

Case File # Z13-27

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 13-069)
- Owner Approval Letter/Dated 10-9-13
- CC Minutes (Date 9-24-13)
- CC Agenda (Date 9-24-13)
- CC Packet: (CCMO, Minutes, Considerations, Application, SPO Responses)

- Public Notice
- P&Z Minutes (Signed Copy) (Date 9-9-13)
- P&Z Agenda (Date 9-9-13)
- P&Z Packet: (P&Z Memo, Considerations, Application, Maps, SPO responses)

- PVT

- SPO Responses (if any)

- PO/SPO Letter: 0 Sent Support Opposed 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 10-9-13)
- Changed zoning in Land Management (Date _____)



CASE #:

213-27

City of Killeen Zoning Change Application

Name(s) of Property Owner (s): KILLEEN CHAPARRAL DEVELOPMENT, LLC & RSBP DEVELOPERS, INC

Address: 2901 E STAN SCHLUETER LOOP

City: KILLEEN State: TX Zip: 76542 -

Home Phone: () _____ Business Phone: (254) 634-5567 Cell Phone: _____

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

Address: _____

City: _____ State: _____ Zip: _____ -

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

Address/ Location of Property to be Rezoned: CHAPARRAL ROAD

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

Legal Description: 199.5 AC. AH WOOD SURVEY A-886, JB HARRIS SURVEY A-452, WE HALL SURVEY A-1116
Metes and Bounds Description

Is there a simultaneous plat of this property? NO
(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): AR1 / A / SR1 Present Use: VACANT

Proposed Zoning(s): PUD Proposed Use: SINGLE FAMILY RESIDENTIAL

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: KILLEEN ENGINEERING & SURVEYING, LTD.

Mailing Address: 2901 E. STAN SCHLUETER LOOP

City: KILLEEN State: TX Zip: 76542

Home Phone: () Business Phone: (254) 526-3981 Cell Phone:

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

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

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

Signature of Agent Michelle E. Lee Title OFFICE MANAGER

Printed/Typed Name of Agent MICHELLE E. LEE Date 8-28-13

Signature of Property Owner Gary W. Purser, Jr. Title PRESIDENT - KCD

Printed/Typed Name of Property Owner GARY W. PURSER, JR. Date 8-28-13

Signature of Property Owner Gary W. Purser, Jr. Title PRESIDENT - RSBP

Printed/Typed Name of Property Owner GARY W. PURSER, JR. Date 8-28-13

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.

FERGUS & FERGUS, L.L.P.

Attorneys and Counselors

A Limited Liability Partnership
400 Pine Street, Suite 765
Abilene, Texas 79601-5194
(325) 691-0370 | Fax: (325) 692-8107

RECEIVED
AUG 29 2013
PLANNING

Dan M. Fergus, Dec. 1925-2004

Dan Fergus, Jr.

Direct Dial: (325) 691-0370
Internet: danfergus8010@gmail.com
Board Certified Oil, Gas and Mineral Law
Texas Board of Legal Specialization

Josh R. Stein

Associate
Direct Dial (325) 691-0370
Internet: josh.stein.esq@gmail.com

August 20, 2013

Planning and Zoning Commission
City of Killeen
P. O. 1329
Killeen, Texas 76540-1329

Re: ***Case Z13-27: Hold a public hearing and consider a request submitted by the Gary W. Purser 1999 Trust ET AL and the Killeen Chaparral Development, LLC to rezone approximately 229.16 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J. B. Harris Survey, Abstract No. 452, from SR-1 (suburban Residential Single Family District), A (Agricultural District) and AR 1 (Agricultural Single Family Residential District) to PUD (Planned Unit Development) for residential use. The property is located on the north side of Chaparral Road near the Killeen/HH city limits.***

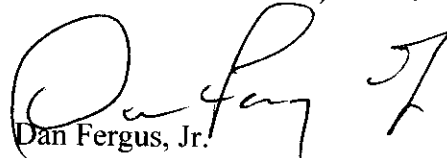
Dear Sir:

The Fergus Family owns a small parcel of land located within the J B Harris Survey. I would like to request that you change your records to show a change of address for Anita P. Fergus, etal to: 400 Pine Street, Suite 765, Abilene, Texas 79601-5194.

Should you have any questions, please contact me.

Very truly yours,

FERGUS & FERGUS, L.L.P.


Dan Fergus, Jr.

DFJR/sjm

Exhibit A

Being a 199.50 acre tract of land being part of the A.H. Wood Survey, Abstract No. 886, J.B. Harris Survey, Abstract No. 452, and W. E. Hall Survey, Abstract No. 1116, being part of the remainder of that certain tract of land conveyed to Killeen Chaparral Development, LLC, a Texas limited liability company, as recorded in Instrument No. 2012-24898, Official Public Records of Bell County, Texas and being part of the remainder of that certain tract of land conveyed to RSBP Developers, Inc., as recorded in Instrument No. 2013-3263, said Deed Records; said 199.50 acre tract being more particularly described as follows:

COMMENCING at a 3/8" Iron Rod Found, said rod being the Southwest corner of that certain tract of land conveyed to Gary W. Purser 1999 Trust Et Al as recorded in Instrument No. 2008-40763, said Deed Records, the Southeast corner of a tract of land conveyed to James L. Herring as recorded in Volume 3994, Page 340, said Deed Records, and in the North margin of Chaparral Road;

THENCE, N 69° 13' 44" E, 1499.86 feet along the South line of said Gary Purser tract, the South line of said Killeen Chaparral remainder, and with the North margin of Chaparral Road, to a point in the South line of said Killeen Chaparral remainder, the North margin of Chaparral Road, and the South line of the herein described tract the **POINT OF BEGINNING**;

THENCE, N 20° 45' 32" W, 650.00 feet across and upon said Killeen Chaparral remainder and with the West line of the herein described tract to a point, said point being in said Killeen Chaparral remainder and in the West line of the herein described tract;

THENCE, S 69° 14' 28" W, 271.81 feet across and upon said Killeen Chaparral remainder, and with the South line of the herein described tract to a point, said point being in the East line of said Gary Purser tract, the West line of said Killeen Chaparral remainder, and the Southwest corner of the herein described tract;

THENCE, N 20° 45' 28" W, 3112.57 feet with the East line of said Gary Purser tract, the West line of said Killeen Chaparral remainder, and the West line of the herein described tract to a point, said point being in the East line of said Gary Purser tract, the West line of said Killeen Chaparral remainder, and the Northwest corner of the herein described tract;

THENCE, departing the East line of said Gary Purser tract, with the North line of said Killeen Chaparral remainder, the South line of a tract of land conveyed to Dan Fergus, as recorded in Volume 4687, Page 312, said Deed Records, the South line of future proposed White Rock Estates, Phase Ten, the North line of said RSBP remainder, and the North line of the herein described tract the following calls:

1. N 68° 52' 19" E, 464.77 feet;
2. N 69° 00' 37" E, 185.21 feet;
3. Along a curve to the left having a chord bearing S 68° 43' 47" E, chord distance 63.98 feet, arc length 64.19 feet, and radius 230.00 feet;
4. S 76° 43' 30" E, 77.87 feet;
5. Along a curve to the left having a chord bearing S 81° 23' 13" E, chord distance 102.41 feet, arc length 102.53 feet, and radius 630.00 feet;
6. S 86° 02' 57" E, 53.34 feet;
7. Along a curve to the right having a chord bearing S 70° 33' 16" E, chord distance 197.69 feet, arc length 200.12 feet, and radius 370.00 feet;
8. Along a curve to the left having a chord bearing S 64° 32' 42" E, chord distance 306.52 feet, arc length 307.92 feet, and radius 930.00 feet;
9. S 74° 01' 49" E, 206.45 feet;
10. Along a curve to the left having a chord bearing N 89° 40' 52" E, chord distance 185.11 feet, arc length 187.63 feet, and radius 330.00 feet;
11. N 73° 23' 34" E, 204.46 feet;
12. Along a curve to the right having a chord bearing S 81° 29' 09" E, chord distance 101.89 feet, arc length 105.23 feet, and radius 120.00 feet;
13. S 56° 21' 52" E, 529.61 feet;

14. Along a curve to the right having a chord bearing S 51° 47' 08" E, chord distance 43.11 feet, arc length 43.15 feet, and radius 270.00 feet;
15. S 47° 12' 24" E, 121.84 feet;
16. S 33° 02' 13" E, 276.80 feet;
17. Along a curve to the left having a chord bearing N 84° 44' 52" E, chord distance 172.34 feet, arc length 174.03 feet, and radius 360.00 feet;
18. N 70° 53' 57" E, 204.83 feet to a point in said Killeen Chaparral remainder, said point being the Northeast corner of the herein described tract of land;

THENCE, across and upon said Killeen Chaparral remainder and with the East line of the herein described tract the following calls:

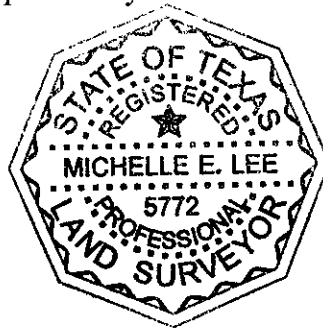
1. Along a curve to the left having a chord bearing S 34° 16' 37" E, chord distance 231.83 feet, arc length 232.31 feet, and radius 1045.00 feet;
2. S 40° 38' 44" E, 411.27 feet;
3. Along a curve to the right having a chord bearing S 31° 06' 42" E, chord distance 283.22 feet, arc length 284.53 feet, and radius 855.00 feet;
4. S 21° 34' 41" E, 558.81 feet;
5. Along a curve to the right having a chord bearing S 18° 09' 35" E, chord distance 96.59 feet, arc length 96.65 feet, and radius 810.00 feet;
6. S 14° 23' 05" E, 242.13 feet;
7. S 69° 14' 28" W, 272.23 feet;
8. S 20° 45' 32" E, 320.00 feet to a point, said point being in the South line of said Killeen Chaparral remainder, the North margin of Chaparral Road, and the Southeast corner of the herein described tract;

THENCE, S 69° 14' 28" W, 2386.76 feet with the South line of said Killeen Chaparral remainder, the North margin of Chaparral Road, and the South line of the herein described tract to the **POINT OF BEGINNING**, containing 199.50 acres of land, more or less.

The Bearings for the above description are based on the Texas State Plane Coordinate System, Central Zone, NAD 83.

This description was prepared for rezone purposes only.

Michelle E. Lee
 Michelle E. Lee, RPLS 8-28-13
 No. 5772, Texas



KILLEEN ENGINEERING & SURVEYING, LTD.
 2901 E. STAN SCHLUETER LOOP
 KILLEEN, TEXAS 76542
 (254) 526-3981/ FAX (254) 526-4351
 TBPE Registration No. F-4200, TBPLS Registration No. 100144-00

**** Electronically Filed Document ****

**Bell County, Tx
Shelley Coston
County Clerk**

Document Number: 2012-28085

Recorded As : ERX-RECORDINGS

Recorded On: July 11, 2012
Recorded At: 11:47:03 am
Number of Pages: 4
Book-VII/Pg: Bk-OR VI-8229 Pg-1
Recording Fee: \$19.00

Parties:

Direct- KILLEEN CHAPARRAL DEVELOPMENT LLC
Indirect- PURSER GARY W JR

Receipt Number: 141417
Processed By: Kimberly Powell

(Parties listed above are for Clerks reference only)

***** 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.



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

A handwritten signature in cursive script that reads "Shelley Coston".

**RESOLUTION
OF
KILLEEN CHAPARRAL DEVELOPMENT, LLC,
a Texas Limited Liability Company ("Company")**

Gary W. Purser, Jr., being the sole manager of the Company governed under the Texas Business Organizations Code, does by this writing consent to take the following action and adopt the following resolutions:

RESOLVED, the Company is manager ruled.

RESOLVED, that **Gary W. Purser, Jr.**, in his capacity as President of the Company, acting on behalf of the Company, thereby binding the Company, be and is hereby authorized and directed to do the following:

1. **GENERAL BORROWING:** Borrow from such banks, trust companies, savings institutions, individuals, or others, as in his judgment is necessary, for such a period of time and upon such terms and rate of interest as may to him at his discretion, seem advisable and to execute notes and payment of the amount so borrowed. Any such notes may be signed by him and he is hereby authorized to execute such mortgages, mechanic's liens, deeds of trust, security agreements, financing statements or such other security instruments as may in his judgment be necessary in connection with such transactions. Furthermore, he is authorized to execute any renewals, extensions and modifications of such notes.
2. **TO SELL:** Sell real or personal property upon such terms as may to him, at his discretion, seem advisable, and he is hereby authorized to execute any and all of those certain contracts, deeds, and other relative papers pertaining to the sale of real or personal property, upon such terms and conditions as to him, in his discretion, are advisable and reasonable and as may be set forth in any future contracts executed by him and any prospective buyer. Such contracts, deeds, and any relative instruments pertaining to the sale of real or personal property may be signed by him and he is hereby authorized to execute such contracts, deeds, or other relative instruments as, in his judgment, may be necessary in connection with such transaction.
3. **TO PURCHASE:** Purchase real or personal property upon such terms as may to him, at his discretion, seem advisable, and he is hereby authorized to execute any and all of those certain relative papers pertaining to the purchase of property, upon such terms and conditions as to him, in his discretion, are advisable and reasonable and as may be set forth in future contracts executed by and between any third party, as Seller, and him on behalf of the Buyer. Such relative instruments pertaining to the purchase of certain real or personal

property may be signed by him as, in his judgment, may be necessary in connection with such transaction.

4. **CONSTRUCT IMPROVEMENTS:** Execute any and all of those certain construction contracts, mechanic's lien contracts, construction loan agreements and other relative papers pertaining to the construction of certain improvements, upon such terms and conditions as to him, in his discretion, are advisable and reasonable and as may be set forth in such mechanic's lien documents executed by him; the third party; and, if applicable, the third party's lender. Such construction contracts, mechanic's lien documents, and any relative instruments pertaining to the construction of certain improvements may be signed by him as such construction contracts, mechanic's lien documents, or other relative instruments as, in his judgment, may be necessary in connection with such transaction. In addition, he is hereby authorized and directed to obtain all bids, permits, and perform such other actions necessary in connection with the construction of certain improvements.
5. **BANK & BROKERAGE ACCOUNTS:** Transact, oversee and initiate any and all banking and brokerage matters, including but not limited to the opening of bank and brokerage accounts, the execution of any signature cards, the enrollment of any online services offered by bank and brokerage firms, making all deposits or withdrawals, and any other matter related to bank and brokerage matters and accounts.
6. **DAY TO DAY OPERATIONS:** To transact any and all day-to-day business matters that may, in his discretion, be necessary to operate the day-to-day activities and operations.
7. **OTHER ACTION:** To take such other action to execute and deliver such additional instruments as are necessary or proper in order to effectively perform all of the foregoing resolutions.


RESOLVED, that the Company consents to the foregoing resolutions.

I direct that this consent be filed with the minutes of the proceedings of the Managers of the Company.

This consent is executed pursuant to of the Texas Business Organizations Code which authorizes the taking of action by the Managers by unanimous written consent without a meeting.

This unanimous written consent may be executed in one or more counterparts, all of which together shall be one and the same instrument.

Dated to be effective: July 16, 2012.

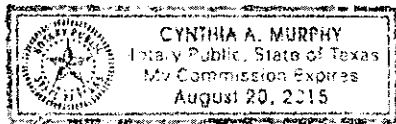

Gary W. Purser, Jr., Sole Manager

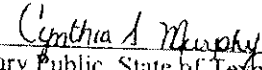
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Bell

This instrument was acknowledged before me on July 16, 2012, by Gary W. Purser, Jr., in his capacity as Sole Manager of KILLEEN CHAPARRAL DEVELOPMENT, LLC, a Texas limited liability company, on behalf of said limited liability company.




Cynthia A. Murphy
Notary Public, State of Texas

PREPARED IN THE LAW OFFICE OF:
jaw-kap
BAIRD, CREWS, SCHILLER &
WHITAKER, P. C.
ATTN: THOMAS C. BAIRD
15 North Main
Temple, Texas 76501
www.beswlaw.com

AFTER RECORDING RETURN TO:
jaw/kap
BAIRD, CREWS, SCHILLER &
WHITAKER, P. C.
ATTN: THOMAS C. BAIRD
15 North Main
Temple, Texas 76501
www.beswlaw.com

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



Geoffrey S. Connor
Secretary of State

Office of the Secretary of State

CERTIFICATE OF INCORPORATION OF

RSBP DEVELOPERS, INC.
Filing Number: 800371742

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Incorporation for the above named corporation have been received in this office and have been found to conform to law.

Accordingly, the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation.

Issuance of this Certificate of Incorporation does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 07/30/2004

Effective: 07/30/2004



A handwritten signature in black ink, appearing to read "G. Connor".

Geoffrey S. Connor
Secretary of State

CERTIFIED COPY OF RESOLUTIONS

I, JO ANN PURSER, Secretary of RSBP DEVELOPERS, INC., a Texas corporation, do hereby certify that the following is a true and exact copy of a Resolution passed by the duly assembled Board of Directors of RSBP DEVELOPERS, INC. on the 30th day of July, 2004, and the same is part of the Minutes of such corporation and has not been repealed:

RESOLVED, that the corporation shall engage in the business of sale of real estate, and the officers of the corporation are authorized to execute such contracts and other documents necessary to conduct corporation business and the officers shall have full authority to manage and operate the business of the corporation; and, it was further

RESOLVED, that the approval and signature of any one of the President OR either of the Vice-Presidents, without joinder of any other officer of any other officer of RSBP DEVELOPERS, INC., and without affixing the corporate seal, is sufficient to execute and deliver in the name of said corporation, Deeds, Releases, Closing Statements, Contracts, Notes, Liens, Equipment Leases, Vehicle Leases, Assignments of Life Insurance Policies, or any other instruments which in his opinion are advisable or necessary in conducting the business of the corporation.

Any of the above-described actions taken by the above Officers or any one of them are fully binding upon the corporation.

I FURTHER CERTIFY that the following are the officers of the corporation with their signatures affixed next to their respective names:

PRESIDENT - GARY W. PURSER, JR.

VICE-PRES - RONALD E. STEPP

VICE-PRES, SECRETARY-
TREASURER - JO ANN PURSER

[Handwritten signatures of Gary W. Purser, Jr., Ronald E. Stepp, and Jo Ann Purser]

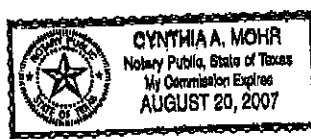
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 22 day of July, 2005.

[Handwritten signature of Jo Ann Purser]
JO ANN PURSER, Secretary

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared JO ANN PURSER, Secretary of RSBP DEVELOPERS, INC., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 22 day of July, 2005.



[Handwritten signature of Cynthia A. Mohr]
NOTARY PUBLIC, STATE OF TEXAS

VOL 5773 PG 20

32292

FILED FOR RECORD
At ~~10:00~~ O'Clock ~~A~~ M.

JUL 25 2005

Dee Sutton
COUNTY CLERK BELL COUNTY, TX

①

Bill

mail

Bill to:
Chafin, Purser, Inc
2901 E. Stan Schlueter Loop.
Killeen, TX 76542

**RESOLUTION
OF
RSBP DEVELOPERS, INC.,
A Texas Corporation ("Corporation")**

Gary W. Purser, Jr. and Ronald E. Stepp, all the directors of the Corporation organized under the Texas Business Corporation Act, do by this writing consent to take the following action and adopt the following resolutions:

RESOLVED, that **Gary W. Purser, Jr.**, in his capacity as President of the Corporation, and **JoAnn Purser**, in her capacity as Vice President of the Corporation, both acting on behalf of the Corporation, thereby binding the Corporation, be and each is hereby authorized and directed to do the following:

1. **GENERAL BORROWING:** Borrow from such banks, trust companies, savings institutions, individuals, or others, as in the judgment of either of them is necessary, for such a period of time and upon such terms and rate of interest as may to either of them, at the discretion of either of them, seem advisable and to execute notes and payment of the amount so borrowed. Any such notes may be signed by either of them and each of them is hereby authorized to execute such mortgages, mechanic's liens, deeds of trust, security agreements, financing statements or such other security instruments as may, in the judgment of either of them, be necessary in connection with such transactions. Furthermore, each of them is authorized to execute any renewals, extensions and modifications of such notes.
2. **TO SELL:** Sell real property upon such terms as may to either of them, at the discretion of either of them, seem advisable, and each of them is hereby authorized to execute any and all of those certain earnest money contracts, deeds, and other relative papers pertaining to the sale of individual lots and/or tracts of real property, as and when each of the lots and/or tracts are sold to a third party, upon such terms and conditions as to either of them, in the discretion of either of them, are advisable and reasonable and as may be set forth in any future earnest money contracts executed by either of them and any prospective buyer. Such earnest money contracts, deeds, and any relative instruments pertaining to the sale of individual lots and/or tracts of real property may be signed by either of them and each of them is hereby authorized to execute such earnest money contracts, deeds, or other relative instruments as, in the judgment of either of them, may be necessary in connection with such transaction.
2. **TO PURCHASE:** Purchase real property upon such terms as may to either of them, at the discretion of either of them, seem advisable, and each of them is hereby authorized to execute any and all of those certain relative papers pertaining to the purchase of property, as and when each of the lots and/or

tracts are purchased from a third party, upon such terms and conditions as to either of them, in the discretion of either of them, are advisable and reasonable and as may be set forth in future earnest money contracts executed by and between any third party, as Seller, and either of them on behalf of the Buyer. Such relative instruments pertaining to the purchase of certain real property may be signed by either of them as, in the judgment of either of them, may be necessary in connection with such transaction.

3. **CONSTRUCT IMPROVEMENTS:** Execute any and all of those certain plats, construction contracts, mechanic's lien contracts, construction loan agreements and other relative papers pertaining to the construction of certain improvements to be located upon a third party's lot or land, upon such terms and conditions as to either of them, in the discretion of either of them, are advisable and reasonable and as may be set forth in such mechanic's lien documents executed by either of them; the third party; and, if applicable, the third party's lender. Such construction contracts, mechanic's lien documents, and any relative instruments pertaining to the construction of certain improvements to be located upon a third party's lot or land may be signed by either of them as such construction contracts, mechanic's lien documents, or other relative instruments as, in the judgment of either of them, may be necessary in connection with such transaction. In addition, each of them is hereby authorized and directed to obtain all bids, permits, and perform such other actions necessary in connection with the construction of certain improvements to be located upon a third party's lot or land.
4. **BANKING:** Transact, oversee and initiate any and all banking matters, including but not limited to the opening of a bank account, the execution of any signature cards, the enrollment of any online services offered by the bank, making all deposits or withdrawals, and any other matter related to the banking matters and accounts.
5. **DAY TO DAY OPERATIONS:** To transact any and all day-to-day business matters that may, in the discretion of either of them, be necessary to operate the day-to-day activities and operations.
6. **OTHER ACTION:** To take such other action to execute and deliver such additional instruments as are necessary or proper in order to effectively perform all of the foregoing resolutions.

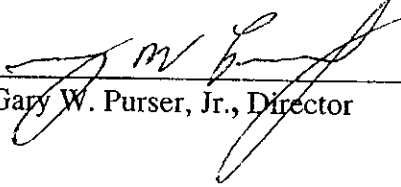
RESOLVED, that the Corporation consents to the foregoing resolutions.

I direct that this consent be filed with the minutes of the proceedings of the Directors of the Corporation.

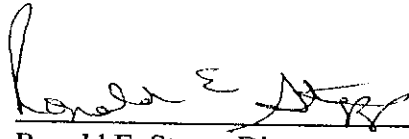
This consent is executed pursuant to of the Texas Business Corporation Act which authorizes the taking of action by the Directors by unanimous written consent without a meeting.

This unanimous written consent may be executed in one or more counterparts, all of which together shall be one and the same instrument.

Dated: AT JULY 30, 2004.



Gary W. Purser, Jr., Director



Ronald E. Stepp, Director


ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF BELL

This instrument was acknowledged before me on JULY 30, 2004, by Gary W. Purser, Jr., in his capacity as a Director of RSBP DEVELOPERS, INC., a Texas corporation on behalf of said Corporation.





Notary Public, State of Texas

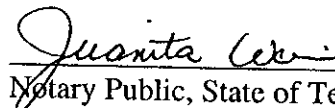
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF BELL

This instrument was acknowledged before me on JULY 30, 2004, by Ronald E. Stepp, in his capacity as a Director of RSBP DEVELOPERS, INC., a Texas corporation on behalf of said Corporation.





Notary Public, State of Texas



Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2013-00003263

Recorded On: January 25, 2013

As
Recordings

Parties: KILLEEN CHAPARRAL DEVELOPMENT LLC

Billable Pages: 3

To RSBP DEVELOPERS INC

Number of Pages: 4

Comment:

(Parties listed above are for Clerks reference only)

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

Recordings	19.00
Total Recording:	19.00

***** 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: 2013-00003263

Receipt Number: 159720

Recorded Date/Time: January 25, 2013 12:26:42P

User / Station: G Gomez - Cash Station 1

Record and Return To:

KILLEEN ENGINEERING SERVICES
2901 E STAN SCHLUETER LP
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

WARRANTY DEED

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.

THE STATE OF TEXAS §
KNOW ALL MEN BY THESE PRESENTS THAT:
COUNTY OF BELL §

That **KILLEEN CHAPARRAL DEVELOPMENT, LLC., a Texas Limited Liability Company**, (herein called "Grantor" whether one or more), of the County of BELL and State of TEXAS, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto **RSBP DEVELOPERS, INC., a Texas Corporation**, (herein called "Grantee" whether one or more), of 2901 E. STAN SCHLUETER LOOP, KILLEEN 76542 in the County of BELL and State of TEXAS all of the following described real property in BELL County, Texas, to-wit:

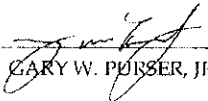
See Exhibit "A" attached hereto and incorporated herein for all purposes as if fully set forth herein.

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

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs, executors, successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed the 23 day of January, 2013.

**Killeen Chaparral Development, LLC,
a Texas Limited Liability Company**

BY: 
GARY W. PUSSIER, JR., President

ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me this 23 day of January, 2013, by GARY W. PURSER, JR., as President of KILLEEN CHAPARRAL DEVELOPMENT, LLC, a Texas Limited Liability Company, on behalf of said Company.

Cynthia A. Murphy
Notary Public, State of Texas
Printed Name: Cynthia A. Murphy
My Commission Expires: 8-20-15

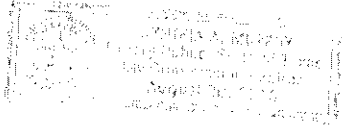


Exhibit A

Being a 44.361 acre tract of land being part of the A.H. Wood Survey, Abstract No. 886 and being part of that certain tract of land conveyed to Killeen Chaparral Development, LLC, recorded in Instrument No. 2012-00024898, Official Public Records of Bell County, Texas; said 44.361 acre tract being more particularly described as follows:

BEGINNING at a 3/8" Iron Rod Found with Mitchell & Associates Cap, said rod being in the North line of said Killeen Chaparral tract, the Southwest corner of the remainder of a tract of land conveyed to Killeen Hymesa, Ltd., recorded in Vol. 4151, Page 290 said Deed Records, the Southeast corner of a tract of land conveyed to Dan Fergus as recorded in Volume 4687, Page 312, said Deed Records, and the Northwest corner of the herein described tract;

THENCE, N 69° 00' 50" E, 2542.41 feet, along the North line of said Killeen Chaparral tract, the South line of said Killeen Hymesa tract, and the North line of the herein described tract to a 3/8" Iron Rod Set (all set rods having Killeen Engineering & Surveying Cap), said rod being in the North line of said Killeen Chaparral tract, the South line of said Killeen Hymesa tract, and the Northeast corner of the herein described tract;

THENCE, across and upon said Killeen Chaparral tract and along the East line of the herein described tract the following calls:

1. S 21° 34' 41" E, 451.27 feet to a 3/8" Iron Rod Set;
2. Along a curve to the right having a chord bearing S 1° 57' 32" W, chord distance 976.52 feet, arc length 1003.47 feet, and radius 1245.00 feet to a 3/8" Iron Rod Set;
3. S 24° 24' 08" W, 203.97 feet to a 3/8" Iron Rod Set, said rod being the Southeast corner of the herein described tract;

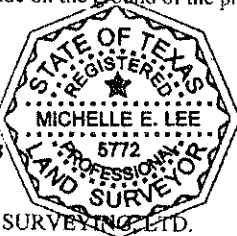
THENCE, across and upon said Killeen Chaparral tract, with the South line of the herein described tract the following calls:

1. N 65° 35' 52" W, 392.98 feet to a 3/8" Iron Rod Set;
2. N 65° 06' 19" W, 393.78 feet to a 3/8" Iron Rod Set;
3. N 38° 46' 28" W, 195.29 feet to a 3/8" Iron Rod Set;
4. S 79° 42' 58" W, 103.07 feet to a 3/8" Iron Rod Set;
5. S 58° 21' 01" W, 97.83 feet to a 3/8" Iron Rod Set;
6. S 81° 42' 11" W, 137.26 feet to a 3/8" Iron Rod Set;
7. N 83° 39' 31" W, 184.76 feet to a 3/8" Iron Rod Set;
8. N 60° 36' 30" W, 201.36 feet to a 3/8" Iron Rod;
9. S 81° 10' 59" W, 107.10 feet to a 3/8" Iron Rod Set;
10. N 64° 37' 24" W, 233.61 feet to a 3/8" Iron Rod Set;
11. N 74° 21' 55" W, 108.28 feet to a 3/8" Iron Rod Set;
12. N 84° 21' 08" W, 486.31 feet to the **POINT OF BEGINNING**, containing 44.361 acres of land, more or less.

