATION:
2908 TRIMMIER RD
KILLEEN, TX 76542

PROPERTY OWNER:
DOREL KILLEEN HOLDINGS LLC

- Legend**
Zoning Cases 2011 selection
- City Limits
 - COK_Future_Land_Use
 - Representation: COK_Future_Land_Use_Rep
 - Urban (U)
 - University Village (UV)
 - Planned Development (PD)
 - Multi-Family Residential (MFR)
 - Industrial (I)
 - Neighborhood Conservation (NC)
 - Residential Mix (R-MIX)
 - Four-Play Residential (RC)
 - General Residential (GR)
 - Residential-Commercial Mix (RC-MIX)
 - General Commercial (GC)
 - Suburban Residential (SR)
 - Suburban Commercial (SC)
 - Business Park (BP)
 - Estate (E)
 - Parks-Recreation (P-R)
 - Rural (R)

DATE:
5/15/2011



	A	B	C	D	E	F	G	H
1	PROP_ID	ParcelOwne	file_as_na	addr_line1	addr_line3	addr_city	addr_state	addr_zip
2	24728	Z11-17/16	COSPER, CHARLES G ETUX J KAY		3265 E STAGECOACH RD	KILLEEN	TX	76542-5712
3	59564	Z11-17/01	KILLEEN IND SCHOOL DISTRICT		PO BOX 967	KILLEEN	TX	76540-0967
4	54154	Z11-17/05	GELZER, RONALD L ETUX OMEGA F ELMORE		PO BOX 1026	KILLEEN	TX	76540-1026
5	92657	Z11-17/04	PETERS, GROVER C JR		907 REED CIR	KILLEEN	TX	76542-2615
6	167773	Z11-17/06-09	ISDALE FAMILY REVOCABLE TRUST		1501 WILDRIDGE DR	HARKER HEIGHTS	TX	76548-1584
7	34055	Z11-17/10	GRACE BIBLE CHURCH OF CENTRAL TEXAS		1203 WINKLER AVE	KILLEEN	TX	76542-6108
8	103733	Z11-17/03	BINION, RANDY D ETUX MELODY R		906 REED CIR	KILLEEN	TX	76542-2615
9	148804	Z11-17/02	TRIMMIER SPECIALTY SQUARE		3507 TRIMMIER RD	KILLEEN	TX	76542-6018
10	350568	Z11-17/11-13	YOUNG, AL R ETUX BONNIE J		4984 ONION RD	KILLEEN	TX	76542-3918
11	129762	Z11-17/14	WINKLER, CLAYTON S ETUX NELLIE R		PO BOX 10013	KILLEEN	TX	76547-0013
12	350973	Z11-17/15	BARR PHYSICAL THERAPY, PC		1102 WINKLER AVE	KILLEEN	TX	76542
13		Z11-17/OWNER	FOLKERSON FAMILY TRUST		708 BADGER TRAIL	HARKER HEIGHTS	TX	76548
14		Z11-17/AGENT	HOWARD MORENO		501 ADAMES DT	SAN ANTONIO	TX	78210

