

Case File # 211-18

### 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 11-052)
- 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: 31 Sent  Support  Opposed 2 Undelivered
- SPO Map
- Copy of SPO Database
- Receipt for application fee
- CUP (site plan if applicable)
- Label made for outside folder
- Copy of Ordinance given to Mapping (Date 6-30-11)
- Changed zoning in Land Management (Date \_\_\_\_\_)



CASE #:

Z11-18

**City of Killeen  
Zoning Change Application**

Name(s) of Property Owner (s): AL & BONNIE YOUNG

Address: 5984 UNION ROAD

City: KILLEEN State: TX Zip: 76542

Home Phone: (254) 554-6272 Business Phone: ( ) Cell Phone: 254-220-3892

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

Address: 155 SCHMIDT BLVD

City: FARMINGDALE State: NY Zip: 11735-1403

Home Phone: ( ) Business Phone: (631) 281-5041 Cell Phone: 210-569-9427

Address/ Location of Property to be Rezoned: WINKLER AVE

Has the Property been Platted? Y / (N)

Lot(s) Block(s) Subdivision

Legal Description: SEE ATTACHED SURVEY 6.642 AC  
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): B3 Present Use: VACANT

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

R-3A PUD

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: HOWARD MORENO

Mailing Address: 501 ADAMS ST

City: SAN ANTONIO State: TX Zip: 78210

Home Phone: (210) 569.9427 Business Phone: (630) 231.5041

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. If 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 [Signature] Title PROJECT MANAGER

Printed/Typed Name of Agent HOWARD MORENO Date 2/24/11

Signature of Property Owner [Signature] Title

Printed/Typed Name of Property Owner AL YOUNG Date

Signature of Property Owner Bonnie Young Title

Printed/Typed Name of Property Owner BONNIE YOUNG 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.



CIVIL ENGINEERING CONSULTANTS  
DON DURDEN, INC.  
SAN ANTONIO • LAREDO  
TEXAS FIRM REGISTRATION NUMBERS  
ENGINEERING T-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

LEX BC10-1609SP  
\$23.00

Doc# 00031863

When recorded return to:

(Stone Creek - Phase II)

STONE CREEK INVESTMENT, LLC  
Attn: Paul Fingersh  
2020 West 89th Street, Suite 320  
Leawood, Kansas 66206

**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 DRIVER'S LICENSE NUMBER.**

SPECIAL WARRANTY DEED

THE STATE OF TEXAS

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COUNTY OF BELL

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KNOW ALL MEN BY THESE PRESENTS:

THAT SPRM KILLEEN PHASE II, L.P., a Texas limited partnership (hereinafter referred to as "Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to it in hand paid by STONE CREEK INVESTMENT, LLC, a Missouri limited liability company, d/b/a KC STONE CREEK APARTMENTS, LLC (hereinafter referred to as "Grantee"), whose mailing address is 2020 West 89th Street, Suite 320, Leawood, Kansas 66206, the receipt and sufficiency of which consideration are hereby acknowledged, has GRANTED, BARGAINED, SOLD and CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY, unto Grantee all of the real property situated in Bell County, Texas, described on Exhibit A attached hereto and made a part hereof for all purposes, together with all and singular the rights, benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in anywise appertaining thereto, and together with all improvements situated thereon and any right, title and interest of Grantor in and to adjacent streets, alleys and rights-of-way (said land, rights, benefits, privileges, easements, tenements, hereditaments, appurtenances, improvements and interests being hereinafter referred to collectively as the "Property").

This conveyance is made subject to the matters listed on Exhibit B attached hereto and incorporated herein (such matters being referred to herein as the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, subject only to the Permitted Exceptions, as aforesaid, unto Grantee, its successors and assigns, forever; and Grantor does hereby bind itself and its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise.

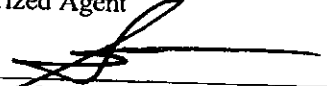
By acceptance of this Special Warranty Deed, Grantee assumes payment of all property taxes on the Property for the year 2010 and subsequent years.

RETURN TO:  
LAND EXCHANGE  
ABSTRACT & TITLE CO.  
3301 Stan Schlueter Loop  
Killeen, Texas 76542

IN WITNESS WHEREOF, this Special Warranty Deed has been executed by Grantor to be effective as of the 30 day of August 2010.

SPRM KILLEEN PHASE II, L.P., a Texas limited partnership

By: Harvard Property Trust, LLC, a Delaware limited liability company  
Its: Authorized Agent

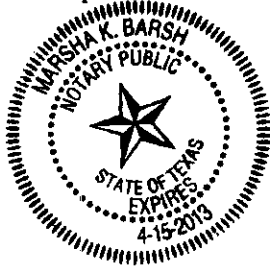
By:   
Name: Gerald J. Reihsen, III  
Title: Executive Vice President – Corporate Development & Legal and Secretary

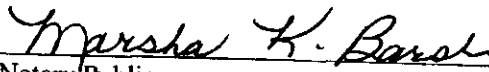
THE STATE OF TEXAS

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COUNTY OF DALLAS

This instrument was acknowledged before me on the 26 day of August 2010, by Gerald J. Reihsen, III, Executive Vice President – Corporate Development & Legal and Secretary of Harvard Property Trust, LLC, a Delaware limited liability company, Authorized Agent for SPRM KILLEEN PHASE II, L.P., a Texas limited partnership, on behalf of said limited liability company and said limited partnership.



  
Notary Public

**EXHIBIT A**

Lot 2, Block 1 of Stone Creek Addition, an addition in Bell County, Texas according to the map or plat filed or record in Cabinet C, Slide 58-D, Plat Records of Bell County, Texas.

**EXHIBIT B**

1. Shortages in area.
2. Rights of tenants, as tenants only, under existing unrecorded leases with no options to purchase or rights of first refusal.
3. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the public records.
4. Utility easement to the City of Killeen as recorded in Volume 4742, Page 290 OPRBC.
5. Easement and Memorandum of Agreement granted to Time Warner Entertainment-Advance Newhouse Partnership as recorded in Instrument No. 2007-0037694 OPRBC.
6. Memorandum of Lease to Coinmach Corp. as recorded in Instrument No. 2007-00052432 OPRBC.
7. Utility easement agreement to the City of Killeen as recorded in Volume 6078, Page 537 OPRBC.
8. Drainage easement 60 feet in width traversing subject property as per plat of record.
9. Reciprocal Easement Agreement as set out in Volume 6164, Page 368 OPRBC.
10. Terms, conditions and stipulations of Drainage Channel Maintenance Agreement as recorded in Volume 3459, Page 321 OPRBC.
11. Utility easement 10 feet in width traversing subject property granted to the City of Killeen as recorded in Volume 2322, Page 481 Deed Records of Bell County Texas, and as shown on recorded plat.
12. Encroachments of carports over utility easements, TU electric easement and drainage easement as shown on survey prepared by Turley Associates, Inc. dated June 25, 2010, last revised July 14, 2010.



Bell County  
Shelley Coston  
County Clerk  
Belton, Texas 76513



70 2010 00031863

Instrument Number: 2010-00031863

As

Recordings

Recorded On: September 01, 2010

Parties: SPRM KILLEEN PHASE II LP

To STONE CREEK INVESTMENT LLC DBA

Billable Pages: 4

Number of Pages: 5

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Recordings	23.00
Total Recording:	23.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2010-00031863

Receipt Number: 86461

Recorded Date/Time: September 01, 2010 03:19:40P

User / Station: G Gomez - Cash Station 1

**Record and Return To:**

LAND EXCHANGE ABSTRACT & TITLE CO  
3301 STAN SCHLUETER LOOP  
KILLEEN TX 76542



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property Records in Bell County, Texas

Shelley Coston  
Bell County Clerk

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**SPECIAL WARRANTY DEED  
(Phase II - Undeveloped Land)**

STATE OF TEXAS  
COUNTY OF BELL

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KNOW ALL MEN BY THESE PRESENTS:

STONE STREAM ASSOCIATES, L.P., a Texas limited partnership ("Grantor"), for and in consideration of the sum of \$10 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD, and CONVEYED and by these presents does GRANT, BARGAIN, SELL, AND CONVEY unto SPRM KILLEEN PHASE II, L.P., a Texas limited partnership ("Grantee") the approximately 8.148 acre tract of land situated in Bell County, Texas, as more fully described in Exhibit A hereto (the "Phase II Land"), together with all rights and interests appurtenant thereto, including all of Seller's right, title, and interest in and to adjacent streets, alleys, rights-of-way, and any adjacent strips and gores of real estate (collectively, the "Property"); all improvements located on the Property (the "Improvements"); and all rights, titles, and interests appurtenant to the Property and Improvements;

This Special Warranty Deed and the conveyance hereinabove set forth is executed by Grantor and accepted by Grantee subject to the matters described in Exhibit B hereto, to the extent the same are validly existing and applicable to the Property and Improvements (collectively, the "Permitted Encumbrances").

Grantee acknowledges that Grantee has independently and personally inspected the Property and Improvements, and has acquired title thereto based upon such examination and inspection. The Property and Improvements are hereby sold to and accepted by Grantee in its current condition AS IS, WHERE IS, WITH ALL FAULTS, AND WITHOUT ANY WARRANTY WHATSOEVER, EXPRESS OR IMPLIED (other than the special warranty of title included herein, and the representations and warranties expressly set forth in Section 7(a) of the Purchase and Sale Agreement between Grantor and Grantee dated December 15, 2004, as amended). Specifically, and without limiting the generality of the foregoing, this conveyance is made without any warranty of (i) the nature or quality of the structure, structural design or engineering of the Improvements, (ii) the quality of the labor and materials included in such Improvements, (iii) the soil conditions existing at the Property for any particular purpose or development potential, (iv) the presence or absence of any hazardous substances or matter in, on, or about the Property, (v) compliance of the Property and Improvements with any applicable laws, regulations or other governmental requirements, or (vi) the accuracy of any information provided by Grantor to Grantee, other than Grantor has no current actual knowledge that such information contains information that was materially incorrect at the time furnished. EXCEPT AS EXPRESSLY SET FORTH HEREIN AND IN THE AFOREMENTIONED PURCHASE AND SALE AGREEMENT, GRANTOR MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY KIND TO GRANTEE, ITS SUCCESSORS OR ASSIGNS, INCLUDING, WITHOUT LIMITATION REPRESENTATIONS OR WARRANTIES AS TO THE PHYSICAL CONDITION OF THE PROPERTY AND THE IMPROVEMENTS

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**OR THEIR SUITABILITY FOR ANY PARTICULAR PURPOSE OR MERCHANTABILITY.**

The payment of ad valorem taxes for 2005 is hereby assumed by Grantee.

TO HAVE AND TO HOLD the Property and Improvements, together with all and singular the rights and appurtenances thereunto in anywise belonging, unto Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the title to the Property and Improvements unto the said Grantee, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor but not otherwise, subject to the Permitted Encumbrances.

Grantee's address is: 12790 Merit Drive, Suite 100  
Dallas, Texas 75251  
Attention: Brian Selbo

EXECUTED as of July 18<sup>th</sup>, 2005.

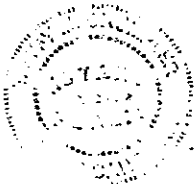
Stone Stream Associates, L.P.

By: Greystar Holdings, Inc., its general partner

By: [Signature]  
Name: J. Derek Ramsey  
Title: Vice President

SOUTH CAROLINA §  
STATE OF TEXAS §  
CHARLESTON §  
COUNTY OF BELL §

This instrument was acknowledged before me on this 18<sup>th</sup> day of July, 2005, by J. Derek Ramsey, an officer of Greystar Holdings, Inc., a Delaware corporation which is the sole general partner of Stone Stream Associates, L.P., a Texas limited partnership, on behalf of said corporation and said partnership.



[Signature]  
Notary Public in and for  
The State of SOUTH CAROLINA  
My Commission Expires: 08/21/06

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**EXHIBIT A**

**LEGAL DESCRIPTION**

BEING an approximately 8.148 acre tract of land situated in the W. H. COLE SURVEY, ABSTRACT No. 201, Bell County, Texas and being all of that certain Lot Number Two (2), Block Number One (1), STONE CREEK ADDITION, an addition to the City of Killeen, Bell County, Texas, according to the map or plat of record in Cabinet C, Slide 58-D, Plat Records of Bell County, Texas.

**EXHIBIT B**

**PERMITTED ENCUMBRANCES**

1. Drainage easement 60 feet in width traversing subject property, as shown by the Plat(s) recorded in Cabinet C, Slide(s) 58-D of the Plat Records of Bell County, Texas and as shown on the survey prepared by Victor Turley, Texas RPLS No. 2475, with Turley & Associates, Inc. under Job Number 11351-D, last revised January 12, 2005.
2. Utility easement 10 feet in width traversing subject property granted to the City of Killeen, by instrument dated March 17, 1987, recorded in Volume 2322, Page 481 of the Deed Records of Bell County, Texas, and as shown on Plat recorded in Cabinet C, Slide(s) 58-D of the Plat Records of Bell County, Texas.
3. The terms, conditions and stipulations set out in that certain Drainage Channel Maintenance Agreement dated April 1, 1996, recorded in Volume 3459, Page(s) 321 of the Official Public Records of Bell County, Texas.
4. 10 foot wide utility easement granted to the City of Killeen, Texas, by instrument dated May 31, 2002, recorded in Volume 4742, Page 290 of the Official Public Records of Bell County, Texas. (Lot 2)
5. Any and all leases, recorded or unrecorded, with rights of tenants in possession.
6. Encroachment of asphalt paving, concrete walks, curbing and headwalls into the 60 foot drainage easement traversing subject property as shown on the survey prepared by Victor D. Turley, Registered Professional Land Surveyor No. 2475, last revised January 12, 2005.
7. Encroachment of playground park, concrete walks, asphalt paving, curbing and pavers into the 10 foot and 15 foot electric easements traversing subject property as shown on the survey prepared by Victor D. Turley, Registered Professional Land Surveyor No. 2475, last revised January 12, 2005.

COUNTY CLERK BELL COUNTY, TX

JUL 22 2005

FILED FOR RECORD  
M. S. DODDICK

31994

STATE OF TEXAS

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COUNTY OF BELL

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KNOW ALL MEN:

DRAINAGE CHANNEL MAINTENANCE AGREEMENT

THIS AGREEMENT is by and between THE CITY OF KILLEEN, its agents, officers, and employees (hereafter, "City") and STONE STREAM ASSOCIATES, L.P., agents, successors and assigns (hereafter jointly and severally referred to as, "Stone Stream Associates, L.P."). This document memorializes the agreement made by the parties in an open and public meeting of the City Council on January 23, 1996 as follows:

1. Stone Stream Associates, L.P. agrees to maintain, at its own expense, that certain improved earthen drainage channel which is indicated on the final plat of STONE CREEK ADDITION, as filed and with any amendments.
2. As used herein, "maintain" means to take all necessary acts (and to refrain from contrary acts) that assure the channel: (1) will be kept mowed and free of debris and will accommodate the amount and flow of water as contemplated by the engineering design and construction plans which were submitted by Stone Stream Associates, L.P. to gain the City's approval of the plat and construction; (2) All maintenance shall be done in a good and workman like fashion, so as not to create significant problems for the public or exacerbate any other conditions existing on this or an adjacent plat.
3. The term of this agreement is perpetual. THIS AGREEMENT IS THE ONLY AGREEMENT OF THE PARTIES ON THIS SUBJECT, AND IT MAY NOT BE MODIFIED EXCEPT BY WRITING SIGNED BY BOTH PARTIES; IT MAY NOT BE CHANGED OR VARIED BY ANY PAST, PRESENT, OR FUTURE VERBAL STATEMENTS.
4. Nothing herein shall be construed as a limitation, modification, abandonment, waiver, or having any other legal affect upon the City's rights (both at law and under any separate agreement) with regard to the easement in which the above mentioned channel is located, except as to maintenance obligations described in this Agreement. The City specifically reserves the right to temporarily assume maintenance or alter the channel without prior notice to Stone Stream Associates, L.P., in the event of civil emergency or disaster, as might be necessary to protect the public health, safety, and welfare, but shall restore the channel prompley after such emergency or disaster ends.
5. The obligations of Stone Stream Associates, L.P. shall be covenants running with the land and be binding on each subsequent owner of the property described on Exhibit A. now owner of such property shall have any obligations hereunder, other then those which accrued while it owned the property.

101. 3459 PAGE 321

SIGNED this first day of April, 1996.

CITY OF KILLEEN, TEXAS

BY: Talmadge N. Buie  
Talmadge N. Buie  
City Manager, City of Killeen

STONE STREAM ASSOCIATES,  
L.P., a Texas Limited Partnership

BY: Greystar Holdings, Inc.  
Greystar Holdings, Inc.,  
a Delaware Corporation

ATTEST:

BY: Paula Miller  
Paula Miller  
City Secretary, City of Killeen



APPROVED AS TO FORM:

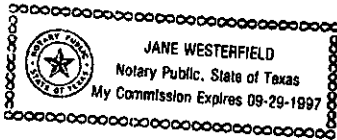
BY: Marcus W. Norris  
Marcus W. Norris  
Assistant City Attorney, City of Killeen

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ACKNOWLEDGEMENT

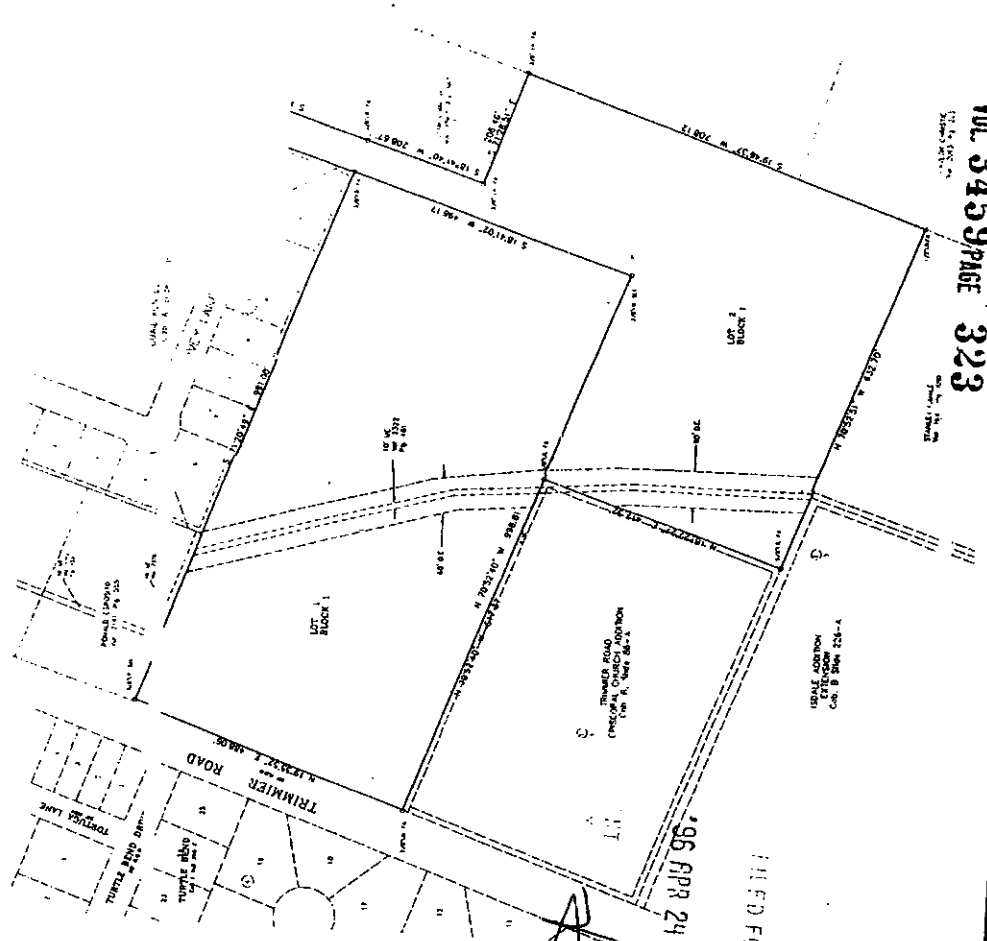
STATE OF TEXAS                    §  
COUNTY OF BELL                 §

On the date signed below, Talmadge N. Buie appeared before me, the undersigned authority, and acknowledged that he/she has read the above Drainage Channel Maintenance Agreement, and is duly authorized to execute same on behalf of City of Killeen, and did execute same in consideration of and for the purposes expressed therein, to witness same do I set my hand and seal.