The Bearings for the above description are based on the Texas State Plane Coordinate System, Central Zone, NAD 83.

I, Michelle E. Lee, Registered Professional Land Surveyor, do hereby certify that the above description was prepared from a survey made on the ground of the property described herein.

Michelle E. Lee
Michelle E. Lee, RPLS 1-18-13
No. 5772, Texas



KILLEEN ENGINEERING & SURVEYING, LTD.
2901 E. STAN SCHLUETER LOOP
KILLEEN, TEXAS 76542
(254) 526-3981 / FAX (254) 526-4351
TBPE Registration No. F-4200, TBPLS Registration No. 100144-00

✓
19
254
2

**** Electronically Filed Document ****

**Bell County, Tx
Shelley Coston
County Clerk**

Document Number: 2012-24898
Recorded As : ERX-RECORDINGS

Recorded On: June 20, 2012
Recorded At: 12:48:10 pm
Number of Pages: 10
Book-VI/Pg: Bk-OR VI-8205 Pg-901
Recording Fee: \$43.00

Parties:

Direct- FERGUS ANITA P
Indirect- KILLEEN CHAPARRAL DEVELOPMENT LLC

Receipt Number: 139595
Processed By: Grace Gomez

(Parties listed above are for Clerks reference only)

***** 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.



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

A handwritten signature in cursive script that reads "Shelley Coston".

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL 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

STATE OF TEXAS

§
§
§

CCUNTY OF BELL

Date: June 19, 2012

Grantor: Anita P. Fergus, Dan M. Fergus, Jr., Gregory Stuart Fergus, Marvin Powell Fergus, Dan M. Fergus, Jr. and Anita P. Fergus as Co-Trustees of the Dan M. Fergus Bypass Trust, Max V. Fergus and Dan M. Fergus, Jr., as Co-Trustees of the Dan M. Fergus Trust, and Max V. Fergus and Dan M. Fergus, Jr., as Co-Trustees of the Anita P. Fergus Trust

Grantor's Mailing Address:

c/o Dan M. Fergus, Jr.
400 Pine Street, Suite 765
Abilene, Texas 79601

Grantee: Killeen Chaparral Development, LLC
A Texas limited liability company

Grantee's Mailing Address:

201 S. Bell Blvd., Suite 109
Cedar Park, Texas 78613

Consideration:

The sum of Ten and No/100 Dollars (\$10.00) and other good and valuable cash consideration in hand paid by Grantee to Grantor.

Property (including any improvements):

281.53 acres of land, more or less, out of the A. H. Wood Survey, Abstract 886, the W.E. Hall Survey, Abstract 1116 and the J. B. Harris Survey, Abstract 452 located in Bell County, Texas, as more particularly described in Exhibit A attached hereto, together with all (i) oil, gas and other minerals in, on and under

said 281.53 acres, (ii) all improvements located on said 281.53 acres, and (iii) all rights, privileges, and appurtenances pertaining to said 281.53 acres, including, but not limited to, water rights, claims, permits, strips and gores and easements.

Exceptions to Conveyance and Warranty:

This conveyance is expressly made and accepted subject only to those easements listed on Exhibit B attached hereto and made a part hereof to the extent that the same are valid and enforceable against the Property.

Grantor, for the consideration and subject to the exceptions to conveyance and warranty set forth above, has GRANTED, SOLD and CONVEYED and does hereby GRANT, SELL and CONVEY to Grantee the Property, together with all and singular the improvements located thereon and all rights and appurtenances pertaining thereto. TO HAVE AND TO HOLD the Property to Grantee, Grantee's heirs, executors, legal representatives, successors and assigns forever. Grantor binds Grantor and Grantor's heirs, legal representatives, successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, legal representatives, successors and assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, except as to the exceptions to conveyance and warranty set forth above, by, through, or under Grantor, in their respective capacities stated above, but not otherwise.

Wherever the context of this Deed so requires, the singular shall include the plural, the plural shall include the singular and any gender shall include all other genders.

Anita P. Fergus
Anita P. Fergus

Gregory Stuart Fergus
Gregory Stuart Fergus

Dan M. Fergus, Jr. Co-Trustee
Dan M. Fergus, Jr., as Co-Trustee
of the Dan M. Fergus Bypass Trust

Max V. Fergus
Max V. Fergus as Co-Trustee
of the Dan M. Fergus Trust

Max V. Fergus
Max V. Fergus as Co-Trustee
of the Anita P. Fergus Trust

Dan M. Fergus, Jr.
Dan M. Fergus, Jr.

Marvin Powell Fergus
Marvin Powell Fergus

Anita P. Fergus
Anita P. Fergus as Co-Trustee
of the Dan M. Fergus Bypass Trust

Dan M. Fergus, Jr. Co-Trustee
Dan M. Fergus, Jr., as Co-Trustee
of the Dan M. Fergus Trust

Dan M. Fergus, Jr. Co-Trustee
Dan M. Fergus, Jr. as Co-Trustee
of the Anita P. Fergus Trust

STATE OF TEXAS §
COUNTY OF BELL §
§

This instrument was acknowledged before me on June 19, 2012, by Anita P. Fergus.

[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS §
COUNTY OF BELL §
§



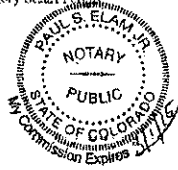
This instrument was acknowledged before me on June 19, 2012, by Dan M. Fergus, Jr

[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF Colorado §
COUNTY OF Gunnison §
§



This instrument was acknowledged before me on June 19, 2012, by Gregory Stuart Ferguson



[Signature] Paul S Elam Jr.
Notary Public, State of
My Commission Expires: 3/1/15

STATE OF TEXAS

COUNTY OF BELL

§
§
§

This instrument was acknowledged before me on June 19, 2012, by Marvin Powell Fergus.



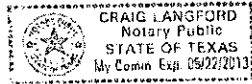
[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS

COUNTY OF BELL

§
§
§

This instrument was acknowledged before me on June 19, 2012, by Dan M. Fergus, Jr., as Co-Trustee of the Dan M. Fergus Bypass Trust.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS

COUNTY OF BELL

§
§
§

This instrument was acknowledged before me on June 19, 2012, by Anita P. Fergus, as Co-Trustee of the Dan M. Fergus Bypass Trust.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS §
COUNTY OF BELL §

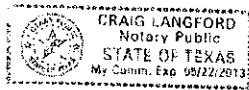
This instrument was acknowledged before me on June 19, 2012, by Max V. Fergus, as Co-Trustee of the Dan M. Fergus Trust.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on June 19, 2012, by Dan M. Fergus, Jr., as Co-Trustee of the Dan M. Fergus Trust.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on June 19, 2012, by Max V. Fergus, as Co-Trustee of the Anita P. Fergus Trust.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____



SHEPPARD SURVEYING CO., INC.

Registered Professional Land Surveyor - Licensed State Land Surveyor

EXHIBIT A

BOUNDARY
RETAGEMENT
CPS
CONTROL
ROUTE
S/L LEASE

1013 Energy Dr. Abilene, Texas 79602 (325) 695-8277 Fax 685-3709

STATE OF TEXAS
BELL COUNTY

METES AND BOUNDS DESCRIPTION OF 281.53 ACRES OF LAND, BEING THE REMAINDER OF A CALLED 301.334 ACRE TRACT OF LAND CONVEYED FROM GUINN C. FERGUS ET.AL. TO DAN M. FERGUS, ET.AL. DATED DECEMBER 26, 1994, AND RECORDED IN VOLUME 3258, PAGE 323, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS. THIS TRACT CONTAINING GENERALLY 241.32 ACRES OUT OF THE A. H. WOOD SURVEY, (A-886), 39.01 ACRES OUT OF THE W. E. HALL SURVEY, (S-1116), AND 1.20 ACRES OUT OF THE J. B. HARRIS SURVEY, (A-452), OF BELL COUNTY, TEXAS.

BEGINNING AT A 3/8" REBAR RECOVERED AT AN OLD FENCE CORNER FOR THE NORTHWEST CORNER OF SAID WOOD SURVEY, THE SOUTHWEST CORNER OF A CALLED 343.378 ACRE TRACT DESCRIBED IN VOLUME 4151, PAGE 290, THE SOUTHEAST CORNER OF A CALLED 190.066 ACRE TRACT DESCRIBED IN VOLUME 4965, PAGE 438. FROM THIS POINT A LARGE LIVE OAK TREE RECOVERED FOR THE NORTHEAST CORNER OF THE W. E. HALL SURVEY A-1116, BEARS S 21°04'50" E AT 113.9'.

THENCE N 69°00'39" E ALONG THE NORTH LINE OF SAID WOOD SURVEY, BEING FOLLOWED BY A MEANDERING FENCE LINE FOR A DISTANCE OF 2768.43' TO A 3/8" REBAR RECOVERED AT A FENCE CORNER FOR THE NORTHWEST CORNER OF A CALLED 120.00 ACRE TRACT CONVEYED FROM GUINN C. FERGUS ET.AL. TO THE CITY OF HARKER HEIGHTS AS RECORDED IN VOLUME 2630, PAGE 622, FOR THE MOST EASTERLY NORTHEAST CORNER OF THIS TRACT.

THENCE S 21°19'57" E ALONG THE WEST LINE OF SAID 120.0 ACRE TRACT, BEING GENERALLY FOLLOWED BY A WIRE FENCE FOR A DISTANCE OF 3804.45' TO A 3/8" REBAR RECOVERED FOR THE SOUTHWEST CORNER OF SAID 120.0 ACRE TRACT AND THE SOUTHEAST CORNER OF THIS TRACT.

THENCE S 69°15'40" W ALONG THE OCCUPIED NORTH LINE OF CHAPARRAL ROAD FOR A DISTANCE OF 46.47' TO A 3/8" REBAR RECOVERED FOR CORNER OF THIS TRACT.

THENCE N 81°01'41" W ALONG THE OCCUPIED NORTH LINE OF CHAPARRAL ROAD FOR A DISTANCE OF 58.76' TO A 3/8" REBAR RECOVERED FOR CORNER OF THIS TRACT.

THENCE S 69°14'22" W ALONG THE OCCUPIED NORTH LINE OF CHAPARRAL ROAD FOR A DISTANCE OF 3173.63' TO A 1/2" REBAR WITH CAP MARKED "M & ASSOC" RECOVERED FOR THE SOUTHEAST CORNER OF A CALLED 133.645 ACRE TRACT AS DESCRIBED IN VOLUME 5451, PAGE 362, THE SOUTHWEST CORNER OF SAID 301.334 ACRE TRACT OF LAND OF THIS TRACT.

THENCE N 20°45'30" W WITH THE EAST LINE OF SAID 133.645 ACRE TRACT THE WEST LINE OF SAID 301.334 ACRE TRACT, AT 3651' PASSES THE NORTH LINE OF THE W. E. HALL SURVEY, CONTINUE SAME COURSE FOR A TOTAL DISTANCE OF 3762.31' TO A 1/2" REBAR SET AT SAME POSITION WHERE I RECOVERED THE ORIGINAL 3/8" REBAR IN AUGUST 2005 FOR THE NORTHWEST CORNER OF SAID 301.334 ACRE TRACT, THE SOUTHWEST CORNER OF A CALLED 5.0 ACRE TRACT (FOUND TO CONTAIN 5.93 ACRES) AS DESCRIBED IN VOLUME 4687,

PAGE 312, FROM DARLENE GOODMAN FERGUS, et al. TO DAN M. FERGUS, et al. AND A CORNER OF THIS TRACT.

THENCE N 88°56'10" E ALONG THE SOUTH LINE OF SAID CALLED 6.0 ACRE TRACT CROSSING A CREEK, FOR A DISTANCE OF 464.61' TO THE PLACE OF BEGINNING AND CONTAINING 281.53 ACRES OF LAND.

ALL BEARINGS AND DISTANCES ARE GRID NAD 83, TEXAS CENTRAL ZONE 4203, AS BASED UPON RTR NETWORK. COMBINED GRID SCALE FACTOR IS 0.99985. SEE ATTACHED PLAT

"I HEREBY CERTIFY TO ANITA P. FERGUS, DAN M. FERGUS, JR., GREGORY STUART FERGUS, MARTIN POWELL FERGUS, DAN M. FERGUS JR. AND ANITA P. FERGUS AS CO-TRUSTEES OF THE DAN M. FERGUS BYPASS TRUST, MAX V. FERGUS AND DAN M. FERGUS, JR. AS CO-TRUSTEES OF THE DAN M. FERGUS TRUST, AND MAX V. FERGUS AND DAN M. FERGUS, JR., AS CO-TRUSTEES OF THE ANITA P. FERGUS TRUST (COLLECTIVELY CALLED THE "SELLER"), ROBERT BRENT BUTLER, OR HIS ASSIGNS (BUYER) AND AMERICAN ABSTRACT & TITLE CO., INC./PS THAT (A) THIS SURVEY WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION AND COMPLETED THE 2ND DAY OF APRIL, 2012. (B) THIS SURVEY CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY, (C) THIS SURVEY SHOWS THE LOCATIONS OF ALL EASEMENTS AND OTHER MATTERS DESCRIBED IN THAT TITLE COMMITMENT (G.F. NO. A1203116) ISSUED BY FIRST AMERICAN TITLE AND INSURANCE COMPANY DATED EFFECTIVE MARCH 12, 2012 (THE "TITLE COMMITMENT"), INsofar AS THOSE EASEMENTS AND MATTERS PERTAIN TO THE SUBJECT PROPERTY, AND (D) THIS SURVEY AND PROFESSIONAL SERVICES CONFORM TO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION II SURVEY AS DEFINED BY THE MANUAL OF PRACTICE FOR LAND SURVEYING IN THE STATE OF TEXAS." (E) THAT THIS TRACT APPEARS TO HAVE ACCESS TO CHAPARRAL ROAD USED BY THE PUBLIC BUT NO FORMAL DEDICATION FOUND, (F) THAT OF THE TOTAL 281.53 ACRES 46.32 ACRES LIE WITH-IN THE FEMA DESIGNATED 100 YEAR FLOOD PLAIN, LEAVING 235.21 ACRES OUTSIDE OF SAID 100 YEAR FLOOD PLAIN.


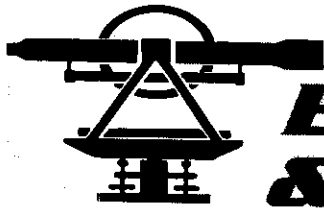

MAXY SHEPARD, RSL# 3697

EXHIBIT B
Exceptions to Conveyance and Warranty

1. Easement granted to Central Texas Water Supply corporation by instrument recorded in Volume 1595, Page 647, Deed Records of Bell County, Texas.
2. Easement granted to City of Killeen by instrument recorded in Volume 5822, Page 403, Official Public Records of Real Property of Bell County, Texas.
3. Easement granted to City of Killeen by instrument recorded in Volume 5822, Page 394, Official Public Records of Real Property of Bell County, Texas.
4. Overhead electric lines along Chaparral Road as shown on survey dated April 2, 2012, and prepared by Maxey Sheppard, RPLA #3697.
5. Unrecorded easement to Bartlett Electric Cooperative as shown on survey dated April 2, 2012, and prepared by Maxey Sheppard, RPLA #3697.



KILLEEN Engineering & Surveying

2901 East Stan Schlueter Loop, Killeen, Texas 76542 Phone: (254) 526-3981 Fax: (254) 526-4351
www.kesltd.com

TRANSMITTAL LETTER

TO: PLANNING DEPT

DATE: 8-30-13

COMPANY: CITY OF KILLEEN

PROJECT: HERITAGE OAKS

PROJECT NO: 2013-008

WE ARE SENDING YOU ENCLOSED UNDER SEPARATE COVER THE FOLLOWING:

- PLANS CUT SHEETS CHANGE ORDER SHOP DRAWINGS
- SPECIFICATIONS COPY OF LETTER ADDENDUM
- PLAT CONTRACT DEDICATION

COPIES	DATED	DESCRIPTION
1	8-28-13	APPLICATION
1	8-28-13	FIELD NOTES
1 EA		DEEDS / CORP. RES.
3		DRAWINGS (6)

- FOR YOUR USE FOR YOUR APPROVAL FOR REVIEW & COMMENTS _____
- AS REQUESTED APPROVED AS NOTED RETURNED FOR CORRECTIONS _____

REMARKS: _____

ISSUED BY *M. Lee*

RECEIVED BY _____

Exhibit A

Being a 229.16 acre tract of land being part of the A.H. Wood Survey, Abstract No. 886, J.B. Harris Survey, Abstract No. 452, and W. E. Hall Survey, Abstract No. 1116, being part of the Remainder of that certain tract of land conveyed to Killeen Chaparral Development, LLC, A Texas limited liability company, as recorded in Instrument No. 2012-24898, Official Public Records of Bell County, Texas, and being part of that certain tract of land conveyed to Gary W. Purser 1999 Trust Et Al as recorded in Instrument No. 2008-40763, said Deed Records; said 229.16 acre tract being more particularly described as follows:

COMMENCING at a 3/8" Iron Rod Found, said rod being the Southwest corner of said Gary Purser tract, the Southeast corner of a tract of land conveyed to James L. Herring as recorded in Volume 3994, Page 340, said Deed Records, and in the North margin of Chaparral Road;

THENCE, N 69° 13' 34" E, 994.26 feet along the South line of said Gary Purser tract and the North margin of Chaparral Road, to the Southwest corner of the herein described tract the **POINT OF BEGINNING**;

THENCE, N 21° 11' 57" W, 3753.61 feet across and upon said Purser tract and with the West line of the herein described tract to a point in said Purser tract, said point being the Northwest corner of the herein described tract;

THENCE, across and upon said Purser tract, with the North line of said Killeen Chaparral Remainder, with the South line of a tract of land conveyed to Anita Fergus, as recorded in Volume 5790, Page 177, said Deed Records, the South line of future proposed White Rock Estates, Phase Ten, the North line of the Remainder of a tract of land conveyed to RSBP Developers, Inc., as recorded in Instrument No. 2013-3263, said Deed Records, and the North line of the herein described tract the following calls:

1. N 65° 20' 21" E, 149.60 feet;
2. N 69° 47' 43" E, 113.45 feet;
3. N 68° 54' 04" E, 600.12 feet to a point in the South line of said White Rock Estates, Phase Ten, the North line of said RSBP Remainder (2013-3263), and being the North corner of the herein described tract;

THENCE, with the South line of said White Rock Estates, Phase Ten, the North line of said RSBP Remainder (2013-3263 and 2012-24898), and the North line of the herein described tract the following calls:

1. Along a curve to the left having a chord bearing S 60° 09' 11" E, chord distance 144.78 feet, arc length 149.55 feet, and radius 170.00 feet;
2. S 85° 21' 19" E, 219.75 feet;
3. Along a curve to the right having a chord bearing S 79° 43' 55" E, chord distance 52.91 feet, arc length 53.00 feet, and radius 270.00 feet;
4. S 74° 06' 31" E, 411.11 feet;
5. Along a curve to the right having a chord bearing S 71° 18' 45" E, chord distance 16.59 feet, arc length 16.59 feet, and radius 170.00 feet;
6. S 68° 31' 00" E, 216.30 feet;
7. Along a curve to the left having a chord bearing S 87° 33' 43" E, chord distance 150.11 feet, arc length 152.91 feet, and radius 230.00 feet;
8. N 73° 23' 34" E, 229.71 feet;
9. Along a curve to the right having a chord bearing S 81° 29' 09" E, chord distance 101.89 feet, arc length 105.23 feet, and radius 120.00 feet;
10. S 56° 21' 52" E, 529.61 feet;
11. Along a curve to the right having a chord bearing S 51° 47' 08" E, chord distance 43.11 feet, arc length 43.15 feet, and radius 270.00 feet;
12. S 47° 12' 24" E, 187.88 feet;
13. S 49° 20' 32" E, 17.14 feet;
14. Along a curve to the left having a chord bearing S 80° 17' 21" E, chord distance 221.69 feet, arc length 231.32 feet, and radius 230.00 feet;
15. N 70° 53' 57" E, 192.94 feet;

16. Along a curve to the left having a chord bearing S 30° 41' 45" E, chord distance 361.12 feet, arc length 362.94 feet, and radius 1045.00 feet;
17. S 40° 38' 44" E, 411.27 feet;
18. Along a curve to the right having a chord bearing S 31° 06' 42" E, chord distance 283.22 feet, arc length 284.53 feet, and radius 855.00 feet;
19. S 21° 34' 41" E, 585.93 feet;
20. N 69° 14' 28" E, 89.56 feet to a point located on said Remainder of Killeen Chaparral Development and being the Northeast corner of the herein described tract;

THENCE, across and upon said Remainder of Killeen Chaparral Development and with the East line of the herein described tract the following calls:

1. Along a curve to the right having a chord bearing S 17° 14' 47" E, chord distance 79.24 feet, arc length 79.26 feet, and radius 900.00 feet;
2. S 14° 23' 05" E, 300.85 feet;
3. Along a curve to the left having a chord bearing S 17° 34' 18" E, chord distance 100.07 feet, arc length 100.12 feet, and radius 900.00 feet;
4. S 20° 45' 32" E, 151.87 feet to a point in the South line of said Remainder of Killeen Chaparral Development, the North margin of Chaparral Road, and the Southeast corner of the herein described tract;

THENCE, S 69° 14' 28" W, 3008.18 feet with the South line of said Remainder of Killeen Chaparral Development, the North margin of Chaparral Road, and the South line of the herein described tract to a 3/8" Iron Rod Found with Mitchell and Associates Cap, said rod being in the South line of said Remainder of Killeen Chaparral Development, the North margin of Chaparral Road, and the South line of the herein described tract;

THENCE, S 69° 13' 34" W, 233.81 feet with the South line of said Gary Purser tract, the North margin of Chaparral Road, and the South line of the herein described tract to the **POINT OF BEGINNING**, containing 229.16 acres of land, more or less.

The Bearings for the above description are based on the Texas State Plane Coordinate System, Central Zone, NAD 83.

This description was prepared for rezone purposes only.

Exhibit A

Being a 166.54 acre tract of land being part of the A.H. Wood Survey, Abstract No. 886, J.B. Harris Survey, Abstract No. 452, and W. E. Hall Survey, Abstract No. 1116, being part of the Remainder of that certain tract of land conveyed to Killeen Chaparral Development, LLC, A Texas limited liability company, as recorded in Instrument No. 2012-00024898, Official Public Records of Bell County, Texas, and being part of that certain tract of land conveyed to Gary W. Purser 1999 Trust Et Al as recorded in Instrument No. 2008-00040763, said Deed Records; said 166.54 acre tract being more particularly described as follows:

COMMENCING at a 3/8" Iron Rod Found, said rod being the Southwest corner of said Gary Purser tract, the Southeast corner of a tract of land conveyed to James L. Herring as recorded in Volume 3994, Page 340, said Deed Records, and in the North margin of Chaparral Road;

THENCE, N 69° 13' 34" W, 994.26 feet along the South line of said Gary Purser tract and the North margin of Chaparral Road, to the Southwest corner of the herein described tract the **POINT OF BEGINNING**;

THENCE, N 21° 11' 57" W, 3753.61 feet across and upon said Gary Purser tract and with the West line of the herein described tract to a point, said point being the Northwest corner of the herein described tract;

THENCE, N 65° 20' 21" E, 149.60 feet across and upon said Gary Purser tract and with the North line of the herein described tract to a point;

THENCE, across and upon said Gary Purser tract and said Remainder of Killeen Chaparral Development, and with the North line of the herein described tract the following calls:

1. S 45° 14' 20" E, 89.72 feet;
2. Along a curve to the right having a chord bearing S 80° 35' 22" E, chord distance 622.56 feet, arc length 634.81 feet, and radius 930.00 feet;
3. S 61° 02' 05" E, 32.38 feet;
4. Along a curve to the right having a chord bearing S 51° 49' 50" E, chord distance 19.19 feet, arc length 19.28 feet, and radius 60.00 feet;
5. S 42° 37' 35" E, 180.28 feet;
6. S 85° 38' 46" E, 153.99 feet;
7. S 79° 11' 43" E, 180.28 feet;
8. Along a curve to the right having a chord bearing S 75° 03' 08" E, chord distance 8.67 feet, arc length 8.68 feet, and radius 60.00 feet;
9. S 70° 54' 32" E, 919.03 feet;
10. Along a curve to the right having a chord bearing S 59° 11' 02" E, chord distance 52.84 feet, arc length 53.21 feet, and radius 130.00 feet;
11. S 47° 27' 32" E, 705.87 feet;
12. S 82° 38' 37" E, 49.39 feet;
13. S 61° 02' 05" E, 130.00 feet;
14. S 28° 57' 55" W, 495.00 feet;
15. S 12° 40' 44" E, 300.09 feet;
16. S 87° 02' 04" E, 80.02 feet;
17. N 4° 13' 12" E, 0.22 feet;
18. N 37° 20' 34" E, 199.02 feet;
19. N 30° 40' 51" E, 240.47 feet;
20. N 68° 44' 54" E, 94.59 feet;
21. S 60° 55' 07" E, 97.36 feet;
22. S 26° 24' 12" E, 299.85 feet;
23. S 59° 10' 08" E, 276.26 feet;
24. N 69° 14' 28" E, 639.73 feet to a point located on said Remainder of Killeen Chaparral Development and being the Northeast corner of the herein described tract;

THENCE, across and upon said Remainder of Killeen Chaparral Development and with the East line of the herein described tract the following calls:

1. Along a curve to the right having a chord bearing S 17° 14' 47" E, chord distance 79.24 feet, arc length 79.26 feet, and radius 900.00 feet;
2. S 14° 23' 05" E, 300.85 feet;
3. Along a curve to the left having a chord bearing S 17° 34' 18" E, chord distance 100.07 feet, arc length 100.12 feet, and radius 900.00 feet;
4. S 20° 45' 32" E, 151.87 feet to a point in the South line of said Remainder of Killeen Chaparral Development, the North margin of Chaparral Road, and the Southeast corner of the herein described tract;

THENCE, S 69° 14' 28" W, 3008.18 feet with the South line of said Remainder of Killeen Chaparral Development, the North margin of Chaparral Road, and the South line of the herein described tract to a 3/8" Iron Rod Found with Mitchell and Associates Cap, said rod being in the South line of said Remainder of Killeen Chaparral Development, the North margin of Chaparral Road, and the South line of the herein described tract;

THENCE, S 69° 13' 34" W, 233.78 feet with the South line of said Gary Purser tract, the North margin of Chaparral Road, and the South line of the herein described tract to the **POINT OF BEGINNING**, containing 166.54 acres of land, more or less.

The Bearings for the above description are based on the Texas State Plane Coordinate System, Central Zone, NAD 83.

This description was prepared for rezone purposes only.