11 Spots

CITY OF KILLEEN
P.O. Box 1329
Killeen, Texas 76540-1329

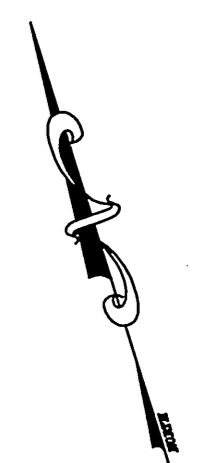
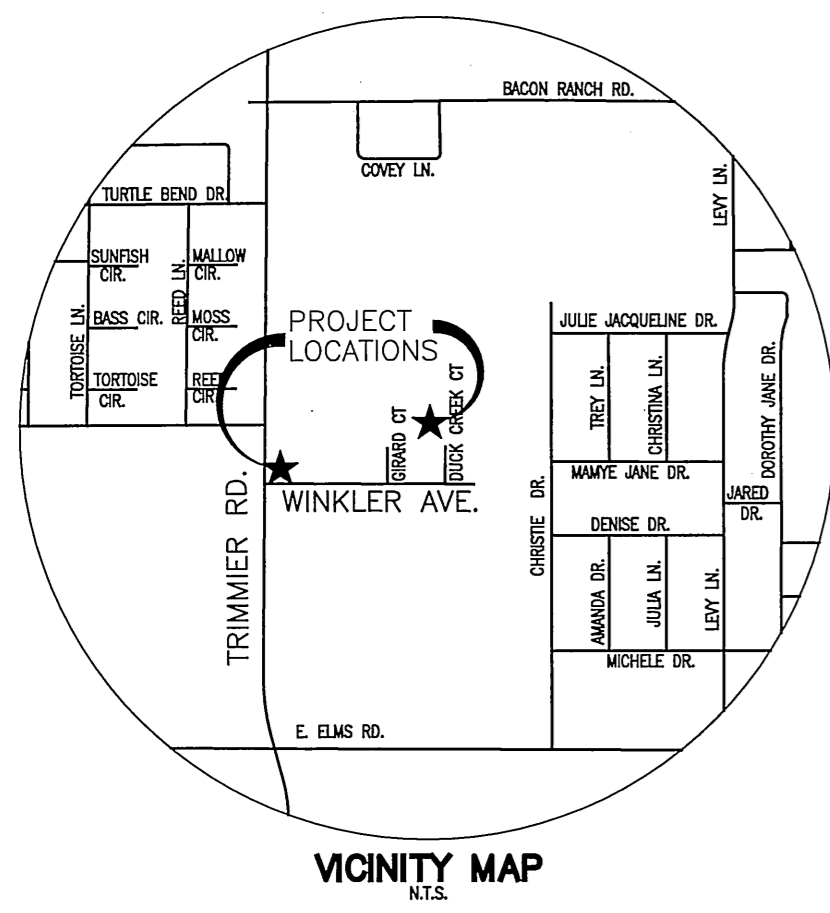
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RECEIVED OF Howard C. Moreno DATE 3-11, 2011