Jane Westerfield  
Notary Public, State of Texas

STONE CREEK ADDITION  
KILLEEN, BELL COUNTY, TEXAS



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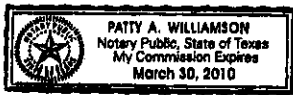
IN WITNESS WHEREOF, this instrument is executed this 9 day of may 2006.

*Dwight Thomas McDaniel*  
Grantor

ACKNOWLEDGEMENT

THE STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

This instrument was acknowledged before me on May 9, 2006,  
By Dwight Thomas McDaniel.



*Patty Williamson*  
Notary Public of Texas

The City of Killeen does hereby accept the above described dedication and conveyance.

DATE:

CITY OF KILLEEN

May 12, 2006

By: *Connie Green*  
Connie Green, City Manager *DP*

ATTEST:

*Paula A. Miller*  
Paula A. Miller, City Secretary



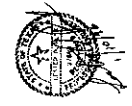
MITCHELL &  
ASSOCIATES  
KILLEEN, TEXAS

M & A

# STONE CREEK ADDITION KILLEEN, BELL COUNTY, TEXAS

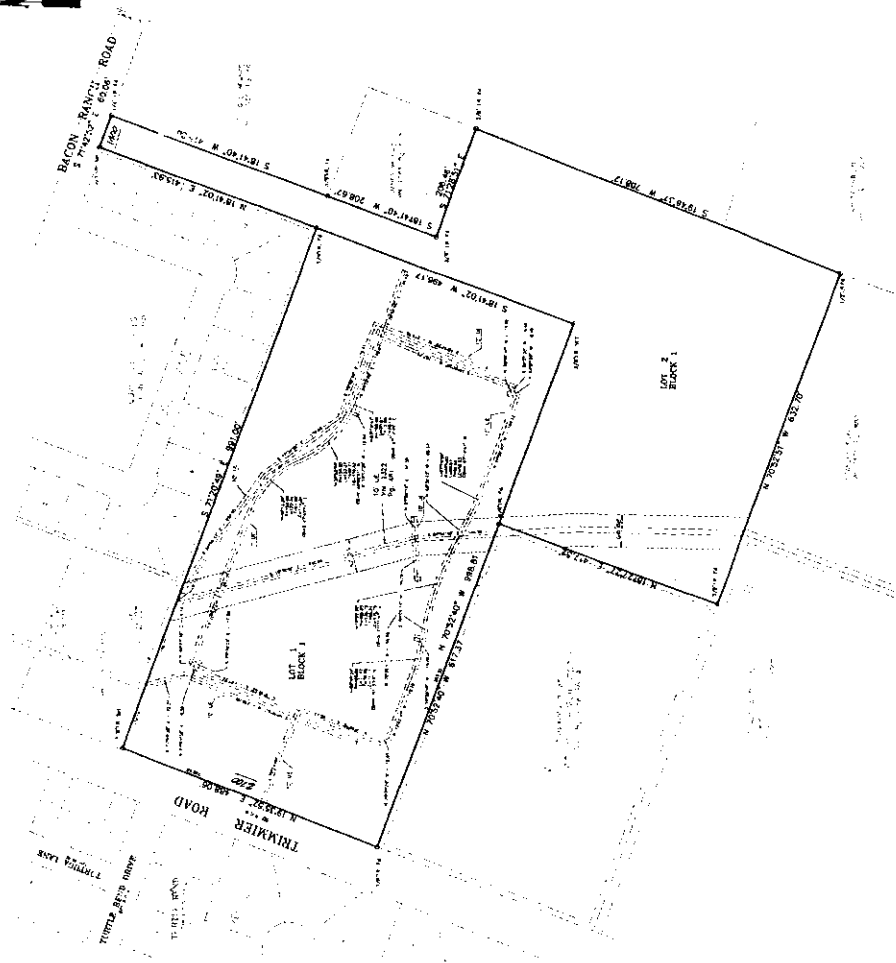
DATE: 11/15/00  
DATE PLOTTED: 11/15/00  
SCALE: 1"=40'  
BY: [Signature]  
C-201

2 LOTS  
19.960 ACRES



*[Detailed survey notes and legal descriptions, including bearings and distances for various lines and points.]*

... S 18° 14' 00" E 100.00' ...  
 ... N 72° 23' 00" W 100.00' ...  
 ... S 18° 14' 00" E 100.00' ...  
 ... N 72° 23' 00" W 100.00' ...



STATE OF TEXAS  
COUNTY OF BELL

Being a 0.07 acre tract of land, situated in the W.H. Cole Survey, Abstract No. 201 in the City of Killeen, Bell County, Texas, said 0.07 acre tract being a part of Lot 2, Block 1, Stone Creek Addition, an addition to the City of Killeen, according to the plat thereof recorded in Cabinet C, Slide 58-D, Plat Records, Bell County, Texas and being more particularly described as follows:

COMMENCING at a 3/8 inch iron rod found for corner, said point being the northeast corner of Trimmier Road Episcopal Church Addition, an addition to the City of Killeen, according to the plat thereof recorded in Cabinet B, Slide 86-A, Plat Records, Bell County, Texas and being the westerly northwest corner of said Lot 2, Block 1, same point being in the southerly line of said Lot 1, Block 1; Stone Creek Addition, an addition to the City of Killeen, according to the plat thereof recorded in Cabinet C, Slide 58-D, Plat Records, Bell County, Texas;

THENCE South 18 degrees 27 minutes 27 seconds West, along the common line of said Trimmier Road Episcopal Church Addition and said Lot 2, Block 1, a distance of 33.35 feet to a point for corner;

THENCE South 04 degrees 50 minutes 46 seconds East, departing common line of said Trimmier Road Episcopal Church Addition and said Lot 2, Block 1, and through the interior of said Lot 2, Block 1, a distance of 106.40 feet to a point for corner;

THENCE South 00 degrees 18 minutes 56 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 267.09 feet to a point for corner, said point being the POINT of BEGINNING, same point being the most northwest corner of said 0.07 acre tract of land being described;

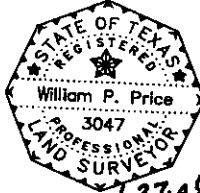
THENCE South 70 degrees 54 minutes 05 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 321.45 feet to a point for corner;

THENCE South 19 degrees 05 minutes 55 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;

THENCE North 70 degrees 54 minutes 05 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 317.19 feet to a point for corner;

THENCE North 00 degrees 18 minutes 56 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 10.80 feet to the POINT of BEGINNING and containing 3,197 square feet or 0.07 acres of computed land.

*will P. Price R.P.L.S.*  
William P. Price, R.P.L.S. No. 3047

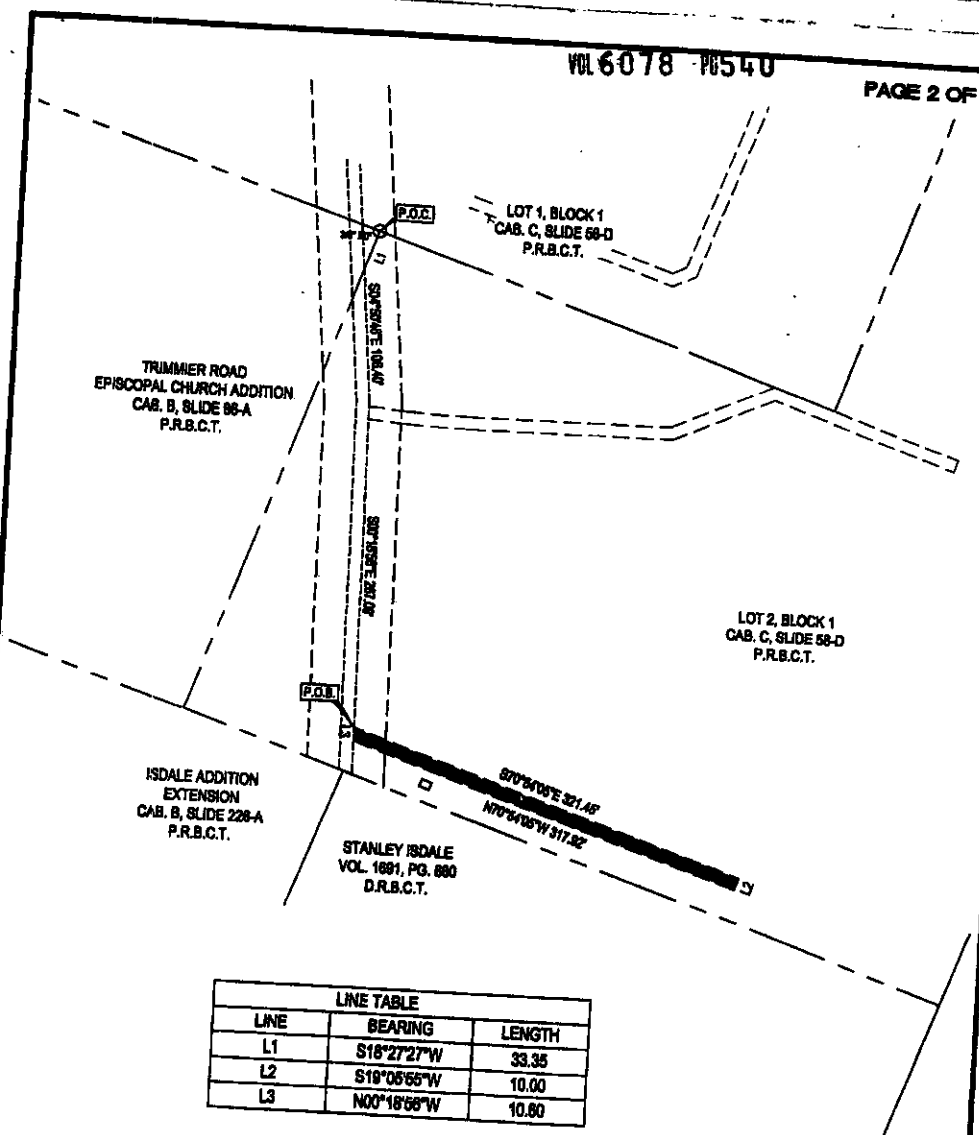


*J. 27.06*

**GLENN ENGINEERING**  
 973-711-6161  
 109 DECKER COURT, SUITE 810  
 IRVING, TEXAS 75038  
 Fax: 972-717-8178

**BUENA TIERRA GROUP**  
 SURVEYING • CONSULTING • MANAGEMENT  
 1290 WEST GLENN BOULEVARD SUITE 108  
 GLENN, TEXAS 75042  
 (800) 438-2700  
 (972) 265-1441 (F)

**EXHIBIT A**  
 0.07 ACRES  
 UTILITY EASEMENT  
 BEING A PORTION OF  
 LOT 2, BLOCK 1  
 STONE CREEK ADDITION  
 CABINET C, SLIDE 58-D  
 CITY OF KILLEEN, BELL COUNTY, TEXAS



LINE TABLE		
LINE	BEARING	LENGTH
L1	S18°27'27"W	33.35
L2	S18°05'55"W	10.00
L3	N00°18'58"W	10.80



Scale 1" = 100'

**GLENN ENGINEERING**  
 972-717-8181  
 108 DECKER COURT, SUITE 210  
 IRVING, TEXAS 75039  
 Fax 972-717-8176



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 1500 WEST GLENDALE DR. SUITE 110  
 PLANO, TEXAS 75075  
 (972) 420-0700  
 (972) 299-1891 (F)

**EXHIBIT A**  
 0.07 ACRES  
 UTILITY EASEMENT  
 BEING A PORTION OF  
 LOT 2, BLOCK 1  
 STONE CREEK ADDITION  
 CABINET C, SLIDE 58-D  
 CITY OF KILLEEN, BELL COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF BELL

Being a 0.11 acre tract of land, situated in the W.H. Cole Survey, Abstract No. 201 in the City of Killeen, Bell County, Texas, said 0.11 acre tract being a part of Lot 2, Block 1, Stone Creek Addition, an addition to the City of Killeen, according to the plat thereof recorded in Cabinet C, Slide 58-D, Plat Records, Bell County, Texas and being more particularly described as follows:

COMMENCING at a 3/8 inch iron rod found for corner, said point being the northeast corner of Trimmer Road Episcopal Church Addition, an addition to the City of Killeen, according to the plat thereof recorded in Cabinet B, Slide 88-A, Plat Records, Bell County, Texas and being the westerly northwest corner of said Lot 2, Block 1, same point being in the southerly line of said Lot 1, Block 1; Stone Creek Addition, an addition to the City of Killeen, according to the plat thereof recorded in Cabinet C, Slide 58-D, Plat Records, Bell County, Texas;

THENCE South 18 degrees 27 minutes 27 seconds West, along the common line of said Trimmer Road Episcopal Church Addition and said Lot 2, Block 1, a distance of 33.35 feet to a point for corner;

THENCE South 04 degrees 50 minutes 46 seconds East, departing common line of said Trimmer Road Episcopal Church Addition and said Lot 2, Block 1, and through the interior of said Lot 2, Block 1, a distance of 106.40 feet to a point for corner,

THENCE South 00 degrees 18 minutes 58 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 4.83 feet to a point for corner, said point being the POINT of BEGINNING, same point being the most northerly northwest corner of said 0.11 acre tract of land being described;

THENCE South 86 degrees 00 minutes 00 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 29.48 feet to a point for corner, said point being the beginning of a curve to the left, having a radius of 695.00, a delta angle of 04 degrees 13 minutes 11 seconds, and a chord bearing and distance of South 88 degrees 06 minutes 35 seconds East, 51.17 feet;

THENCE in a southeasterly direction along said curve to the left and continuing through the interior of said Lot 2, Block 1, an arc distance of 51.18 feet to a point for corner,

THENCE North 89 degrees 46 minutes 49 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 163.74 feet to a point for corner;

THENCE North 64 degrees 57 minutes 07 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 88.20 feet to a point for corner, said point being in the common line of said Lot 1, Block 1 and said Lot 2, Block 1;

THENCE South 70 degrees 51 minutes 46 seconds East, along the common line of said Lot 1, Block 1 and said Lot 2, Block 1, passing the southeast corner of said Lot 1, Block 1, and through the interior of said Lot 2, Block 1, a distance of 154.54 feet to a point for corner;

THENCE South 18 degrees 29 minutes 47 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;

THENCE North 70 degrees 51 minutes 46 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 150.59 feet to a point for corner;

THENCE South 64 degrees 57 minutes 07 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 86.34 feet to a point for corner;

THENCE South 89 degrees 46 minutes 49 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 155.94 feet to a point for corner, said point being the beginning of a curve to the right, having a radius of 705.00, a delta angle of 04 degrees 13 minutes 11 seconds, and a chord bearing and distance of North 88 degrees 06 minutes 35 seconds West, 51.91 feet;

THENCE in a northwesterly direction along said curve to the right and continuing through the interior of said Lot 2, Block 1, an arc distance of 51.82 feet to a point for corner;

THENCE North 88 degrees 00 minutes 00 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 28.70 feet to a point for corner;

THENCE North 00 degrees 18 minutes 56 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 10.03 feet to the POINT of BEGINNING and containing 4,753 square feet or 0.11 acres of computed land.

*William P. Price, R.P.L.S. No. 3047*  
William P. Price, R.P.L.S. No. 3047



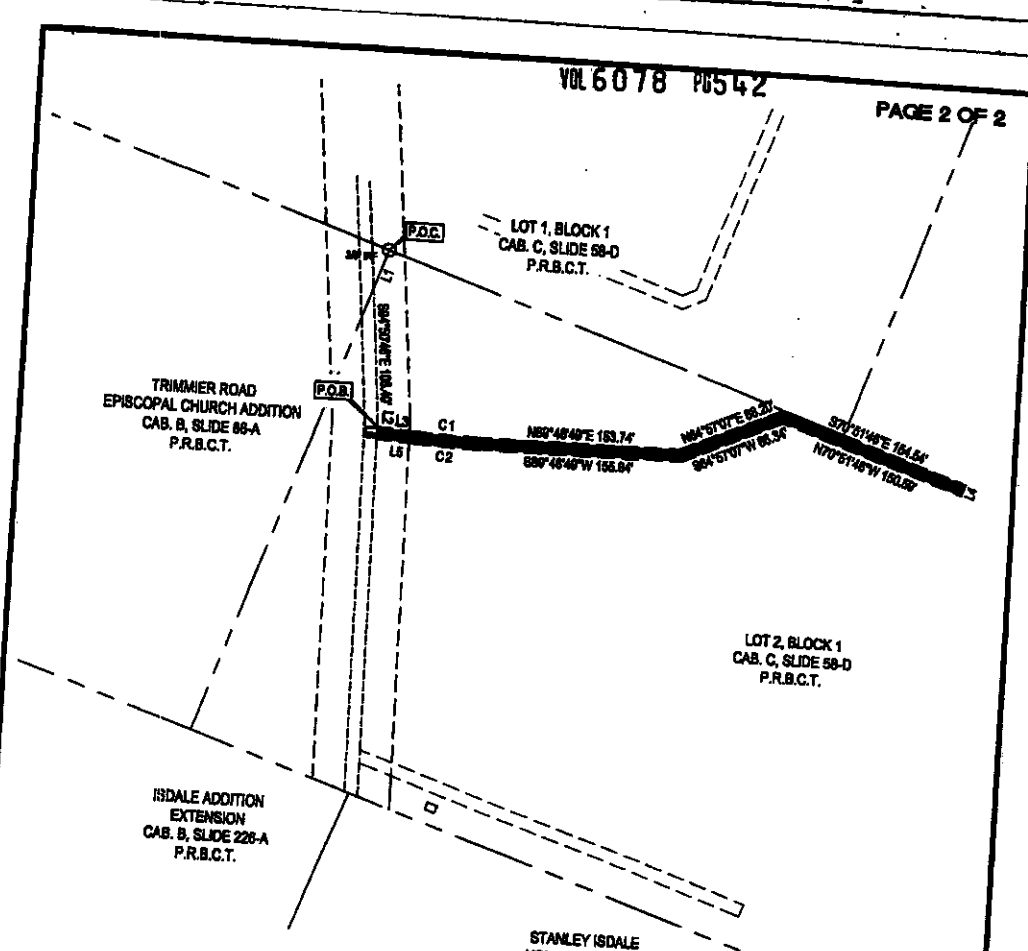
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**GLENN ENGINEERING**  
929-717-5151  
109 DICKER COUNTY, BLAKE VIO  
Fax: 972-717-2118  
IRVING, TEXAS 76202

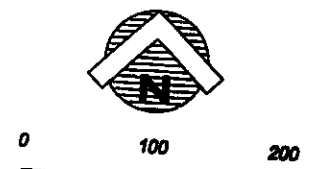
**BUENA TIERRA GROUP**  
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1500 WEST GALEND BOWLING GREEN VIO  
GALVESTON, TEXAS 77550  
(409) 482-8700  
(409) 482-1001 (TX)

**EXHIBIT A B**  
0.11 ACRES  
UTILITY EASEMENT  
BEING A PORTION OF  
LOT 2, BLOCK 1  
STONE CREEK ADDITION  
CABINET C, SLIDE 58-D  
CITY OF KILLEEN, BELL COUNTY, TEXAS



LINE TABLE		
LINE	LENGTH	BEARING
L1	33.35	S18°27'27"W
L2	4.83	S00°18'58"E
L3	29.46	S88°00'00"E
L4	10.00	S18°28'47"W
L5	28.70	N86°00'00"W
L6	10.03	N00°18'58"W

CURVE TABLE						
C=	R=	D=	T=	L=	LC=	CB=
C1	695.00	4°13'11"	25.80	51.18	51.17	568°08'36"E
C2	705.00	4°13'11"	25.97	51.92	51.91	N88°08'35"W



**GLENW ENGINEERING**  
 872-717-6161  
 100 DECKER COUNTY, SUITE 810  
 FOM 872-717-6178  
 8726 S. TEXAS 17008

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 SURVEYING • CONSULTING • MANAGEMENT  
 1300 WEST BAKER BRIDGING SUITE 100  
 DALLAS, TEXAS 75204  
 (972) 242-2700  
 (972) 242-1871 (F)