2901 East Stan Schlueter Loop, Killeen, Texas 76542 Phone: (254) 526-3981 Fax: (254) 526-4351
www.kesltd.com

TRANSMITTAL LETTER

TO: Planning Department DATE: 7-11-13

COMPANY: City of Killeen

PROJECT: Killeen Chaparral Development (South) PROJECT NO: 2013-008

WE ARE SENDING YOU ENCLOSED UNDER SEPARATE COVER THE FOLLOWING:

- | | | | |
|----------------|----------------|--------------|---------------|
| PLANS | CUT SHEETS | CHANGE ORDER | SHOP DRAWINGS |
| SPECIFICATIONS | COPY OF LETTER | ADDENDUM | |
| PLAT | CONTRACT | DEDICATION | |

COPIES	DATED	DESCRIPTION
1		Zoning Application
1		Deed
1		Corporate Resolution
1		Application Fee (\$200.00)

FOR YOUR USE FOR YOUR APPROVAL FOR REVIEW & COMMENTS
AS REQUESTED APPROVED AS NOTED RETURNED FOR CORRECTIONS

REMARKS: Legal Description, x3 copies of Conceptual Drawings

ISSUED BY Benjamin Peron RECEIVED BY _____

Exhibit A

Being a 268.828 acre tract of land being part of the A.H. Wood Survey, Abstract No. 886, J.B. Harris Survey, Abstract No. 452, and W. E. Hall Survey, Abstract No. 1116, being part of the Remainder of that certain tract of land conveyed to Killeen Chaparral Development, LLC, A Texas limited liability company, as recorded in Instrument No. 2012-00024898, Official Public Records of Bell County, Texas, and being part of that certain tract of land conveyed to Gary W. Purser 1999 Trust Et Al as recorded in Instrument No. 2008-00040763, said Deed Records; said 268.828 acre tract being more particularly described as follows:

BEGINNING at a 3/8" Iron Rod Found, said rod being the Southwest corner of said Gary Purser tract, the Southeast corner of a tract of land conveyed to James L. Herring as recorded in Volume 3994, Page 340, said Deed Records, in the North margin of Chaparral Road, and the Southwest corner of the herein described tract;

THENCE, N 20° 49' 48" W, 4313.06 feet with the West line of said Gary Purser tract, the East line of said Herring tract (3994/340), the East line of tracts of land conveyed to James L. Herring as recorded in Volume 3994, Page 321; Volume 3994, Page 318; and Volume 3977, Page 509, said Deed Records, the East line of a tract of land conveyed to Lou Ann Cross as recorded in Volume 4976, Page 728, said Deed Records, and the West line of the herein described tract to a point in the West line of said Gary Purser tract, the East line of said Cross tract, and the Northwest corner of the herein described tract;

THENCE, across and upon said Gary Purser tract and said Remainder of Killeen Chaparral Development, and with the North line of the herein described tract the following calls:

1. N 69° 10' 12" E, 130.00 feet;
2. N 20° 49' 48" W, 46.48 feet;
3. N 69° 10' 12" E, 70.00 feet;
4. N 20° 49' 48" W, 105.00 feet;
5. N 56° 04' 42" E, 441.00 feet;
6. N 61° 43' 51" E, 311.69 feet;
7. S 37° 34' 06" E, 144.75 feet;
8. S 28° 16' 09" E, 487.15 feet;
9. S 37° 30' 00" E, 163.12 feet;
10. S 45° 14' 20" E, 160.33 feet;
11. Along a curve to the right having a chord bearing S 80° 35' 22" E, chord distance 622.56 feet, arc length 634.81 feet, and radius 930.00 feet;
12. S 61° 02' 05" E, 32.38 feet;
13. Along a curve to the right having a chord bearing S 51° 49' 50" E, chord distance 19.19 feet, arc length 19.28 feet, and radius 60.00 feet;
14. S 42° 37' 35" E, 180.28 feet;
15. S 85° 38' 46" E, 153.99 feet;
16. S 79° 11' 43" E, 180.28 feet;
17. Along a curve to the right having a chord bearing S 75° 03' 08" E, chord distance 8.67 feet, arc length 8.68 feet, and radius 60.00 feet;
18. S 70° 54' 32" E, 919.03 feet;
19. Along a curve to the right having a chord bearing S 59° 11' 02" E, chord distance 52.84 feet, arc length 53.21 feet, and radius 130.00 feet;
20. S 47° 27' 32" E, 705.87 feet;
21. S 82° 38' 37" E, 49.39 feet;
22. S 61° 02' 05" E, 130.00 feet;
23. S 28° 57' 55" W, 495.00 feet;
24. S 12° 40' 44" E, 300.09 feet;
25. S 87° 02' 04" E, 80.02 feet;
26. N 4° 13' 12" E, 0.22 feet;
27. N 37° 20' 34" E, 199.02 feet;
28. N 30° 40' 51" E, 240.47 feet;
29. N 68° 44' 54" E, 94.59 feet;

30. S 60° 55' 07" E, 97.36 feet;
31. S 26° 24' 12" E, 299.85 feet;
32. S 59° 10' 08" E, 276.26 feet;
33. N 69° 14' 28" E, 639.73 feet to a point located on said Remainder of Killeen Chaparral Development and being the Northeast corner of the herein described tract;

THENCE, across and upon said Remainder of Killeen Chaparral Development and with the East line of the herein described tract the following calls:

1. Along a curve to the right having a chord bearing S 17° 14' 47" E, chord distance 79.24 feet, arc length 79.26 feet, and radius 900.00 feet;
2. S 14° 23' 05" E, 300.85 feet;
3. Along a curve to the left having a chord bearing S 17° 34' 18" E, chord distance 100.07 feet, arc length 100.12 feet, and radius 900.00 feet;
4. S 20° 45' 32" E, 151.87 feet to a point in the South line of said Remainder of Killeen Chaparral Development, the North margin of Chaparral Road, and the Southeast corner of the herein described tract;

THENCE, S 69° 14' 28" W, 3008.18 feet with the South line of said Remainder of Killeen Chaparral Development, the North margin of Chaparral Road, and the South line of the herein described tract to a 3/8" Iron Rod Found with Mitchell and Associates Cap, said rod being in the South line of said Remainder of Killeen Chaparral Development, the North margin of Chaparral Road, and the South line of the herein described tract;

THENCE, S 69° 13' 34" W, 1228.04 feet with the South line of said Gary Purser tract, the North margin of Chaparral Road, and the South line of the herein described tract to the **POINT OF BEGINNING**, containing 268.828 acres of land, more or less.

The Bearings for the above description are based on the Texas State Plane Coordinate System, Central Zone, NAD 83.

This description was prepared for rezone purposes only.

**** Electronically Filed Document ****

**Bell County, Tx
Shelley Coston
County Clerk**

Document Number: 2012-28085
Recorded As : ERX-RECORDINGS

Recorded On: July 11, 2012
Recorded At: 11:47:03 am
Number of Pages: 4
Book-VI/Pg: Bk-OR VI-8229 Pg-1
Recording Fee: \$19.00

Parties:

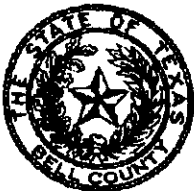
Direct- KILLEEN CHAPARRAL DEVELOPMENT LLC
Indirect- PURSER GARY W JR

Receipt Number: 141417
Processed By: Kimberly Powell

(Parties listed above are for Clerks reference only)

***** 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.



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

A handwritten signature in cursive script that reads "Shelley Coston".

**RESOLUTION
OF
KILLEEN CHAPARRAL DEVELOPMENT, LLC,
a Texas Limited Liability Company ("Company")**

Gary W. Purser, Jr., being the sole manager of the Company governed under the Texas Business Organizations Code, does by this writing consent to take the following action and adopt the following resolutions:

RESOLVED, the Company is manager ruled.

RESOLVED, that **Gary W. Purser, Jr.**, in his capacity as President of the Company, acting on behalf of the Company, thereby binding the Company, be and is hereby authorized and directed to do the following:

1. **GENERAL BORROWING:** Borrow from such banks, trust companies, savings institutions, individuals, or others, as in his judgment is necessary, for such a period of time and upon such terms and rate of interest as may to him at his discretion, seem advisable and to execute notes and payment of the amount so borrowed. Any such notes may be signed by him and he is hereby authorized to execute such mortgages, mechanic's liens, deeds of trust, security agreements, financing statements or such other security instruments as may in his judgment be necessary in connection with such transactions. Furthermore, he is authorized to execute any renewals, extensions and modifications of such notes.
2. **TO SELL:** Sell real or personal property upon such terms as may to him, at his discretion, seem advisable, and he is hereby authorized to execute any and all of those certain contracts, deeds, and other relative papers pertaining to the sale of real or personal property, upon such terms and conditions as to him, in his discretion, are advisable and reasonable and as may be set forth in any future contracts executed by him and any prospective buyer. Such contracts, deeds, and any relative instruments pertaining to the sale of real or personal property may be signed by him and he is hereby authorized to execute such contracts, deeds, or other relative instruments as, in his judgment, may be necessary in connection with such transaction.
3. **TO PURCHASE:** Purchase real or personal property upon such terms as may to him, at his discretion, seem advisable, and he is hereby authorized to execute any and all of those certain relative papers pertaining to the purchase of property, upon such terms and conditions as to him, in his discretion, are advisable and reasonable and as may be set forth in future contracts executed by and between any third party, as Seller, and him on behalf of the Buyer. Such relative instruments pertaining to the purchase of certain real or personal

property may be signed by him as, in his judgment, may be necessary in connection with such transaction.

4. **CONSTRUCT IMPROVEMENTS:** Execute any and all of those certain construction contracts, mechanic's lien contracts, construction loan agreements and other relative papers pertaining to the construction of certain improvements, upon such terms and conditions as to him, in his discretion, are advisable and reasonable and as may be set forth in such mechanic's lien documents executed by him; the third party; and, if applicable, the third party's lender. Such construction contracts, mechanic's lien documents, and any relative instruments pertaining to the construction of certain improvements may be signed by him as such construction contracts, mechanic's lien documents, or other relative instruments as, in his judgment, may be necessary in connection with such transaction. In addition, he is hereby authorized and directed to obtain all bids, permits, and perform such other actions necessary in connection with the construction of certain improvements.
5. **BANK & BROKERAGE ACCOUNTS:** Transact, oversee and initiate any and all banking and brokerage matters, including but not limited to the opening of bank and brokerage accounts, the execution of any signature cards, the enrollment of any online services offered by bank and brokerage firms, making all deposits or withdrawals, and any other matter related to bank and brokerage matters and accounts.
6. **DAY TO DAY OPERATIONS:** To transact any and all day-to-day business matters that may, in his discretion, be necessary to operate the day-to-day activities and operations.
7. **OTHER ACTION:** To take such other action to execute and deliver such additional instruments as are necessary or proper in order to effectively perform all of the foregoing resolutions.

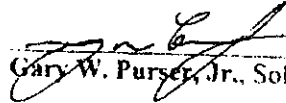
RESOLVED, that the Company consents to the foregoing resolutions.

I direct that this consent be filed with the minutes of the proceedings of the Managers of the Company.

This consent is executed pursuant to of the Texas Business Organizations Code which authorizes the taking of action by the Managers by unanimous written consent without a meeting.

This unanimous written consent may be executed in one or more counterparts, all of which together shall be one and the same instrument.

Dated to be effective: July 10, 2012.

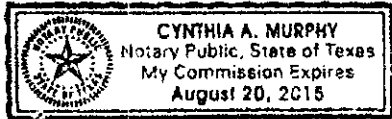

Gary W. Purser, Jr., Sole Manager

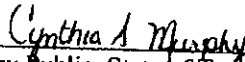
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Bell

This instrument was acknowledged before me on July 10, 2012, by Gary W. Purser, Jr., in his capacity as Sole Manager of **KILLEEN CHAPARRAL DEVELOPMENT, LLC**, a Texas limited liability company, on behalf of said limited liability company.




Notary Public, State of Texas

PREPARED IN THE LAW OFFICE OF:
jaw/kap
BAIRD, CREWS, SCHILLER &
WHITAKER, P. C.
ATTN: THOMAS C. BAIRD
15 North Main
Temple, Texas 76501
www.bcswlaw.com

AFTER RECORDING RETURN TO:
jaw/kap
BAIRD, CREWS, SCHILLER &
WHITAKER, P. C.
ATTN: THOMAS C. BAIRD
15 North Main
Temple, Texas 76501
www.bcswlaw.com

**GARY W. PURSER 1999 TRUST
APPOINTMENT OF SUCCESSOR TRUSTEE
RESIGNATION OF TRUSTEE
ACCEPTANCE BY SUCCESSOR TRUSTEE**

APPOINTMENT OF SUCCESSOR TRUSTEE

I, Gary W. Purser, Sr., hereby revoke all provisions of that one certain document entitled "Power of Appointment – Qualified Beneficiary Designation & Appointment of Successor Trustee for the Gary W. Purser, Sr. 1999 Trust" that I signed on February 22, 2007.

I, Gary W. Purser, Sr., am the Trustee of the GARY W. PURSER, SR. 1999 TRUST under declaration of trust dated December 15, 1999, ("Trust"), during the time I am executing this document entitled "Appointment of Successor Trustee".

The Trust Declaration governing the Trust provides that I, Gary W. Purser, Sr., have full rights of selection and, therefore, have the right to "appoint a successor as trustee (one or more), which appointment will supersede the default of succession" prescribed in the Trust. If I fail or cease to serve as Trustee of the Trust for any reason, I appoint the following designated, to serve in the order listed, to serve as the successor trustees of the Trust:

1. Ronald E. Stepp, with full rights of selection (as defined in the Trust Declaration for the Gary W. Purser, Sr. 1999 Trust).
2. Gary W. Purser, Jr., Elizabeth Ann Purser Tipton, and Sue Ellen Purser van Zanten, as successor Co-Trustees.
3. If any of one of Gary W. Purser, Jr., Elizabeth Ann Purser Tipton, and Sue Ellen Purser van Zanten shall fail or cease to serve as Trustee of the Trust for any reason, then the remaining two of Gary W. Purser, Jr., Elizabeth Ann Purser Tipton, and Sue Ellen Purser van Zanten shall serve as successor co-trustees of the Trust.
4. If all but one of Gary W. Purser, Jr., Elizabeth Ann Purser Tipton, and Sue Ellen Purser van Zanten shall fail or cease to serve as Trustee of the Trust for any reason, then the remaining one of Gary W. Purser, Jr., Elizabeth Ann Purser Tipton, and Sue Ellen Purser van Zanten shall serve as sole successor trustee of the Trust.
5. Notwithstanding the above, upon my death, each primary Beneficiary of a separate trust for a child of mine shall serve as the Trustee (with full rights of selection) of the separate trust for that child.
6. Notwithstanding the above, upon my death, each primary Beneficiary of a separate trust for a grandchild or later descendant of mine shall serve as the Trustee (with full rights of selection) of the separate trust for that Beneficiary when the Beneficiary has attained thirty-five (35) years of age and no parent of the Beneficiary is a Beneficiary or Trustee of that trust.

All other provisions of the Trust Agreement governing the Trust applicable to the trustee and successor trustees remain as written.

Dated to be effective 8/6, 2010, at 1:50 P.M. m.

Gary W. Purser Sr.
GARY W. PURSER, SR.

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on August 6, 2010, by Gary W. Purser, Sr.



Rene' Murray
Notary Public, State of Texas
Printed Name: RENE' MURRAY
Commission Expires: 8-22-13

RESIGNATION OF TRUSTEE

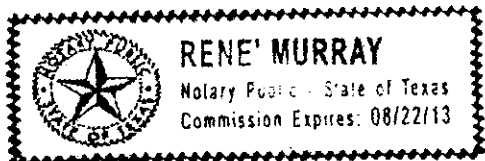
I, GARY W. PURSER, SR., am the Trustee of the GARY W. PURSER, SR. 1999 TRUST under declaration of trust dated December 15, 1999 ("Trust"). Having signed the foregoing Appointment of Successor Trustee, I hereby resign as Trustee of the Trust in favor of RONALD E. STEPP as Successor Trustee of the Trust, Ronald E. Stepp being the duly appointed Successor Trustee named in the foregoing Appointment of Successor Trustee.

My resignation as Trustee of the GARY W. PURSER 1999 TRUST is to be effective 8/6, 2010, at 1:50 P.M. m.

Gary W. Purser Sr.
GARY W. PURSER, SR.

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on August 6, 2010, by GARY W. PURSER, SR.



Rene' Murray
Notary Public, State of Texas
Printed Name: RENE' MURRAY
Commission Expires: 8-22-13

ACCEPTANCE BY SUCCESSOR TRUSTEE

Effective, August 6, 2010, I, RONALD E. STEPP, as duly appointed successor trustee of the GARY W. PURSER 1999 TRUST ("Trust") under the foregoing Appointment of Successor Trustee, and having received the resignation of GARY W. PURSER, SR. as Trustee of the Trust, hereby accept the position as Trustee of the Trust, and I hereby agree to abide by the terms of the trust instrument governing the Trust.

Ronald E. Stepp
RONALD E. STEPP

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on August 6, 2010, by RONALD E. STEPP.



Rene Murray
Notary Public, State of Texas
Printed Name: RENE MURRAY
Commission Expires: 8-22-13

**POWER OF APPOINTMENT – QUALIFIED BENEFICIARY DESIGNATION
FOR THE
GARY W. PURSER SR. 1999 TRUST**

Under the provisions of the Gary W. Purser Sr. 1999 Trust dated December 15, 1999, Gary W. Purser Sr. has been given the power to appoint a beneficiary of the Gary W. Purser Sr. 1999 Trust upon Gary W. Purser Sr.'s death, which designation must be in writing and must be acknowledged.

I, Gary W. Purser Sr., hereby revoke all provisions of that one certain document entitled "Power of Appointment – Qualified Beneficiary Designation & Appointment of Successor Trustee for the Gary W. Purser Sr. 1999 Trust" that I signed on February 22, 2007. Upon my death, the Trust property of the Gary W. Purser Sr. 1999 Trust will be administered and distributed in accordance with the terms of the trust instrument for the Gary W. Purser Sr. 1999 Trust as if I had never exercised any power of appointment.

Signed this 6 day of AUGUST, 2010.

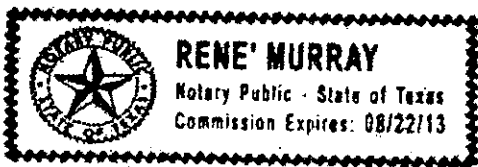


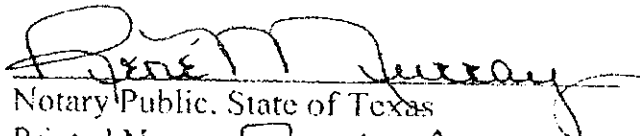
GARY W. PURSER SR.

State of Texas
County of Bell

On this 10th day of August, 2010, before me, a Notary Public of said State, personally appeared Gary W. Purser Sr., personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same and for the purpose and consideration therein expressed.

WITNESS MY HAND AND OFFICIAL SEAL.





Notary Public, State of Texas
Printed Name: RENE' MURRAY
Commission Expires: 8-22-13

Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2008-00040763

Recorded On: October 02, 2008

As
Recordings

Parties: PURSER GARY W SR

Billable Pages: 4

To GARY W PURSER SR 1999 TRUST

Number of Pages: 5

Comment:

(Parties listed above are for Clerks reference only)

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

Recordings	26.00
Total Recording:	26.00

***** 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: 2008-00040763

Receipt Number: 39658

Recorded Date/Time: October 02, 2008 02:42:28P

User / Station: N Mitchell - Cash Station 1

Record and Return To:

CHAFIN PURSER INC
2901 E 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

A handwritten signature in cursive script that reads "Shelley Coston".



70 2008 00040763

Correction Deed
Add Legal Description

WARRANTY DEED

~~Doc# 00024119~~

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.

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS THAT:

COUNTY OF BELL §

Doc# 00040763

That **GARY W. PURSER, SR.**, (herein called "Grantor" whether one or more), of the County of **BELL** and State of **TEXAS**, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, has **GRANTED, SOLD AND CONVEYED**, and by these presents does **GRANT, SELL AND CONVEY A ONE-HALF UNDIVIDED INTEREST** unto **GARY W. PURSER, SR. 1999 Trust** and **A ONE-HALF UNDIVIDED INTEREST** unto **JOHN HELEN PURSER 1999 TRUST** (herein called "Grantee" whether one or more), of **2901 E. Stan Schlueter Loop, Killeen** in the County of **BELL** and State of **TEXAS**, all of the following described real property in **BELL** County, Texas, to-wit:

A tract of land in Bell County, Texas, part of the W.E. Hall Survey, Abstract No. 116, and the J.B. Harris Survey, Abstract No. 452, described as being part of that certain 441.334 acre tract of land conveyed to Guinn C. Fergus, et al by Deed in Volume 3258, Page 329, Official Public Records of Real Property of Bell County, Texas; subject tract, containing 133.645 acres, being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes

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

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said

Grantee, Grantee's heirs, executors, successors and assigns forever; and Grantor does hereby bind Grantor, Grantor's successors and assigns to WARRANT AND FOREVER DEFEND, all and singular, the said premises unto the said Grantee, Grantee's heirs, executors, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Executed the 2nd day of February, 2008.

GARY W. PURSER, Sr.

BY: Gary W. Purser Sr
GARY W. PURSER, Sr.

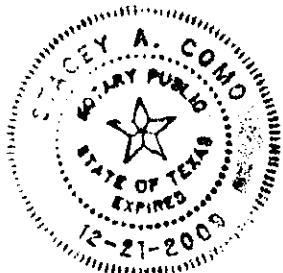
ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me this 2nd day of February, 2008, by GARY PURSER, SR.



Stacey A Como
Notary Public, State of Texas
Printed Name: Stacey A. Como
My Commission Expires: 12/21/09



CHAFIN PURSER INC #18 Escrow
2901 E STAN SCHLUETER LOOP
KILLEEN, TX 76541

VOL 5451 PG382

WARRANTY DEED

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL

THAT KEITH FERGUS, ANN FERGUS FERRIGAN and JANET FERGUS GRESS, Individually, as Independent Co-Executors of the Estate of Darlene Goodman Fergus, and as Trustees of THE FERGUS BYPASS TRUST created under the Will of Guinn C. Fergus, Deceased, dealing in their sole and separate, non-homestead property, (herein called "Grantors" whether one or more), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto GARY W. PURSER, SR., (herein called "Grantee" whether one or more) of 2901 E STAN SCHLUETER LOOP, KILLEEN 76542, in the County of BELL and State of TEXAS, all of the following described real property in BELL County, Texas, to-wit:

A tract of land in Bell County, Texas, part of the W. E. HALL Survey, Abstract No. 116, and the J. B. HARRIS Survey, Abstract No. 452, described as being part of that certain 441.334 acre tract of land conveyed to Guinn C. Fergus, et al by Deed in Volume 3258, Page 329, Official Public Records of Real Property of Bell County, Texas; subject tract, containing 133,645 acres, being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes

This conveyance is made and accepted subject to any and all restrictions, covenants, conditions, easements, maintenance charges and the liens securing said charges, and mineral

reservations of whatsoever nature, if any, affecting the premises conveyed herein, now of record in the county wherein the land is located.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs and assigns forever, and Grantors do hereby bind Grantors, Grantors' heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, Grantee's heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Grantee assumes all real property taxes, including rollback taxes, for 2004 and subsequent years.

EXECUTED the 21st day of June, 2004.

[Signature]
KEITH FERGUS

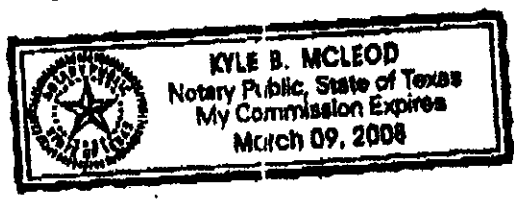
[Signature]
ANN FERGUS FERRIGAN

[Signature]
JANET FERGUS GRESS

STATE OF TEXAS
COUNTY OF HARRIS

This instrument was acknowledged before me on the 21st day of June, 2004, by KEITH FERGUS, Individually, as Co-Independent Executor of the Estate of Darlene Goodman Fergus, Deceased, and as Trustee of THE FERGUS BYPASS TRUST, created under the Will of Guinn C. Fergus, Deceased.

[Signature]
NOTARY PUBLIC, STATE OF TEXAS



VOL 5451 PG 385

EXHIBIT A

Being a 133.645 acre tract of land in Bell County, Texas, part of the W. E. Hall Survey, Abstract No. 116 and the J. B. Harris Survey, Abstract No. 452, and being part of that certain 441.334 acre tract of land conveyed to Keith Fergus, Ann Fergus Ferrigan and Janet Fergus Gress by Deed in Volume 3722, Page 722, Official Public Records of Real Property of Bell County, Texas; A portion of this tract being part of that certain 6 acre tract conveyed to Dan M. Fergus, Dan M. Fergus Trust, Anita P. Fergus Trust, Dan M. Fergus, Jr., Gregory S. Fergus and Marvin P. Fergus by Deed in Volume 4687, Page 312, Official Public Records of Real Property of Bell County, Texas; said 133.645 acre tract being more particularly described as follows::

BEGINNING at a 3/8" iron rod found with M&A cap in the North margin of Chaparral Road, said rod being the Southwest corner of a tract of land recorded in Volume 3258, page 323 and the Southeast corner of said tract recorded in Volume 3722, Page 722, said county deed records for the Southeast corner of the herein described tract;

THENCE, S 71°21'53" W, 1228.06 feet with the North margin of said Chaparral Road, the South line of said tract recorded in Volume 3722, page 722 and the South line of the herein described tract to a 3/8" iron rod found, said rod being the Southeast corner of a tract of land recorded in Volume 3994, Page 340, said county deed records for the Southwest corner of the herein described tract;

THENCE, N 18°41'51" W, 3655.88 feet with East line of said tract of land recorded in Volume 3994, Page 340 and with the East lines of tracts of land recorded in Volume 3994, Page 321, Volume 3994, Page 318 and Volume 3977, Page 509, said county deed records and the West line of the herein described tract to a 3/8" iron pipe found, said pipe being the Northeast corner of said tract of land recorded in Volume 3977, Page 509 and the Southeast corner of a tract of land recorded in Volume 4976, Page 728, said county deed records for a corner in the West line of the herein described tract;

THENCE, N 18°34'39" W, 1026.89 feet with the East line of said tract recorded in Volume 4976, Page 728, said county deed records and the West line of the herein described tract to a point for corner in the centerline of Trimmier Creek, said point being the Northeast corner of said tract recorded in Volume 4976, Page 728, the Southeast corner of a tract of land recorded in Volume 4819, page 455, and the Southwest corner of a tract of land recorded in Volume 4965, Page 438 for the Northwest corner of the herein described tract;

THENCE, in an Easterly direction along the centerline of Trimmier Creek along the South line of said tract recorded in Volume 4965, Page 438, crossing the above mentioned 6 acre tract recorded in Volume 4687, Page 312, said county deed records, and with the North line of the herein described tract as follows:

- | | |
|---------------------------------|---------------------------------|
| 1. N 69°01'35" E, 219.71 feet, | 2. N 54°45'27" E, 128.00 feet, |
| 3. S 67°16'10" E, 131.79 feet, | 4. N 59°04'05" E, 155.62 feet, |
| 5. N 28°53'51" E, 109.08 feet, | 6. N 60°22'06" E, 283.31 feet, |
| 7. N 72°02'24" E, 182.78 feet, | 8. S 49°06'37" E, 80.48 feet, |
| 9. S 31°03'16" E, 163.58 feet, | 10. S 21°19'30" E, 236.69 feet, |
| 11. S 36°01'41" E, 157.88 feet, | 12. S 12°09'32" W, 71.45 feet, |
| 13. S 15°32'04" E, 204.17 feet, | 14. S 57°38'49" E, 179.52 feet, |

15. N 86°45'49" E, 56.94 feet, to a point for corner, said point being a corner in the South line of said tract recorded in Volume 4965, Page 438 and a point in the North line of the above mentioned tract recorded in Volume 3258, Page 323, said county deed records for a corner in the East line of the herein described tract;

THENCE, S 71°01'29" W, 158.31 feet departing Trimmier Creek and with the North line of said tract recorded in Volume 3258, Page 323, said county deed records and the East line of the herein described tract to a 3/8" iron rod found with M&A cap, said rod being the Northwest corner of said tract recorded in Volume 3258, Page 323 for a corner in the East line of the herein described tract;

THENCE, S 18°37'28" E, 3762.81 feet with the West line of said tract recorded in Volume 3258, Page 323 and the East line of the herein described tract to the Place of Beginning, and containing 133.645 acres of land, more or less.

5451

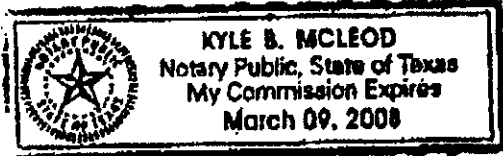
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5451

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STATE OF TEXAS
COUNTY OF HARRIS

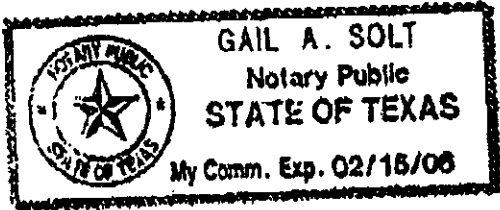
This instrument was acknowledged before me on the 21st day of June, 2004, by ANN FERGUS FERRIGAN, Individually, as Co-Independent Executor of the Estate of Darlene Goodman Fergus, Deceased, and as Trustee of THE FERGUS BYPASS TRUST, created under the Will of Guinn C. Fergus, Deceased.