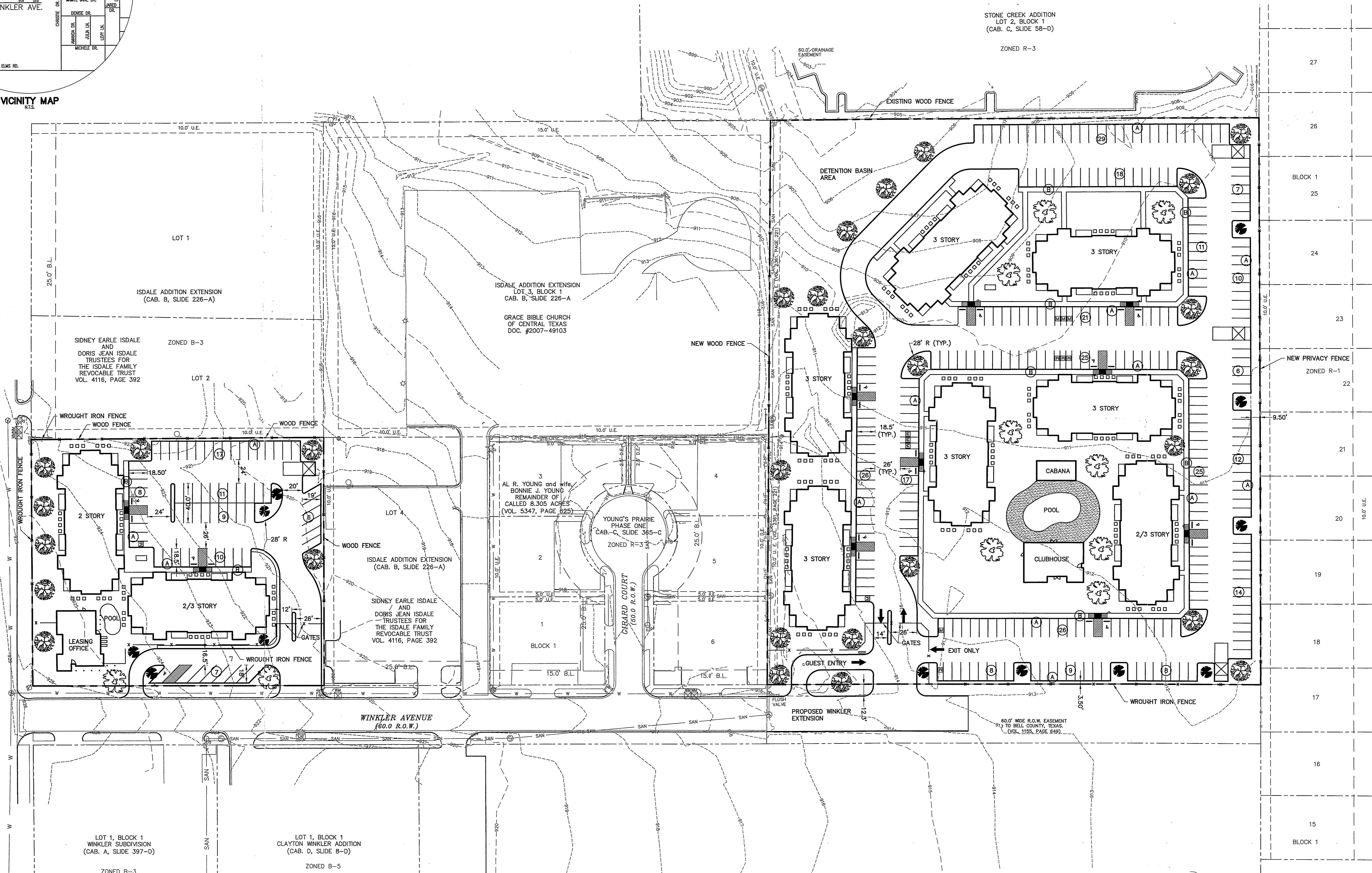
Four thousand no/100 DOLLARS \$ 4000.00

2 Rezoning cases (W. Keller Summer/Walker Ave.)

By [Signature]



SCALE: 1" = 50'



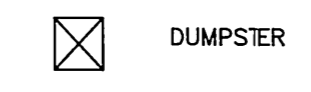
PARKING NOTES:

- Ⓐ SPACES USE 1.5' OVERHANG TO MEET 20' DEPTH REQUIREMENTS.
 - Ⓑ 5' SIDEWALK + 0.5' CURB.
- PARKING REQUIRED = 333 SPACES
 PARKING PROVIDED = 329 SPACES
 11 HANDICAP SPACES
 13 MOTORCYCLE SPACES

NOTES:

1. LANDSCAPING SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
2. LANDSCAPING PLAN WILL CONFORM TO CITY OF KILLEEN REQUIREMENTS.
3. 2009 FIRE CODE REQUIRES 2/3 AND THREE STORY BUILDINGS TO HAVE ONE SIDE WITHIN 30 FEET OF FIRE LANE.
4. ALL APARTMENT BUILDINGS HAVE FIRE SPRINKLER SYSTEMS.

LEGEND:



UNIT COUNT:

- 1 BEDROOM - 92
- 2 BEDROOM - 104
- 3 BEDROOM - 4

DESIGNED BY: A.D.L.
 DRAWN BY: R.G.P.
 APPROVED: A.D.L.
 JOB NO. E0384200

D.O.N. DURDEN, INC.
 4999 CIVIL ENGINEERING CONSULTANTS
 11550 IH 10 WEST SUITE 395
 SAN ANTONIO, TEXAS 78230-1037
 TEL: (210) 641-8999
 FAX: (210) 641-6440
 REGISTRATION #F-2214