**EXHIBIT A/B**  
 0.11 ACRES  
 UTILITY EASEMENT  
 BEING A PORTION OF  
 LOT 1, AND LOT 2, BLOCK 1  
 STONE CREEK ADDITION  
 CABINET C, SLIDE 58-D  
 CITY OF KILLEEN, BELL COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF BELL

Being a 0.44 acre tract of land, situated in the W.H. Cole Survey, Abstract No. 201 in the City of Killeen, Bell County, Texas, said 0.44 acre tract being a part of that Lot 1 and Lot 2, Block 1, Stone Creek Addition, an addition to the City of Killeen, according to the plat thereof recorded in Cabinet C, Slide 58-D, Plat Records, Bell County, Texas and being more particularly described as follows:

COMMENCING at a 3/8 inch iron rod found for corner, said point being the southeast corner of Quail Run Estates, an addition to the City of Killeen, according to the plat thereof recorded in Cabinet A, Slide 20-B, Plat Records, Bell County, Texas and being the northeast corner of said Lot 1, Block 1, same point being in the northwest line of said Lot 2, Block 1;

THENCE North 71 degrees 20 minutes 49 seconds West, along the common line of said Quail Run Estates and said Lot 1, Block 1, a distance of 20.44 feet to a point for corner;

THENCE South 18 degrees 41 minutes 02 seconds West, departing common line of said Quail Run Estates and said Lot 1, Block 1, and through the interior of said Lot 1, Block 1, a distance of 171.86 feet to a point for corner, said point being the POINT OF BEGINNING, same point being the most northerly northwest corner of said 0.44 acre tract of land being described;

THENCE South 70 degrees 53 minutes 56 seconds East, continuing through the interior of said Lot 1, Block 1, a distance of 14.66 feet to a point for corner;

THENCE South 26 degrees 30 minutes 05 seconds East, continuing through the interior of said Lot 1, Block 1, passing the common line of said Lot 1, Block 1 and said Lot 2, Block 1, a distance of 88.04 feet to a point for corner;

THENCE South 71 degrees 30 minutes 05 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 138.73 feet to a point for corner;

THENCE South 25 degrees 52 minutes 21 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 29.85 feet to a point for corner;

THENCE South 17 degrees 45 minutes 23 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 136.14 feet to a point for corner, said point being the beginning of a curve to the right, having a radius of 505.00, a delta angle of 02 degrees 00 minutes 00 seconds, and a chord bearing and distance of South 18 degrees 45 minutes 23 seconds West, 17.63 feet;

THENCE in a southwesterly direction along said curve to the right and continuing through the interior of said Lot 2, Block 1, an arc distance of 17.63 feet to a point for corner;

THENCE South 19 degrees 45 minutes 23 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 440.90 feet to a point for corner;

THENCE South 64 degrees 25 minutes 39 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 33.60 feet to a point for corner;

THENCE North 70 degrees 54 minutes 05 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 354.38 feet to a point for corner;

THENCE North 45 degrees 13 minutes 11 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 19.07 feet to a point for corner;

THENCE North 00 degrees 13 minutes 11 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 231.00 feet to a point for corner;

THENCE North 44 degrees 46 minutes 49 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 25.16 feet to a point for corner;

THENCE North 89 degrees 46 minutes 49 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 79.06 feet to a point for corner;

THENCE North 00 degrees 13 minutes 11 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 22.33 feet to a point for corner;

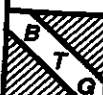
THENCE North 69 degrees 46 minutes 49 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;

THENCE South 00 degrees 13 minutes 11 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 22.33 feet to a point for corner;

 **GLENN  
ENGINEERING**

972-717-6191  
105 OCKERLY COURT, SUITE 910  
IRVING, TEXAS 75039

Fax: 972-717-2176  
IRVING, TEXAS 75039



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1200 WEST BLOSSOM BOULEVARD SUITE 100 (409) 428-9700  
DALLAS, TEXAS 75204 (972) 294-7481 (F)

**EXHIBIT A**

0.44 ACRES  
UTILITY EASEMENT

BEING A PORTION OF  
LOT 1, AND LOT 2, BLOCK 1  
STONE CREEK ADDITION  
CABINET C, SLIDE 58-D  
CITY OF KILLEEN, BELL COUNTY, TEXAS

- THENCE North 88 degrees 46 minutes 49 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 16.19 feet to a point for corner;
- THENCE North 44 degrees 46 minutes 49 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 26.80 feet to a point for corner;
- THENCE North 45 degrees 13 minutes 11 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 9.21 feet to a point for corner;
- THENCE North 44 degrees 46 minutes 49 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;
- THENCE South 45 degrees 13 minutes 11 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 9.21 feet to a point for corner;
- THENCE North 44 degrees 46 minutes 49 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 27.94 feet to a point for corner;
- THENCE North 00 degrees 13 minutes 11 seconds West, continuing through the interior of said Lot 2, Block 1 and passing the common line of said Lot 1, Block 1 and said Lot 2, Block 1, a distance of 78.23 feet to a point for corner;
- THENCE North 25 degrees 49 minutes 57 seconds West, continuing through the interior of said Lot 1, Block 1, a distance of 8.89 feet to a point for corner;
- THENCE North 84 degrees 07 minutes 20 seconds East, continuing through the interior of said Lot 1, Block 1, a distance of 10.00 feet to a point for corner;
- THENCE South 25 degrees 49 minutes 57 seconds East, continuing through the interior of said Lot 1, Block 1, a distance of 11.17 feet to a point for corner;
- THENCE South 00 degrees 13 minutes 11 seconds East, continuing through the interior of said Lot 1, Block 1 and passing the common line of said Lot 1, Block 1 and said Lot 2, Block 1, a distance of 84.84 feet to a point for corner;
- THENCE South 44 degrees 46 minutes 49 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 1.74 feet to a point for corner;
- THENCE South 45 degrees 13 minutes 11 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 35.60 feet to a point for corner;
- THENCE South 44 degrees 46 minutes 49 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;
- THENCE North 45 degrees 13 minutes 11 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 35.60 feet to a point for corner;
- THENCE South 44 degrees 46 minutes 49 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 60.28 feet to a point for corner;
- THENCE South 88 degrees 46 minutes 49 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 105.25 feet to a point for corner;
- THENCE South 44 degrees 46 minutes 49 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 16.88 feet to a point for corner;
- THENCE South 00 degrees 13 minutes 11 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 87.92 feet to a point for corner;
- THENCE North 88 degrees 46 minutes 49 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;
- THENCE South 00 degrees 13 minutes 11 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;
- THENCE South 88 degrees 46 minutes 49 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;

EXHIBIT *AD*

0.44 ACRES  
UTILITY EASEMENT

BEING A PORTION OF  
LOT 1, AND LOT 2, BLOCK 1  
STONE CREEK ADDITION  
CABINET C, SLIDE 66-D  
CITY OF KILLEEN, BELL COUNTY, TEXAS

**GLENN ENGINEERING**  
 872-717-4161  
 128 DECKER COURT, SUITE 210  
 FORT WORTH, TEXAS 76102



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 FORT WORTH, TEXAS 76102  
 (817) 352-2200  
 (817) 352-2801 (F)



- THENCE South 00 degrees 13 minutes 11 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 114.80 feet to a point for corner;
- THENCE North 44 degrees 46 minutes 49 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 9.16 feet to a point for corner;
- THENCE South 45 degrees 13 minutes 11 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;
- THENCE South 44 degrees 46 minutes 49 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 9.16 feet to a point for corner;
- THENCE South 45 degrees 13 minutes 11 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 2.84 feet to a point for corner;
- THENCE South 70 degrees 54 minutes 05 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 111.60 feet to a point for corner;
- THENCE North 18 degrees 05 minutes 55 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 22.50 feet to a point for corner;
- THENCE South 70 degrees 54 minutes 05 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;
- THENCE South 19 degrees 05 minutes 55 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 22.50 feet to a point for corner;
- THENCE South 70 degrees 54 minutes 05 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 226.37 feet to a point for corner;
- THENCE North 64 degrees 25 minutes 39 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 26.38 feet to a point for corner;
- THENCE North 19 degrees 45 minutes 23 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 134.72 feet to a point for corner;
- THENCE North 70 degrees 14 minutes 37 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 8.54 feet to a point for corner;
- THENCE North 19 degrees 45 minutes 23 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 31.00 feet to a point for corner;
- THENCE South 70 degrees 14 minutes 37 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 8.54 feet to a point for corner;
- THENCE North 19 degrees 45 minutes 23 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 271.07 feet to a point for corner, said point being the beginning of a curve to the left, having a radius of 495.00, a delta angle of 102 degrees 00 minutes 00 seconds, and a chord bearing and distance of North 18 degrees 45 minutes 23 seconds East, 17.28 feet;
- THENCE in a northeasterly direction along said curve to the left and continuing through the interior of said Lot 2, Block 1, an arc distance of 17.28 feet to a point for corner;
- THENCE North 17 degrees 45 minutes 23 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 11.01 feet to a point for corner;
- THENCE North 72 degrees 14 minutes 37 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 7.99 feet to a point for corner;
- THENCE North 17 degrees 45 minutes 23 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to a point for corner;
- THENCE South 72 degrees 14 minutes 37 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 7.99 feet to a point for corner;
- THENCE North 17 degrees 45 minutes 23 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 111.12 feet to a point for corner;

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 672-717-6161  
 100 DICKER COURT, SUITE 616  
 IRVING, TEXAS 75038



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 1204 WEST DAVIS BOULEVARD SUITE 104  
 DALLAS, TEXAS 75204 (409) 488-0700 (409) 488-1481 (F)

**EXHIBIT A-C**  
 0.44 ACRES  
 UTILITY EASEMENT  
 BEING A PORTION OF  
 LOT 1, AND LOT 2, BLOCK 1  
 STONE CREEK ADDITION  
 CABINET C, SLIDE 58-D  
 CITY OF KILLEEN, BELL COUNTY, TEXAS

THENCE South 64 degrees 07 minutes 39 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 14.00 feet to a point for corner;

THENCE North 25 degrees 52 minutes 21 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 13.00 feet to a point for corner;

THENCE North 64 degrees 07 minutes 39 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 14.00 feet to a point for corner;

THENCE North 25 degrees 52 minutes 21 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 8.64 feet to a point for corner;

THENCE North 71 degrees 30 minutes 05 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 138.86 feet to a point for corner;

THENCE North 26 degrees 30 minutes 05 seconds West, continuing through the interior of said Lot 2, Block 1, passing the common line of said Lot 1, Block 1 and Lot 2, Block 1, a distance of 88.10 feet to a point for corner;

THENCE North 70 degrees 53 minutes 56 seconds West, continuing through the interior of said Lot 2, Block 1, a distance of 10.68 feet to a point for corner;

THENCE North 19 degrees 08 minutes 04 seconds East, continuing through the interior of said Lot 2, Block 1, a distance of 10.00 feet to the POINT of BEGINNING and containing 19,260 square feet or 0.44 acres of computed land.

*W.P.P. - R.P.L.S.*  
 William P. Price, R.P.L.S. No. 3047



4.27.06

**GLENN ENGINEERING**  
 672-717-4151  
 108 DECKER COUNTY, SUITE #10  
 IRVING, TEXAS 75038

**BUENA TIERRA GROUP**  
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 1000 WEST BLAKE BOULEVARD SUITE 100  
 DALLAS, TEXAS 75201  
 (214) 342-1200  
 (214) 342-1071

**EXHIBIT A C**  
 0.44 ACRES  
 UTILITY EASEMENT  
 BEING A PORTION OF  
 LOT 1, AND LOT 2, BLOCK 1  
 STONE CREEK ADDITION  
 CABINET C, SLIDE 66-D  
 CITY OF KILLEEN, BELL COUNTY, TEXAS

CURVE TABLE						
C=	R=	D=	T=	L=	LC=	CB=
C1	505.00	2°00'00"	8.81	17.63	17.63	S18°45'23"W
C2	495.00	2°00'00"	8.64	17.28	17.28	N18°45'23"E

LINE TABLE		
LINE	BEARING	LENGTH
L1	S70°53'58"E	14.68
L2	S25°52'21"E	29.85
L3	S84°25'39"W	33.60
L4	N45°13'11"W	19.07
L5	N44°46'49"E	25.16
L6	N89°46'49"E	79.06
L7	N00°13'11"W	22.33
L8	N89°46'49"E	10.00
L9	S00°13'11"E	22.33
L10	N89°46'49"E	16.19
L11	N44°46'49"E	25.80
L12	N45°13'11"W	9.21
L13	N44°46'49"E	10.00
L14	S45°13'11"E	9.21
L15	N44°46'49"E	27.94
L16	N25°49'57"W	8.89
L17	N64°07'20"E	10.00
L18	S25°49'57"E	11.17
L19	S44°46'49"W	1.74
L20	S45°13'11"E	35.60
L21	S44°46'49"W	10.00
L22	N45°13'11"W	35.60
L23	S44°46'49"W	60.28
L24	S44°46'49"W	16.88
L25	N89°46'49"E	10.00
L26	S00°13'11"E	10.00
L27	S89°46'49"W	10.00
L28	N44°46'49"E	9.16
L29	S45°13'11"E	10.00
L30	S44°46'49"W	9.16
L31	S45°13'11"E	2.64
L32	N19°05'55"E	22.50
L33	S70°54'05"E	10.00
L34	S19°05'55"W	22.50
L35	N64°25'39"E	25.38
L36	N70°14'37"W	8.54
L37	N18°45'23"E	31.00
L38	S70°14'37"E	8.54
L39	N17°45'23"E	11.01
L40	N72°14'37"W	7.99
L41	N17°45'23"E	10.00
L42	S72°14'37"E	7.99
L43	S84°07'39"W	14.00
L44	N25°52'21"W	13.00
L45	N64°07'39"E	14.00
L46	N25°52'21"W	8.64
L47	N70°53'56"W	10.68
L48	N19°06'04"E	10.00

**GLENN ENGINEERING**  
 872-717-6151  
 100 DECKEN COUNTY, SUITE 010  
 P.O. BOX 972-717-6170  
 DRYDEN, TEXAS 75845

**BUENA TIERRA GROUP**  
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 1204 WEST GLAZIE BOULEVARD SUITE 100  
 DALLAS, TEXAS 75204  
 (972) 382-0700  
 (972) 382-1881 (F)

**EXHIBIT A C**  
 0.44 ACRES  
 UTILITY EASEMENT  
 BEING A PORTION OF  
 LOT 1, AND LOT 2, BLOCK 1  
 STONE CREEK ADDITION  
 CABINET C, SLIDE 88-D  
 CITY OF KILLEEN, BELL COUNTY, TEXAS

VOL 6078 PG 549

2005-05-23 16:37

DA-94302

(214) 960-0017 >> 915124635709

P 4/11

FILED  
in the Office of the  
Secretary of State of Texas

MAY 23 2005

Corporations Section

**CERTIFICATE OF LIMITED PARTNERSHIP  
OF  
SPRM KILLEEN PHASE II, L.P.**

The undersigned general partner, desiring to form a limited partnership (the "Partnership") pursuant to the Texas Revised Limited Partnership Act (the "Act"), hereby submit the filing fee and Certificate of Limited Partnership of SPRM KILLEEN PHASE II, L.P. pursuant to Section 2.01 of the Act.

The undersigned hereby certifies as follows:

1. The name of the Partnership is SPRM KILLEEN PHASE II, L.P.

2. The address of the registered office of the Partnership is 12790 Merit Drive, Suite 100, Dallas, Texas 75251, and the name and address of the registered agent for service of process required to be maintained by Section 1.06 of the Act is as follows:

Dwight Thomas McDermid  
12790 Merit Drive, Suite 100  
Dallas, Texas 75251

3. The address of the principal office in the United States where records are to be kept or made available under Section 1.07 of the Act is as follows:

c/o Stearns-PRM Realty, L.P.  
12790 Merit Drive, Suite 100  
Dallas, Texas 75251

4. The names, mailing address, and street address of the business or residence of each general partner of the Partnership is as follows:

SPRM Killeen GP, Inc.  
Attn: Dwight Thomas McDermid  
12790 Merit Drive, Suite 100  
Dallas, Texas 75251

[SIGNATURE PAGE FOLLOWS]

VOL 6078 P0550

2005-05-23 16:37

DA-P4302


(214) 969-0917 >> 915124635700

P 5/11

IN WITNESS WHEREOF, the general partners of the Partnership have executed this Certificate of Limited Partnership effective as of the 20th day of May, 2005.

SPRIM KILLIAN GP, INC., a Texas corporation

By   
Name: Dwight Thomas McDonald  
Title: President

Texas  
COUNTY CLERK  
BY  BELL COUNTY TX.  
DEPUTY

2005 JUN 2 AM 7 45

FILED FOR RECORD

024519

**NOTICE OF CONFIDENTIALITY RIGHTS:  
IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE  
FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED  
FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER  
OR YOUR DRIVER'S LICENSE NUMBER.**

**SPECIAL WARRANTY DEED**

Effective Date: APRIL 21, 2004

Grantor (whether one or more): UNLIMITED EXCHANGE II, INC., a Texas corporation

Grantor's Mailing Address (including county): 2005 Birdcreek Drive; Post Office Box 2125; Temple, Texas 76503-2125 (Bell County)

Grantee (whether one or more): AL R. YOUNG and wife, BONNIE J. YOUNG

Grantee's Mailing Address (including county): 4720 84<sup>th</sup> Street; Lubbock, Texas 79424-4106 (Lubbock County)

Consideration: TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid to Grantor by Grantee and for which no lien, either express or implied, is retained.

Property (including any improvements): A tract of land in Bell County, Texas, part of the W. H. Cole Survey, Abstract No. 201, and the land herein described being part of that called 12.64 acre tract described in a deed from Sidney Earle Isdale and Doris Jean Isdale to The Isdale Family Revocable Trust, being of record in Volume 4116, Page 392, Official Public Records of Real Property of Bell County, Texas, containing 8.305 acres of land, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and expressly made a part hereof for all purposes; together with (i) any and all appurtenances belonging or appertaining thereto; (ii) any and all improvements located thereon; (iii) any and all appurtenant easements or rights of way affecting said real property and any of Grantor's rights to use same; (iv) any and all rights of ingress and egress to and from said real property and any of Grantor's rights to use same; (v) any and all mineral rights and interests of Grantor relating to said real property (present or reversionary); and (vi) any and all rights to the present or future use of wastewater, wastewater capacity, drainage, water or other utility facilities to the extent same pertain to or benefit said real property or the improvements located thereon, including without limitation, all reservations of or commitments or letters covering any such use in the future, whether now owned or hereafter acquired; (vii) any and all rights and interests of Grantor in and to any leases covering all or any portion of said real property; and (viii) all right, title, and interest of Grantor, if any, in and to (a) any and all roads, streets, alleys and ways (open or proposed) affecting, crossing, fronting or bounding said real property, including any awards made or to be made relating thereto including, without limitation, any unpaid awards or damages payable by reason of damages thereto or by reason of a widening of or changing of the grade with respect to same, (b) any and all strips, gores or pieces of property abutting, bounding or which are adjacent or contiguous to said real property (whether owned or claimed by deed, limitations or otherwise), (c) any and all air rights relating to said real property and (d) any and all

**SPECIAL WARRANTY DEED**

152867/32349 / G.F. No. 03-5676

reversionary interests in and to said real property (said real property together with any and all of the related improvements, appurtenances, rights and interests referenced in items (i) through (viii) above are herein collectively referred to as the "Property").

**Reservations from and Exceptions to Conveyance and Warranty:**

All easements, rights-of-way and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, agreements and maintenance charges, and other instruments, other than liens and conveyances, that affect the Property; any discrepancies, conflicts or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations and other matters emanating from and existing by reason of the creation, establishment, maintenance and operation of any County Water Improvement District, Municipal Utility District or similar governmental or quasi-governmental agency; taxes for the year 2004, the payment of which Grantee assumes, and subsequent assessments for that and prior years due to change in land usage, ownership or both, the payment of which Grantee assumes; existing building and zoning ordinances and environmental regulations; and rights of parties in possession.

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.

No responsibility for validity of real estate title is assumed by attorneys preparing this instrument unless a written title opinion rendered.