Kyle B. McLeod
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF

This instrument was acknowledged before me on the 24th day of June, 2004, by JANET FERGUS GRESS, Individually, as Co-Independent Executor of the Estate of Darlene Goodman Fergus, Deceased, and as Trustee of THE FERGUS BYPASS TRUST, created under the Will of Guinn C. Fergus, Deceased.



Gail A. Solt
NOTARY PUBLIC, STATE OF TEXAS

WARRANTY DEED

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL

THAT BENTINA, LTD., a Texas Limited Partnership (herein called "Grantor" whether one or more) of the County of BELL and State of TEXAS, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto GARY W. PURSER, SR., (herein called "Grantee" whether one or more) of 2901 E STAN SCHLUETER LOOP, KILLEEN 76542, in the County of BELL and State of TEXAS, all of the following described real property in BELL County, Texas, to-wit:

Lot One (1), in Block One (1), AMENDED PLAT OF SUN CHASE ESTATES PHASE TWO, an addition to the City of Killeen, Bell County, Texas, according to the map or plat of record in Cabinet C, Slide 189-D, Plat Records of Bell County, Texas

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

TO HAVE AND TO HOLD the above described premises, together with all and singular rights and appurtenances thereto in anywise belonging, unto the said Grantee, Grantee's heirs and assigns forever; and Grantor does hereby bind Grantor, Grantor's successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said premises unto the

said Grantee, Grantee's heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this 5th day of August, 2004.

BENTINA MANAGEMENT, L.C., General Partner of BENTINA, LTD.

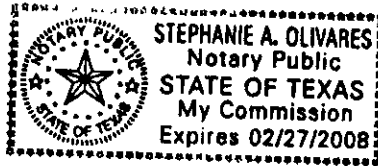
BY: [Signature]
GARY W. PURSER, JR., President

(ACKNOWLEDGMENTS)

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on August 5th, 2004, by GARY W. PURSER, JR., as Manager of BENTINA MANAGEMENT, L.C., a Texas Limited Liability Company, as General Partner of BENTINA, LTD., a Texas Limited Partnership, on behalf of said Partnership.

Stephanie A. Olivares
NOTARY PUBLIC, STATE OF TEXAS



FILED FOR RECORD
04 AUG 9 PM 2 51
BY [Signature]
COUNTY CLERK
VASSAR COUNTY TEXAS

034066

**** Electronically Filed Document ****

**Bell County, Tx
Shelley Coston
County Clerk**

Document Number: 2012-24888
Recorded As : ERX-RECORDINGS

Recorded On: June 20, 2012
Recorded At: 12:48:10 pm
Number of Pages: 10
Book-VI/Pg: Bk-OR VI-8205 Pg-901
Recording Fee: \$43.00

Parties:

Direct- FERGUS ANITA P
Indirect- KILLEEN CHAPARRAL DEVELOPMENT LLC

Receipt Number: 139595
Processed By: Grace Gomez

(Parties listed above are for Clerks reference only)

***** 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.



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

A handwritten signature in cursive script that reads "Shelley Coston".

said 281.53 acres, (i) all improvements located on said 281.53 acres, and (iii) all rights, privileges, and appurtenances pertaining to said 281.53 acres, including, but not limited to, water rights, claims, permits, strips and gores and easements.

Exceptions to Conveyance and Warranty:

This conveyance is expressly made and accepted subject only to those easements listed on Exhibit B attached hereto and made a part hereof to the extent that the same are valid and enforceable against the Property.

Grantor, for the consideration and subject to the exceptions to conveyance and warranty set forth above, has GRANTED, SOLD and CONVEYED and does hereby GRANT, SELL and CONVEY to Grantee the Property, together with all and singular the improvements located thereon and all rights and appurtenances pertaining thereto. TO HAVE AND TO HOLD the Property to Grantee, Grantee's heirs, executors, legal representatives, successors and assigns forever. Grantor binds Grantor and Grantor's heirs, legal representatives, successors and assigns to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, legal representatives, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the exceptions to conveyance and warranty set forth above, by, through, or under Grantor, in their respective capacities stated above, but not otherwise.

Wherever the context of this Deed so requires, the singular shall include the plural, the plural shall include the singular and any gender shall include all other genders.

Anita P. Fergus
Anita P. Fergus

Gregory Stuart Fergus
Gregory Stuart Fergus

Dan M. Fergus, Jr. Co-Trustee
Dan M. Fergus, Jr., as Co-Trustee
of the Dan M. Fergus Bypass Trust

Max V. Fergus
Max V. Fergus as Co-Trustee
of the Dan M. Fergus Trust

Max V. Fergus
Max V. Fergus as Co-Trustee
of the Anita P. Fergus Trust

Dan M. Fergus, Jr.
Dan M. Fergus, Jr.

Marvin Powell Fergus
Marvin Powell Fergus

Anita P. Fergus
Anita P. Fergus as Co-Trustee
of the Dan M. Fergus Bypass Trust

Dan M. Fergus, Jr. Co-Trustee
Dan M. Fergus, Jr., as Co-Trustee
of the Dan M. Fergus Trust

Dan M. Fergus, Jr. Co-Trustee
Dan M. Fergus, Jr. as Co-Trustee
of the Anita P. Fergus Trust

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on June 19, 2012, by Anita P. Fergus.

[Signature]
Notary Public, State of Texas
My Commission Expires: _____

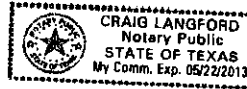
STATE OF TEXAS §
COUNTY OF BELL §



This instrument was acknowledged before me on June 19, 2012, by Dan M. Fergus, Jr.

[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF Colorado §
COUNTY OF Gunnison §



This instrument was acknowledged before me on June 19, 2012, by Gregory Stuart Fergus.



[Signature] Paul S. Elam Jr.
Notary Public, State of _____
My Commission Expires: 3/1/15

STATE OF TEXAS
COUNTY OF BELL

§
§
§

This instrument was acknowledged before me on June 19, 2012, by
Mervin Powell Fergus.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS
COUNTY OF BELL

§
§
§

This instrument was acknowledged before me on June 19, 2012, by Dan
M. Fergus, Jr., as Co-Trustee of the Dan M. Fergus Bypass Trust.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS
COUNTY OF BELL

§
§
§

This instrument was acknowledged before me on June 19, 2012, by
Anita P. Fergus, as Co-Trustee of the Dan M. Fergus Bypass Trust.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS §
COUNTY OF BELL §

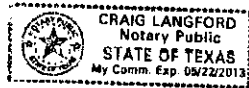
This instrument was acknowledged before me on June 19, 2012, by Max V. Fergus, as Co-Trustee of the Dan M. Fergus Trust.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on June 19, 2012, by Dan M. Fergus, Jr., as Co-Trustee of the Dan M. Fergus Trust.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____

STATE OF TEXAS §
COUNTY OF BELL §

This instrument was acknowledged before me on June 19, 2012, by Max V. Fergus, as Co-Trustee of the Anita P. Fergus Trust.



[Signature]
Notary Public, State of Texas
My Commission Expires: _____



SHEPPARD SURVEYING CO., INC.

Registered Professional Land Surveyor - Licensed State Land Surveyor

EXHIBIT A

BOUNDARY
REPLACEMENT
GPS
CONTROL
ROUTE
OIL LEASE

1019 Energy Dr. Abilene, Texas 79602 (325) 695-6277 Fax 695-3299

STATE OF TEXAS
BELL COUNTY

METES AND BOUNDS DESCRIPTION OF 281.53 ACRES OF LAND, BEING THE REMAINDER OF A CALLED 301.334 ACRE TRACT OF LAND CONVEYED FROM GUINN C. FERGUS ET.AL. TO DAN M. FERGUS, ET.AL. DATED DECEMBER 26, 1994, AND RECORDED IN VOLUME 3258, PAGE 323, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS. THIS TRACT CONTAINING GENERALLY 241.32 ACRES OUT OF THE A. H. WOOD SURVEY, (A-886), 39.01 ACRES OUT OF THE W. E. HALL SURVEY, (A-1116), AND 1.20 ACRES OUT OF THE J. B. HARRIS SURVEY, (A-452), OF BELL COUNTY, TEXAS.

BEGINNING AT A 3/8" REBAR RECOVERED AT AN OLD FENCE CORNER FOR THE NORTHWEST CORNER OF SAID WOOD SURVEY, THE SOUTHWEST CORNER OF A CALLED 343.378 ACRE TRACT DESCRIBED IN VOLUME 4151, PAGE 290, THE SOUTHEAST CORNER OF A CALLED 190.066 ACRE TRACT DESCRIBED IN VOLUME 4965, PAGE 438. FROM THIS POINT A LARGE LIVE OAK TREE RECOVERED FOR THE NORTHEAST CORNER OF THE W. E. HALL SURVEY A-1116, BEARS S 21°04'50" E AT 113.9'.

THENCE N 69°00'33" E ALONG THE NORTH LINE OF SAID WOOD SURVEY, BEING FOLLOWED BY A MEANDERING FENCE LINE FOR A DISTANCE OF 2768.43' TO A 3/8" REBAR RECOVERED AT A FENCE CORNER FOR THE NORTHWEST CORNER OF A CALLED 120.00 ACRE TRACT CONVEYED FROM GUINN C. FERGUS ET.AL. TO THE CITY OF HARKER HEIGHTS AS RECORDED IN VOLUME 2630, PAGE 622, FOR THE MOST EASTERLY NORTHEAST CORNER OF THIS TRACT.

THENCE S 21°19'57" E ALONG THE WEST LINE OF SAID 120.0 ACRE TRACT, BEING GENERALLY FOLLOWED BY A WIRE FENCE FOR A DISTANCE OF 3804.45' TO A 3/8" REBAR RECOVERED FOR THE SOUTHWEST CORNER OF SAID 120.0 ACRE TRACT AND THE SOUTHEAST CORNER OF THIS TRACT.

THENCE S 68°15'40" W ALONG THE OCCUPIED NORTH LINE OF CHAPARRAL ROAD FOR A DISTANCE OF 46.47' TO A 3/8" REBAR RECOVERED FOR CORNER OF THIS TRACT.

THENCE N 81°01'41" W ALONG THE OCCUPIED NORTH LINE OF CHAPARRAL ROAD FOR A DISTANCE OF 58.76' TO A 3/8" REBAR RECOVERED FOR CORNER OF THIS TRACT.

THENCE S 69°14'22" W ALONG THE OCCUPIED NORTH LINE OF CHAPARRAL ROAD FOR A DISTANCE OF 3173.63' TO A 1/2" REBAR WITH CAP MARKED "M & ASSOC" RECOVERED FOR THE SOUTHEAST CORNER OF A CALLED 133.645 ACRE TRACT AS DESCRIBED IN VOLUME 5451, PAGE 382, THE SOUTHWEST CORNER OF SAID 301.334 ACRE TRACT OF LAND OF THIS TRACT.

THENCE N 20°45'30" W WITH THE EAST LINE OF SAID 133.645 ACRE TRACT THE WEST LINE OF SAID 301.334 ACRE TRACT, AT 3651' PASS THE NORTH LINE OF THE W. E. HALL SURVEY, CONTINUE SAME COURSE FOR A TOTAL DISTANCE OF 3762.31' TO A 1/2" REBAR SET AT SAME POSITION WHERE I RECOVERED THE ORIGINAL 3/8" REBAR IN AUGUST 2005 FOR THE NORTHWEST CORNER OF SAID 301.334 ACRE TRACT, THE SOUTHWEST CORNER OF A CALLED 6.0 ACRE TRACT (FOUND TO CONTAIN 5.93 ACRES) AS DESCRIBED IN VOLUME 4687,

PAGE 312, FROM DARLENE GOODMAN FERGUS, et al. TO DAN M. FERGUS, et al. AND A CORNER OF THIS TRACT.

THENCE N 68°56'10" E ALONG THE SOUTH LINE OF SAID CALLED 6.0 ACRE TRACT CROSSING A CREEK, FOR A DISTANCE OF 464.61' TO THE PLACE OF BEGINNING AND CONTAINING 281.53 ACRES OF LAND.

ALL BEARINGS AND DISTANCES ARE GRID NAD 83, TEXAS CENTRAL ZONE 4203, AS BASED UPON RTK NETWORK. COMBINED GRID SCALE FACTOR IS 0.99985. SEE ATTACHED PLAT

"I HEREBY CERTIFY TO ANITA P. FERGUS, DAN M. FERGUS, JR., GREGORY STUART FERGUS, MARVIN POWELL FERGUS, DAN M. FERGUS JR. AND ANITA P. FERGUS AS CO-TRUSTEES OF THE DAN M. FERGUS BYPASS TRUST, MAX V. FERGUS AND DAN M. FERGUS, JR. AS CO TRUSTEES OF THE DAN M. FERGUS TRUST, AND MAX V. FERGUS AND DAN M. FERGUS, JR., AS CO-TRUSTEES OF THE ANITA P. FERGUS TRUST (COLLECTIVELY CALLED THE "SELLER"), ROBERT BRENT BUTLER, OR HIS ASSIGNS (BUYER) AND AMERICAN ABSTRACT & TITLE CO., INC./PS THAT (A) THIS SURVEY WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION AND COMPLETED THE 2ND DAY OF APRIL, 2012. (B) THIS SURVEY CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY, (C) THIS SURVEY SHOWS THE LOCATIONS OF ALL EASEMENTS AND OTHER MATTERS DESCRIBED IN THAT TITLE COMMITMENT (G.F. NO. A1203116) ISSUED BY FIRST AMERICAN TITLE AND INSURANCE COMPANY DATED EFFECTIVE MARCH 12, 2012 (THE "TITLE COMMITMENT"), INsofar AS THOSE EASEMENTS AND MATTERS PERTAIN TO THE SUBJECT PROPERTY, AND (D) THIS SURVEY AND PROFESSIONAL SERVICES CONFORM TO THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A CONDITION II SURVEY AS DEFINED BY THE MANUAL OF PRACTICE FOR LAND SURVEYING IN THE STATE OF TEXAS." (E) THAT THIS TRACT APPEARS TO HAVE ACCESS TO CHAPARRAL ROAD USED BY THE PUBLIC BUT NO FORMAL DEDICATION FOUND, (F) THAT OF THE TOTAL 281.53 ACRES 46.32 ACRES LIE WITH-IN THE FEMA DESIGNATED 100 YEAR FLOOD PLAIN, LEAVING 235.21 ACRES OUTSIDE OF SAID 100 YEAR FLOOD PLAIN.


MAXEY SHEPPARD, RPLS 3697

EXHIBIT B
Exceptions to Conveyance and Warranty

1. Easement granted to Central Texas Water Supply corporation by instrument recorded in Volume 1595, Page 647, Deed Records of Bell County, Texas.
2. Easement granted to City of Killeen by instrument recorded in Volume 5822, Page 403, Official Public Records of Real Property of Bell County, Texas.
3. Easement granted to City of Killeen by instrument recorded in Volume 5822, Page 394, Official Public Records of Real Property of Bell County, Texas.
4. Overhead electric lines along Chaparral Road as shown on survey dated April 2, 2012, and prepared by Maxey Sheppard, RPLA #3697.
5. Unrecorded easement to Bartlett Electric Cooperative as shown on survey dated April 2, 2012, and prepared by Maxey Sheppard, RPLA #3697.



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TBPE Firm Reg. No. F-4200

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HERITAGE OAKS

DRAINAGE REPORT

KILLEEN, TEXAS

BELL COUNTY

September 5, 2013

KES Report No. 2013-008-001

RECEIVED

SEP 05 2013

PLANNING

8:15am

DRAINAGE REPORT

SUMMARY

The development of Heritage Oaks includes 251.41 acres of mixed-use land in Killeen, Texas. Application is being made that the subject property be rezoned as a Planned Unit Development (PUD). The project will be comprised of 91.44 acres of green space situated principally on Trimmier Creek and 159.97 acres of high density residential development. The current hydrologic analysis performed in support of our rezoning application demonstrates there will be no adverse impact on downstream properties as regulated by the City of Killeen's Drainage Design Standards.

HEC-HMS modeling of the overall drainage basins based on the official FEMA FIS Effective model shows that the peak runoff rates for the post-development condition for the 25 and 100-year storm events will be less than those for the existing condition 25 and 100-year storm events at a point immediately downstream of the project site (refer to Appendix 1, HEC-HMS Output). A hydrologic analysis of the interior drainage areas of the project was performed using the Rational Method. These drainage areas were sized and delineated so as to safely control runoff from the project with storm drain systems and/or flumes which will be designed at a later stage (refer to Sheet 4.0: Drainage and Topography).

To the best of my knowledge, the drainage calculations and improvements associated with this development meet and comply with current federal, state, and local regulations.

For Interim Review Only

This document has been released on September 5, 2013 for the purpose of review and comment under the authority of Gilberto Dominguez, P.E. This document is not to be used for construction purposes.



Gilberto Dominguez

Gilberto Dominguez, P.E.
Firm Reg. No. F-4200

Date: September 5, 2013

GENERAL LOCATION AND DESCRIPTION

Development Size: 251.41 acres
Location: The subject property lies immediately north of Chaparral Drive and southwest of Trimmier Creek in Killeen, Texas.
Description of Proposed Site: The proposed site is a residential subdivision to be developed as a PUD. Soils in the area are members of hydrologic soil groups B, C, and D. Refer to Appendix 2: NRCS Soils Report. Note that the Soils Report submitted for White Rock Estates Phase Ten is being submitted since that report covers the entirety of Heritage Oaks.
Development Type: Residential Subdivision

OFF-SITE HYDROLOGIC ANALYSIS

General:

This development lies immediately upstream of the confluence of Trimmier Creek and Acorn Creek. Existing topography ranges from flat to very steep. Existing land cover is range/pasture land with sporadic tree cover. Under post-development conditions, this residential site will increase in impervious cover from its current condition. This change will result in an increase in peak flow runoff from this development. A HEC-HMS hydrologic model was developed to determine the pre-development and post-development peak flows and the impact, if any, to downstream properties. An official FEMA effective model was obtained as a basis for modeling purposes. Peak flow rates for existing conditions were duplicated using the aforementioned model. Proposed conditions were determined by adjusting areas, lag time values, and curve numbers to reflect developed conditions. Under existing conditions, this drainage basin drains via overland flow to Trimmier Creek and Acorn Creek. The study point of the HEC-HMS developed condition study is located at the confluence of Acorn and Trimmier Creeks. This confluence is shown on the FEMA FIRM map and HEC-HMS schematic included in [Appendix 3](#). This location is listed as Acorn/Tri Confluence in the HEC-HMS output also found in [Appendix 1](#).

Inspection of the HEC-HMS results shows that the individual subbasins increased in peak flow rate under developed conditions. Nonetheless just downstream of the proposed project at the confluence of Acorn and Trimmier Creeks the peak 100-year discharge decreased. This is attributed to a decrease in lag times for the subbasins affected by the White Rock Phase 10 development. Although these subbasins experienced an increase in peak discharge because of these faster times, the overall effect was to produce hydrographs which peaked much sooner than under existing conditions. The overall effect was a lowering in the 100-year peak discharge at the confluence of Acorn and Trimmier Creeks as denoted in the table below and seen in the HEC-HMS output for the Acorn/Trimmier confluence (refer to [Appendix 1](#)).

SUMMARY OF RESULTS 100-YEAR STORM			
Drainage Basin	Existing Condition Peak Discharge	Proposed Condition Peak Discharge	Change
A8	415.8	429.2	(+)13.4
T5	376.7	750.4	(+)373.7
T5A	382.8	777.3	(+)394.5
T6	248.2	402.4	(+)154.2
TT1	842.8	1532.7	(+)689.9
Acorn/Trimmier Confluence	18271.8	18249.4	(-)22.4

Design Storms: 25-year and 100-year frequency

Design Methodology:

Hydrology: NRCS Curve Number Method (minimum 6 minute time of concentration)

Software Model: HEC-HMS v. 3.5

INTERNAL HYDROLOGIC ANALYSIS BY RATIONAL METHOD

All internal drainage areas associated with the proposed Heritage Oaks development were analyzed using the Rational Method ($Q = CIA$). T_c needed to calculate intensities were computed using the SCS TR-55 method and Bell County Rainfall coefficients. The minimum T_c used was 6 minutes. Coefficient 'C' values were taken from the City of Killeen's Drainage Design Manual (DDM), Section 2, Table 2-2. Off-site drainage areas OS-1, OS-2, OS-3, and OS-4 contributing flows from the west to the project site were computed and incorporated into the internal drainage analysis. The design points (DPs) shown on Sheet 4.0: Drainage & Topography indicate the majority of runoff from the project will ultimately discharge into Trimmier Creek. It is apparent that drainage easements will be required and these will be prepared at a later date.

STREET CAPACITY, INLET, AND FLUME ANALYSIS AND DESIGN

No street capacity, inlet, or flume analysis and design was performed for this rezoning application. These will be provided at a later stage in development.

STORM WATER MANAGEMENT SITE PLAN

As part of this rezoning application we are including a Storm Water Management Site Plan (SWMST). This SWMST represents the same plan that was submitted under the White Rock Phase Ten plat submittal. The Heritage Oaks area was submitted formerly with White Rock Phase Ten as a combined project area. This same SWMST is being submitted at this time as part of our rezoning application. The SWMST includes analysis and calculations indicating how full credit for required BMPs will be attained for this combined project area. This sheet also indicates the location of all waterways associated with White Rock Phase Ten and Heritage Oaks. The plan identifies those waterways requiring Creek Buffer Zone and those areas to be considered as "green space" or "open space". Refer to [Appendix 4](#), Storm Water Management Site Plan.

**EXHIBIT 1
HEC-HMS
OUTPUT**

Project: Trimmer Simulation Run: 25YR
 Start of Run: 01Aug2005, 00:00 Basin Model: Existing
 End of Run: 02Aug2005, 00:00 Meteorologic Model: 25-year
 Compute Time: 18Jul2013, 10:45:30 Control Specifications: Control 1

Show Elements: Volume Units: IN AC-FT

Hydrologic Element	Drainage Area (MI2)	Peak Discharge (CFS)	Time of Peak	Volume (IN)
J18	1.050	2425.7	01Aug2005, 12:35	7.13
J1	0.600	1685.4	01Aug2005, 12:25	7.23
A1	0.340	1061.0	01Aug2005, 12:20	7.50
A2	0.260	659.3	01Aug2005, 12:30	6.88
A3a	0.246	659.4	01Aug2005, 12:30	7.39
A4	0.260	784.2	01Aug2005, 12:20	7.13
A5	0.510	1007.3	01Aug2005, 12:30	5.06
A6	1.020	2000.0	01Aug2005, 12:45	7.10
A7	0.270	670.4	01Aug2005, 12:25	6.34
A8	0.250	282.5	01Aug2005, 12:55	4.23
A9	2.910	4488.4	01Aug2005, 12:55	6.44
E2	0.332	837.4	01Aug2005, 12:30	6.86
E1	0.718	1630.5	01Aug2005, 12:35	7.25
T1	0.932	1392.9	01Aug2005, 12:55	6.00
T2	0.350	613.2	01Aug2005, 12:40	5.54
T3	0.550	743.2	01Aug2005, 12:45	4.52
T4	0.504	808.4	01Aug2005, 12:35	4.54
T5	0.145	263.9	01Aug2005, 12:30	4.55
T5A	0.150	263.9	01Aug2005, 12:30	4.23
T6	0.081	172.3	01Aug2005, 12:20	4.39
CT2	0.157	372.3	01Aug2005, 12:25	5.18
C3	0.132	189.7	01Aug2005, 12:35	4.08
CT1	0.096	182.0	01Aug2005, 12:30	4.64
T1	0.317	591.8	01Aug2005, 12:30	4.56
Y1	0.733	1493.7	01Aug2005, 12:35	5.77
Y1A	0.429	971.8	01Aug2005, 12:30	5.67
Y2	0.448	823.9	01Aug2005, 12:35	4.92
Y2A	0.435	705.6	01Aug2005, 12:40	4.83
Y3	0.345	717.9	01Aug2005, 12:25	4.90
C1	0.398	1002.2	01Aug2005, 12:25	5.89
C2	0.947	1591.6	01Aug2005, 12:45	5.87
J3	1.726	3525.8	01Aug2005, 12:50	7.06
Acorn 2	0.846	2312.6	01Aug2005, 12:55	7.24
Acorn 1	0.600	1676.8	01Aug2005, 12:30	7.23
J5	3.256	5280.6	01Aug2005, 12:55	6.74
Acorn 4	1.726	3525.1	01Aug2005, 13:20	7.02

Project: Trimmer Simulation Run: 25YR
 Start of Run: 01Aug2005, 00:00 Basin Model: Existing
 End of Run: 02Aug2005, 00:00 Meteorologic Model: 25-year
 Compute Time: 18Jul2013, 10:45:30 Control Specifications: Control 1

Show Elements: Volume Units: IN AC-FT

Hydrologic Element	Drainage Area (Mi ²)	Peak Discharge (CFS)	Time of Peak	Volume (M ³)
J20	2.882	4295.0	01Aug2005, 13:35	6.01
Trimmer 2	2.332	3954.0	01Aug2005, 13:35	6.36
Trimmer 3	2.882	4295.0	01Aug2005, 13:35	6.01
Chapperal 1	0.398	992.0	01Aug2005, 13:20	5.82
J12	1.345	1995.3	01Aug2005, 13:15	5.85
J14	3.892	5916.7	01Aug2005, 13:25	5.45
J15	4.024	5948.5	01Aug2005, 13:45	5.37
Chapperal 2	1.345	1995.3	01Aug2005, 13:15	5.85
CT2 Confluence	3.892	5895.8	01Aug2005, 13:45	5.42
Yowell 1	1.181	2302.6	01Aug2005, 13:05	5.40
J8	1.181	2317.5	01Aug2005, 12:35	5.45
J9	0.864	1620.4	01Aug2005, 12:30	5.25
J11	2.390	4015.8	01Aug2005, 13:25	5.23
Yowell 2a	0.864	1620.4	01Aug2005, 13:00	5.21
Yowell 2	2.045	3862.7	01Aug2005, 13:30	5.29
J16	4.120	5984.6	01Aug2005, 13:45	5.36
Yowell Confluence	2.390	4015.8	01Aug2005, 13:25	5.23
Chapperal 4	4.024	5948.5	01Aug2005, 13:45	5.37
J21	7.002	10018.4	01Aug2005, 13:40	5.62
Chapperal Confluence	4.120	5984.6	01Aug2005, 13:45	5.36
J23	7.656	10194.5	01Aug2005, 14:05	5.50
J24	7.801	10226.4	01Aug2005, 14:20	5.46
Trimmer 4	7.002	9995.8	01Aug2005, 14:05	5.59
Trimmer 5	7.656	10194.5	01Aug2005, 14:20	5.48
J25	8.118	10294.5	01Aug2005, 14:20	5.42
Trimmer 6	7.801	10226.4	01Aug2005, 14:20	5.46
J26	8.199	10309.0	01Aug2005, 14:25	5.41
Trimmer 7	8.118	10294.5	01Aug2005, 14:25	5.42
Acorn/Tri Confluence	11.975	13522.5	01Aug2005, 14:15	5.75
J28	14.885	15079.2	01Aug2005, 14:15	5.88
Trimmer 8	8.199	10309.0	01Aug2005, 14:25	5.41
J2	0.846	2336.2	01Aug2005, 12:30	7.27
J4	2.236	3810.5	01Aug2005, 13:20	6.57
J10	2.045	3912.4	01Aug2005, 13:05	5.32
J6	3.526	5591.6	01Aug2005, 12:55	6.71
J13	3.735	5849.1	01Aug2005, 13:25	5.46

Basin Summary Results for Basin 10000

Project: Trimmer Simulation Run: 100YR
 Start of Run: 01Aug2005, 00:00 Basin Model: Existing
 End of Run: 02Aug2005, 00:00 Meteorologic Model: 100-year
 Compute Time: 18Jul2013, 10:59:51 Control Specifications: Control 1
 Volume Units: IN AC-FT