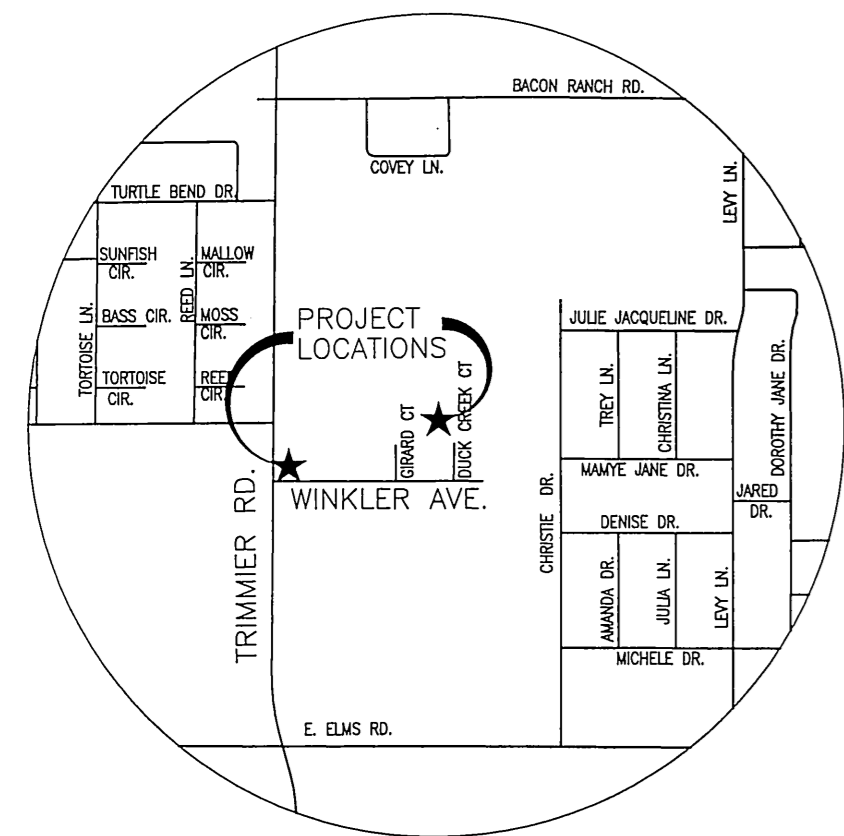
REV DATE DESCRIPTION

DOREL KILLEEN HOLDINGS, LLC.