UNLIMITED EXCHANGE II, INC., a Texas corporation

By: Linda Chaison  
LINDA CHAISON, President

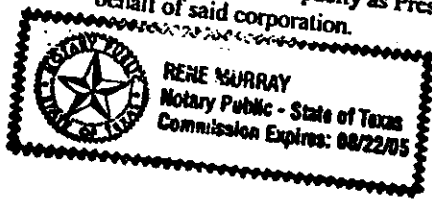
SPECIAL WARRANTY DEED

152867/32349 / G.F. No. 03-5676

ACKNOWLEDGMENT

STATE OF TEXAS  
COUNTY OF BELL

This instrument was acknowledged before me on APRIL 21st, 2004, by LINDA CHAISSON, in her capacity as President of UNLIMITED EXCHANGE II, INC., a Texas corporation, on behalf of said corporation.



*Rene Murray*  
NOTARY PUBLIC

PREPARED IN THE LAW OFFICE OF:  
cmw  
BAIRD, CREWS, SCHILLER & WHITAKER, P.C.  
ATTN: THOMAS C. BAIRD  
15 North Main  
Temple, Texas 76501  
[www.bcswlaw.com](http://www.bcswlaw.com)

AFTER RECORDING RETURN TO:  
BAIRD, CREWS, SCHILLER & WHITAKER, P.C.  
15 North Main  
Temple, Texas 76501-7629

SPECIAL WARRANTY DEED  
152867/32349 / G.F. No. 03-5676



# EXHIBIT "A"

FIELD NOTES for a tract of land in Bell County, Texas, part of the W.H. Cole Survey, Abstract No. 201, and the land herein described being part of that called 12.64 acre tract described in a deed from Sidney Earle Isdale and Doris Jean Isdale to The Isdale Family Revocable Trust, being of record in Volume 4116, Page 392, Official Public Records of Real Property of Bell County, Texas.

BEGINNING at a 3/8" iron rod with cap stamped "M & Assoc., Killeen" set in the north right of way of Winkler Avenue, and in the south line of the 12.64 acre tract, being the most southerly southeast corner of Isdale Addition Extension, an Addition to the City of Killeen, Texas, being of record in Cabinet B, Slide 226-A, Plat Records of Bell County, Texas, for the southwest corner of this.

THENCE with the east line of the said Isdale Addition Extension, N 19°27'18" E 252.58 feet (Adjoiner N 19°27'18" E 252.58 feet) to a 3/8" iron rod found, being an ell corner of the said Isdale Addition Extension, for the most westerly northwest corner of this.

THENCE with the south line of the said Isdale Addition Extension, S 70°55'04" E 286.43 feet (Adjoiner S 70°55'04" E 286.46 feet) to a 3/8" iron rod found, being the most easterly southeast corner of the said Isdale Addition Extension, for an ell corner of this.

THENCE with the east line of the said Isdale Addition Extension, N 19°46'18" E 319.71 feet (Adjoiner N 19°50'22" E 319.85 feet) to a 3/8" iron rod found in the north line of the 12.64 acre tract and in the south line of a 8.148 acre tract of land described in a deed to Dry Creek Associates, L.P., recorded in Volume 3474, Page 313, Official Public Records of Real Property of Bell County, Texas, being the northeast corner of the said Isdale Addition Extension, for the northeast corner of this.

THENCE with the north line of the 12.64 acre tract and the south line of the 8.148 acre tract, S 70°52'53" E 500.13 feet (Deed Bearing S 71°08'15" E) to a 3/8" iron rod found in the west line of The Meadows Addition, Phase Two, an Addition to the City of Killeen, Texas, recorded in Cabinet C, Slide 36-A & B, Plat Records of Bell County, Texas, being the northeast corner of the 12.64 acre tract, and the southeast corner of the 8.148 acre tract, for the northeast corner of this.

THENCE with the east line of the 12.64 acre tract and the west line of The Meadows Addition, Phase Two, S 19°08'34" W 576.18 feet (Deed S 18°47'13" W 575.98 feet) (Adjoiner Bearing S 19°46'30" W) to a 3/8" iron rod with cap stamped "M & Assoc., Killeen" set in the said north right of way of Winkler Avenue, being the southeast corner of the 12.64 acre tract, and a corner of The Meadows Addition, Phase Two, for the southeast corner of this.

THENCE with the south line of the 12.64 acre tract and the north right of way of Winkler Avenue, N 70°36'39" W 791.45 feet (Deed Bearing N 70°51'07" W) to the POINT OF BEGINNING containing 8.305 acres of land.

017296

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EXHIBIT "A"  
152897/32349

V.D. [unclear] CH  
CLERK, BELL COUNTY TX.  
BY [unclear] DEPUTY

ORIGINAL  
POOR QUALITY

PAGE 1 OF 1  
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CIVIL ENGINEERING CONSULTANTS  
DON DURDEN, INC.  
SAN ANTONIO • LAREDO

March 10, 2011

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

**RE: Dorel Apartment Project**  
**SUBJECT: Rezoning Application**

Dear Mr. McIlwain:

On behalf of Dorel Killeen Holdings LLC we are transmitting rezoning applications for properties to be developed by Dorel Killeen Holdings into an apartment complex. The properties to be rezoned and the proposed rezoning are described below:

The first tract is a 1.730 acre tract located at the corner of Winkler and Trimmier. The property is currently zoned B-2 and the requested zoning is R-3A PUD. This property is being acquired on March 11, 2010. A revised application listing Dorel Killeen Holdings LLC as the owner will be submitted after the closing.

The second tract is a 6.642 acre tract located at the east end of Winkler. The property is zoned B-3 and the requested zoning is R3A-PUD. This tract will be conveyed to Dorel Killeen Holdings LLC. The current owners have signed the Appointment of Agent making Howard Moreno their agent in this matter.

The PUD designation is being requested in accordance with the City of Killeen Zoning Ordinance Section 31.256 9 (a) since there is more than twenty five acres of multifamily property within a two thousand foot radius. Please note that the project will not require the typical property owner's association found in a PUD since there project will consist of only two lots and they will be under common ownership.

Concurrently with these applications Dorel Killeen Holdings is submitting applications to plat the property being considered for rezoning. The 1.73 acres will be platted as Dorel Addition Unit 1 and the 6.642 acre tract will be platted as Dorel Addition Unit 2.

In addition to the applications the following items are being submitted in accordance with City requirements:

- Check for \$400 (\$200 per application)
- Four Copies of a survey prepared by Mitchell and Associates showing these tracts.
- Copy of Special Warranty Deed for 8.305 acre tract which is the parent tract for the 6.642 acre tract. A portion of the 8.305 acres was previously platted as Young's Prairie Addition Phase One.
- Copy of Special Warranty Deed for 1.73 acre tract

The PUD Plan and accompanying information is being finalized and will be submitted shortly.

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

Very Truly Yours,  
Civil Engineering Consultants



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

TBPE Firm F-2214

# 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 Goodie 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

Al and Bonnie Young  
5984 Onion Road  
Killeen, TX 76542

**RE: Zoning Case #Z11-18: B-3 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-3 (Local Business District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a 164-unit apartment complex, clubhouse, pool, cabana, and sports park area, for 6.642 acres, being part of the W. H. Cole Survey, Abstract No. 201, and being located along the north right-of-way of Winkler Avenue, approximately 792 feet east of the intersection of Trimmier Road, Killeen, Texas.

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

Sincerely,

Vicki Wanken  
Planning Assistant

Enclosure  
Ord. #11-052

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

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

## **ORDINANCE 11-052**

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

WHEREAS, Dorel Killeen Holdings, LLC has presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of the hereinafter described property from B-3 (Local Business District) to R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a 164-unit apartment complex, clubhouse, pool, cabana, and sports park area, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 13<sup>th</sup> 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 28<sup>th</sup> day of June 2011, at the City Hall, City of Killeen;

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

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

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

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

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

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

**Section IV.** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

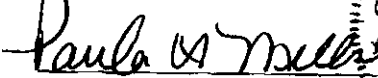
**Section V.** That this ordinance shall take effect immediately upon passage of the ordinance.

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

**APPROVED:**

  
\_\_\_\_\_  
Timothy L. Hancock, MAYOR

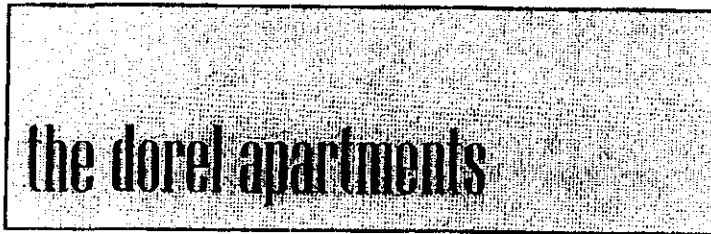
**ATTEST:**

  
\_\_\_\_\_  
Paula A. Miller, CITY SECRETARY



**APPROVED AS TO FORM**

  
\_\_\_\_\_  
Kathryn H. Davis, City Attorney



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 <sup>340</sup> parking spaces for the 200 units. In addition there are <sup>13</sup> motor cycle parking spaces. Accessible parking is provided for all buildings and the leasing office.

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

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

**Codes**

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

**Mail Drop-off and Pick-up:**

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

**Maintenance:**

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

**Statement of Purpose:**

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

**Permitted Uses:**

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

**Home Owners Association**

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

**Lot Area:**

Lot 1 = approximately 1.73 acres

Lot 2 = approximately 6.642 acres

**Building height**

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

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

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

**Impervious Cover**

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

**Side and Rear Yard Requirements:**

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

**Landscaping and Fencing:**

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

Wrought Iron style fences will be provided along 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.

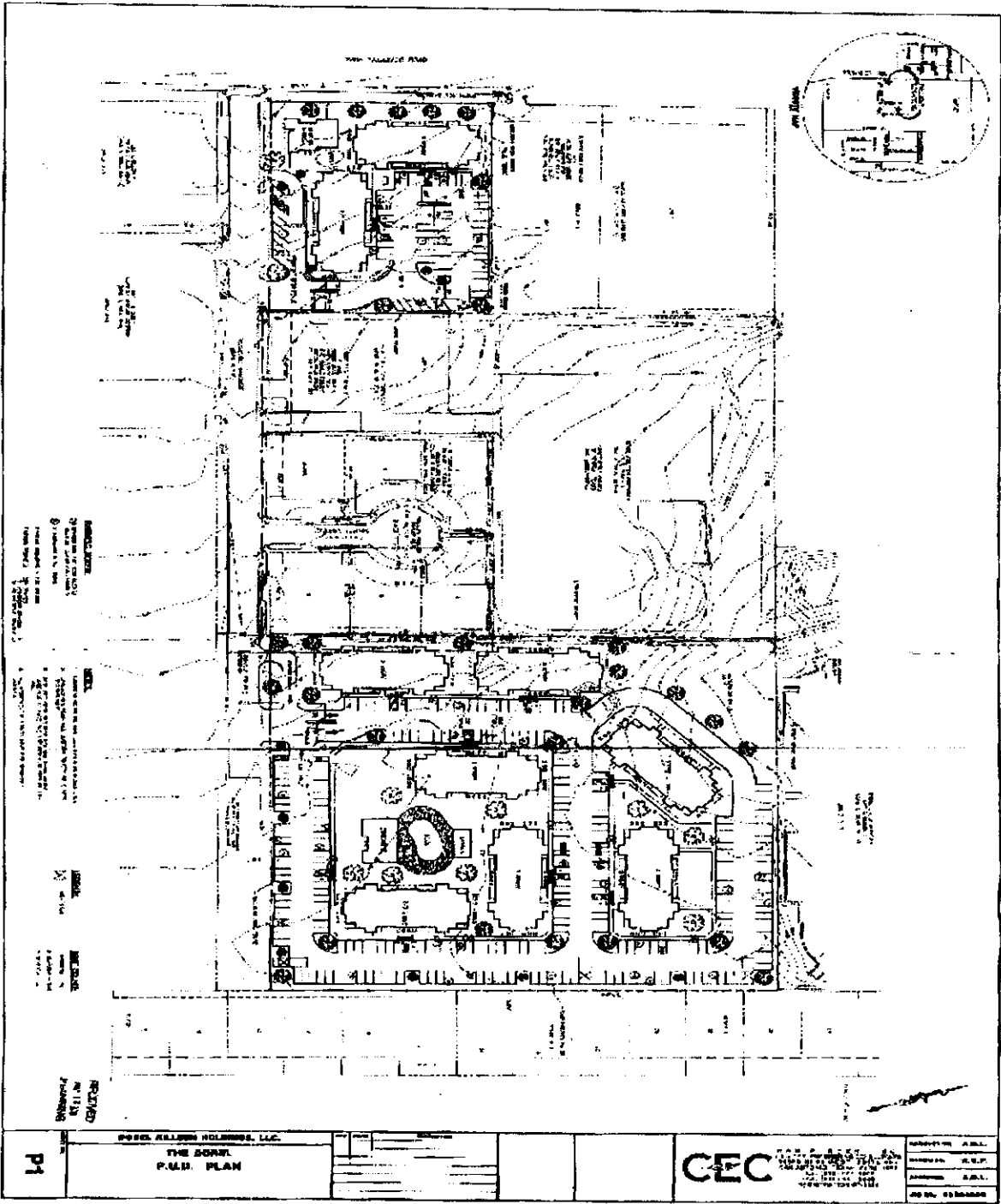


Exhibit 18



**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**  
#Z11-18

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

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

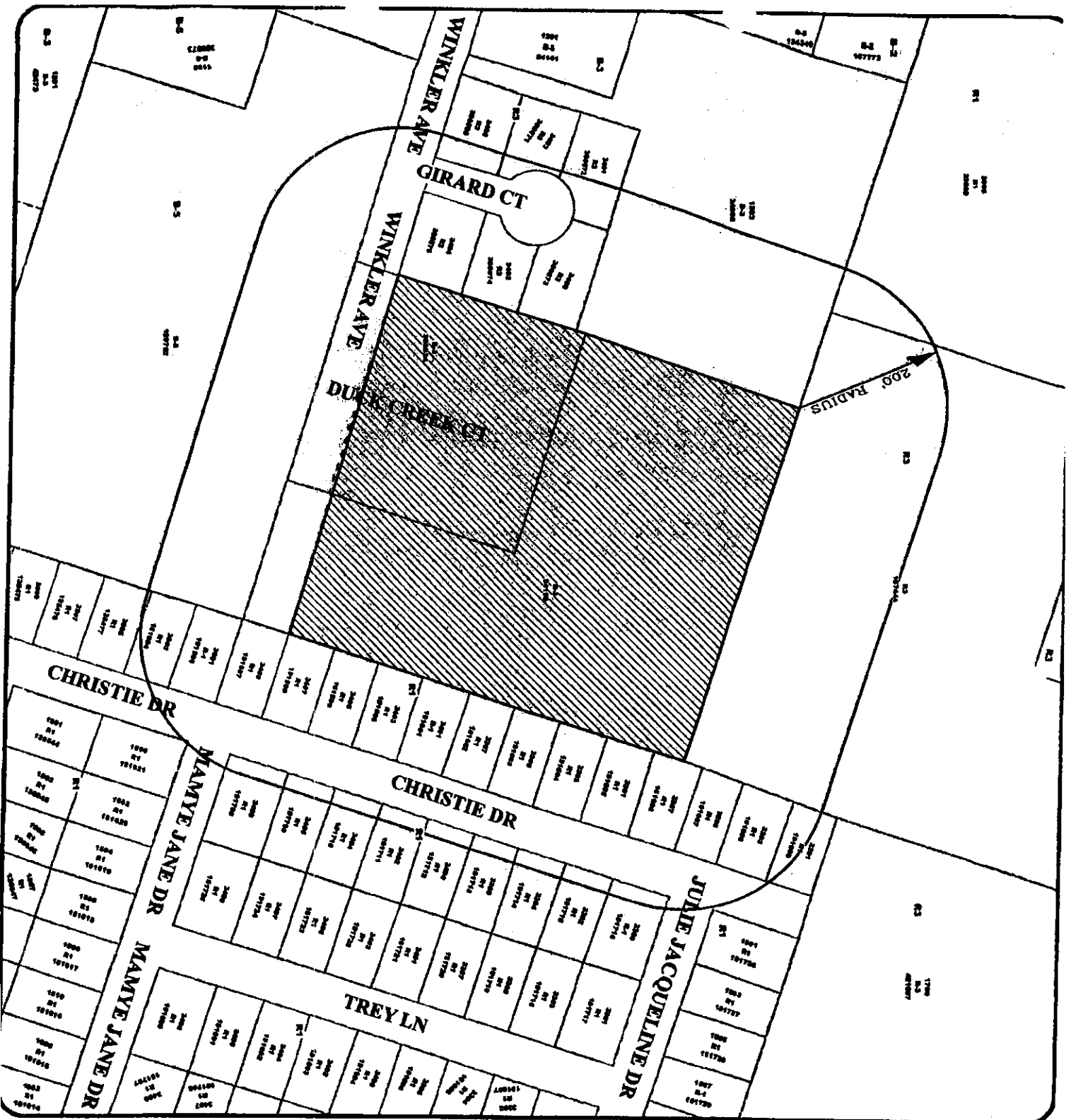
**ADDRESS/LOCATION:**  
WINKLER AVE  
KILLEEN, TX 76542

**PROPERTY OWNER:**  
AL & BONNIE YOUNG

Legend  
Zoning Cases 2011 selection  
City Limits  
Production: GIS/AMM/Phaed

**DATE:**  
5/15/2011





**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**  
#Z11-18

**ZONING FROM:**  
B-3 TO R-3A W/PUD

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

**ADDRESS/LOCATION:**  
WINKLER AVE  
KILLEEN, TX 76542

**PROPERTY OWNER:**  
AL & BONNIE YOUNG

- Legend**
- Buffer, cf. 11-18
  - City Limits
  - Zoning Cases 2011
  - Zoning Overlay Districts
  - CURRENT ZONING
  - Production: GIS/ADMIN, Parcel
- Production: GIS/ADMIN, Street/Centerville  
 Production: GIS/ADMIN, Street/Centerville  
 Production: GIS/ADMIN, Street/Centerville

**DATE:**  
5/19/2011





**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**AGENDA ITEM**

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

**ORIGINATING DEPARTMENT**

**PLANNING & DEVELOPMENT SERVICES**

**Nature of the Request**

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

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

Table 1. Gross square feet per building

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

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

**District Descriptions:**

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

- Multifamily structures containing five (5) or more separate dwelling units, including large apartment complexes with high rise structures.
  - Boarding and lodging houses.
  - Fraternity or sorority houses.
  - Licensed group or community homes housing six (6) or more persons.
  - Dormitories for educational or employment purposes as a primary use.
  - Any group housing activity not otherwise identified in another multifamily or business district.
  - Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a business.
- *Planned unit development required.* Rezoning applications requesting zoning under this division shall be subject to the requirements of 31-256.9 of this division, if applicable.