Show Elements: All Elements ▼

Hydrologic Element	Drainage Area (MI ²)	Peak Discharge (CFS)	Time of Peak	Volume (DN)
J18	1.050	3134.3	01Aug2005, 12:35	9.49
J1	0.600	2164.4	01Aug2005, 12:25	9.61
A1	0.340	1353.6	01Aug2005, 12:20	9.89
A2	0.260	854.7	01Aug2005, 12:30	9.24
A3a	0.246	843.7	01Aug2005, 12:30	9.77
A4	0.260	1011.5	01Aug2005, 12:20	9.50
A5	0.510	1400.7	01Aug2005, 12:30	7.28
A6	1.020	2597.6	01Aug2005, 12:45	9.46
A7	0.270	886.4	01Aug2005, 12:25	8.66
A8	0.250	415.8	01Aug2005, 12:55	6.31
A9	2.910	5989.6	01Aug2005, 12:55	8.74
E2	0.332	1088.1	01Aug2005, 12:30	9.22
E1	0.718	2101.9	01Aug2005, 12:35	9.62
T1	0.932	1885.4	01Aug2005, 12:55	8.28
T2	0.350	838.8	01Aug2005, 12:40	7.79
T3	0.550	1071.4	01Aug2005, 12:45	6.65
T4	0.504	1159.1	01Aug2005, 12:35	6.67
T5	0.145	376.7	01Aug2005, 12:30	6.69
T5A	0.150	382.8	01Aug2005, 12:30	6.31
T6	0.081	248.2	01Aug2005, 12:20	6.51
C12	0.157	512.1	01Aug2005, 12:25	7.41
C3	0.132	279.9	01Aug2005, 12:35	6.14
CT1	0.096	258.1	01Aug2005, 12:30	6.79
TT1	0.317	842.8	01Aug2005, 12:30	6.70
Y1	0.733	2013.3	01Aug2005, 12:35	8.05
Y1A	0.429	1311.4	01Aug2005, 12:30	7.95
Y2	0.448	1152.0	01Aug2005, 12:35	7.11
Y2A	0.435	994.8	01Aug2005, 12:40	7.01
Y3	0.345	1006.8	01Aug2005, 12:25	7.09
C1	0.398	1339.9	01Aug2005, 12:25	8.19
C2	0.947	2151.4	01Aug2005, 12:45	8.15
J3	1.726	4587.3	01Aug2005, 12:50	9.42
Acorn 2	0.846	2967.1	01Aug2005, 12:55	9.60
Acorn 1	0.600	2154.0	01Aug2005, 12:30	9.60
J5	3.256	6994.6	01Aug2005, 12:55	9.07
Acorn 4	1.726	4585.0	01Aug2005, 13:20	9.36

Global Summary Results for Rain - 100YR

Project: Trimmer Simulation Run: 100YR

Start of Run: 01Aug2005, 00:00 Basin Model: Existing
 End of Run: 02Aug2005, 00:00 Meteorologic Model: 100-year
 Compute Time: 18Jul2013, 10:59:51 Control Specifications: Control 1

Volume Units: IN AC-FT

Show Elements: All Elements

Hydrologic Element	Drainage Area (MTZ)	Peak Discharge (CFS)	Time of Peak	Volume (In)
J20	2.882	5739.7	01Aug2005, 13:35	8.26
Trimmer 2	2.332	5246.4	01Aug2005, 13:35	8.64
Trimmer 3	2.882	5739.7	01Aug2005, 13:35	8.26
Chapperal 1	0.398	1327.7	01Aug2005, 13:20	8.09
J12	1.345	2724.8	01Aug2005, 13:15	8.13
J14	3.892	8104.8	01Aug2005, 13:25	7.68
J15	4.024	8155.7	01Aug2005, 13:45	7.59
Chapperal 2	1.345	2724.8	01Aug2005, 13:15	8.13
CT2 Confluence	3.892	8086.0	01Aug2005, 13:45	7.64
Yowell 1	1.181	3150.2	01Aug2005, 13:05	7.64
J8	1.181	3155.3	01Aug2005, 12:35	7.70
J9	0.864	2235.6	01Aug2005, 12:30	7.48
J11	2.390	5521.1	01Aug2005, 13:25	7.44
Yowell 2a	0.864	2235.6	01Aug2005, 13:00	7.42
Yowell 2	2.045	5308.5	01Aug2005, 13:25	7.50
J16	4.120	8199.0	01Aug2005, 13:45	7.57
Yowell Confluence	2.390	5521.1	01Aug2005, 13:25	7.44
Chapperal 4	4.024	8155.7	01Aug2005, 13:45	7.59
J21	7.002	13638.9	01Aug2005, 13:40	7.85
Chapperal Confluence	4.120	8199.0	01Aug2005, 13:45	7.57
J23	7.656	13831.5	01Aug2005, 14:05	7.71
J24	7.801	13874.0	01Aug2005, 14:20	7.66
Trimmer 4	7.002	13579.2	01Aug2005, 14:05	7.81
Trimmer 5	7.656	13831.5	01Aug2005, 14:20	7.68
J25	8.118	13965.9	01Aug2005, 14:15	7.62
Trimmer 6	7.801	13874.0	01Aug2005, 14:20	7.66
J26	8.199	13986.9	01Aug2005, 14:20	7.60
Trimmer 7	8.118	13965.9	01Aug2005, 14:20	7.61
Acorn/Tri Confluence	11.975	18271.8	01Aug2005, 14:15	7.98
J28	14.885	20259.0	01Aug2005, 14:15	8.12
Trimmer 8	8.199	13986.9	01Aug2005, 14:20	7.60
J2	0.846	2997.6	01Aug2005, 12:30	9.65
J4	2.236	5010.4	01Aug2005, 13:15	8.89
J10	2.045	5365.4	01Aug2005, 13:05	7.55
J6	3.526	7421.0	01Aug2005, 12:55	9.03
J13	3.735	8016.5	01Aug2005, 13:25	7.69

Global Summary Results for Run: Chaparral Developed 25 year

Project: Trimmer Simulation Run: Chaparral Developed 25 year
 Start of Run: 01Aug2005, 00:00 Basin Model: Chaparral Developed Basin
 End of Run: 02Aug2005, 00:00 Meteorologic Model: 25-year
 Compute Time: 18Jul2013, 10:05:01 Control Specifications: Control 1

Show Elements: Volume Units: IN AC-FT

Hydrologic Element	Drainage Area (mi ²)	Peak Discharge (CFS)	Time of Peak	Volume (in)
J18	1.050	2425.7	01Aug2005, 12:35	7.13
J1	0.600	1685.4	01Aug2005, 12:25	7.23
A1	0.340	1061.0	01Aug2005, 12:20	7.50
A2	0.260	659.3	01Aug2005, 12:30	6.88
A3a	0.246	659.4	01Aug2005, 12:30	7.39
A4	0.260	784.2	01Aug2005, 12:20	7.13
A5	0.510	1007.3	01Aug2005, 12:30	5.06
A6	1.020	2000.0	01Aug2005, 12:45	7.10
A8	0.250	294.8	01Aug2005, 12:55	4.41
A7	0.270	670.4	01Aug2005, 12:25	6.34
A9	2.910	4488.4	01Aug2005, 12:55	6.44
E2	0.332	837.4	01Aug2005, 12:30	6.86
E1	0.718	1630.5	01Aug2005, 12:35	7.25
T1	0.932	1392.9	01Aug2005, 12:55	6.00
T2	0.350	613.2	01Aug2005, 12:40	5.54
T3	0.550	743.2	01Aug2005, 12:45	4.52
T4	0.504	886.9	01Aug2005, 12:35	4.98
T5	0.145	554.9	01Aug2005, 12:10	5.50
T5A	0.150	576.1	01Aug2005, 12:10	5.55
T6	0.081	288.6	01Aug2005, 12:10	4.83
CT2	0.157	372.3	01Aug2005, 12:25	5.18
C3	0.132	189.7	01Aug2005, 12:35	4.08
CT1	0.096	182.0	01Aug2005, 12:30	4.64
TT1	0.317	1115.7	01Aug2005, 12:10	5.20
Y1	0.733	1493.7	01Aug2005, 12:35	5.77
Y1A	0.429	971.8	01Aug2005, 12:30	5.67
Y2	0.448	823.9	01Aug2005, 12:35	4.92
Y2A	0.435	705.6	01Aug2005, 12:40	4.83
Y3	0.345	717.9	01Aug2005, 12:25	4.90
C1	0.398	1002.2	01Aug2005, 12:25	5.89
C2	0.947	1591.6	01Aug2005, 12:45	5.87
J3	1.726	3525.8	01Aug2005, 12:50	7.06
Acorn 2	0.846	2312.6	01Aug2005, 12:55	7.24
Acorn 1	0.600	1676.8	01Aug2005, 12:30	7.23
J5	3.256	5280.6	01Aug2005, 12:55	6.74

Export Summary Results for Run: Chaparral Developed 25 year

Project: Trimmer Simulation Run: Chaparral Developed 25 year
 Start of Run: 01Aug2005, 00:00 Basin Model: Chaparral Developed Basin
 End of Run: 02Aug2005, 00:00 Meteorologic Model: 25-year
 Compute Time: 18Jul2013, 10:05:01 Control Specifications: Control 1

Show Elements: All Elements IN AC-FT

Hydrologic Element	Drainage Area (MT2)	Peak Discharge (CFS)	Time of Peak	Volume (IN)
Trimmer 1	1.282	1940.5	01Aug2005, 13:20	5.84
J20	2.882	4295.0	01Aug2005, 13:35	6.01
Trimmer 2	2.332	3954.0	01Aug2005, 13:35	6.36
Trimmer 3	2.882	4295.0	01Aug2005, 13:35	6.01
Chapparral 1	0.398	992.0	01Aug2005, 13:20	5.82
J12	1.345	1995.3	01Aug2005, 13:15	5.85
J14	3.892	5916.7	01Aug2005, 13:25	5.45
J15	4.024	5948.5	01Aug2005, 13:45	5.37
Chapparral 2	1.345	1995.3	01Aug2005, 13:15	5.85
CT2 Confluence	3.892	5895.8	01Aug2005, 13:45	5.42
Yowell 1	1.181	2302.6	01Aug2005, 13:05	5.40
J8	1.181	2317.5	01Aug2005, 12:35	5.45
J9	0.864	1620.4	01Aug2005, 12:30	5.25
J11	2.390	4015.8	01Aug2005, 13:25	5.23
Yowell 2a	0.864	1620.4	01Aug2005, 13:30	5.21
Yowell 2	2.045	3862.7	01Aug2005, 13:30	5.29
J16	4.120	5984.6	01Aug2005, 13:45	5.36
Yowell Confluence	2.390	4015.8	01Aug2005, 13:25	5.23
Chapparral 4	4.024	5948.5	01Aug2005, 13:45	5.37
J21	7.002	10018.4	01Aug2005, 13:40	5.62
Chapparral Confluence	4.120	5984.6	01Aug2005, 13:45	5.36
J23	7.656	10197.2	01Aug2005, 14:05	5.55
J24	7.801	10224.2	01Aug2005, 14:20	5.53
Trimmer 4	7.002	9995.8	01Aug2005, 14:05	5.59
Trimmer 5	7.656	10197.2	01Aug2005, 14:20	5.53
J25	8.118	10281.8	01Aug2005, 14:20	5.52
Trimmer 6	7.801	10224.2	01Aug2005, 14:20	5.53
J26	8.199	10295.5	01Aug2005, 14:25	5.50
Trimmer 7	8.118	10281.8	01Aug2005, 14:25	5.51
Acom/Tri Confluence	11.975	13499.7	01Aug2005, 14:15	5.82
J28	14.885	15056.4	01Aug2005, 14:15	5.94
Trimmer 8	8.199	10295.5	01Aug2005, 14:25	5.50
J2	0.846	2336.2	01Aug2005, 12:30	7.27
J4	2.236	3810.5	01Aug2005, 13:20	6.57
J10	2.045	3912.4	01Aug2005, 13:05	5.32
J6	3.526	5591.6	01Aug2005, 12:55	6.71

Basin Summary Results for Run: Chaparral Developed 100 year

Project: Trimmer Simulation Run: Chaparral Developed 100 year
 Start of Run: 01Aug2005, 00:00 Basin Model: Chaparral Developed Basin
 End of Run: 02Aug2005, 00:00 Meteorologic Model: 100-year
 Compute Time: 18Jul2013, 09:22:48 Control Specifications: Control 1

Show Elements: Volume Units: IN AC-FT

Hydrologic Element	Drainage Area (MI ²)	Peak Discharge (CFS)	Time of Peak	Volume (IN)
T4	0.504	1240.9	01Aug2005, 12:35	7.18
T5	0.145	750.4	01Aug2005, 12:10	7.77
T5A	0.150	777.3	01Aug2005, 12:10	7.83
T6	0.081	402.4	01Aug2005, 12:10	7.02
CT2	0.157	512.1	01Aug2005, 12:25	7.41
C3	0.132	279.9	01Aug2005, 12:35	6.14
CT1	0.096	258.1	01Aug2005, 12:30	6.79
TT1	0.317	1532.7	01Aug2005, 12:10	7.44
Y1	0.733	2013.3	01Aug2005, 12:35	8.05
Y1A	0.429	1311.4	01Aug2005, 12:30	7.95
Y2	0.448	1152.0	01Aug2005, 12:35	7.11
Y2A	0.435	994.8	01Aug2005, 12:40	7.01
Y3	0.345	1006.8	01Aug2005, 12:25	7.09
C1	0.398	1339.9	01Aug2005, 12:25	8.19
C2	0.947	2151.4	01Aug2005, 12:45	8.15
J3	1.726	4587.3	01Aug2005, 12:50	9.42
Acorn 2	0.846	2967.1	01Aug2005, 12:55	9.60
Acorn 1	0.600	2154.0	01Aug2005, 12:30	9.60
J5	3.256	6994.6	01Aug2005, 12:55	9.07
Acorn 4	1.726	4585.0	01Aug2005, 13:20	9.36
Acorn 3	1.466	4187.0	01Aug2005, 13:20	9.41
Acorn 5	3.526	7413.7	01Aug2005, 13:30	8.96
J7	3.776	7699.1	01Aug2005, 13:30	8.80
Acorn 6	3.776	7699.1	01Aug2005, 13:30	8.80
J27	11.975	18249.4	01Aug2005, 14:15	8.06
J17	1.282	2647.8	01Aug2005, 12:50	8.14
J19	2.332	5251.3	01Aug2005, 13:05	8.70
Embers Confluence	1.050	3129.7	01Aug2005, 12:55	9.45
Trimmer 1	1.282	2636.0	01Aug2005, 13:20	8.09
J20	2.882	5739.7	01Aug2005, 13:35	8.26
Trimmer 2	2.332	5246.4	01Aug2005, 13:35	8.64
Trimmer 3	2.882	5739.7	01Aug2005, 13:35	8.26
Chaparral 1	0.398	1327.7	01Aug2005, 13:20	8.09

Basin Summary Results for Run: Chaparral Developed 100 Year

Project: Trimmer Simulation Run: Chaparral Developed 100 year
 Start of Run: 01Aug2005, 00:00 Basin Model: Chaparral Developed Basin
 End of Run: 02Aug2005, 00:00 Meteorologic Model: 100-year
 Compute Time: 18Jul2013, 09:22:46 Control Specifications: Control 1

Volume Units: IN AC-FT

Show Elements: All Elements

Hydrologic Element	Drainage Area (MI ²)	Peak Discharge (CFS)	Time of Peak	Volume (IN)
Trimmer 1	1.282	2636.0	01Aug2005, 13:20	8.09
J20	2.882	5739.7	01Aug2005, 13:35	8.26
Trimmer 2	2.332	5246.4	01Aug2005, 13:35	8.64
Trimmer 3	2.882	5739.7	01Aug2005, 13:35	8.26
Chapparral 1	0.398	1327.7	01Aug2005, 13:20	8.09
J12	1.345	2724.8	01Aug2005, 13:15	8.13
J14	3.892	8104.8	01Aug2005, 13:25	7.68
J15	4.024	8155.7	01Aug2005, 13:45	7.59
Chapparral 2	1.345	2724.8	01Aug2005, 13:15	8.13
GT2 Confluence	3.892	8086.0	01Aug2005, 13:45	7.64
Yowell 1	1.181	3150.2	01Aug2005, 13:05	7.64
J8	1.181	3165.3	01Aug2005, 12:35	7.70
J9	0.864	2235.6	01Aug2005, 12:30	7.48
J11	2.390	5521.1	01Aug2005, 13:25	7.44
Yowell 2a	0.864	2235.6	01Aug2005, 13:00	7.42
Yowell 2	2.045	5308.5	01Aug2005, 13:25	7.50
J16	4.120	8199.0	01Aug2005, 13:45	7.57
Yowell Confluence	2.390	5521.1	01Aug2005, 13:25	7.44
Chapparral 4	4.024	8155.7	01Aug2005, 13:45	7.59
J21	7.002	13638.9	01Aug2005, 13:40	7.85
Chapparral Confluence	4.120	8199.0	01Aug2005, 13:45	7.57
J23	7.656	13833.8	01Aug2005, 14:05	7.77
J24	7.801	13870.8	01Aug2005, 14:20	7.74
Trimmer 4	7.002	13579.2	01Aug2005, 14:05	7.81
Trimmer 5	7.656	13833.8	01Aug2005, 14:20	7.74
J25	8.118	13950.8	01Aug2005, 14:20	7.73
Trimmer 6	7.801	13870.8	01Aug2005, 14:20	7.74
J26	8.199	13970.0	01Aug2005, 14:25	7.71
Trimmer 7	8.118	13950.8	01Aug2005, 14:25	7.72
Acorn/Tri Confluence	11.975	18249.4	01Aug2005, 14:15	8.06
J28	14.885	20236.5	01Aug2005, 14:15	8.19
Trimmer 8	8.199	13970.0	01Aug2005, 14:25	7.71
J2	0.846	2997.6	01Aug2005, 12:30	9.65

**EXHIBIT 2
NRCS SOILS
REPORT**

USDA United States
Department of
Agriculture



Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for **Bell County, Texas**

White Rock Ph. 10_Chaparral Development



Custom Soil Resource Report Soil Map



97° 41' 22"

97° 39' 57"

31° 3' 17"

31° 3' 16"

625200 625500 625800 626100 626400 626700 627000



97° 41' 23"

97° 39' 58"

31° 1' 38"

31° 1' 37"



Map Scale: 1:14,500 if printed on A size (8.5" x 11") sheet.

0 100 200 400 600 Meters

0 500 1,000 2,000 3,000 Feet

Map Unit Legend

Bell County, Texas (TX027)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
DeB	Denton silty clay, 1 to 3 percent slopes	23.8	4.2%
Fs	Frio silty clay, 0 to 1 percent slopes, frequently flooded	68.7	12.1%
KrB	Krum silty clay, 1 to 3 percent slopes	15.7	2.8%
LeB	Lewisville silty clay, 1 to 3 percent slopes	63.2	11.1%
LeC	Lewisville silty clay, 3 to 5 percent slopes	58.5	10.3%
PrB	Purves silty clay, 1 to 4 percent slopes	0.5	0.1%
PVD	Purves association, 1 to 8 percent slopes	298.5	52.5%
REF	Real-Rock outcrop complex, 12 to 40 percent slopes	24.7	4.3%
SPD	Speck association, 1 to 8 percent slopes	15.4	2.7%
Totals for Area of Interest		569.0	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially

Custom Soil Resource Report

where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Bell County, Texas

DeB—Denton silty clay, 1 to 3 percent slopes

Map Unit Setting

Landscape: Hills
Elevation: 700 to 1,100 feet
Mean annual precipitation: 32 to 36 inches
Mean annual air temperature: 64 to 68 degrees F
Frost-free period: 220 to 250 days

Map Unit Composition

Denton and similar soils: 90 percent
Minor components: 10 percent

Description of Denton

Setting

Landform: Ridges
Landform position (two-dimensional): Summit, shoulder
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Clayey residuum weathered from limestone

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: 40 to 60 inches to lithic bedrock
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 30 percent
Available water capacity: Moderate (about 6.0 inches)

Interpretive groups

Farmland classification: All areas are prime farmland
Land capability (nonirrigated): 2e
Hydrologic Soil Group: C
Ecological site: Clay Loam 30-38" PZ (R085XY179TX)

Typical profile

0 to 13 inches: Silty clay
13 to 40 inches: Silty clay
40 to 80 inches: Bedrock

Minor Components

Unnamed, minor components

Percent of map unit: 10 percent

Fs—Frio silty clay, 0 to 1 percent slopes, frequently flooded

Map Unit Setting

Landscape: River valleys
Elevation: 500 to 1,200 feet
Mean annual precipitation: 32 to 36 inches
Mean annual air temperature: 64 to 68 degrees F
Frost-free period: 220 to 260 days

Map Unit Composition

Frio and similar soils: 90 percent
Minor components: 10 percent

Description of Frio

Setting

Landform: Flood plains
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Loamy alluvium derived from limestone and shale

Properties and qualities

Slope: 0 to 1 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: Frequent
Frequency of ponding: None
Calcium carbonate, maximum content: 40 percent
Sodium adsorption ratio, maximum: 2.0
Available water capacity: High (about 10.2 inches)

Interpretive groups

Farmland classification: Not prime farmland
Land capability (nonirrigated): 5w
Hydrologic Soil Group: C
Ecological site: Loamy Bottomland 30-38" PZ (R085XY181TX)

Typical profile

0 to 6 inches: Silty clay
6 to 36 inches: Silty clay
36 to 80 inches: Silty clay

Minor Components

Unnamed, minor components

Percent of map unit: 7 percent

Custom Soil Resource Report

Unnamed, hydric minor components

Percent of map unit: 3 percent
Landform: Depressions on flood plains
Down-slope shape: Concave
Across-slope shape: Concave

KrB—Krum silty clay, 1 to 3 percent slopes

Map Unit Setting

Landscape: Plains, river valleys
Elevation: 600 to 1,200 feet
Mean annual precipitation: 32 to 36 inches
Mean annual air temperature: 64 to 68 degrees F
Frost-free period: 230 to 250 days

Map Unit Composition

Krum and similar soils: 95 percent
Minor components: 5 percent

Description of Krum

Setting

Landform: Stream terraces, stream terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Clayey alluvium of pleistocene age derived from mixed sources

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high (0.20 to 0.57 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 50 percent
Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)
Sodium adsorption ratio, maximum: 3.0
Available water capacity: High (about 9.7 inches)

Interpretive groups

Farmland classification: All areas are prime farmland
Land capability (nonirrigated): 2e
Hydrologic Soil Group: C
Ecological site: Clay Loam 30-38" PZ (R085XY179TX)

Typical profile

0 to 29 inches: Silty clay

Custom Soil Resource Report

29 to 54 inches: Silty clay
54 to 70 inches: Silty clay

Minor Components

Unnamed, minor components
Percent of map unit: 5 percent

LeB—Lewisville silty clay, 1 to 3 percent slopes

Map Unit Setting

Landscape: River valleys
Elevation: 500 to 1,200 feet
Mean annual precipitation: 32 to 36 inches
Mean annual air temperature: 64 to 68 degrees F
Frost-free period: 230 to 240 days

Map Unit Composition

Lewisville and similar soils: 90 percent
Minor components: 10 percent

Description of Lewisville

Setting

Landform: Stream terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Alluvium of quaternary age derived from mixed sources

Properties and qualities

Slope: 1 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Calcium carbonate, maximum content: 40 percent
Available water capacity: High (about 9.9 inches)

Interpretive groups

Farmland classification: All areas are prime farmland
Land capability (nonirrigated): 2e
Hydrologic Soil Group: B
Ecological site: Clay Loam 30-38" PZ (R085XY179TX)

Typical profile

0 to 18 inches: Silty clay
18 to 44 inches: Silty clay

Custom Soil Resource Report

44 to 70 inches: Silty clay

Minor Components

Unnamed, minor components

Percent of map unit: 10 percent

LeC—Lewisville silty clay, 3 to 5 percent slopes

Map Unit Setting

Landscape: River valleys

Elevation: 500 to 1,200 feet

Mean annual precipitation: 32 to 36 inches

Mean annual air temperature: 64 to 68 degrees F

Frost-free period: 230 to 240 days

Map Unit Composition

Lewisville and similar soils: 90 percent

Minor components: 10 percent

Description of Lewisville

Setting

Landform: Stream terraces

Landform position (three-dimensional): Riser

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Alluvium of quaternary age derived from mixed sources

Properties and qualities

Slope: 3 to 5 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.57 to 1.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 40 percent

Available water capacity: High (about 9.9 inches)

Interpretive groups

Farmland classification: All areas are prime farmland

Land capability (nonirrigated): 3e

Hydrologic Soil Group: B

Ecological site: Clay Loam 30-38" PZ (R085XY179TX)

Typical profile

0 to 16 inches: Silty clay

16 to 38 inches: Silty clay

38 to 60 inches: Silty clay

Custom Soil Resource Report

Minor Components

Unnamed, minor components

Percent of map unit: 10 percent

PrB—Purves silty clay, 1 to 4 percent slopes

Map Unit Setting

Landscape: Hills

Elevation: 500 to 1,200 feet

Mean annual precipitation: 32 to 36 inches

Mean annual air temperature: 64 to 68 degrees F

Frost-free period: 210 to 240 days

Map Unit Composition

Purves and similar soils: 88 percent

Minor components: 12 percent

Description of Purves

Setting

Landform: Ridges

Landform position (two-dimensional): Summit, shoulder

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Clayey residuum weathered from limestone

Properties and qualities

Slope: 1 to 4 percent

Depth to restrictive feature: 8 to 20 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 45 percent

Maximum salinity: Nonsaline (0.0 to 2.0 mmhos/cm)

Available water capacity: Very low (about 2.0 inches)

Interpretive groups

Farmland classification: Not prime farmland

Land capability (nonirrigated): 4s

Hydrologic Soil Group: D

Ecological site: Shallow 30-38" PZ (R085XY185TX)

Typical profile

0 to 8 inches: Silty clay

8 to 14 inches: Very gravelly silty clay

14 to 24 inches: Bedrock

Custom Soil Resource Report

Minor Components

Unnamed, minor components

Percent of map unit: 12 percent

PVD—Purves association, 1 to 8 percent slopes

Map Unit Setting

Landscape: Hills

Elevation: 500 to 1,200 feet

Mean annual precipitation: 32 to 36 inches

Mean annual air temperature: 64 to 68 degrees F

Frost-free period: 210 to 240 days

Map Unit Composition

Purves and similar soils: 70 percent

Minor components: 30 percent

Description of Purves

Setting

Landform: Ridges

Landform position (two-dimensional): Summit, shoulder

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Clayey residuum weathered from limestone

Properties and qualities

Slope: 1 to 8 percent

Depth to restrictive feature: 8 to 20 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.57 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 45 percent

Available water capacity: Very low (about 1.9 inches)

Interpretive groups

Farmland classification: Not prime farmland

Land capability (nonirrigated): 6s

Hydrologic Soil Group: D

Ecological site: Shallow 30-38" PZ (R085XY185TX)

Typical profile

0 to 12 inches: Silty clay

12 to 16 inches: Very gravelly silty clay

16 to 24 inches: Bedrock

Custom Soil Resource Report

Minor Components

Unnamed, minor components

Percent of map unit: 30 percent

REF—Real-Rock outcrop complex, 12 to 40 percent slopes

Map Unit Setting

Landscape: Hills

Elevation: 820 to 1,210 feet

Mean annual precipitation: 31 to 35 inches

Mean annual air temperature: 64 to 68 degrees F

Frost-free period: 120 to 320 days

Map Unit Composition

Real and similar soils: 70 percent

Rock outcrop: 20 percent

Minor components: 10 percent

Description of Real

Setting

Landform: Ridges

Landform position (two-dimensional): Backslope

Down-slope shape: Linear

Across-slope shape: Convex

Parent material: Loamy residuum weathered from limestone

Properties and qualities

Slope: 12 to 30 percent

Depth to restrictive feature: 8 to 20 inches to paralithic bedrock

Drainage class: Well drained

*Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high
(0.20 to 1.98 in/hr)*

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 70 percent

Available water capacity: Very low (about 1.4 inches)

Interpretive groups

Farmland classification: Not prime farmland

Land capability (nonirrigated): 7s

Hydrologic Soil Group: D

Ecological site: Steep Adobe 30-38" PZ (R085XY186TX)

Typical profile

0 to 5 inches: Gravelly clay loam

5 to 17 inches: Very gravelly clay loam

17 to 30 inches: Bedrock

Custom Soil Resource Report

Description of Rock Outcrop

Setting

Landform: Ridges

Landform position (two-dimensional): Shoulder

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Limestone

Properties and qualities

Slope: 12 to 40 percent

Depth to restrictive feature: 0 to 2 inches to lithic bedrock

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to very high (0.06 to 19.98 in/hr)