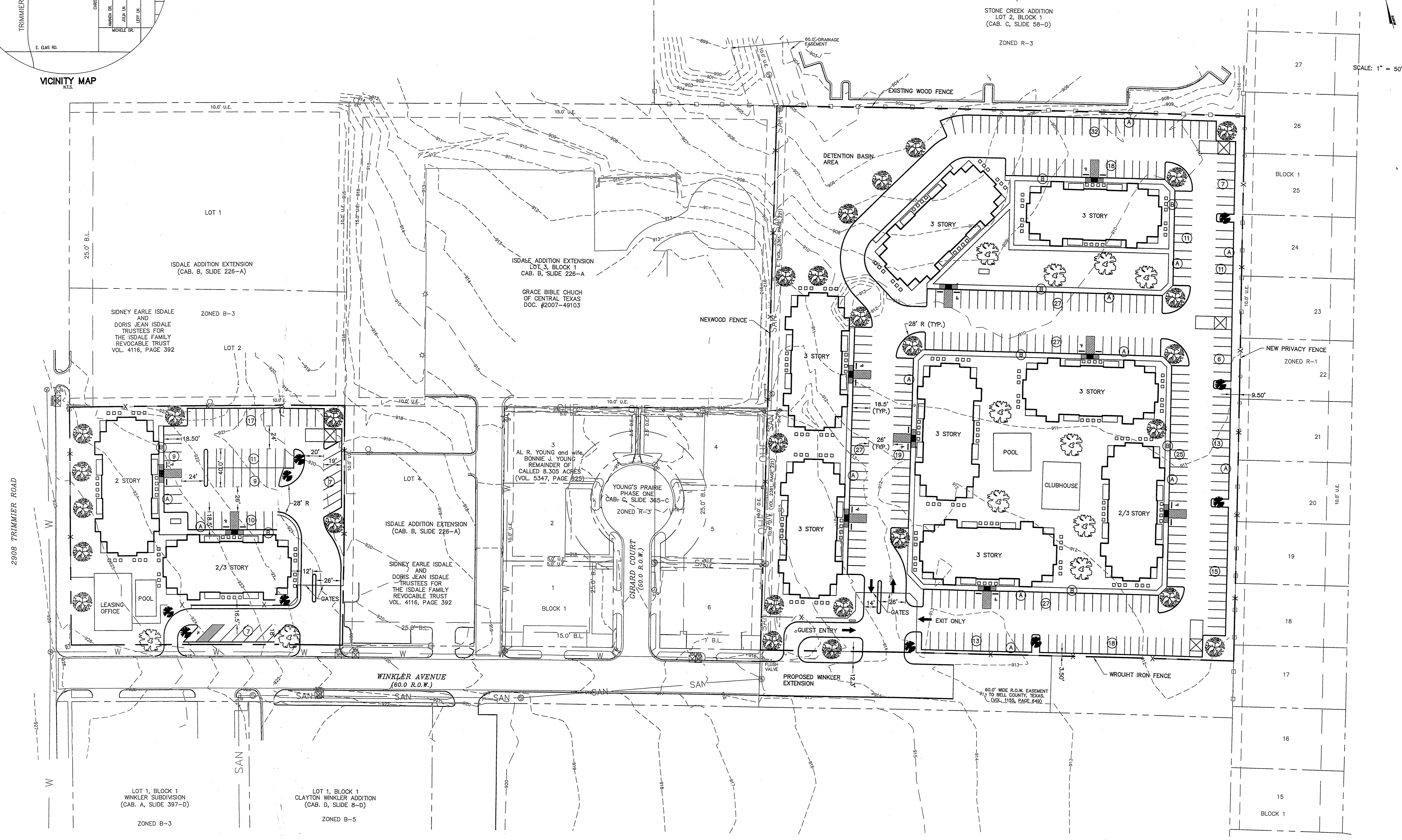
**THE DOREL
 P.U.D. PLAN**

SHEET NO.

P1



VICINITY MAP
N.E.E.



STONE CREEK ADDITION
LOT 2, BLOCK 1
(CAB. C, SLIDE 58-D)
ZONED R-3

SCALE: 1" = 50'

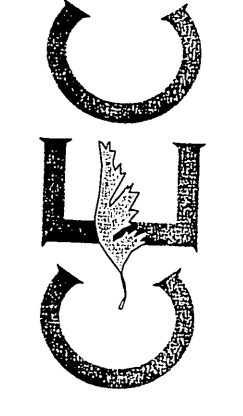
PARKING NO.:
A. SPACES USE 1.5ERHANG TO MEET 2.0' DEPTH RIREMENTS.
B. 5' SIDEWALK + CURB.
PARKING REQUIRED 166 SPACES
PARKING PROVIDED 166 SPACES

NOTE:
LANDSCAPING SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. LANDSCAPING PLAN WILL CONFORM TO CITY OF KILLEEN REQUIREMENTS.

LEGEND:
☒ DUMPSTER

DESIGNED BY, A.D.L.
DRAWN BY, R.G.P.
APPROVED, A.D.L.
JOB NO., E0384200

DON DUREN, INC.
d.b.a. CIVIL ENGINEERING CONSULTANTS
11550 ITH TO WEST, SUITE 395
SAN ANTONIO, TEXAS 78230-1037
TEL: (210) 641-9999
FAX: (210) 641-9999
REGISTRATION #E-2214



REV	DATE	DESCRIPTION

DOREL KILLEEN HOLDINGS, LLC.
**THE DOREL
P.U.D. PLAN**

SHEET NO.