**Planned unit development (PUD) required.**

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

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

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

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

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

**Property Specifics**

**Applicant/Property Owner:** Dorel Killeen Holdings, LLC

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

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

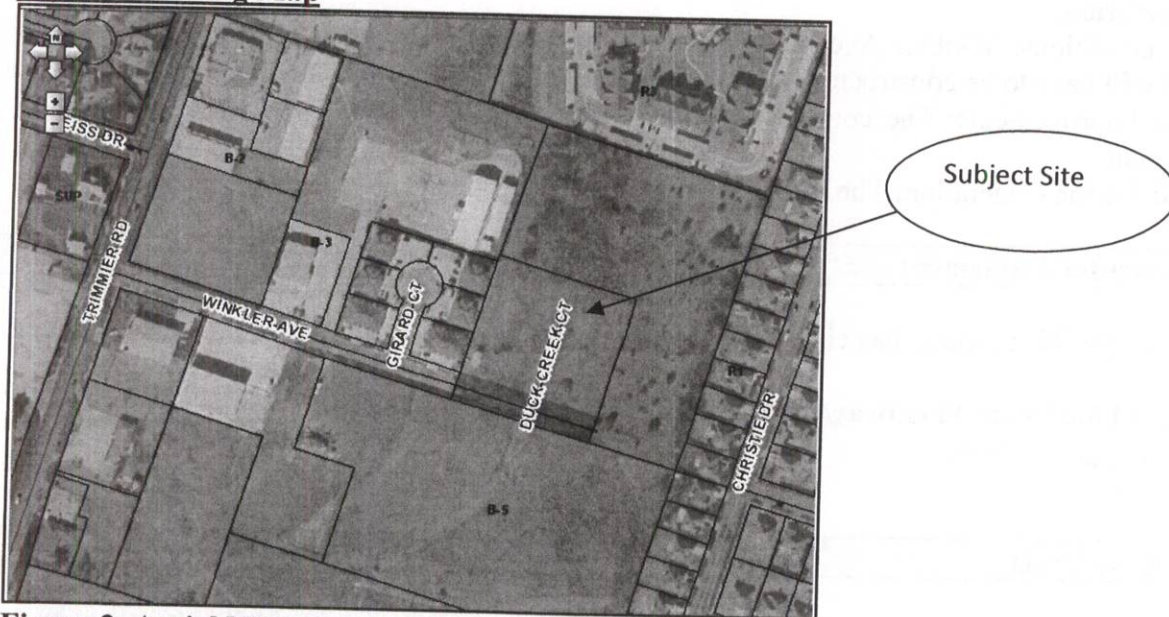
**Zoning/ Plat Case History:**

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

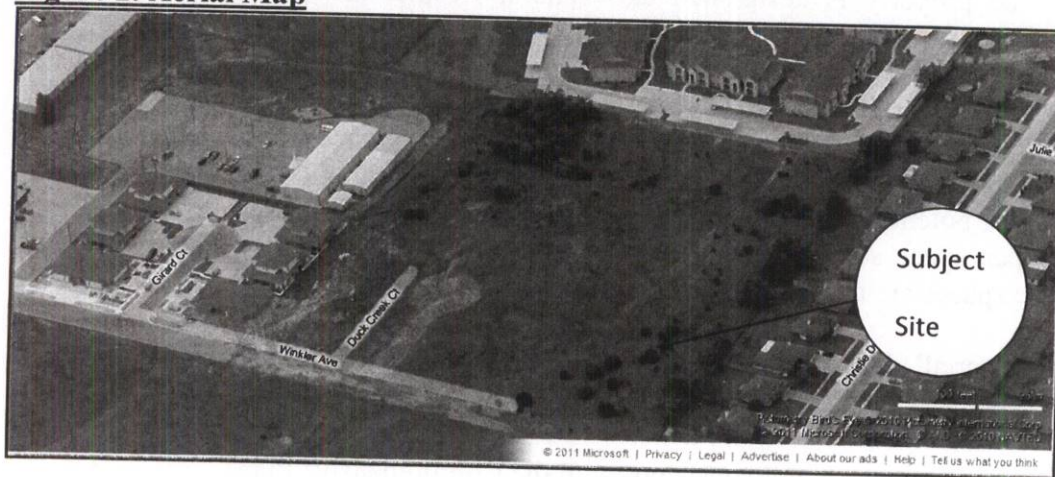
**Character of the Area:**

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

**Figure 1. Zoning Map**



**Figure 2. Aerial Map**



**Historic Properties:** None

### **Infrastructure and Community Facilities**

**Emergency Response:**

Fire District: 6

Fire Response Zone: 6-1

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

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

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

**Transportation:**

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

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

Projected Traffic Generation: The traffic impact will be significant.

### **Environmental Assessment**

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

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

### **Land Use**

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

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

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

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

### **Public Notification**

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

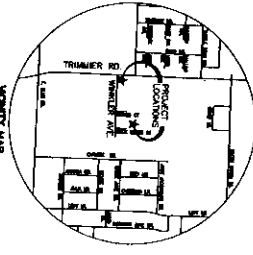
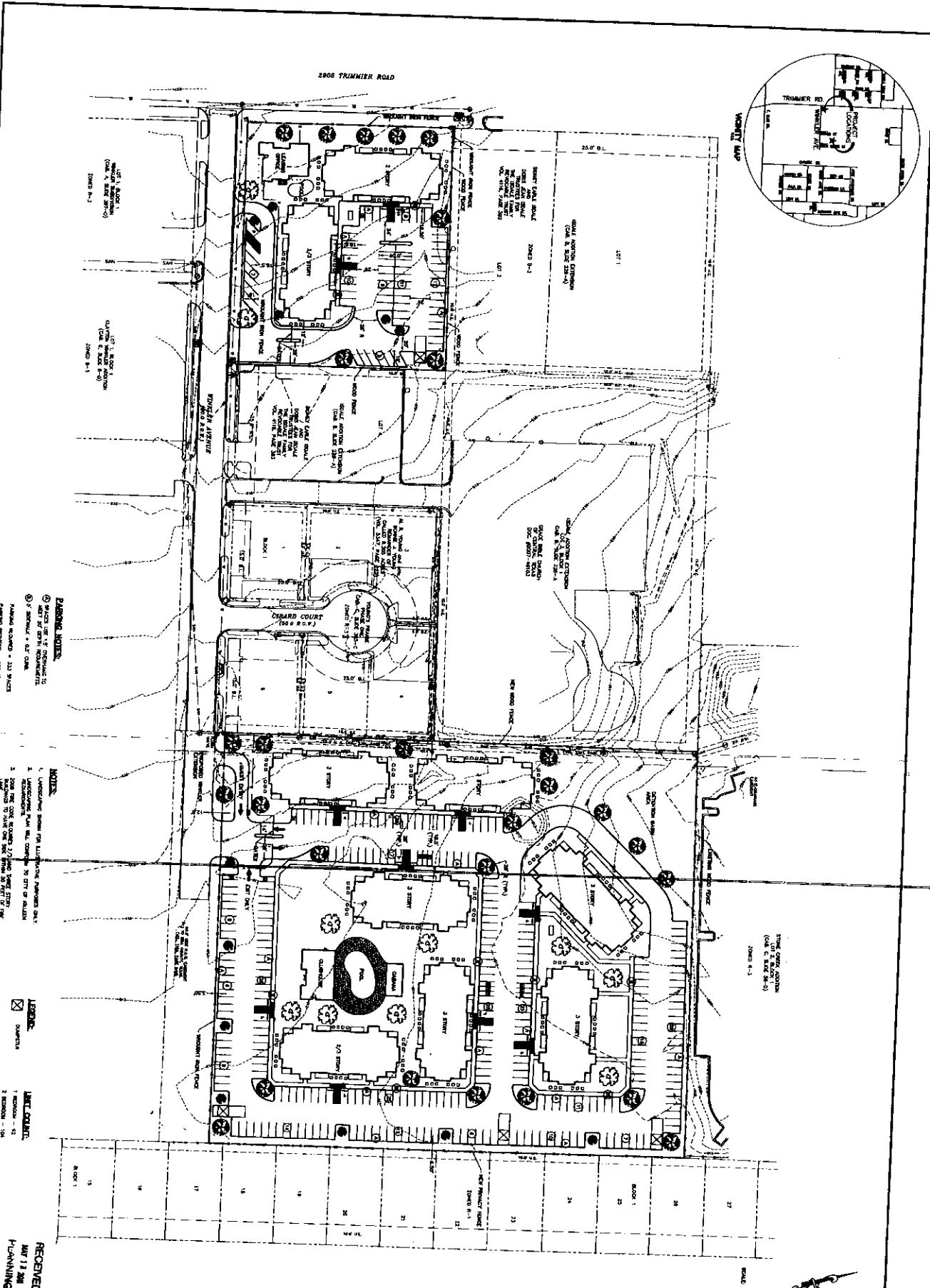
### **Recommendation**

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

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

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

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



- PLANNING NOTES**
- 1. LANDSCAPING SHALL BE PROVIDED TO COMPLY WITH THE CITY OF SAN ANTONIO PLANNING DEPARTMENT REQUIREMENTS.
  - 2. LANDSCAPING SHALL BE PROVIDED TO CITY OF SAN ANTONIO PLANNING DEPARTMENT REQUIREMENTS.
  - 3. LANDSCAPING SHALL BE PROVIDED TO CITY OF SAN ANTONIO PLANNING DEPARTMENT REQUIREMENTS.
  - 4. LANDSCAPING SHALL BE PROVIDED TO CITY OF SAN ANTONIO PLANNING DEPARTMENT REQUIREMENTS.

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  - 4. LANDSCAPING SHALL BE PROVIDED TO CITY OF SAN ANTONIO PLANNING DEPARTMENT REQUIREMENTS.

- LEGEND**
- 1. LANDSCAPING SHALL BE PROVIDED TO COMPLY WITH THE CITY OF SAN ANTONIO PLANNING DEPARTMENT REQUIREMENTS.
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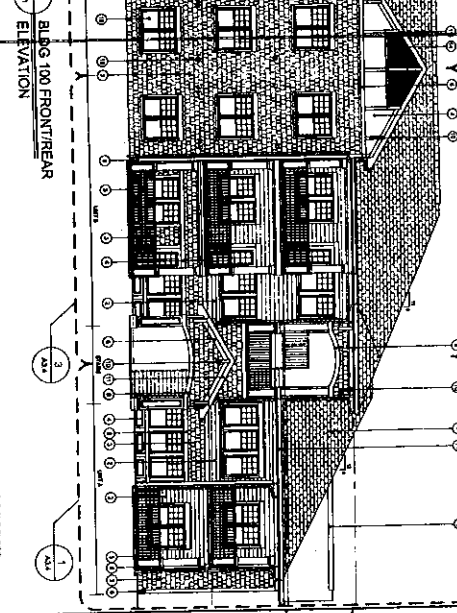
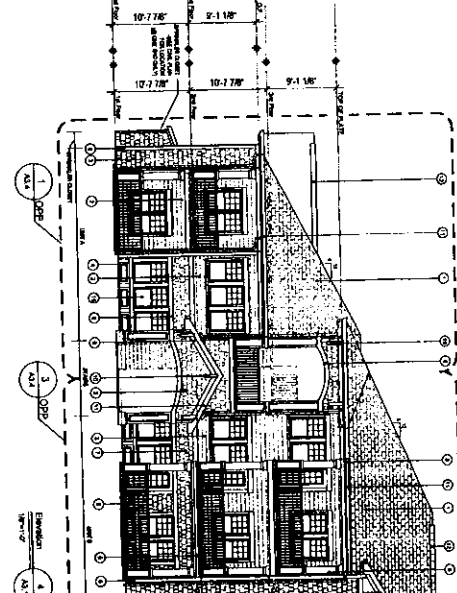
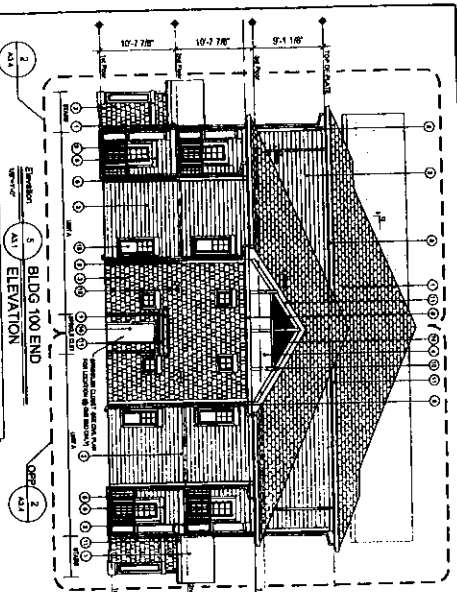
**RECEIVED**  
 MAY 13 AM  
 PLANNING

**DOREL KILLEN HOLDINGS, L.L.C.**  
**THE DOREL**  
**P.U.D. PLAN**

**CEC** DON DORR DEN INC  
 634 CIVIL ENGINEERING CONSULTANTS  
 11850 IH 10 WEST, SUITE 368  
 SAN ANTONIO, TEXAS 78230-1037  
 TEL: (210) 841-8880  
 FAX: (210) 841-8440  
 REGISTRATION #7-2214

DESIGNED BY: A.D.L.  
 DRAWN BY: R.B.P.  
 APPROVED: A.D.L.  
 JOB NO.: 80884880

**P1**



1	2	3	4	5	6	7	8	9	10
1	2	3	4	5	6	7	8	9	10
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1	2	3	4	5	6	7	8	9	10

**ROOF PLAN LEGEND**

ATTIC OVERSTAY STOP  
 GUTTER  
 DIRECTION OF ROOF SLOPE  
 DOWNSPOUT LOCATION

**ROOF PLAN NOTES**

1. PROVIDE VALLEY FLASHING WHERE ROOF PITCHES CHANGE & WHERE ROOF INTERSECTS VERTICAL SURFACES.
2. ALL ROOF SLOPES ARE 1/2" PER FT. UNLESS NOTED OTHERWISE.
3. ROOF VENT TO BE SHINGLEVENT 1" BY 4" AIR VENT INC. A CERTAINTED COMPANY.
4. PROVIDE GABLE END TRUSSES & ALL VERT. BRACINGS GABLE END CONDITIONS AND ALL VERT. BRACINGS LOC. ABOVE AND IN LINE WITH TRUSS WALLS.
5. 1" x 4" ROOF TRUSS OVERHANG @ BRISCOLA, TX, UNLESS OTHERWISE NOTED.
6. ROOF SINGLES TO BE MIN. CLASS C.
7. ATTIC ACCESS 2" x 8" 1" IIR GATED W/ LOCK.
8. DIMENSIONS SHOWN ON ROOF PLAN ARE FROM FACE OF STUDS TO SIDES OF ROOF TRUSSES.
9. CONFORM TO MANUFACTURER'S RECOMMENDATIONS FOR SLOPES LESS THAN 1/2".
10. PROVIDE CONTINUOUS 3" VENT. SCRETT VENTS.

**GUTTER & DOWNSPOUT CALCULATIONS - BUILDING 100**

1. GUTTER WIDTH & DEPTH:  
 MAX. DRAINAGE PER AREA = 4613.03 SQ. FT.  
 RAIN INTENSITY PER TABLE 1.2 = 4.03 IN/HR.  
 LENGTH OF GUTTER @ MAX. AREA = 57'-0"  
 MIN. GUTTER DEPTH/WIDTH = 4.0/15  
 REFER TO SMMACMA CHART 1.1 FOR SIZE.  
 8 IN. GUTTER WIDTH MIN.

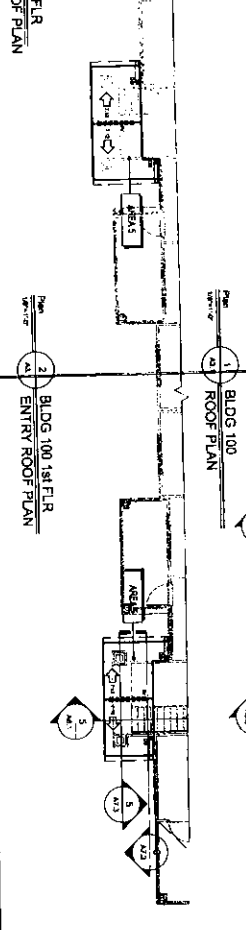
2. AREA OF DOWNSPOUT:  
 MAX. PITCHED ROOF AREA PER D.S. = 619.03 SQ. FT.  
 PER TABLE 1.4 FOR TEXAS DOWNSPOUT DRAINAGE THE CALCULATED AREA IS 484.00 SQ. FT. @ 1/2" PITCH.  
 PER D.S. AREA = 419.00 SQ. FT. @ 1/2" IN. @ 6.8 SQ. IN.  
 REFER TO SMMACMA CHART 1.3 FOR SIZE.  
 3 IN. X 4 IN. DOWNSPOUT

**ATTIC AREA CALCULATIONS**

VENTILATION AREA OF EACH ROOM:  
 SOFFIT VENT 8.0" x 8.0" IN. PER ROOM  
 RIDGE VENT 10.0" x 10.0" IN. PER ROOM  
 LOWER VENT 1.0" x 1.0" IN. PER ROOM  
 LOWER VENT 1.0" x 1.0" IN. PER ROOM

**AREA 100, 2.44 SF @ 1/150**  
 VENTILATION AREA REQUIRED:  
 MORE THAN 1175 SQ. FT. IS REQUIRED TO BE VENTED 2" x 4" ABOVE SOFFIT  
 RIDGE VENT 1.7" x 1.8" @ 305 SI  
 LOWER VENT 1.0" x 1.0" @ 305 SI

**AREA 101, 2.44 SF @ 1/150**  
 VENTILATION AREA REQUIRED:  
 MORE THAN 1175 SQ. FT. IS REQUIRED TO BE VENTED 2" x 4" ABOVE SOFFIT  
 RIDGE VENT 1.7" x 1.8" @ 305 SI  
 LOWER VENT 1.0" x 1.0" @ 305 SI



**A3.1**

CONSTRUCTION SET

DATE: 08/19/10

**dorel apartments**

359 Bob Bullock Loop  
 Laredo, TX 78043

Marcus Organization

**Niles Bolton Associates, Inc.**

One Hucklehead Place  
 3000 Peachtree Road, NW  
 Suite 800  
 Atlanta, Georgia  
 404-506-7600  
 Fax 404-506-7610  
 pba@nilesbolton.com

DATE: 08/19/10  
 DRAWN BY: NBL  
 CHECKED BY: JEC

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

**CASE #Z11-18  
B-3 TO R-3A W/PUD**

**HOLD a public hearing and consider a request by Al R. Young and Bonnie J. Young, 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.

# CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2<sup>nd</sup> 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.



**CITY OF KILLEEN**

P.O. Box 1329

Killeen, Texas 76540-1329

Planning and Development Services Department

**RECEIVED**

JUN 20 2011

**PLANNING**

Z11-18/24

COUCH, AMBER

3505 CHRISTIE D

KILLEEN TX 7654

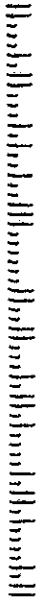


UNITED STATES POSTAGE  
PRIMEV PROVES  
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0004236512  
JUN 01 2011  
MAILED FROM ZIP CODE 76541  
**\$ 00.44<sup>0</sup>**

NIXIE 797 SE 1 00 06/17/11

NOT DELIVERABLE TO ADDRESSEE  
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BC: 7654013229 \*3099-02277-02-40





**CITY OF KILLEEN**

P.O. Box 1329

Killeen, Texas 76540-1329

*Planning and Development Services Department*



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PLANNING

Z11-18/17

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Dennis Young, 2200 Juniper, Austin, also appeared in support of the application. The original intent was to develop the property for four-plexes, but the company has determined apartments would be a better use of the property.

Roy Sampson, 4706 Teal, agreed with Councilmember Cole that all rezoning requests should be supported by market studies.

Kay Cospers, 3265 Stagecoach Drive, appeared in opposition to the request since she did not believe this would be the best use for the property.

Mr. Lindskog emphasized the PUD would have amenities for the residents as well as green space.

With no one else appearing, the public hearing was closed.

Councilmember Wells moved to approve the land use plan change ordinance [11-049], seconded by Councilmember Cole. The motion was approved 5-0.

Councilmember Wells moved to approve the rezoning ordinance [11-050], seconded by Councilmember Rivera. The motion was approved 5-0.

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.

The captions of the ordinances were read as follows:

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL RESIDENTIAL' AND 'FOURPLEX RESIDENTIAL' TO 'MULTIFAMILY RESIDENTIAL' FOR 6.642 ACRES OF LAND LOCATED ON THE NORTH RIGHT-OF-WAY OF WINKLER AVENUE APPROXIMATELY 792' EAST OF THE INTERSECTION OF 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-3 (LOCAL BUSINESS DISTRICT) TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) WITH A PLANNED UNIT DEVELOPMENT (PUD); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

These requests are for a change to the comprehensive plan to allow for multi-family residences rather than four-plexes and to rezone from local business to multi-family. The PUD will provide for 164 units in seven apartment buildings, a clubhouse, pool, cabana, and parking spaces. The Planning and Zoning Commission recommended approval of both requests, with the following conditions on the PUD: ornamental trees with shallow root systems shall be planted within the nine-foot landscape buffer and additional large canopy trees such as oak shall be planed around the clubhouse; an amended site plan illustrating the proposed sports park area shall be submitted to the staff prior to any permitting activity; and the wooden privacy fence on the east property line shall be opaque and at least six feet in height.

Mayor Hancock opened the public hearing. Alan Lindskog appeared in support of the requests. He said fifty percent of the trees will be four inch caliper or larger and will add more vegetation and additional recreation facilities. With no one else appearing, the public hearing was closed.

Councilmember Wells moved to approve the ordinances [11-051, 11-052] including the conditions added by the Planning and Zoning Commission, seconded by Councilmember Rivera. The motion was approved 5-0.

Mayor Pro-Tem Cospers returned to Council deliberations.