Interpretive groups

Farmland classification: Not prime farmland

Land capability (nonirrigated): 8s

Typical profile

0 to 80 inches: Bedrock

Minor Components

Unnamed, minor components

Percent of map unit: 10 percent

SPD—Speck association, 1 to 8 percent slopes

Map Unit Setting

Landscape: Hills

Elevation: 500 to 1,200 feet

Mean annual precipitation: 32 to 36 inches

Mean annual air temperature: 64 to 68 degrees F

Frost-free period: 210 to 240 days

Map Unit Composition

Speck and similar soils: 82 percent

Minor components: 18 percent

Description of Speck

Setting

Landform: Ridges

Landform position (two-dimensional): Summit, shoulder

Down-slope shape: Convex

Across-slope shape: Convex

Parent material: Clayey alluvium overlying limestone

Custom Soil Resource Report

Properties and qualities

Slope: 1 to 8 percent

Depth to restrictive feature: 14 to 20 inches to lithic bedrock

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately low to moderately high (0.06 to 0.20 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Calcium carbonate, maximum content: 15 percent

Available water capacity: Very low (about 2.5 inches)

Interpretive groups

Farmland classification: Not prime farmland

Land capability (nonirrigated): 6s

Hydrologic Soil Group: D

Ecological site: Redland 30-38" PZ (R085XY183TX)

Typical profile

0 to 8 inches: Gravelly clay loam

8 to 19 inches: Clay

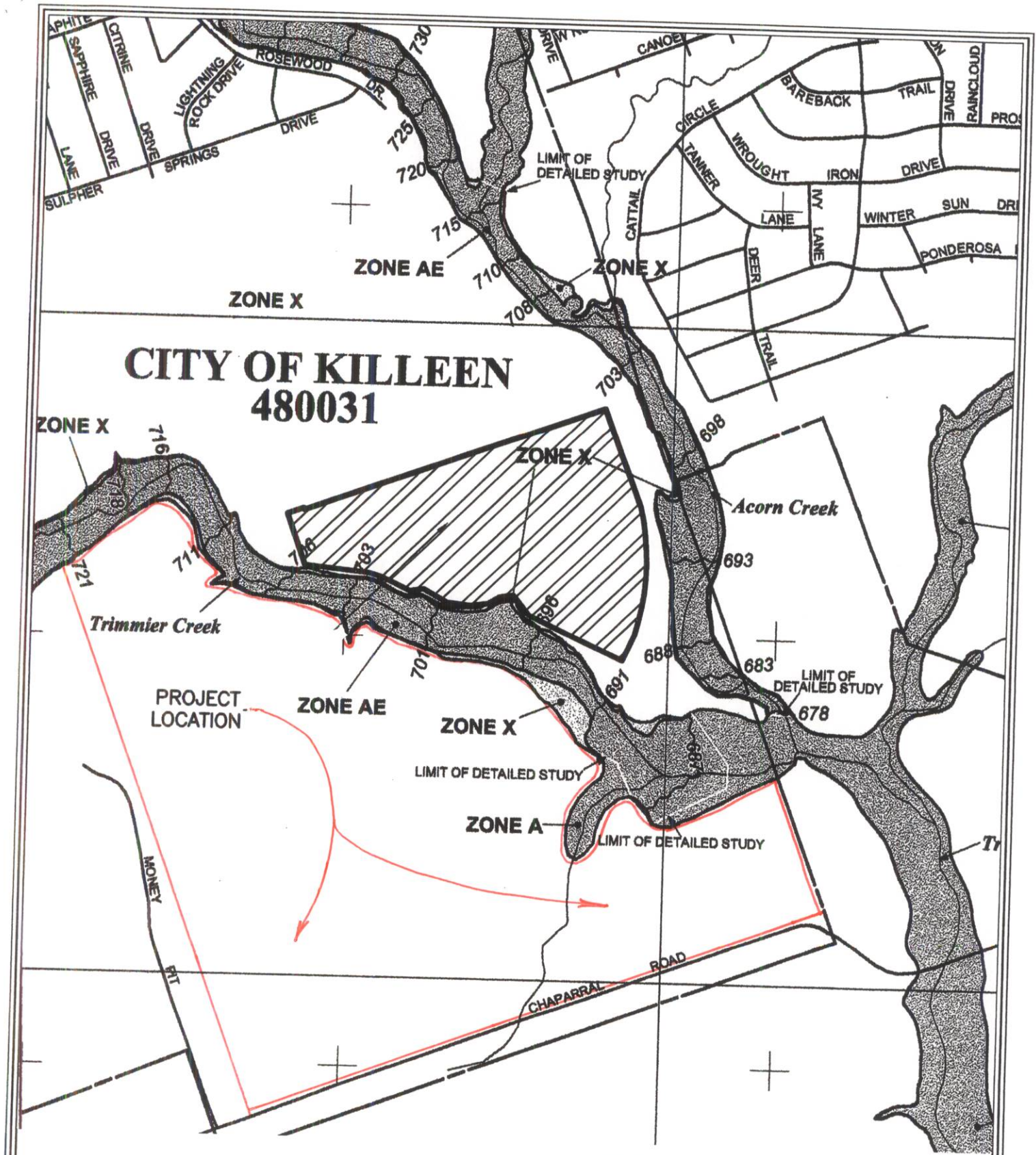
19 to 24 inches: Bedrock

Minor Components

Unnamed, minor components


Percent of map unit: 18 percent

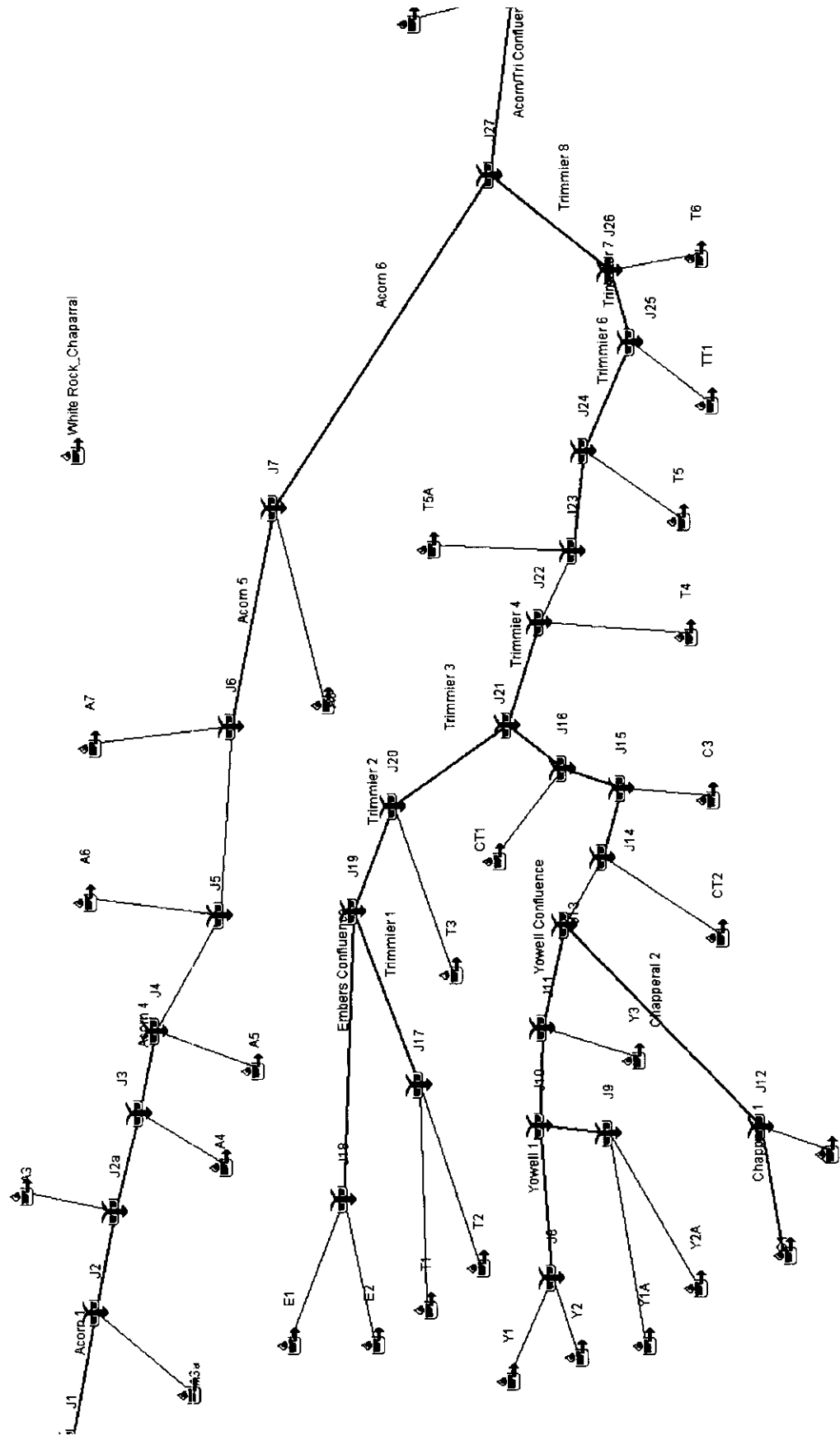
**EXHIBIT 3
FEMA FIRM MAP
AND HEC-HMS
SCHEMATIC**



**CITY OF KILLEEN
480031**

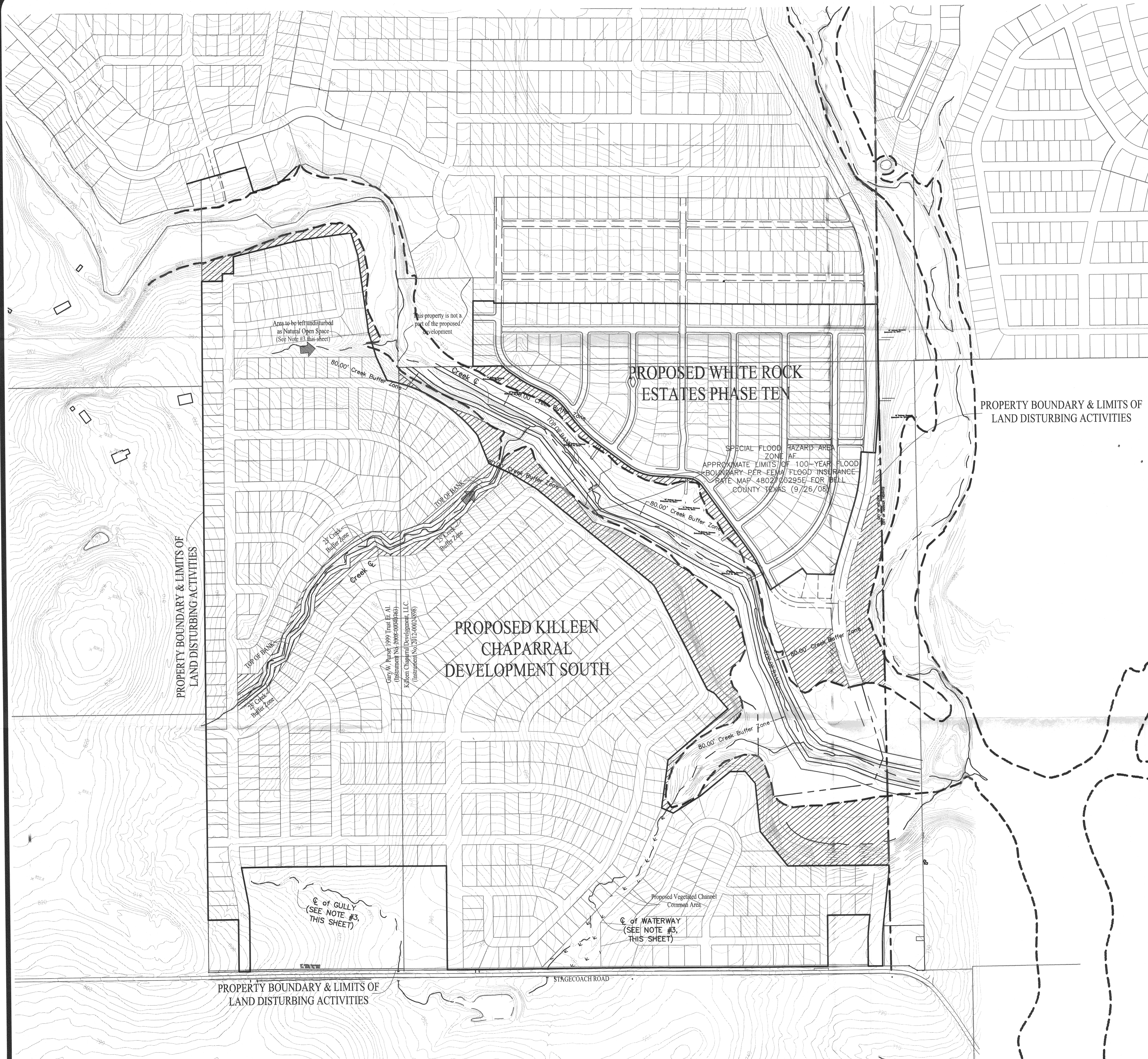
**EXCERPT FROM FEMA FIRM PANEL NO.
48027C0295E, DATED 9/26/2008**
 WHITE ROCK ESTATES, PHASE 10
 KILLEEN, BELL COUNTY, TEXAS


KILLEEN ENGINEERING & SURVEYING, LTD.
 2901 E. Stan Schuster Loop, Killeen, Texas 76542
 (254) 526-3981 Fax: (254) 526-4331
 TBPE Firm Reg. No. F-4200 - TBPLS Firm Reg. No. 100144-00
 FEMA



White Rock_Chaparral

**EXHIBIT 4
STORM WATER
MANAGEMENT
SITE PLAN**



STORMWATER MANAGEMENT NOTES:

- FOR THE PURPOSES OF STORMWATER MANAGEMENT, THE DEVELOPMENT OF WHITE ROCK ESTATES PHASE TEN AND THE FUTURE KILLEEN CHAPARRAL DEVELOPMENT PROPERTY SHALL BE CONSIDERED A SINGLE DEVELOPMENT WITH THE FOLLOWING PROPERTIES:
 TYPE: RESIDENTIAL SUBDIVISION
 AREA: 417.792 ACRES
- AREAS DRAINING TO TRIMMIE CREEK;
 WHITE ROCK ESTATES PHASE TEN - 62.447 ACRES
 KILLEEN CHAPARRAL SOUTH - 268.828 ACRES
- WATERCOURSE WITH SIDE SLOPES FLATTER THAN 3:1 WILL NOT BE CONSIDERED A CREEK PER DEFINITION OF CREEK BUFFER ZONE IN SEC 32-47 OF THE CITY OF KILLEEN CODE OF ORDINANCES.

BMP COMPUTATIONS:

- ONSITE AREA SERVED BY BMP - 417.792 ACRES
- SINCE SIZE OF DISTURBED AREA > 50 ACRES, CREDITS REQUIRED = 1.5
- BMP CREDIT FOR PRESERVE SPECIAL FLOOD HAZARD AREA FOR 55' MINIMUM BUFFER ZONE WIDTH BEYOND 25' CBZ (TOTAL OF 80' BUFFER ZONE ON BOTH SIDES OF TRIMMIE CREEK) = 2.0 CREDITS
- BMP CREDIT FOR OTHER CBZs IN CHAPARRAL SOUTH = 0.5 CREDITS
- PERCENT OF DISTURBED AREA TO BE TREATED = 331.275/417.792 = 79.29%
- BMP CREDIT OF 2 x 0.7929 = 1.586 ≈ 1.5
- TOTAL BMP CREDIT = 1.5 + 0.5 = 2.0

KILLEEN ENGINEERING & SURVEYING, LTD

2901 E. Stan Schlueter Loop
 Killeen, Texas 76542
 OFFICE: (254) 526-3981 FAX: (254) 526-4351

TBPE REGISTRATION NO. F-4200
 TBPLS REGISTRATION NO. 100144-00

△	DATE	SHEETS

STORMWATER MANAGEMENT SITE PLAN

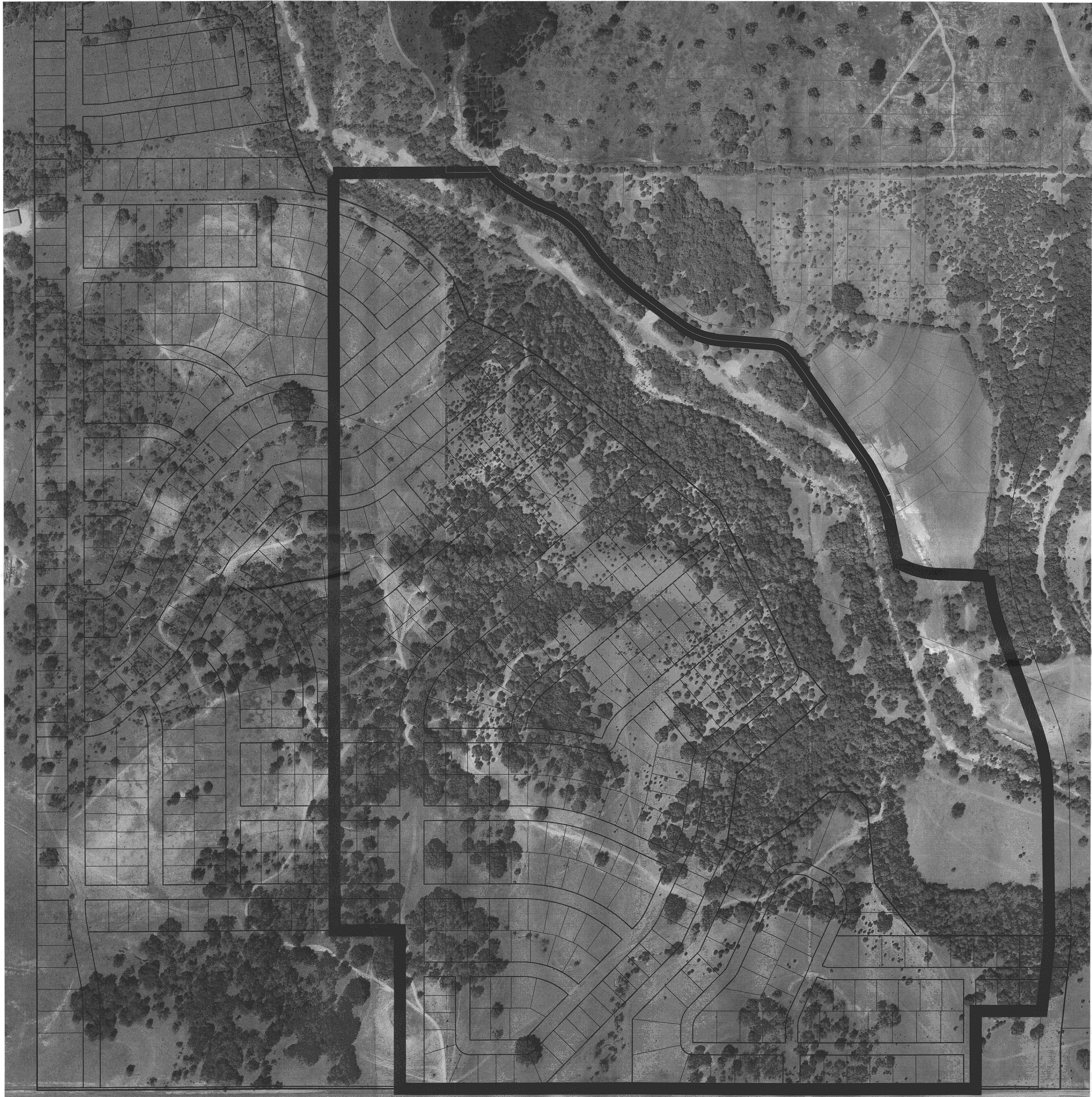
**WHITE ROCK ESTATES PHASE TEN
KILLEEN, BELL COUNTY, TEXAS**

Project No.:	2012-029
Acres:	417.792
No. of Lots:	----
Scale:	1" = 300'
Date:	08/20/2013
Design By:	GD / JCW
Sheet No.:	SWMSP

- LEGEND**
- CBZ - CREEK BUFFER ZONE
 - ◄ - DIRECTION OF FLOW
 - CREEK Q
 - ▨ - GREEN SPACE
 - ◻ - VEGETATED CHANNEL

Released for Construction for a period of 12 months from the date below.

City Representative _____ Date _____

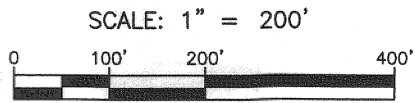
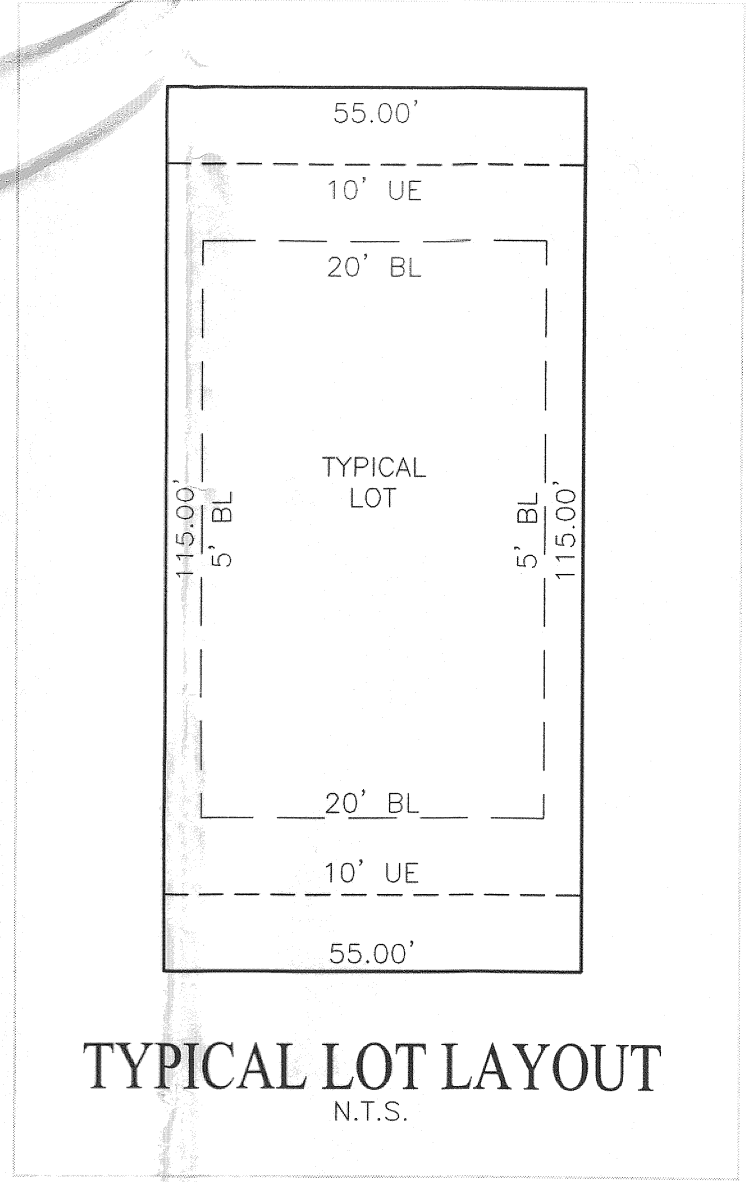


Heritage Oaks is a 199.50-acre mixed-use project comprised of 62.49 acres hike and bike trail area situated on Trimmer Creek and 137.01 of residential development. This property lies within the outskirts of Killeen where rolling terrain and creek areas similar to that of the Austin, Texas area are located. This land has remained undeveloped and has been part of the Ferguson family for generations while Killeen, "The City Without Limits" continued to grow towards it. The property was successfully purchased in 2012 by a consortium of residential interests, who then proceeded with master planning the property as a "Planned Unit Development" (PUD). The property is heavily wooded with Oak trees and has elevations that give an observational display of the city. The creek area has hard bedrock, a steady supply of water, and looks similar to that of Barton & Walnut Creek in Austin, Texas. It will be a great addition to the City of Killeen as Rosewood and Platinum branch out and it will set the standard of what neighborhoods should look like in this area.

The proposed minimum PUD specifications are as follows:

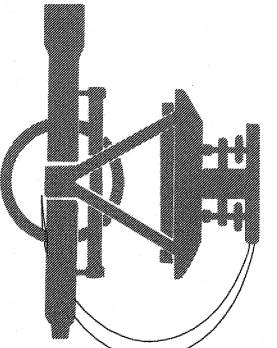
Table 1

Category	Unit	Quantity
Lot Density	Du/net acre	3.5 (max)
Lot Areas	AC	0.15 (min)
Lot Widths	FT	55 (min)
Lot Depth	FT	115 (min)
Building Setbacks		
Side	FT	5
Front	FT	20
Back	FT	20
Building Heights		
Story		1 (minimum)
Story		2 (allowable)
Maximum Lot Coverage	SF	3375
Public Access	Description	Roads fronting creek
Landscaping		
Description		At entrance and along street near hike and bike/creek area
Screening	Description	None
Signage	Description	Entrance
Lighting		
Description		Street lights and possibly near the sign at the entrance
Green Space	AC	26.87
Flood Plain	AC	35.62
Common Space	AC	2.94
Amenities		
Description		Hike and bike trail by utilization of green space and flood plain areas



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TBPE REGISTRATION NO. F-4200
TBPLS REGISTRATION NO. 100144-00

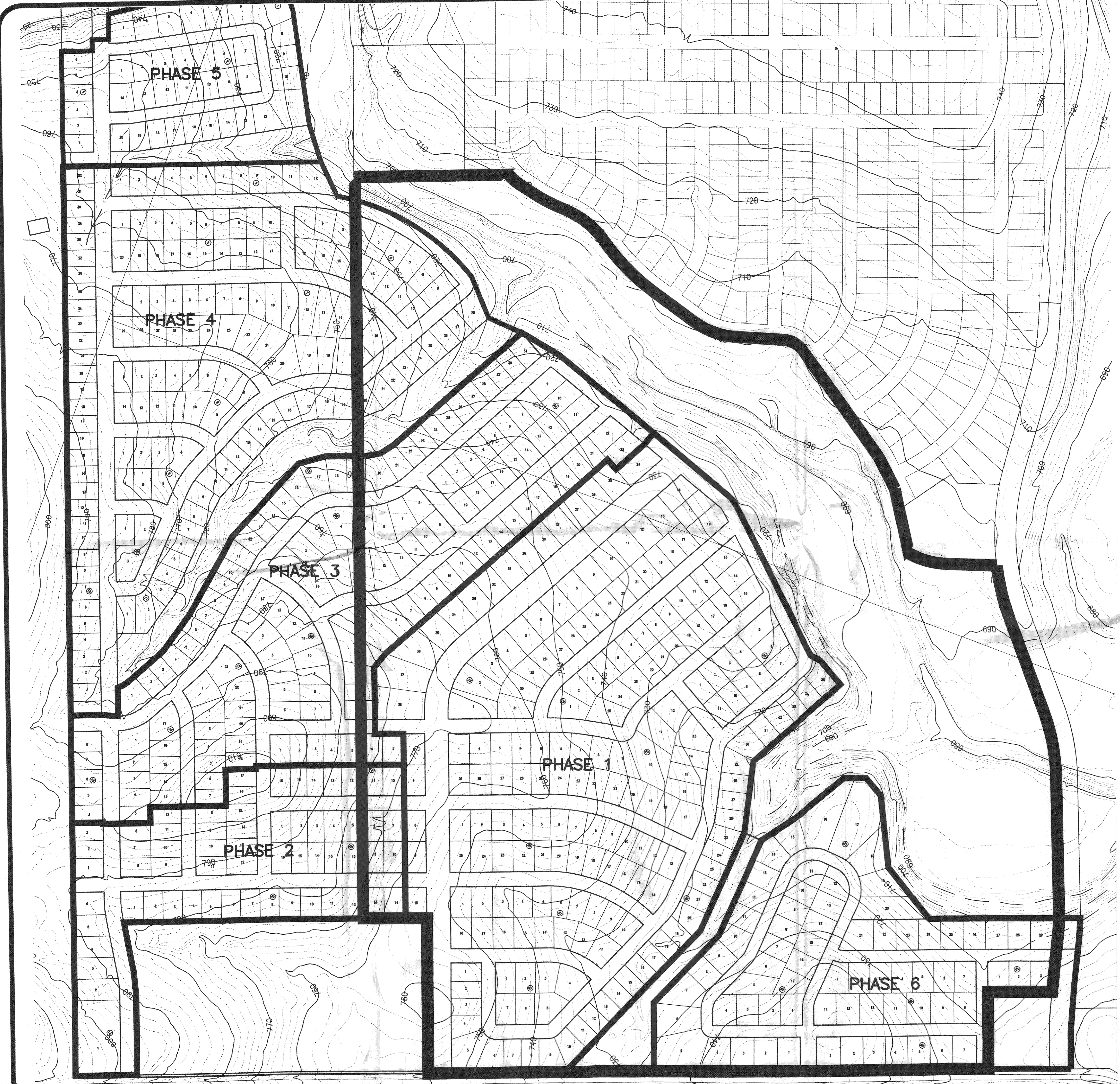


DATE	SHEETS

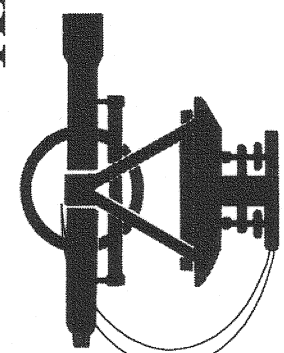
OVERALL MAP & SUMMARY
HERITAGE OAKS
KILLEEN, BELL COUNTY, TEXAS

NOT FOR CONSTRUCTION
DOCUMENT RELEASED FOR
GOVERNMENTAL REVIEW/APPROVAL
AND NOT TO BE USED FOR
CONSTRUCTION
PREPARED BY:
Michelle E. Lee
MICHELLE E. LEE,
R.P.L.S. #5772
8-30-13
DATE