**PH-7 HOLD** a public hearing and consider an ordinance amending the Fiscal Year 2010-11 Annual Budget and Plan of Municipal Services.

The caption of the ordinance was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS AMENDING THE FY 2010-2011 ANNUAL BUDGET AND PLAN OF MUNICIPAL SERVICES OF THE CITY OF KILLEEN BY INCREASING VARIOUS GENERAL FUND ACCOUNTS; DECREASING VARIOUS REVENUE AND EXPENSE ACCOUNTS IN THE FIRE DEPARTMENT SPECIAL REVENUE ACCOUNTS; INCREASING TRANSFERS FROM THE GENERAL OBLIGATION BOND 2004 FUND AND THE COMBINATION G/O AND C/O 2007 BOND FUND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

Finance Director Barbara Gonzales advised the 2010-2011 budget included two new programs in the Fire Department: non-emergency ambulance transport and the revenue recovery program. The non-emergency transport program was not implemented since it was determined it would generate a substantial loss. The revenue recovery program was implemented but has shown to be

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  $\frac{3}{4}$  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
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- OR-1 Consider an ordinance granting an electric power franchise to Oncor Electric Delivery Company, LLC. (2<sup>nd</sup> 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.





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

**REZONING CASE: #Z11-18 B-3 (LOCAL BUSINESS DISTRICT) TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) W/ PUD**

**Nature of the Request**

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

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.

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. The PUD development will contain 353 parking spaces, which includes 11 handicapped spaces, and 13 motorcycle spaces. The applicant will provide a nine foot landscape buffer and privacy fence along the east side of the property adjacent to the single-family residential subdivision.

**District Descriptions:**

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

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

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

### **Planned unit development (PUD) required.**

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

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

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

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

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

<b>Property Specifics</b>
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**Applicant/Property Owner:** Dorel Killeen Holdings, LLC

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

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

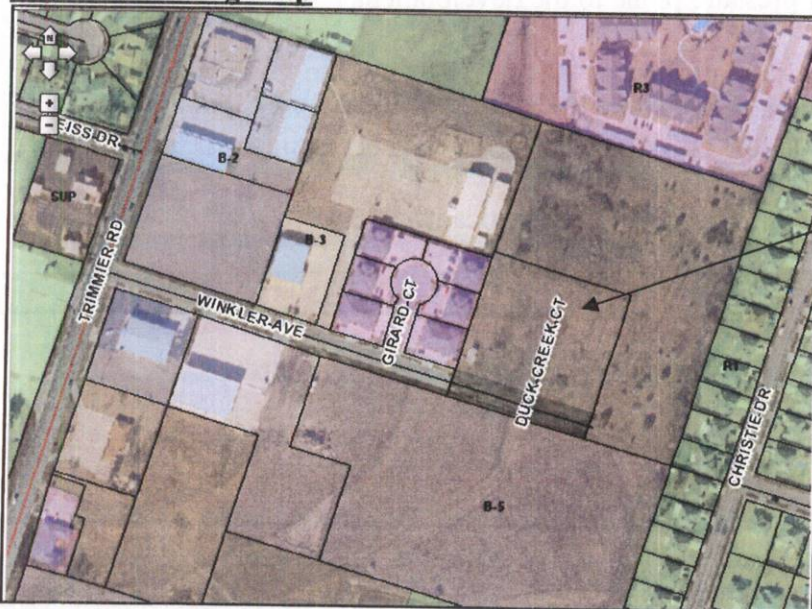
**Zoning/ Plat Case History:**

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

**Character of the Area:**

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

**Figure 1. Zoning Map**



Subject Site

**Figure 2. Aerial Map**



Subject Site

**Historic Properties:** None

### **Infrastructure and Community Facilities**

**Emergency Response:**

Fire District: 6

Fire Response Zone: 6-1

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

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

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

**Transportation:**

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

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

Projected Traffic Generation: The traffic impact will be significant.

### **Environmental Assessment**

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

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

### **Land Use Analysis**

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

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

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

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

**Public Notification**

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

**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, 2<sup>nd</sup> 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, 2<sup>nd</sup> 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 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 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.

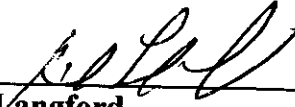
### COMMISSION & STAFF ITEMS

- 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**

<b>COMMISSION</b>	<b>STAFF</b>
<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, 2<sup>nd</sup> 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

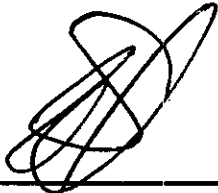
Personally appeared before the undersigned authority

**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**.

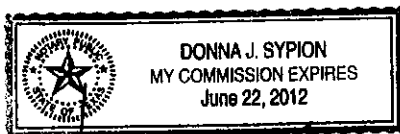


Advertising Representative

Subscribed and sworn before me on April 11, 2011.



Notary Public, Bell, Texas



P.O. Box 1300

1809 Florence Rd.

Killeen

(254) 634-2125



### 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. 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**

P.O. Box 1329  
Killeen, Texas 76540-1329  
Planning and Development Services Department



UNITED STATES POSTAGE  
PRIME RATE  
02 1M  
0004236512  
JUN 01 2011  
MAILED FROM ZIP CODE 76541  
**\$ 00.44**

RECEIVED

JUN 06 2011

PLANNING

211-18/14  
DAVIS, VIRI  
3303 CHRIS  
KILLEEN TX

X TIME N7E 1 5101 00 06/04/11  
FORWARD VIRI DAVIS  
2101 WHISTLING WAY  
TAYLOR TX 76574-1975

RETURN TO SENDER

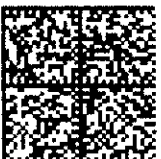
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**CITY OF KILLEEN**

P.O. Box 1329  
Killeen, Texas 76540-1329  
Planning and Development Services Department



UNITED STATES POSTAGE  
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JUN 01 2011  
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JUN 06 2011

PLANNING

211-18/20  
ALVESTEFFER, JOSEPH  
3407 CHRISTIE DR  
KILLEEN TX 76542-6111

X TIME N7E 1 5101 00 06/04/11  
FORWARD VIRI DAVIS  
2101 WHISTLING WAY  
TAYLOR TX 76574-1975

RETURN TO SENDER

7555406135

|||||



CITY OF KILLEEN

PLANNING & DEVELOPMENT SERVICES

June 1, 2011

RE: CASE #Z11-18: A request has been submitted 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.

Dear Property Owner:

Al and Bonnie Young, 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 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*

Vicki Wanken  
Planning Assistant  
Attachments

<b>YOUR NAME:</b>	
<b>CURRENT ADDRESS:</b>	
<b>ADDRESS OF PROPERTY OWNED:</b>	
<b>COMMENTS:</b>	B-3 to R-3A w/PUD
<b>SIGNATURE:</b>	SPO #Z11-18/

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

**A-R1**  
**AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT**

Single-family residential  
Home occupation as permitted in "R-1" single-family residential  
Accessory buildings customarily incident 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 ranges or 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, 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, incident 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  
"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."  
Two-family dwellings

**R-3F**  
**MULTI-FAMILY RESIDENTIAL DISTRICT**

All uses allowed in section "R-1"  
Multi-family 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 incident 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(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 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

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.

**UOO**  
**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 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.

Business day care.  
Bakery shop (retail sales only).  
Barbershop, beauty shop to include permanent cosmetics (licensed per

Business day care.  
Bakery shop (retail sales only).  
Barbershop, beauty shop to include permanent cosmetics (licensed per

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 flowers or p. raising or outside display or storage.  
Restaurant, coffee shop, or cafe (no dine-in/drive 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

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 flowers or p. raising or outside display or storage.  
Restaurant, coffee shop, or cafe (no dine-in/drive 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.

Business day care.  
Bakery shop (retail sales only).  
Barbershop, beauty shop to include permanent cosmetics (licensed per

**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. Dispensing apothecary. 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." Appliances (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 (truck-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 455, 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 substations.

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. Studio for photography, interior decoration, fine arts instruction, or sale of art objects. Telephone exchange building. A customarily incidental use.

**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. Appliances (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) 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 455, 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 substations.

Restaurant or cafe (with drive-in or pick-up service). Tennis or swim club. Small annual 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. Theaters of general release. Mini/self storage; no outside storage, sales, service, repair activities.

**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 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. 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.

Any use permitted in district "B-4."

**B-4  
BUSINESS  
DISTRICT**

Any use permitted in district "B-3." 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 from line 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).

Any use permitted in district "B-5."

**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.

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.

**B-C-1  
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.

**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.

Any use permitted in the "M-1" district.

**M-2  
HEAVY  
MANUFACTURING  
DISTRICT**

Any use permitted in the "M-1" district.

Great elevator. Flour mill. Yeast 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. Stockyards, 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.

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-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. Some 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.

**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

June 1, 2011

**RE: CASE #Z11-18: A request has been submitted 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.**

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 2<sup>nd</sup> 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 38<sup>th</sup> 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





**CITY OF KILLEEN**

P.O. Box 1329  
Killen, Texas 76540-1329  
Planning and Development Services Department

**RECEIVED**  
**APR 05 2011**  
**PLANNING**

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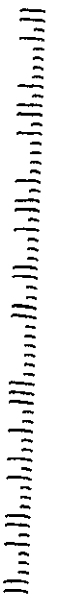
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3505 CHRISTIE DR  
KILLEEN TX 76542.

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**CITY OF KILLEEN**

P.O. Box 1329  
Killeen, Texas 76540-1329  
Planning and Development Services Department

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APR 06 2011

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**CITY OF KILLEEN**

P.O. Box 1329  
Killeen, Texas 76540-1329  
Planning and Development Services Department

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APR 07 2011  
PLANNING

Z11-18/17  
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MARIA C  
1666 CANTON LN  
OVIDO FL 32761

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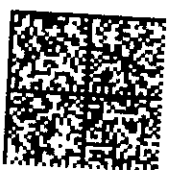
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MAILED FROM ZIP CODE 76541



**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**

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

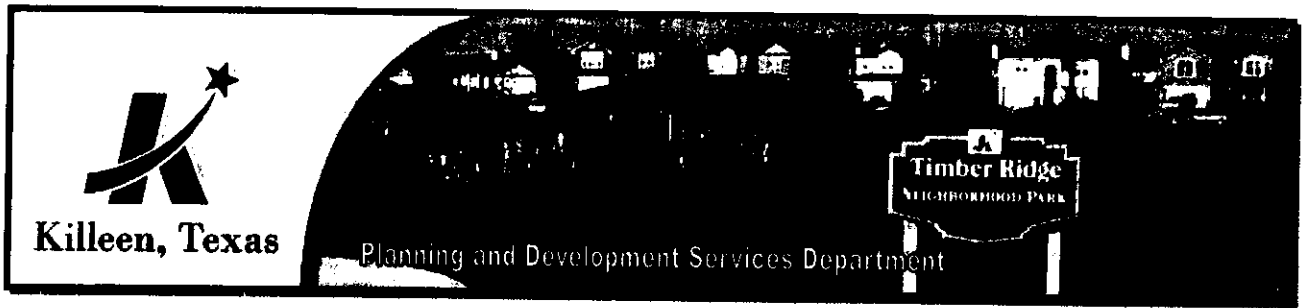
**AMERICANS WITH DISABILITIES ACT**

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: #Z11-18 B-3 (LOCAL BUSINESS DISTRICT) TO R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) W/ PUD**

**Nature of the Request**

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

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 on the north right-of-way of Winkler Avenue, east of Trimmier Road, Killeen, Texas.

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

**Zoning/ Plat Case History:**

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

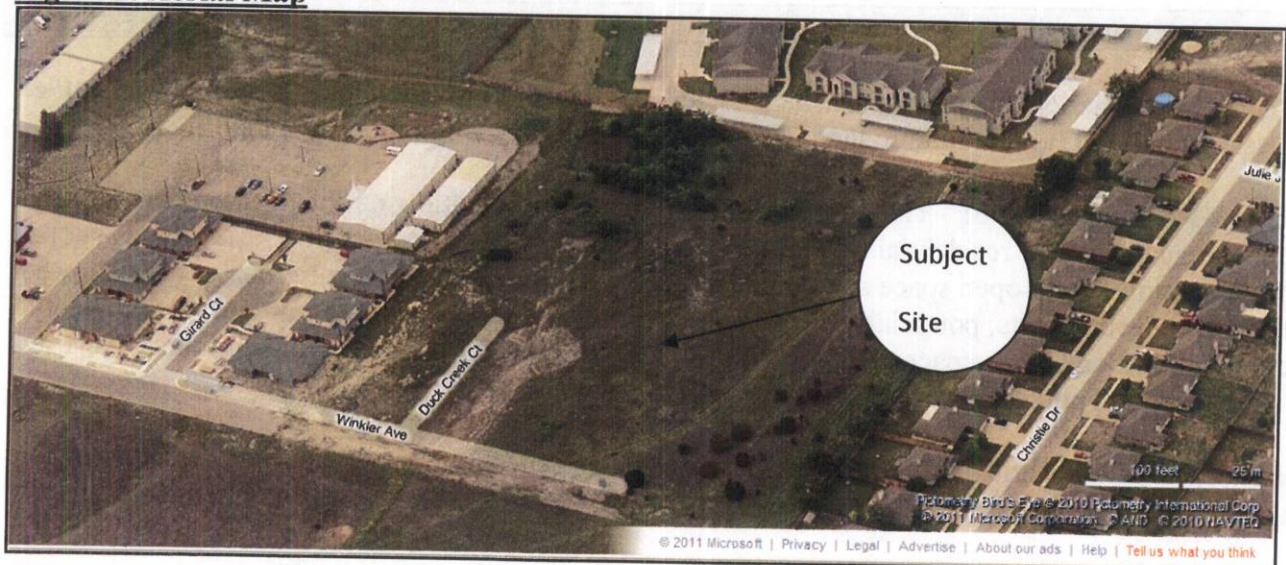
**Character of the Area:**

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

**Figure 1. Zoning Map**



**Figure 2. Aerial Map**





**Historic Properties:** None

**Infrastructure and Community Facilities**

**Emergency Response:**

Fire District: 6

Fire Response Zone: 6-1

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

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

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

**Transportation:**

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

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

Projected Traffic Generation: The traffic impact will be significant.

**Environmental Assessment**

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

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

**Land Use Analysis**

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

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

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

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

**Public Notification**

The staff notified thirty one (31) surrounding property owners regarding this request. Staff has received no protests 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 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, 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 6.642 acres of land, which would allow a maximum of 116 units on the site. The applicant is proposing 188 units on the site. Staff would like to density reduced for this phase of development or superior development standards applied to the exterior building materials, landscaping, or screening.

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

CASE NUMBER: Z11-18

DATE: 03-30-11

**1. APPLICANT:**

Name: Al and Bonnie Young  
 Received: \$ 200.00  
 Present Zoning: B-3  
 Proposed Zoning/Permit: R-3A w/ PUD  
 Requested Time Period: N/A  
 Proposed Use: Apartment Complex  
 Address/General Location: north right-of-way of Winkler Avenue  
 Legal Description of Property: 6.642 acres part of WH Cole Srvt A-201

**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:
- |                      | Adequate | Proposed | Inadequate |
|----------------------|----------|----------|------------|
| a. Parks/open space  | _____    | _____    | _____      |
| b. Police protection | _____    | _____    | _____      |
| c. Fire protection   | _____    | _____    | _____      |
| d. Other _____       | _____    | _____    | _____      |

*development will require extension of Winkler Ave to an improved street profile*

*development will require extension of an additional pipe from the City's upper pressure main to the development*

*APR 1 2011*



# CITY OF KILLEEN

PLANNING & DEVELOPMENT SERVICES

March 30, 2011

**RE: CASE #Z11-18: A request has been submitted 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.**

Dear Property Owner:

Al and Bonnie Young, 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

<b>YOUR NAME:</b>	
<b>CURRENT ADDRESS:</b>	
<b>ADDRESS OF PROPERTY OWNED:</b>	
<b>COMMENTS:</b>	<b>B-3 to R-3A w/PUD</b>
<b>SIGNATURE:</b>	<b>SPO #Z11-18/</b>



CITY OF KILLEEN  
PLANNING & DEVELOPMENT SERVICES

March 30, 2011

**RE: CASE #Z11-18: A request has been submitted 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.**

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 2<sup>nd</sup> 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.

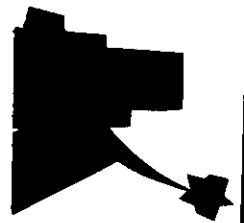
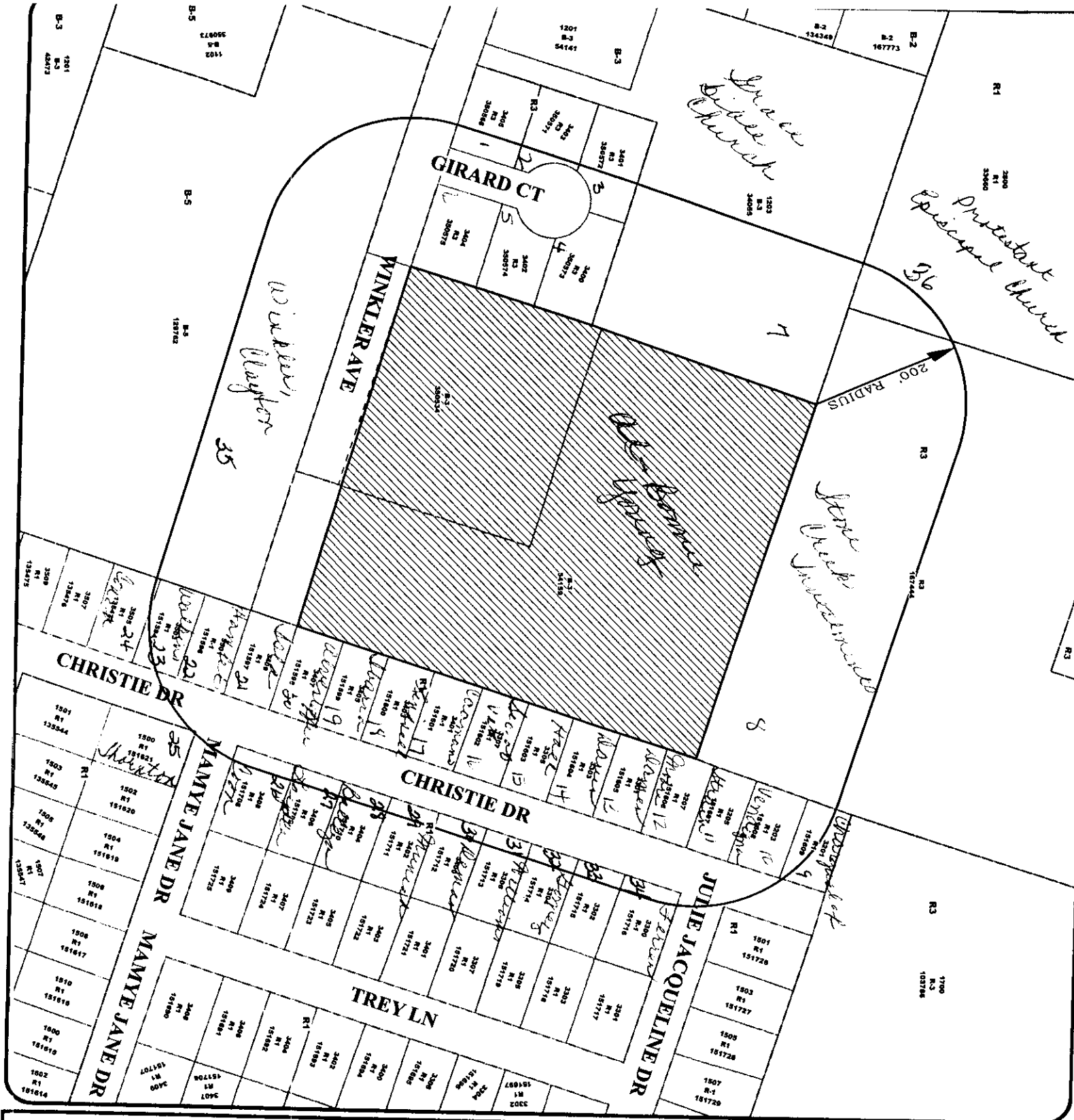
Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

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:**  
#211-18

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

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

**ADDRESS/LOCATION:**  
WINKLER AVE  
KILLEEN, TX 76542

**PROPERTY OWNER:**  
AL & BONNIE YOUNG

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

**DATE:**  
3/15/2011



	A	B	C	D	E	F	G	H
	PROP_ID	Parcel/OWne No	file_as_na	addr_line1	addr_line3	addr_city	addr_state	addr_zip
1								
2	350534	Z11-18/01-06	YOUNG, AL R ETUX BONNIE J		4984 ONION RD	KILLEEN	TX	76542-3918
3	34055	Z11-18/07	GRACE BIBLE CHURCH OF CENTRAL TEXAS		1203 WINKLER AVE	KILLEEN	TX	76542-6108
4	167444	Z11-18/08	STONE CREEK INVESTMENT LLC	DBA KC STONE CREEK APARTMENTS LLC	2020 W 89TH ST STE 320	LEAWOOD	KS	66206-1961
5	151609	Z11-18/09	CHARGUALAF, MICHAEL A		3201 CHRISTIE DR	KILLEEN	TX	76542-6113
6	151608	Z11-18/10	VENDEGNA, JESSE TRAVIS		3203 CHRISTIE DR	KILLEEN	TX	76542-6113
7	151607	Z11-18/11	STRAIN, STEPHEN E ETUX MONIKA		3205 CHRISTIE DR	KILLEEN	TX	76542-6113
8	151606	Z11-18/12	MOORE, WAYNE A ETUX VIRGINIA L		3207 CHRISTIE DR	KILLEEN	TX	76542-6113
9	151605	Z11-18/13	DAMES, SHARVON L ETVIR TYRONE		3301 CHRISTIE DR	KILLEEN	TX	76542-6115
10	151604	Z11-18/14	DAVIS, VIRDA M		3303 CHRISTIE DR	KILLEEN	TX	76542-6115
11	151603	Z11-18/15	HALL, SHAWN-PIERRE J		3305 CHRISTIE DR	KILLEEN	TX	76542-6115
12	151602	Z11-18/16	SECRETARY OF VETERANS AFFAIRS	C/O DIRECTOR V A REGIONAL OFFICE	6900 ALMEDA RD	HOUSTON	TX	77030-4200
13	151601	Z11-18/17	CAAMANO, RAFAEL JR ETUX	MARIA C	1666 CANTON LN	OVIEDO	FL	32765-6265
14	151600	Z11-18/18	LINDELL, STEVEN C ETUX TONG H		605 N GRAY ST	KILLEEN	TX	76541-4846
15	151599	Z11-18/19	IBARRA, MARIA ESTELA & GILBERTO		2217 KITTYHAWK DR	PLANO	TX	75025-6057
16	151598	Z11-18/20	ALVESTEFFER, JOSEPH A ETUX	IN SUK	3407 CHRISTIE DR	KILLEEN	TX	76542-6117
17	151597	Z11-18/21	ISLAS, DANIEL ETUX SUSANNA H		3409 CHRISTIE DR	KILLEEN	TX	76542-6117
18	151596	Z11-18/22	HAMLETT, WILLIAM W III		3501 CHRISTIE DR	KILLEEN	TX	76542-2833
19	151594	Z11-18/23	WATKINS, ADRIENNA LYNN		3503 CHRISTIE DR	KILLEEN	TX	76542-2833
20	135477	Z11-18/24	COUCH, AMBER M ETVIR BRUCE A		3505 CHRISTIE DR	KILLEEN	TX	76542-2833
21	151621	Z11-18/25	THORNTON, CHARLES E & AIKATERINI		CMR 416 BOX 359	APO	AE	09140-0359
22	151708	Z11-18/26	COON, CHARLES B & CAROL M		3408 CHRISTIE DR	KILLEEN	TX	76542-6116
23	151709	Z11-18/27	LOYOLA, MITCHELL D ETUX EVELYN		2505 TRANSIT DR	KILLEEN	TX	76543-5922
24	151710	Z11-18/28	BALLEZA, ROBERT A ETUX ZULEIKA		3404 CHRISTIE DR	KILLEEN	TX	76542-6116
25	151711	Z11-18/29	MUNIAK, DAVID A ETUX SYLVIA		3402 CHRISTIE DR	KILLEEN	TX	76542-6116
26	151712	Z11-18/30	DEMAS, MATTHEW ETUX LORI		337 DENTON SPRINGS CT	LAS VEGAS	NV	89138-1598
27	151713	Z11-18/31	WILLIAMS, DENNIS L ETUX KAYE A		3306 CHRISTIE DR	KILLEEN	TX	76542-6114
28	151714	Z11-18/32	GOMEZ- FELICIANO, GLADYS		3304 CHRISTIE DR	KILLEEN	TX	76542-6114
29	151716	Z11-18/34	FERRER, EDWIN E		3300 CHRISTIE DR	KILLEEN	TX	76542
30	129762	Z11-18/35	WINKLER, CLAYTON S ETUX NELLIE R		PO BOX 10013	KILLEEN	TX	76547-0013
31	33660	Z11-18/36	EPISCOPAL CHURCH	C/O REV ROBERT VICKERY	505 W VARDEMAN AVE	KILLEEN	TX	76541-7962
32		Z11-18/AGENT	HOWARD MORENO		501 ADAMS ST	SAN ANTONIO	TX	78210
33	54159	Z11-18/OWNER	YOUNG, AL R ETUX BONNIE J		4984 ONION RD	KILLEEN	TX	76542-3918

*Z11-18/33* *Kowalewski, Christopher H.*  
*+ Kofja*

*3302 Christie* *K*

*Handwritten marks and scribbles at the top of the page.*



CITY OF KILLEEN

P.O. Box 1329  
Killeen, Texas 76540-1329

31025

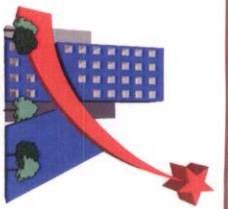
RECEIVED OF Howard C Moreno DATE 3-11, 2011

Four thousand no/100 DOLLARS \$ 400.00

2 Rezoning cases (W. Miller & Summer / W. Miller Ave.)

Form 1001

By [Signature]



**PLANNING AND  
DEVELOPMENT SERVICES**

**ZONING CASE:**  
#Z11-18

**ZONING FROM:**  
B-3 to PUD

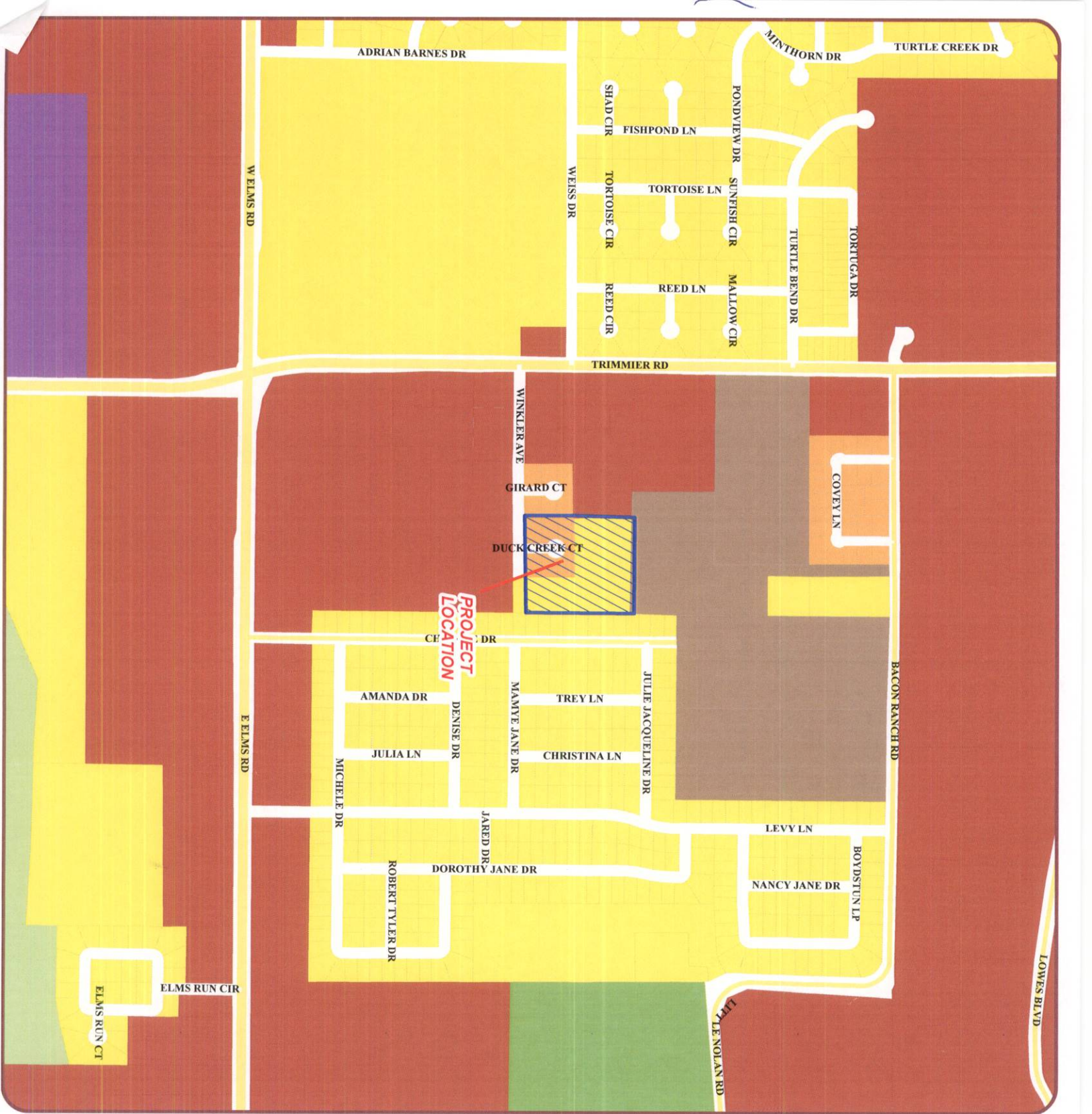
**LEGAL DESCRIPTION:**  
6.642 ACRES OUT OF  
WH COLE SURVEY  
ABSTRACT 201

**ADDRESS/LOCATION:**  
WINKLER AVE  
KILLEEN, TX 76542

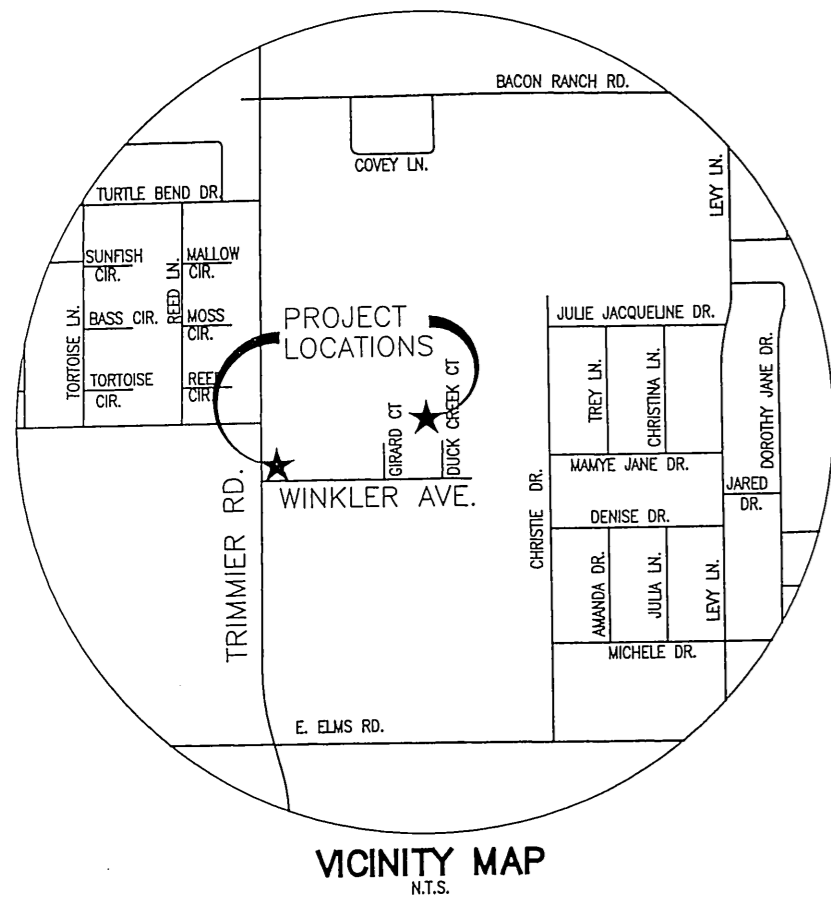
**PROPERTY OWNER:**  
AL & BONNIE YOUNG

- Legend**  
Zoning Cases 2011 selection
- City Limits
  - COK\_Future\_Land\_Use
  - COK\_Future\_Land\_Use\_Rep
  - Urban Center (U)
  - University Village (UV)
  - Planned Development (PD)
  - Multi-Family Residential (MFR)
  - Industrial (I)
  - Neighborhood Conservation (GC)
  - Residential Mix (R-MIX)
  - Four-Plex Residential (RP)
  - 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)

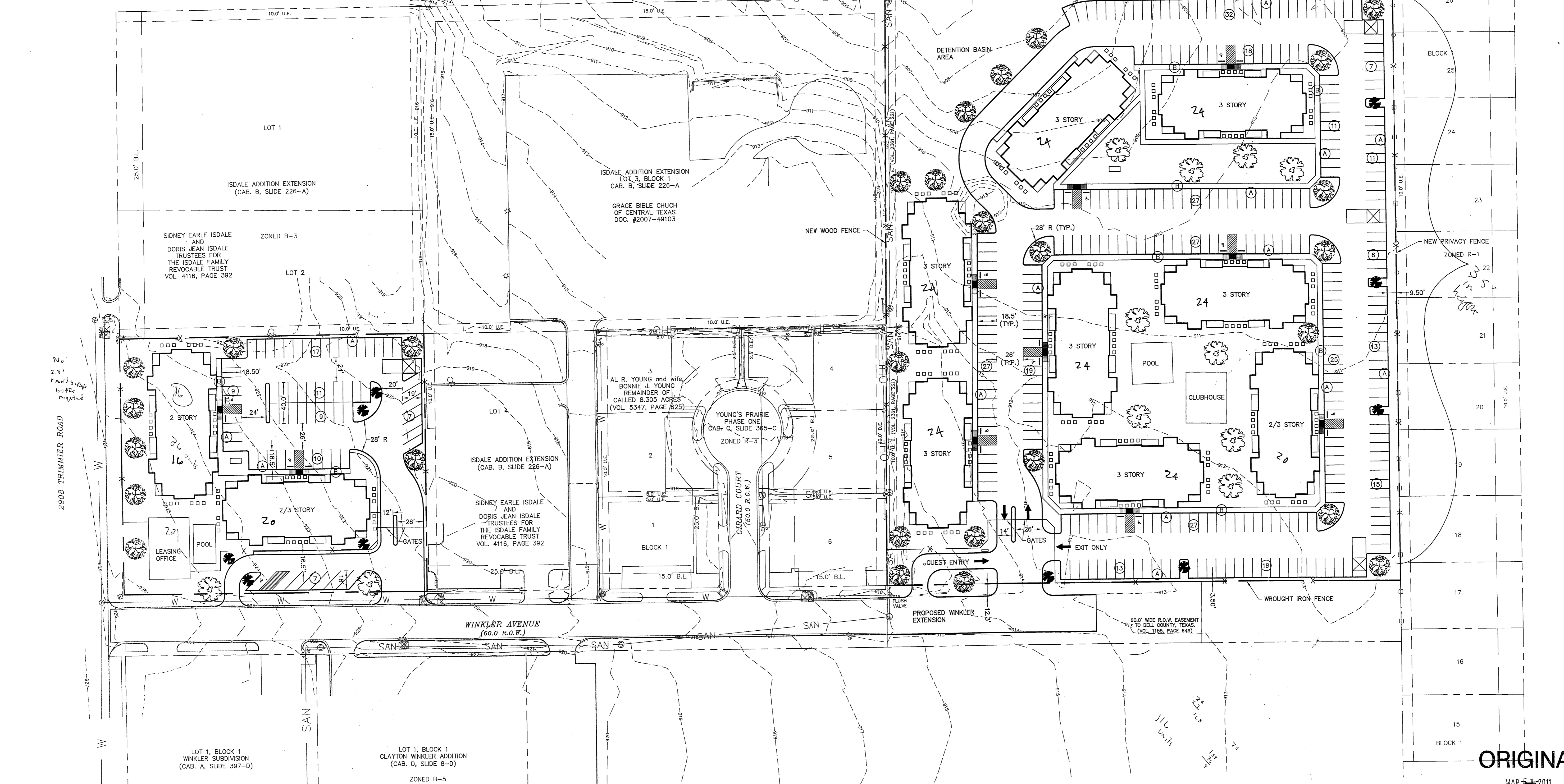
**DATE:**  
2/11/2011







12.62  
- 6.642 Acres  
- 1.73  
221  
220



SCALE: 1" = 50'

**PARKING NOTES:**  
A. SPACES USE 1.5' OVERHANG TO MEET 2.0' DEPTH REQUIREMENTS.  
B. 5' SIDEWALK + 0.5' CURB.  
PARKING REQUIRED = 366 SPACES  
PARKING PROVIDED = 366 SPACES

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

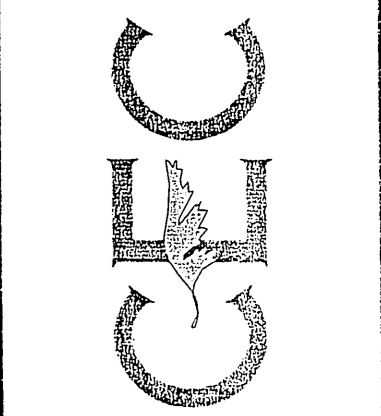
**LEGEND:**  
[Symbol] DUMPSTER

**ORIGINAL**  
MAR 11 2011  
15  
**SUBMISSION**

MAR 15 2011  
CITY OF KILLEEN  
PUBLIC WORKS

DESIGNED BY: A.D.L.  
DRAWN BY: R.G.P.  
APPROVED: A.D.L.  
JOB NO.: E0394200

D.O.R. ENGINEERING CONSULTANTS  
11150 IH-10 WEST, SUITE 395  
SAN ANTONIO, TEXAS 78230-1037  
TEL: (210) 641-9999  
FAX: (210) 641-6440  
REGISTRATION #2214



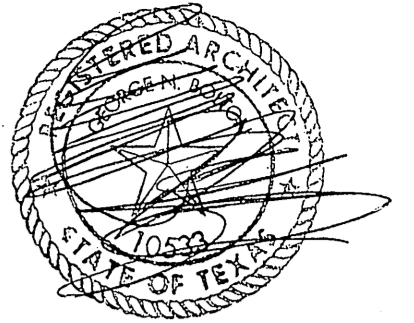
DESCRIPTION

REV	DATE	DESCRIPTION

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

SHEET NO.  
**P1**





JOB NUMBER: 1080900  
 DRAWN BY: RH  
 CHECKED BY: UEC

**Niles Bolton Associates, Inc.**  
 One Brickhead Plaza  
 5060 Peachtree Road, NW  
 Suite 600  
 Atlanta, Georgia  
 404-365-7800  
 Fax 404-365-7810  
 nba@nilesbolton.com