Project No.:	2013-008
Acres:	199.50
No. of Lots:	---
Scale:	1" = 200'
Date:	8/30/2013
Design By:	MEL / BJP
Sheet No.:	1.0



KILLEN ENGINEERING & SURVEYING, LTD



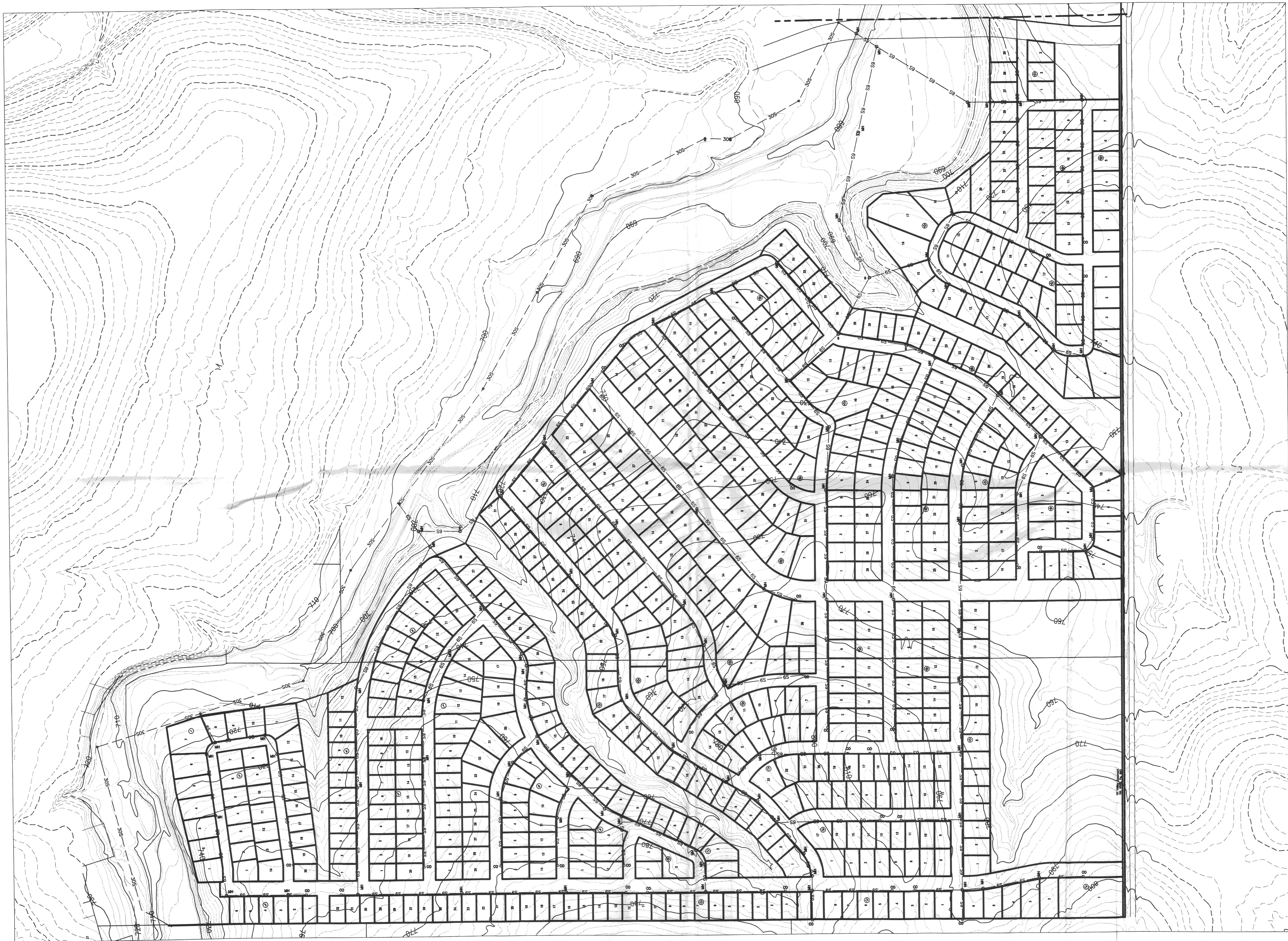
2901 E. Stan Schlueter Loop
Killeen, Texas 76542
OFFICE: (254) 526-3981 FAX: (254) 526-4351
TBPE REGISTRATION NO. F-4200
BPLS REGISTRATION NO. 100144-00

△	DATE	SHEETS

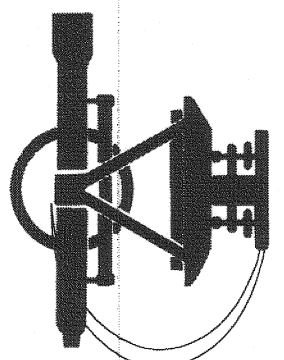
LAYOUT & PHASING PLAN
HERITAGE OAKS
KILLEEN, BELL COUNTY, TEXAS

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PREPARED BY:
Michelle E. Lee
MICHELLE E. LEE,
R.P.L.S. #5772
8-30-13
DATE

Project No.:	2013-008
Acres:	199.50
No. of Lots:	---
Scale:	1" = 200'
Date:	8/30/2013
Design By:	MEL / BJP
Sheet No.:	2.0



**KILLEEN ENGINEERING
& SURVEYING, LTD**



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TBPE REGISTRATION NO. F-4200
TBPLS REGISTRATION NO. 100144-00

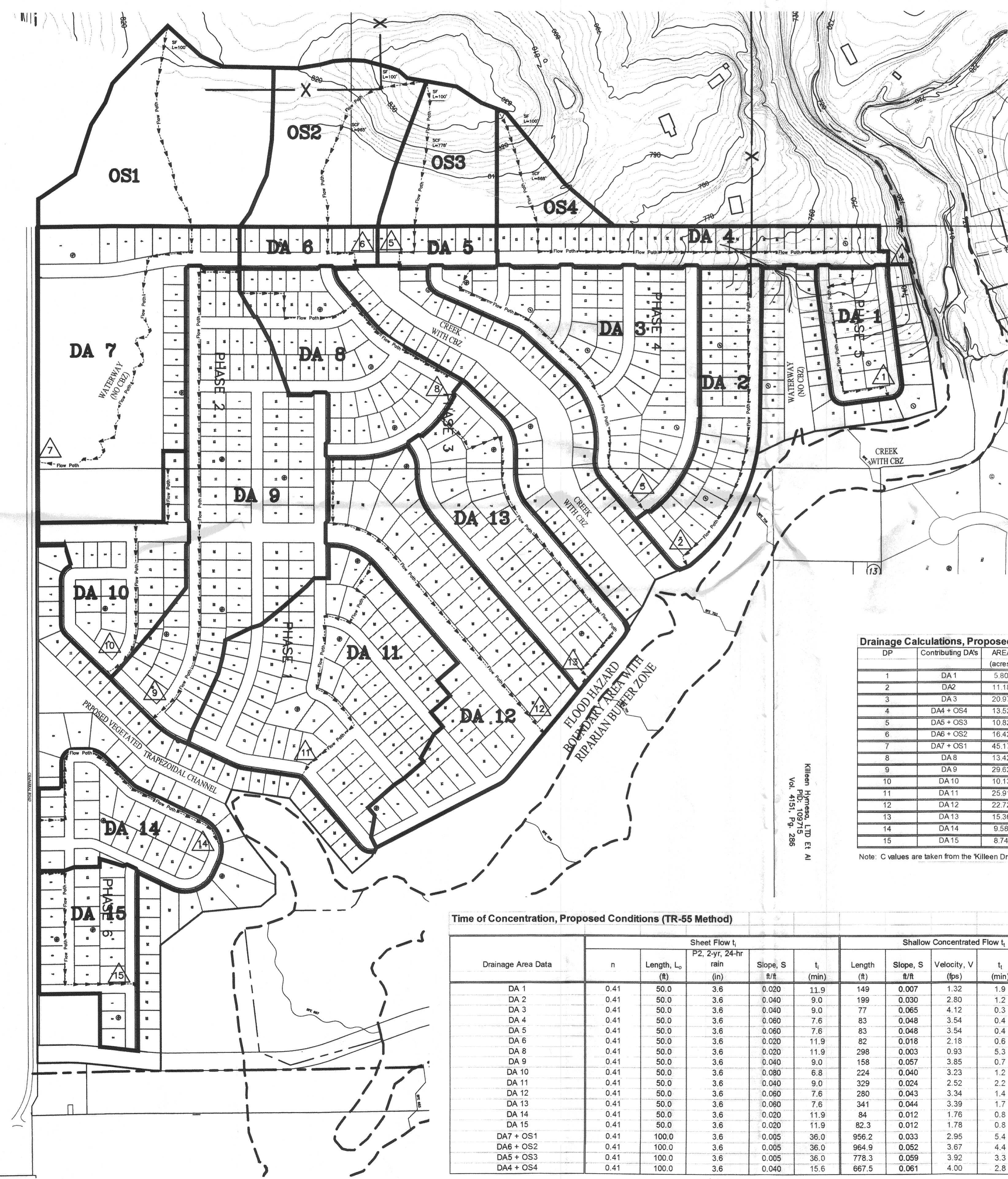
△	DATE	SHEETS

**SEWER LAYOUT
HERITAGE OAKS
KILLEEN, BELL COUNTY, TEXAS**

NOT FOR CONSTRUCTION
DOCUMENT RELEASED FOR
GOVERNMENTAL REVIEW/APPROVAL
AND NOT TO BE USED FOR
CONSTRUCTION

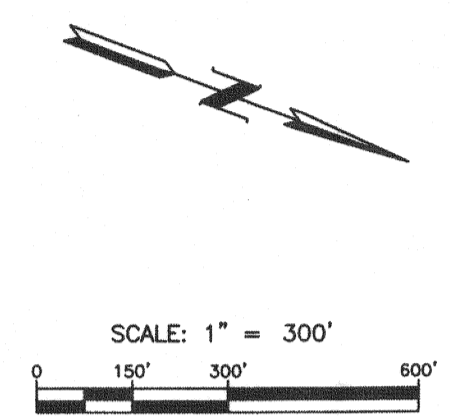
PREPARED BY:
Michelle E. Lee
MICHELLE E. LEE,
R.P.L.S. #5772
9-30-13
DATE

Project No.:	2013-008
Acres:	---
No. of Lots:	---
Scale:	1" = 200'
Date:	8/30/2013
Design By:	GD / BJP
Sheet No.:	4.0



LEGEND

- Drainage Point
- Flow Path
- CBZ - Creek Buffer Zone



DA	Area (Ac)
DA 1	5.80
DA2	11.18
DA 3	20.97
DA 4	9.56
DA 5	2.94
DA 6	3.42
DA 7	26.39
DA 8	13.42
DA 9	29.62
DA 10	10.13
DA 11	25.91
DA 12	22.72
DA 13	15.36
DA 14	9.58
DA 15	8.74
OS1	18.78
OS2	13.00
OS3	7.88
OS4	3.96
DA7 + OS1	45.17
DA8 + OS2	16.42
DA5 + OS3	10.82
DA4 + OS4	13.52
DA7 PARK	18.37

Drainage Calculations, Proposed Conditions												
DP	Contributing DAs	AREA (acres)	T _c (min.)	C ₂₅	I ₅ (in./hr.)	Q ₅₀ (cfs)	C ₁₀₀	I ₁₀₀ (in./hr.)	Q ₁₀₀ (cfs)	C ₁₀₀₀	I ₁₀₀₀ (in./hr.)	Q ₁₀₀₀ (cfs)
1	DA 1	5.80	15.4	0.65	7.79	29.4	0.69	8.50	34.0	0.74	9.56	41.0
2	DA2	11.18	14.1	0.65	8.13	59.1	0.69	8.86	68.3	0.74	9.97	82.5
3	DA 3	20.97	13.0	0.65	8.45	115.2	0.69	9.20	133.2	0.74	10.37	160.9
4	DA4 + OS4	13.52	22.9	0.58	6.31	49.5	0.62	6.91	57.9	0.67	7.75	69.9
5	DA5 + OS3	10.82	39.6	0.48	4.54	23.7	0.52	5.01	28.0	0.56	5.61	33.9
6	DA6 + OS2	16.42	41.1	0.47	4.43	34.1	0.50	4.90	40.2	0.54	5.47	48.7
7	DA7 + OS1	45.17	47.5	0.46	4.04	84.2	0.49	4.47	99.5	0.53	5.00	120.7
8	DA 8	13.42	19.3	0.65	6.93	60.4	0.69	7.58	70.2	0.74	8.51	84.5
9	DA 9	29.62	15.0	0.65	7.89	151.8	0.69	8.60	175.7	0.74	9.67	212.0
10	DA 10	10.13	10.3	0.65	9.38	61.7	0.69	10.19	71.2	0.74	11.50	86.2
11	DA 11	25.91	13.5	0.65	8.30	139.7	0.69	9.04	181.8	0.74	10.18	195.1
12	DA 12	22.72	12.5	0.65	8.62	127.3	0.69	9.38	147.1	0.74	10.57	177.8
13	DA 13	15.36	13.1	0.65	8.44	84.2	0.69	9.18	97.4	0.74	10.35	117.6
14	DA 14	9.58	15.9	0.65	7.87	47.8	0.69	8.37	53.3	0.74	9.41	66.7
15	DA 15	8.74	14.4	0.65	8.05	45.7	0.69	8.77	52.9	0.74	9.87	63.8

Note: C values are taken from the 'Killeen Drainage Design Criteria', Table 1, page 2.

Time of Concentration, Proposed Conditions (TR-55 Method)

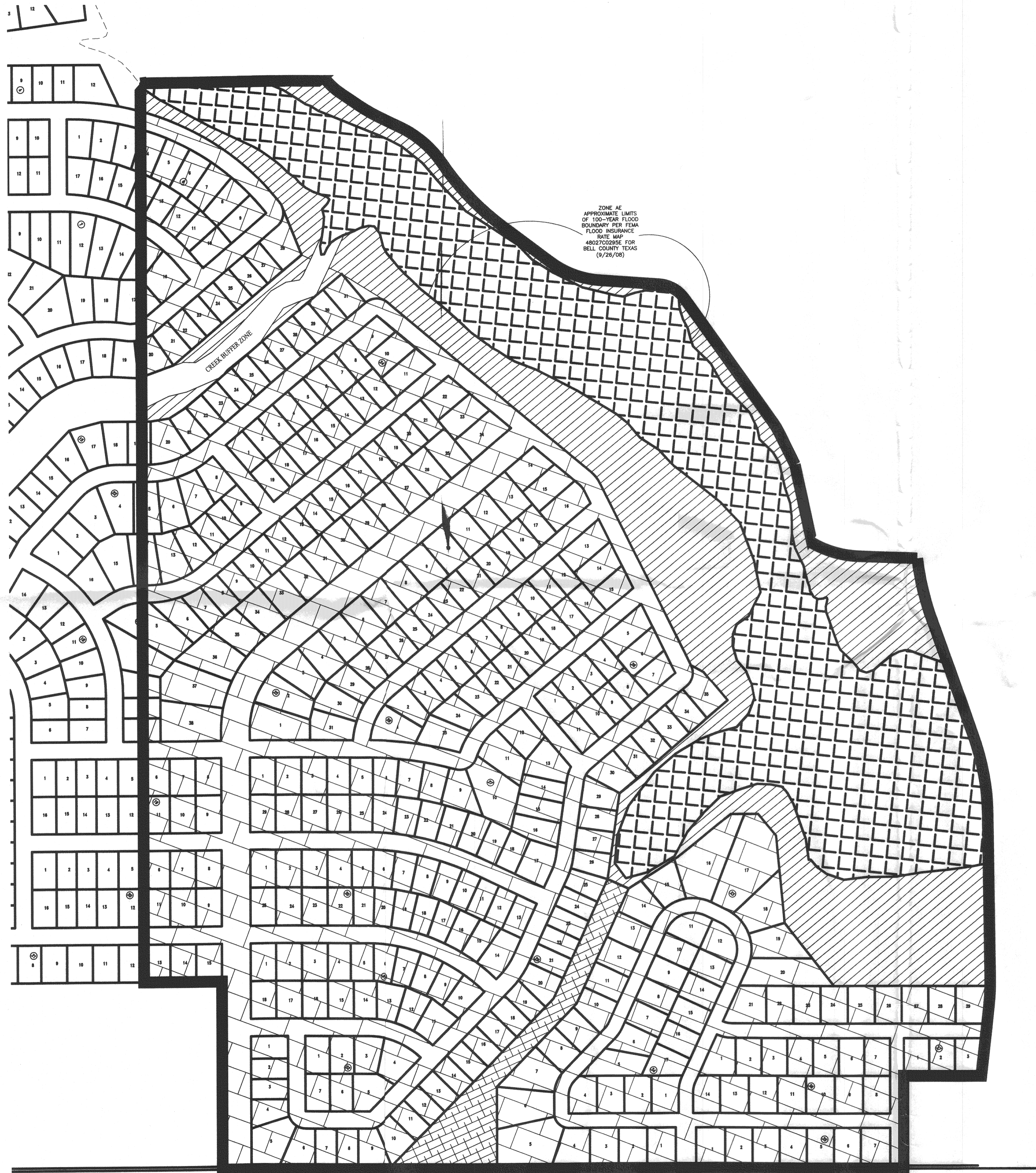
Drainage Area Data	n	Length, L _s (ft)	Sheet Flow t _s			Shallow Concentrated Flow t ₁			Street/Gutter Flow t ₂				Channel Flow t ₃							
			P2, 2-yr, 24-hr rain (in)	Slope, S (#/ft)	t _s (min)	Length (ft)	Slope, S (#/ft)	Velocity, V (fps)	t ₁ (min)	n	Length (ft)	Slope, S (#/ft)	Velocity, V (fps)	t ₂ (min)	Manning's 'n'	Length (ft)	Slope, S (#/ft)	Velocity, V (fps)	t ₃ (min)	t _c (min)
DA 1	0.41	50.0	3.6	0.020	11.9	149	0.007	1.32	1.9	0.015	808	0.036	8.06	1.7	-	-	-	0.0	15.4	
DA 2	0.41	50.0	3.6	0.040	9.0	199	0.030	2.80	1.2	0.015	1619	0.026	6.96	3.9	-	-	-	0.0	14.1	
DA 3	0.41	50.0	3.6	0.040	9.0	77	0.065	4.12	0.3	0.015	1576	0.028	7.11	3.7	-	-	-	0.0	13.0	
DA 4	0.41	50.0	3.6	0.060	7.6	83	0.048	3.54	0.4	0.015	1994	0.023	6.46	5.1	-	-	-	0.0	13.2	
DA 5	0.41	50.0	3.6	0.060	7.6	83	0.048	3.54	0.4	0.015	554	0.013	4.79	1.9	-	-	-	0.0	10.0	
DA 6	0.41	50.0	3.6	0.020	11.9	82	0.016	2.18	0.6	0.015	639	0.033	7.71	1.4	-	-	-	0.0	13.9	
DA 8	0.41	50.0	3.6	0.020	11.9	298	0.003	0.93	5.3	0.015	989	0.032	7.66	2.2	-	-	-	0.0	19.3	
DA 9	0.41	50.0	3.6	0.040	9.0	158	0.057	3.85	0.7	0.015	2333	0.029	7.27	5.4	-	-	-	0.0	15.0	
DA 10	0.41	50.0	3.6	0.080	6.8	224	0.040	3.23	1.2	0.015	980	0.028	7.06	2.3	-	-	-	0.0	10.3	
DA 11	0.41	50.0	3.6	0.040	9.0	329	0.024	2.52	2.2	0.015	1150	0.037	8.13	2.4	-	-	-	0.0	13.5	
DA 12	0.41	50.0	3.6	0.060	7.6	280	0.043	3.34	1.4	0.015	1580	0.033	7.72	3.4	-	-	-	0.0	12.5	
DA 13	0.41	50.0	3.6	0.060	7.6	341	0.044	3.39	1.7	0.015	1550	0.026	6.92	3.7	-	-	-	0.0	13.1	
DA 14	0.41	50.0	3.6	0.020	11.9	84	0.012	1.76	0.8	0.015	1266	0.024	6.55	3.2	-	-	-	0.0	15.9	
DA 15	0.41	50.0	3.6	0.020	11.9	82.3	0.012	1.78	0.8	0.015	948.2	0.043	8.85	1.8	-	-	-	0.0	14.4	
DA7 + OS1	0.41	100.0	3.6	0.005	36.0	956.2	0.033	2.95	5.4	0.015	422.1	0.019	5.86	1.2	0.040	1474.0	0.0720	5.00	4.9	47.5
DA6 + OS2	0.41	100.0	3.6	0.005	36.0	964.9	0.052	3.67	4.4	0.015	337.8	0.027	6.95	0.8	-	-	-	0.0	41.1	
DA5 + OS3	0.41	100.0	3.6	0.005	36.0	778.3	0.059	3.92	3.3	0.015	144.0	0.028	7.09	0.3	-	-	-	0.0	39.6	
DA4 + OS4	0.41	100.0	3.6	0.040	15.6	667.5	0.061	4.00	2.8	0.015	1796.6	0.024	6.66	4.5	-	-	-	0.0	22.9	

DATE	SHEETS

DRAINAGE & TOPOGRAPHY
HERITAGE OAKS
KILLEEN, BELL COUNTY, TEXAS





For Interim Review Only
 These documents have been released on August 30, 2013 for the purpose of review and comment under the authority of: Gilberto Dominguez, P.E., P.E. No. 99960
 They are not to be used for construction purposes.
 8/30/2013

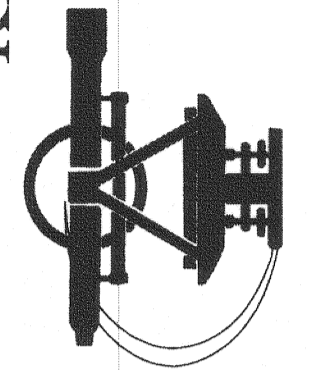
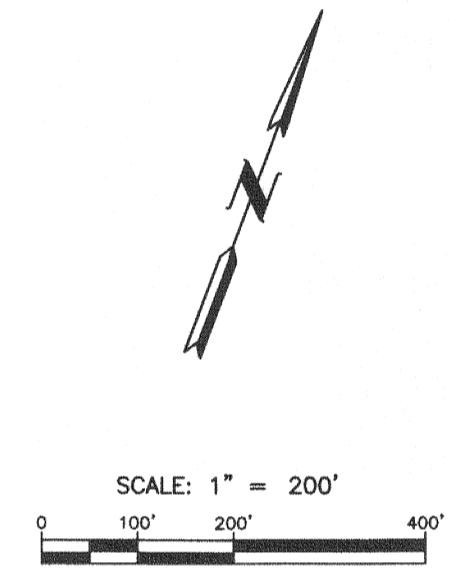
Project No.:	2013-008
Acres:	---
No. of Lots:	---
Scale:	---
Date:	---
Design By:	---
Sheet No.:	5.0



ZONE AE
APPROXIMATE LIMITS
OF 100-YEAR FLOOD
BOUNDARY PER FEMA
FLOOD INSURANCE
RATE MAP
ABSTRACTS FOR
BELL COUNTY TEXAS
(9/26/06)

LEGEND

-  - GREEN SPACE (13.5%)
-  - FLOOD PLAIN (17.9%)
-  - COMMON SPACE (1.5%)
-  - RESIDENTIAL SPACE (67.1%)



△	DATE	SHEETS

DEVELOPMENT CONCEPT
HERITAGE OAKS
KILLEEN, BELL COUNTY, TEXAS

For Interim Review Only
These documents have
been released on
February 29, 2008
for the purpose of review
and comment
under the authority of:
Gilberto Dominguez, P.E.,
P.E. No. 99960
They are not to be used
for construction purposes.

Gilberto Dominguez
8/30/2013

Project No.:	2013-008
Acres:	199.50
No. of Lots:	---
Scale:	1" = 200'
Date:	8/30/2013
Design By:	MEL / BJP
Sheet No.:	6.0



TO: PLANNING AND ZONING COMMISSION
FROM: TONY D. MCILWAIN, AICP, CFM, CITY PLANNER
DATE: AUGUST 9, 2013

REZONING CASE: #Z13-27 'A' (AGRICULTURAL DISTRICT) AND 'A-R1 (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) AND 'SR-1' (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT) TO P.U.D. (PLANNED UNIT DEVELOPMENT)

Nature of the Request

This request is to rezone 229.16 acres, being part of the A.H. Wood Survey, Abstract No.886, W.E. Hall Survey, Abstract No.1116 and the J.B. Harris Survey, Abstract No. 452 from 'A' (Agricultural District) and 'A-R1' (Agricultural Single-Family Residential District) and 'SR-1' (Suburban Residential Single Family District) to P.U.D.(Planned Unit Development) for single family residential use and common open space. The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road.

The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

- (a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
- (b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and promote pedestrian circulation;
- (c) Allow developers greater freedom to be innovative in selecting the means to provide access, light, open space and amenities; and
- (d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

Property Specifics

Applicant/Property Owner: Killeen Chaparral Development, L.L.C. and RSBP Developers, Inc.

Property Location: The property is located at the Killeen/Harker Heights city limits north of Chaparral Road.

Legal Description: The property is part of the A.H. Wood Survey, Abstract No. 886, W.E. Hall Survey, Abstract No. 1116 and the J.B. Harris Survey, Abstract No. 452, Killeen, Texas.

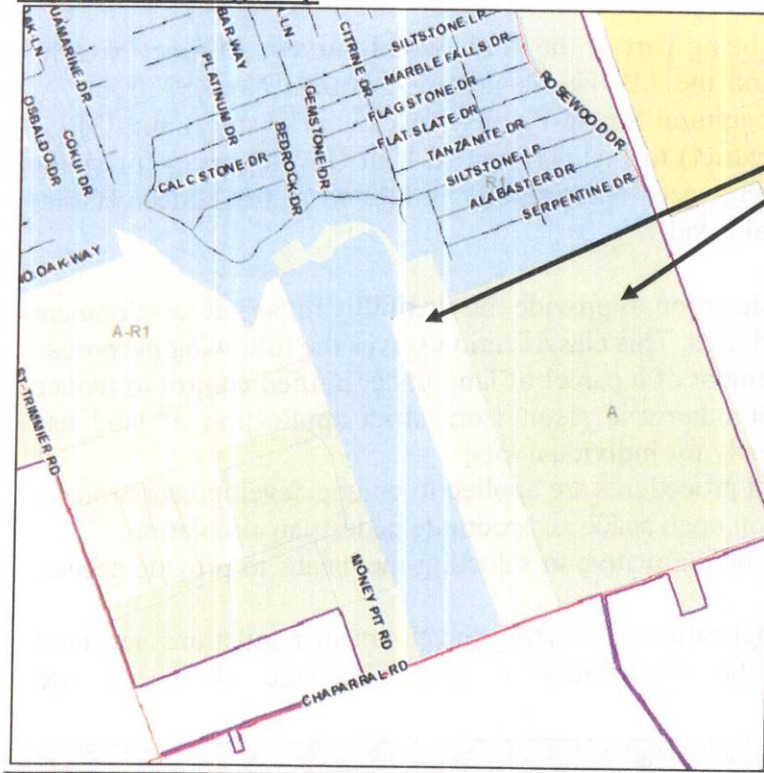
Annexation/ Zoning/ Plat Case History:

- The property was annexed into the City of Killeen effective May 1, 2004, per ordinance no. 04-12.
- The property was zoned A (Agricultural District) and A-R1 (Agricultural Single Family Residential District) on April 26, 2005, per ordinance #05-31.
- The property has not been platted.