REVISIONS  
 DATE DESCRIPTION

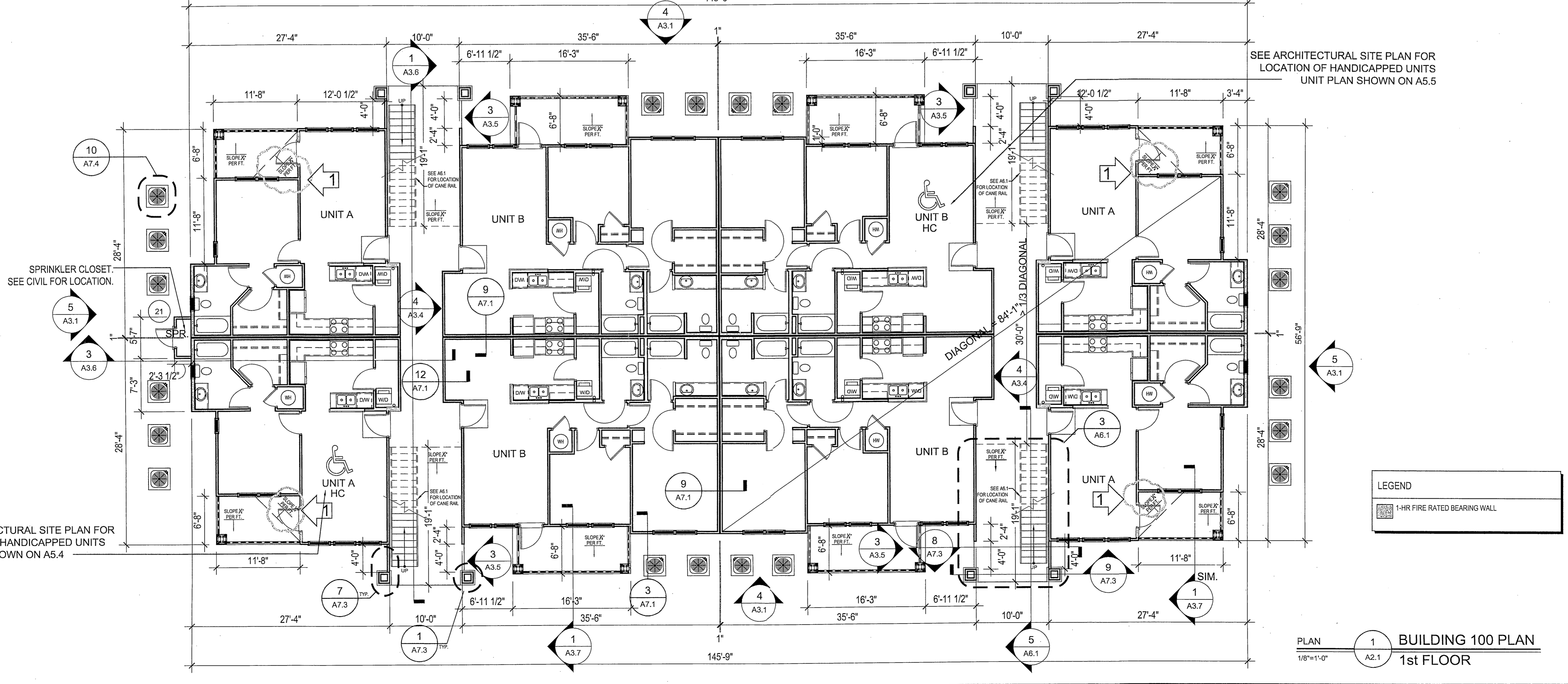
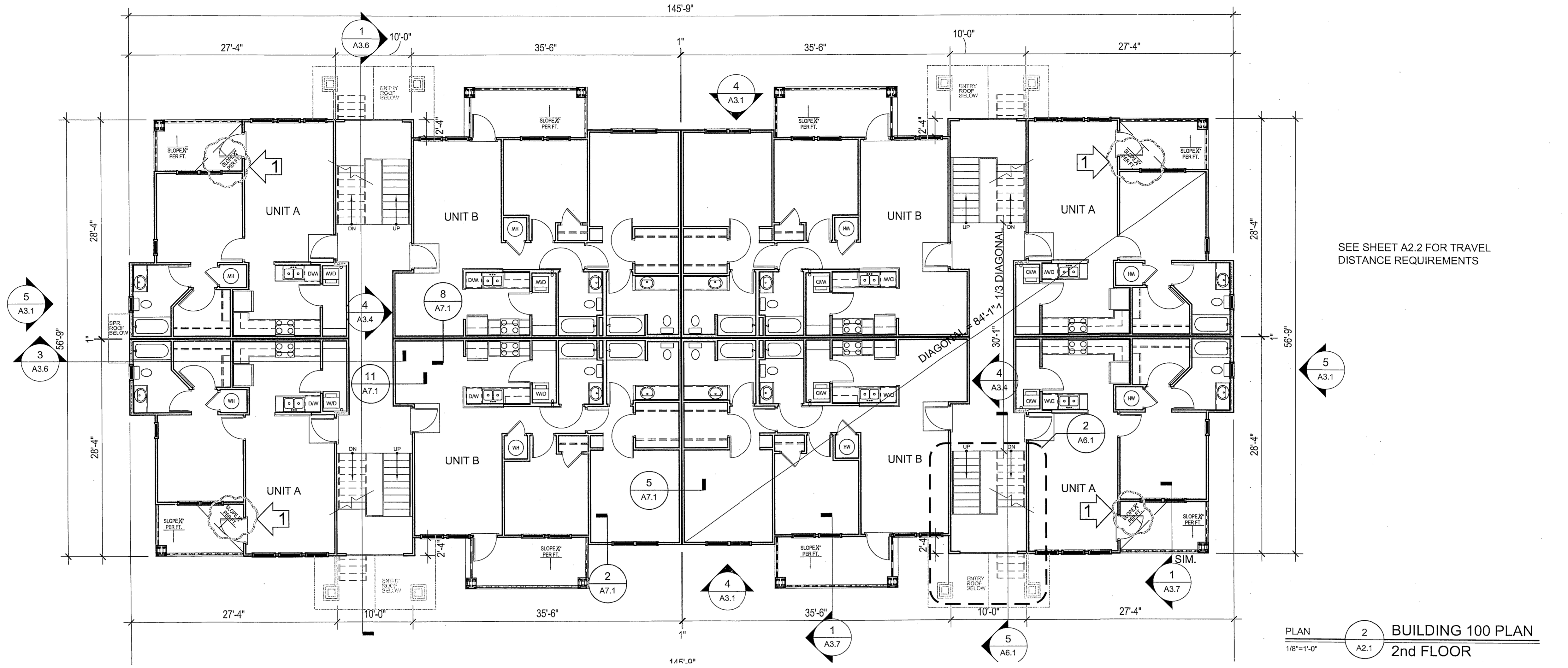
12/4/09 clarification

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**more** apartments  
 359 Bob Bullock Loop  
 Laredo, TX 78043  
 Marcus Organization

BLDG TYPE 100  
 1ST & 2ND FLOOR PLAN

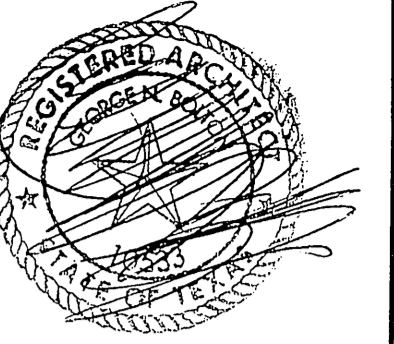
**A2.1**  
 CONSTRUCTION SET  
 DATE: 12/04/09





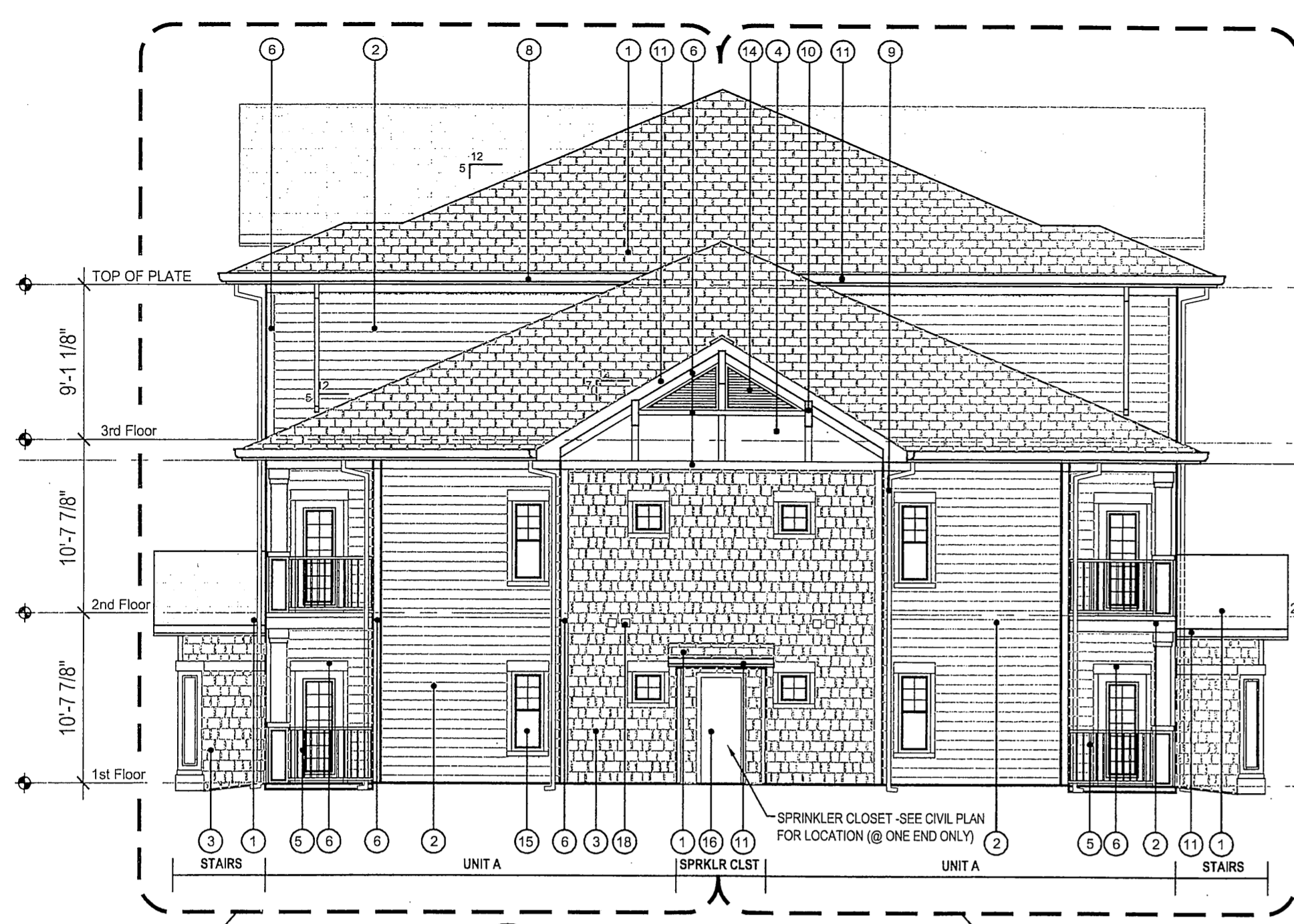






JOB NUMBER: 108109.00  
 DRAWN BY: JH  
 CHECKED BY: UEC

**Niles Bolton Associates, Inc.**  
 One Buckhead Plaza  
 3060 Peachtree Road, NW  
 Suite 600  
 Atlanta, Georgia  
 404-366-7600  
 Fax 404-366-7610  
 nba@nilesbolton.com



Elevation 5 BLDG 100 END ELEVATION  
 1/8"=1'-0" A3.1



Elevation 4 BLDG 100 FRONT/REAR ELEVATION  
 1/8"=1'-0" A3.1

**MATERIAL KEY**

1	FIBERGLASS SHINGLES	10	PREFAB. SYNTHETIC ARCH BRACKETS
2	FIBER CEMENT LAP SIDING	11	SYNTHETIC FACIA
3	FIBER CEMENT SHINGLE SIDING	12	RIDGE VENT (SHINGLE VENT)
4	FIBER CEMENT BOARD	13	OFF-RIDGE VENT
5	PVC RAILING	14	LOUVERED GABLE VENT
6	SYNTHETIC TRIM	15	WINDOW-SEE SCHEDULE, TYP.
7	NOT USED	16	DOOR-SEE SCHEDULE, TYP.
8	PREFAB. ALUMINUM OGEE GUTTER	17	ARCHITECTURAL FIBERGLASS SHINGLES, TYP.- LEASING
9	PREFAB. ALUMINUM RECT. DOWNSPOUT	18	TOILET VENT

- ROOF PLAN LEGEND**
- ATTIC DRAFTSTOP
  - RIDGE VENT
  - - - - - GUTTER
  - ORV OFF-RIDGE VENT
  - DS DOWNSPOUT LOCATION
  - Direction of Roof Slope

- ROOF PLAN NOTES**
- PROVIDE VALLEY FLASHING WHERE ROOF PITCHES CHANGE & WHERE ROOF INTERSECTS VERTICAL SURFACES.
  - ALL ROOF SLOPES ARE 5/12 TYPICAL UNLESS NOTED OTHERWISE
  - RIDGE VENT TO BE "SHINGLEVENT 11" BY AIR VENT INC., A CERTAINTED COMPANY
  - PROVIDE GABLE END TRUSSES @ ALL GABLE END CONDITIONS AND @ ALL VERT. DRAFTSTOP LOCS. ABOVE AND IN LINE W/ PARTY WALLS
  - 1'-6" ROOF TRUSS OVERHANG @ FASCIA, TYP. UNLESS OTHERWISE NOTED.
  - ROOF SHINGLES TO BE MIN. CLASS C
  - ATTIC ACCESS 22"x36". 1 HR RATED W/ LOCK.
  - DIMENSIONS SHOWN ON ROOF PLAN ARE FROM FACE OF STUDS TO ENDS OF ROOF TRUSSES.
  - CONFORM TO MANUF. RECOMMENDATIONS FOR SLOPES LESS THAN 3:12
  - PROVIDE CONTINUOUS 3" VINYL SOFFIT VENTS

**GUTTER & DOWNSPOUT CALCULATIONS- BUILDING 100**

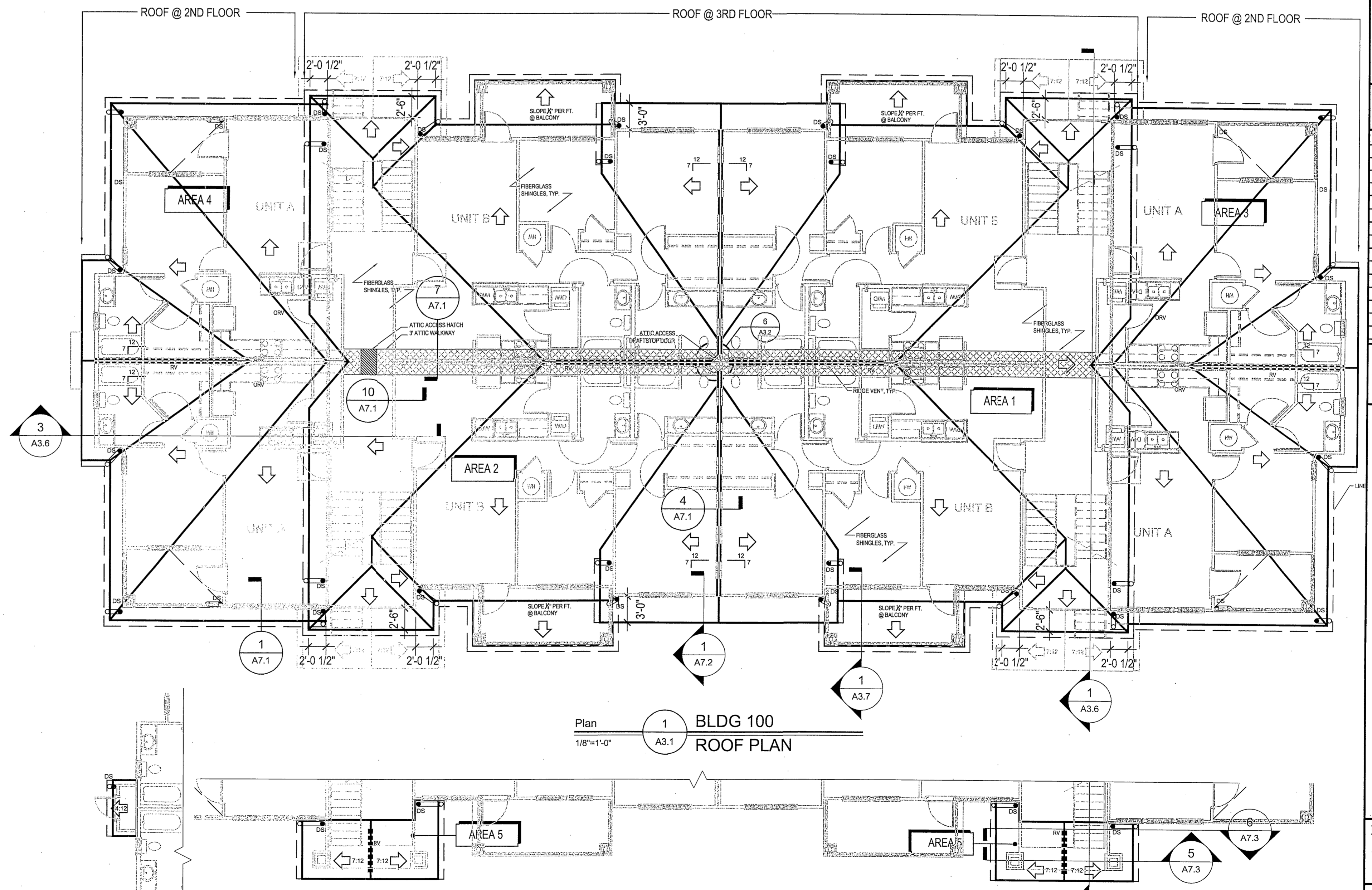
1. GUTTER WIDTH & DEPTH  
 MAX. DRAINED ROOF AREA = 613.03 SQ.FT.  
 RAIN INTENSITY PER TABLE 1-2 = 10.5 IN/HR  
 IA (INTENSITY X AREA) = 6,437  
 LENGTH OF GUTTER @ MAX. AREA = 57'-0"  
 M= GUTTER DEPTH/WIDTH = 0.75  
 REFER TO SMACNA CHART 1-1 FOR SIZE:  
 5 IN. GUTTER WIDTH MIN.

2. AREA OF DOWNSPOUT  
 MAX. PITCHED ROOF AREA PER D.S. = 613.03 SQ. FT.  
 PER TABLE 1-2 FOR TEXAS DOWNSPOUT DRAINAGE THE CALCULATED ROOF AREA DRAINED PER D.S. AREA=110 SQ. FT./ SQ. IN.  
 = 613.03 SQ.FT./110 SQ.FT./SQ.IN.  
 = 5.6 SQ.IN.  
 REFER TO SMACNA CHART 1-3 FOR SIZE:  
 3 IN X 4 IN DOWNSPOUT

**ATTIC AREA CALCULATIONS**  
**VENTILATION AREA OF EACH DEVICE:**  
 SOFFIT VENT (SV): 9 SQ. IN. PER FOOT  
 RIDGE VENT (RV): 18 SQ. IN. PER FOOT  
 OFF RIDGE VENT (ORV): 200 SQ. IN. PER VENT  
 LOUVER GABLE VENT: 1/2 VENT AREA

AREA 1&2 : 2,444 SF @ 1/150  
 VENTILATION AREA REQUIRED:  
 2,444 SF x 1/150 x 144 = 2,346 SI  
 MORE THAN 1173 SI IS REQUIRED TO BE VENTED 3'-0" ABOVE SOFFIT.  
 SOFFIT VENT: 136' X 9 = 1224 SI  
 RIDGE VENT: 17' X 18 = 306 SI  
 LOUVER VENT: 1766 SI/2 = 883 SI

AREA 3&4 @ LOW ROOF : 1,257 SF @ 1/150  
 VENTILATION AREA REQUIRED:  
 1,257 SF x 1/150 x 144 = 1,206 SI  
 MORE THAN 603 SI IS REQUIRED TO BE VENTED 3'-0" ABOVE SOFFIT.  
 SOFFIT VENT: 115' X 9 = 1,035 SI  
 RIDGE VENT: 17' X 18 = 306 SI  
 LOUVER VENTS: 1348 SI/2 = 674 SI



Plan 1 BLDG 100 ROOF PLAN  
 1/8"=1'-0" A3.1

Plan 3 BLDG 100 1st FLR SPR. RM. ROOF PLAN  
 1/8"=1'-0" A3.1

Plan 2 BLDG 100 1st FLR ENTRY ROOF PLAN  
 1/8"=1'-0" A3.1

**REVISIONS**

DATE	DESCRIPTION

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**dorel** apartments  
 359 Bob Bullock Loop  
 Laredo, TX 78043  
**Marcus Organization**

BLDG 100 ELEVATIONS & ROOF PLAN

**A3.1**

CONSTRUCTION SET  
 DATE: 12/04/03