Character of the Area:

Existing Land Use(s) on the Property: Undeveloped parcel of land.

Figure 1. Zoning Map



Historic Properties: None

Infrastructure and Community Facilities

Emergency Response:

Fire Protection District: City of Killeen, Fire Districts 8

Fire Response Zones: 8-1

Miles from Fire Station: Approximately 7 miles from Fire Station 8, which is located at 7252 East Trimmier Road, Killeen, Texas.

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: This memorandum provides advice on the availability of public water and sanitary sewer utility services to the above subject property located within the City of Killeen municipal utility service area. The existing potable water main serving the property is a looped 16-inch diameter transmission main running along the Chaparral Road frontage and the eastern boundary of the tract. When the property is platted for the purpose of a development permit, the developer would be required to extend public water mains to the property that provides adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of all required testing of the public water mains to confirm adequate flow and pressure exists to support any Code-mandated fire protection measures.

Public sanitary sewer utilities are in place to serve the entire drainage basin encompassing the tract. A 30" diameter gravity sanitary sewer interceptor serving the lower Trimmier Creek basin bisects the tract. City of Killeen development criteria will require the extension of public sanitary sewer utility service throughout the property when the property is platted for the purpose of a development permit. Any existing OSSF within the boundary of the property must be closed in accordance with all applicable state and local OSSF regulations as no future development within a future subdivision may be served by an OSSF.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:

Existing conditions: Ingress/egress to and from Chaparral Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is platted for the

purpose of a development permit. Chaparral Road is a rural section road with a bar ditch profile. It is not at the desired level of service for a minor arterial street classification.

Proposed Improvements: Development of additional streets will occur during the platting of the project.

Projected Traffic Generation: Significant upon build out.

Environmental Assessment

Topography: The property is undulating, with significant elevation changes. The site contains a substantial mesh of oak and other tree species. Trimmier Creek runs along the western portion of the subject site.

Regulated Floodplain/Floodway/Creek: A portion of the property in this zoning case is located within a regulated Special Flood Hazard area (SFHA). Runoff flows from the property north into Trimmier Creek. Trimmier Creek and all of its tributaries are currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria. In addition Trimmier Creek was listed on the same list for concerns for near-nonattainment of the Water Quality Standards for the macrobenthic community. The TCEQ listed Post-development Erosion and Sedimentation as the potential source for the impaired macrobenthic community in this basin.

Per Killeen Code of Ordinances Section 31-804, a P.U.D. application requires the following "proposed drainage plan with complete analysis of existing and post development water runoff and show how the developer intends to bring runoff water under control so as to be in compliance with the city's drainage criteria and preclude downstream damage." The applicant has not met the requirements of this section of code.

In addition, the owner/developer has already submitted a Stormwater Site Management plan (SWSMP) for this parcel in conjunction with White Rock Estates Phase 10. The proposed "green space" in the P.U.D. will need to match the already submitted "green space" (creek buffer zones, parkland dedication, additional riparian buffers) in the SWSMP. The SWSMP can be amended but it will need to be evaluated for compliance. The use of the terms "green space" and "parkland" will need to be clarified and carefully used since identified creek buffer zones (CBZ) and Riparian areas cannot be developed (i.e. no trails or parks).

Land Use Analysis

Comprehensive Plan: The subject area is within the 'Estate' designation of the Comprehensive Plan's Future Land Use Map (FLUM). Under Local Government Code section 213, the comprehensive plan is recognized under state law as the city's document for long range growth and development.

Plan Recommendation: The 'Estate' character encourages detached residential dwellings, public/institutional uses, parks and public spaces. The characteristics of this designation include:

- Transition between Suburban and Rural character areas, with further progression along the character spectrum toward environments where the landscape is visually dominant over structures.

- Still in Suburban portion of character spectrum, but with larger lots (typically 1 acre minimum), especially where required by public health regulations to allow for both individual water wells and on-site septic systems on properties where centralized water and/or wastewater service is not available or feasible.
- One-acre lots are usually adequate in wooded areas to achieve visual screening of homes (from streets and adjacent dwellings). Three to five-acre lots may be needed achieve and maintain Estate character in areas with more open land.

Consistency: The Planned Unit Development concept is consistent with the FLUM. The Comprehensive Plan promotes the 'Planned Unit Development' (PUD) overlay designation using a cluster or conservation design, because it provides flexibility for the property owner and conserves open space. A cluster or conservation design provides developers with the ability to reduce lot sizes below typical minimum standards and thereby focus the development footprint on only a portion of the site with a greater percentage of open space. This method allows for negotiated resource protection standards and the preservation of natural asset areas. The P.U.D. concept seeks to conserve natural resources both to preserve them and to capitalize on them as development amenities.

Public Notification

The staff notified four (4) surrounding property owners within a 200' notification boundary regarding this request, and no responses were received.

Staff Recommendation

It is the Planning staff's responsibility to implement the Comprehensive Plan through thoughtful application of the Plan and appropriate zoning measures to support the future land use map. Therefore, staff supports the applicant's desire to develop the property within the context of a P.U.D. However, the staff and the applicant are still working through issues relative to the drainage requirements, the project's overall density and amenities, and the identified parkland versus undevelopable common space. Staff will advise the Commissioners of the additional information that the applicant has submitted and provide a recommendation for the overall P.U.D. concept during the regular meeting of September 9th.

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

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

C. Conditions to Consider

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



**AGENDA
REGULAR MEETING
PLANNING AND ZONING COMMISSION
SEPTEMBER 9, 2013
CITY HALL
101 N. COLLEGE STREET
COUNCIL CHAMBERS**

WORKSHOP – 4:00 P.M. – Main Conference Room

- I. Discuss changing the Planning and Zoning Commission meeting days to the 1st and/or 3rd Monday of every month (to take effect beginning with the new Fiscal year).
- II. Discuss agenda items for the **September 9, 2013**, regular Planning and Zoning Commission meeting.
- III. Discuss revising Killeen Code of Ordinances, Division 6, District “RT-1” Residential Townhouse Single Family District.

CALL TO ORDER – 5:00 P.M. – Council Chambers

ROLL CALL

COMMISSION	STAFF
___ 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
___ James H. Butler	___ John Nett, P.E., CFM, City Engineer
___ Michael DeHart	___ Scott Osburn, Esq., Deputy City Attorney II
___ Tad Dorroh	___ Kristina Ramirez, P.E., CFM, Director of Environmental Services
___ Robert Hicks, Sr.	___ Earl Abbott, CBO, CFM, Building Official
___ Bobby Lee Hoover	___ Vicki Wanken, Planning Assistant
___ Joel Steine	___ Terri Lorenz, Executive Assistant
___ Terry Traina	___ Maria Lopez, Principal Secretary

APPROVAL OF AGENDA

Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for **September 9, 2013**.

CONSENT AGENDA

- CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **August 26, 2013.**
- CA-2** Consider a final plat submitted by the Margaret Dorothy Stefek Marital Trust (**Case #13-028FS: Stefek Trust Addition, Phase One**) of approximately 1.373 acres, being part of the Azra Webb Survey, Abstract No. 857. The property is located on the east right-of-way of S. Fort Hood Street (S. H. 195), across from Leifester Circle, Killeen, Texas.
(This item will be forwarded to City Council on September 24, 2013.)
- CA-3** Consider a final plat submitted by D and Sc Enterprises, Inc (**Case #13-031FS: Prairie View Estates, Phase Three**) of approximately 28.099 acres, being part of the W. H. Cole Survey, Abstract No. 200. The property is located on the north right-of-way of Chaparral Road, east of the Soldiers Hospitality House, Killeen, Texas.
(This item will be forwarded to City Council on September 24, 2013.)
- CA-4** Consider a final plat submitted by WBW Development, Ltd. (**Case #13-032FS: The Landing at Clear Creek Phase III**) of approximately 46.72 acres, being part of the John E. Maddera Survey, Abstract No. 600. The property is located southeast of the intersection of Clear Creek Road (S.H. 201) and Mohawk Drive Killeen, Texas.
(This item will be forwarded to City Council on September 24, 2013.)

CITIZENS PETITIONS FOR INFORMATION

PUBLIC HEARING

- PH-1** HOLD a public hearing and consider a final plat submitted by Texas Triple Investments, L.L.C. [**Case #13-022RS: Killeen (Hooten) DTP VIII**], being a replat of Lot 1, Block 1, Miro Kim Addition. The property is located on the north right-of-way of E. Rancier Avenue (FM 439) and is locally known as 4501 E. Rancier Avenue, Killeen, Texas.
(This item will be forwarded to City Council on September 24, 2013.)
- PH-2** HOLD a public hearing and consider a request submitted by the Killeen Chaparral Development, L.L.C. and RSBP Developers, Inc. (**Case #Z13-27**) to rezone approximately 199.5 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W. E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.
(This item will be forwarded to City Council on September 24, 2013.)

- PH-3 HOLD** a public hearing and consider a request by Billy W. & Myong C. Jones (**Case #Z13-30**) to rezone, part of Lot 7, Block 1, Myong Jones Corner, from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District) to allow the on-premises sale and consumption of alcohol for a Meños Mexican Restaurant. The property is locally known as 1510-A S. Fort Hood St., Killeen, Texas.
(**This item will be forwarded to City Council on September 24, 2013.**)
- PH-4 HOLD** a public hearing and consider a request by RSBP Developers, Inc (**Case #Z13-31**) to rezone Lots 1 -14, Block 1, and Lots 1 – 6, Block 2, Purser Crossing, Phase Three, from R-1 (Single-family Residential District) to R-2 (Two Family Residential District). All of the properties are located on Lineage Loop, immediately east of Bunny Trail, Killeen, Texas.
(**This item will be forwarded to City Council on September 24, 2013.**)
- PH-5 A. HOLD** a public hearing and consider a request to amend the Comprehensive Plan's future land use map (FLUM) (**Case #FLUM Z13-32**) from 'Rural' to 'General Commercial' for approximately 2.439 acres. The property is located on the west right-of-way of S. Fort Hood St. (S.H. 195) across from the intersection of FM 2484, Killeen, Texas.
(**This item will be forwarded to City Council on September 24, 2013.**)
- B. HOLD** a public hearing and consider a request by Hubert G. and Patricia A. Collins (**Case #Z13-32**) to rezone approximately 1.339 acres, being part of the Richard A. McGee Survey, Abstract No. 561, from 'A' (Agricultural District) to B-3 (Local Business District). The property is located on the west right-of-way of S. Fort Hood St. (S.H. 195) across from the intersection of FM 2484, Killeen, Texas.
(**This item will be forwarded to City Council on September 24, 2013.**)
- PH-6 HOLD** a public hearing and consider the creation of a masonry ordinance for certain residential zoning districts and all business zoning districts within the City of Killeen.
(**This item will be forwarded to City Council on September 24, 2013.**)
- OI-1** Consider a final plat submitted by Hubert G. Collins and Patricia A. Collins (**Case #13-027FMS: Collins Addition**) being a final minor plat of approximately 2.448 acres, part of the Richard A McGee Survey, Abstract No. 561. The property is located on the west right-of-way of S. Fort Hood Street (S.H. 195) across from FM 2484, Killeen, Texas.
(**This item will be forwarded to City Council on September 24, 2013.**)

COMMISSION AND STAFF ITEMS

I. Attendance Chart

ADJOURNMENT

The next regularly scheduled meeting for the Planning and Zoning Commission is **September 23, 2013** at 5:00 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 Managers 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 4:00 p.m. on September 6, 2013.

Vicki Wanken
Planning Assistant

Vicki W

6

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

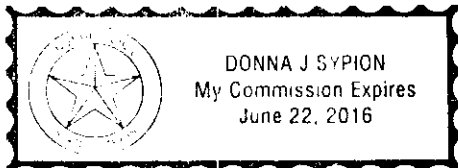
following dates to-wit: September 8, 2013 at a

cost of \$316.90.

Advertising Representative

Subscribed and sworn before me on September 9, 2013.

, Notary Public, Bell, Texas



NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing is scheduled to be held by the Planning and Zoning Commission, City of Killeen, at 5:00 p.m., on Tuesday, September 24, 2013, in Council Chambers at City Hall, 101 North College Street, to consider the following:

HOLD a public hearing and consider a request submitted by the Killeen Chaparral Development, LLC and RSBP Developers, Inc. (Case #Z13-27) to rezone approximately 199.5 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W. E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

HOLD a public hearing and consider a request by Billy W & Myong C. Jones (Case #Z13-30) to rezone, part of Lot 7, Block 11, Myong Jones Corner, from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District) to allow on premises sale and consumption of alcohol. The property is locally known as 1510-A S. Fort Hood St., Killeen, Texas.

HOLD a public hearing and consider a request by RSBP Developers, Inc (Case #Z13-31) to rezone Lots 1 -14, Block 1 and Lots 1 - 6, Block 2 Purser Crossing, Phase Three, from R-1 (Single-family Residential District) to R-2 (Two Family Residential District). All of the properties are located on Lineage Loop, Killeen, Texas.

HOLD a public hearing and consider a request by Hubert G and Patricia A. Collins (Case #Z13-32) to rezone approximately 1,339 acres part of the Richard A McGee Survey, Abstract No 561 from A (Agricultural District) to B-3 (Local Business District). The property is located on the west right-of-way of S. Fort Hood St (S.H. 195) across from FM 2482.

WITNESS MY HAND THIS 8th DAY OF September 2013.

Dianna Barker
City Secretary

By Tony McIlwain
City Planner

(Legal notice published in the Killeen Daily Herald September 8, 2013)

P.O. Box 1300

1809 Florence Rd.

Killeen, TX 76540

(254) 634-2125

Acctg Copy 10/15/13



CITY OF KILLEEN
PLANNING & DEVELOPMENT SERVICES

October 9, 2013

Killeen Chaparral Development, LLC
RSBP Developers, Inc
2901 E. Stan Schlueter Loop
Killeen TX 76542

RE: Zoning Case #Z13-27: A-R1 (Agricultural Single-family Residential District), A (Agricultural District) and SR-1 (Suburban Residential Single-family District) to PUD (Planned Unit Development)

Dear Property Owner:

On Tuesday, September 24, 2013, the City Council of the City of Killeen granted your request for rezoning, approximately 199.5 acres, being part of the A. H. Wood Survey, Abstract No. 886, the W. E. Hall Survey, Abstract No. 1116 and the J. B. Harris Survey, Abstract No. 452, from 'A' (Agricultural District), A-R1 (Agricultural Single Family Residential District) and SR-1 (Suburban Residential Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and green space. The approval was made with the following conditions as imposed by the Killeen City Council:

- Residential density shall not exceed 3.5 dwelling units per gross acre;
- Residential development shall not exceed 660 lots;
- Seventy percent (70%) of the residential lots shall be at least 55' in width or larger (at the 20' front building line);
- Fifteen percent (15%) of the residential lots shall be at least 95' in width or larger (at the
- The proposed "green space" as illustrated in Exhibit A (to include the creek buffer zones and additional riparian buffers) shall be dedicated to the City for future parkland purposes.

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

Sincerely,

Vicki Wanken
Planning Assistant

Enclosure
Ord. #13-069

Cc: ~~Killeen Engineering and Surveying, 2901 E. Stan Schlueter Loop, Killeen, TX 76542~~

~~PO BOX 1329 KILLEEN, TEXAS 76540-1329 254.501.7630 254.501.7628 FAX~~

~~WWW.CIKILLEEN.TX.US~~

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 'A' (AGRICULTURAL DISTRICT), A-R1 (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) AND SR-1 (SUBURBAN RESIDENTIAL SINGLE FAMILY RESIDENTIAL DISTRICT) TO P.U.D. (PLANNED UNIT DEVELOPMENT) FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND GREEN SPACE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Killeen Chaparral Development L.L.C. and RSBP Developers have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of 199.5 acres, being part of the A. H. Wood Survey, Abstract No. 886, the W. E. Hall Survey, Abstract No. 1116 and the J. B. Harris Survey, Abstract no. 452, from 'A' (Agricultural District), A-R1 (Agricultural Single Family Residential District) and SR-1 (Suburban Residential Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and green space, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 9th day of September 2013 with the following conditions of approval:

- Residential density shall not exceed 3.5 dwelling units per gross acre;
- Residential development shall not exceed 660 lots;
- Seventy percent (70%) of the residential lots shall be at least 55' in width or larger (at the 20' front building line);
- Fifteen percent (15%) of the residential lots shall be at least 95' in width or larger (at the 20' front building line);

- The proposed “green space” as illustrated in Exhibit A (to include the creek buffer zones and additional riparian buffers) shall be dedicated to the City for future parkland purposes; and

due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 24th day of September 2013, 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 ‘A’ (Agricultural District), A-R1 (Agricultural Single Family Residential District) and SR-1 (Suburban Residential Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and green space, for 199.5 acres, being part of the A. H. Wood Survey, Abstract No. 886, the W. E. Hall Survey, Abstract No. 1116 and the J. B. Harris Survey, Abstract No. 452, and being located along the Killeen/Harker Heights city limits, north of Chaparral Road, Killeen, Texas.

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

SECTION IV. 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 24th day of September 2013, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED:



Daniel A. Corbin, MAYOR

ATTEST:


Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM


Kathryn H. Davis, City Attorney

Case #13-27

Ord #13-__

KILLEEN DAILY HERALD

Serving The Growing Central Texas Area

9-24

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

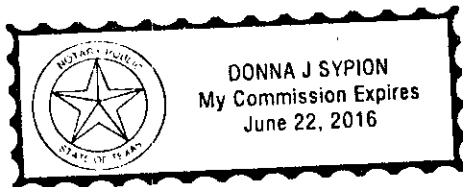
following dates to-wit: August 25, 2013 at a cost

of \$238.60.

Advertising Representative

Subscribed and sworn before me on August 26, 2013.

Notary Public, Bell, Texas



NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing is scheduled to be held by the Planning and Zoning Commission, City of Killeen, at 5:00 p.m. on Tuesday, September 10, 2013, in Council Chambers at City Hall, 101 North Opales Street, to consider the following:

HOLD a public hearing and consider a request by Yong K. and Hye S. Chang (Case #213-2b) to rezone approximately 3.7 acres, being part of the J.B. Harris Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 852, and the W. E. Wall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

HOLD a public hearing and consider a request submitted by the Gary W. Purser 1999 Trust ET. AL and the Killeen Chaparral Development, L.L.C (Case #213-2c) to rezone approximately 229.16 acres, being part of the Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 852, and the W. E. Wall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

WITNESS MY HAND THIS 25th DAY OF August 2013.

Dianna Barker
City Secretary
By: Tony McIlwain
City Planner

(This notice published in the Killeen Daily Herald, August 25, 2013)

CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

ZONING CASE #Z13-27 'A' (AGRICULTURAL DISTRICT), 'A-R1' (AGRICULTURAL SINGLE FAMILY RESIDENTIAL DISTRICT) AND 'SR-1' (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT) to P.U.D. (PLANNED UNIT DEVELOPMENT)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Nature of the Request

This request is to rezone approximately 199.5 acres, being part of the A. H. Wood Survey, Abstract No. 886, the W. E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, from 'A' (Agricultural District), 'AR-1' (Agricultural Single-Family Residential District) and 'SR-1' (Suburban Residential Single Family District) to P.U.D. (Planned Unit Development) for single family residential use and green space. The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road, Killeen, Texas.

The P.U.D. classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

- (a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
- (b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and pedestrian circulation;
- (c) Allow developers greater freedom to be innovative in selecting means to provide access, light, open space and amenities; and
- (d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

Property Specifics

Applicant/Property Owner: Killeen Chaparral Development, L.L.C. and RSBP Developers, Inc.

Property Location: The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road, Killeen, Texas.

Legal Description: Part of the A. H. Wood Survey, Abstract No. 886, the W.E. Hall Survey, Abstract No. 1116, and the J.B. Harris Survey, Abstract No. 452, Killeen, Texas.

Zoning/Plat Case History: The property was annexed into the City of Killeen with an effective date of May 1, 2004, per Ordinance #04-12. The property was rezoned to 'A' (Agricultural District) and 'AR-1' (Agricultural Single Family Residential District) on April 26, 2005. A portion of the green space area was zoned as 'SR-1' per Ordinance #12-87. The property is unplatted.

Character of the Area

Existing Land Uses(s) on the Property: Undeveloped parcel of land.

Figure 1. Zoning Map

See Attachment

Historic Properties: None

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: The existing potable water main serving the property is a looped 16-in diameter transmission main running along the Chaparral Road frontage and the eastern boundary of the tract. When the property is platted for the purpose of a development permit, the developer would be required to extend public water mains to the property that provides adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of all required testing of the public water mains to confirm adequate flow and pressure exists to support any code-mandated fire protection measures.

Public sanitary sewer utilities are in place to serve the entire drainage basin encompassing the tract. A 30" diameter gravity sanitary sewer interceptor serving the lower Trimmier Creek basin bisects the tract. City of Killeen development criteria will require the extension of public sanitary sewer utility service throughout the property when the property is platted for the purpose of a development permit, Any existing OSSF within the boundary of the property must be closed in accordance with all applicable state and local OSSF regulations as no future development within a future subdivision may be served by an OSSF.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analysis related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for redevelopment of the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:

Existing Conditions: Ingress/egress to and from Chaparral Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is platted for the purpose of a development permit. Chaparral Road is a rural section with a bar ditch profile. It is not at the desired level of service (LOS) for a minor arterial street classification.

Proposed Improvements: Development of additional streets will occur during the subdivision process.

Projected Traffic Generation: Significant upon build-out.

Environmental Assessment

Topography: The property is undulating, with significant elevation changes. The site contains a substantial mesh of oak and other tree species. Trimmier Creek runs along the western portion of the subject site.

Regulated Floodplain/Floodway/Creek: A portion of the property in this zoning case is located within a regulated Special Flood Hazard Area (SFHA). Runoff flows from the property north into Trimmier Creek. Trimmier Creek and all of its tributaries are currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria. In addition Trimmier Creek was listed on the same list for concerns for near-nonattainment of the Water Quality Standards for the macro benthic community. The TCEQ listed Post-development Erosion and Sedimentation as the potential source for the impaired macro benthic community in this basin.

Land Use Analysis

Land Use Plan: This area is within the 'Estate' designation of the Comprehensive Plan's Future Land Use Map (FLUM). Under Local Government Code section 213, the comprehensive plan is recognized under state law as the city's document for long range growth and development.

Plan Recommendation: The 'Estate' character encourages detached residential dwelling, public/institutional uses, parks, and public spaces. The characteristics of this designation include:

- Transition between Suburban and Rural character areas, with further progression along the character spectrum toward environments where the landscape is visually dominant over structures.
- Still in Suburban portion of character spectrum, but with larger lots (typically 1 acre minimum), especially where required by public health regulation to allow for both individual water wells and in-site septic systems on properties where centralized water and/or wastewater service is not available or feasible.
- One-acre lots are usually adequate in wooded areas to achieve visual screening of homes (from streets and adjacent dwelling). Three to five-acre lots may be needed to achieve and maintain Estate character in areas with more open land.

Consistency: The Planned Unit Development concept is consistent with the FLUM.

Public Notification

The staff notified four (4) surrounding property owners within a 200' notification boundary regarding this request and no responses were received.

Recommendation

The Planning and Zoning Commission recommended approval of the P.U.D. (Planned Unit Development) by a vote of 6 to 0. This recommendation takes into account the applicant's submitted typical lot layout of 20' front and rear building lines and a 5' side building line, along with the following conditions:

- Residential density shall not exceed 3.5 dwelling units per gross acre;
- Residential development shall not exceed 660 lots;
- Seventy percent (70%) of the residential lots shall be at least 55' in width (at the 20' front building line) or larger;
- Fifteen percent (15%) of the residential lots shall be at least 95' in width (at the 20' front building line) or larger;
- The proposed "green space" as illustrated in Exhibit A (to include the creek buffer zones and additional riparian buffers) shall be dedicated to the City for future parkland purposes.

The P.U.D. narrative nor the Planning and Zoning Commission's recommendation includes any expressed masonry and landscaping standards, therefore, staff recommends that the City Council consider those landscaping and masonry standards articulated in Killeen Code of Ordinances Section 31-184, Architectural and Landscaping regulations, within the current 'SR-1' Suburban Residential Single Family District. These regulations require that single family detached homes must have a minimum of 75% brick, stucco or stone for front exterior walls and 50% brick, stucco or stone veneer for side exterior walls, excluding doors, windows and gables. The minimum required landscaping shall be two (2) canopy trees, with at least one (1) planted in the front yard, and eight (8) 3-gallon shrubs in the front yard. These standards would ensure a higher level of compatibility with other residential home sites in the immediate vicinity.

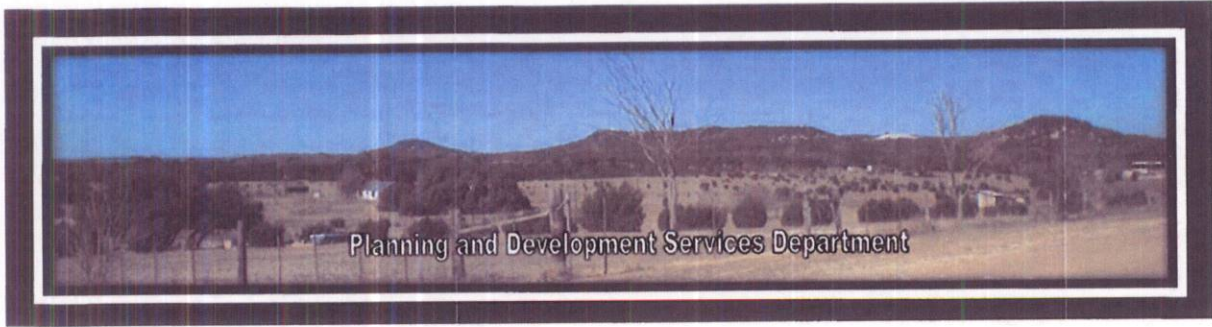
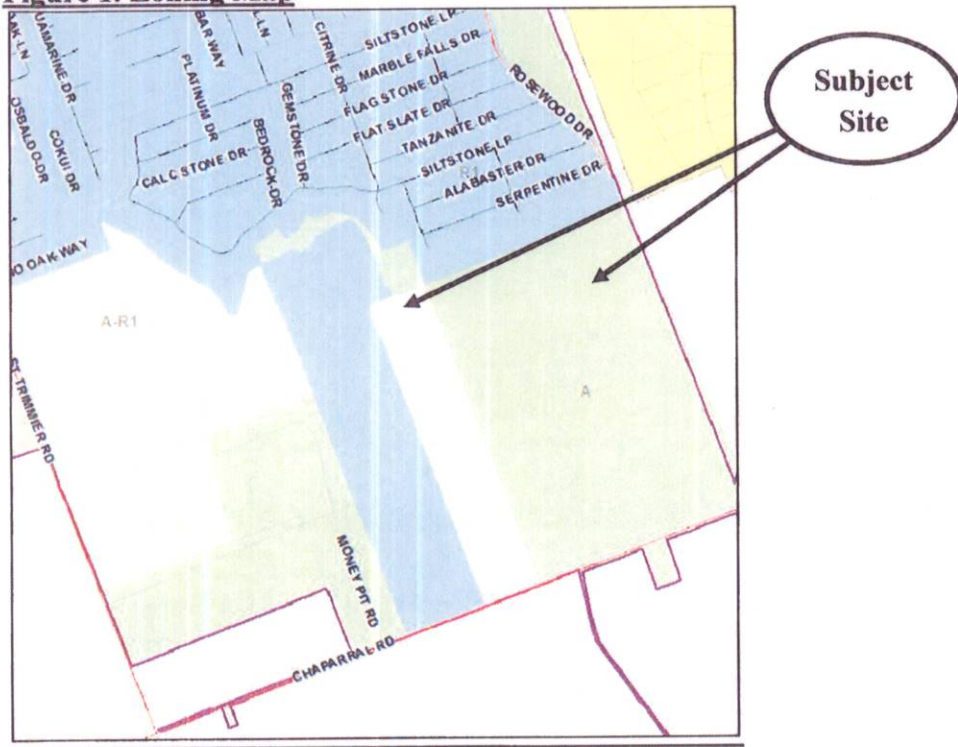


Figure 1. Zoning Map



PLANNING AND ZONING COMMISSION MEETING
SEPTEMBER 9, 2013

Case #Z13-27
'A', Ar-1 and SR-1 to PUD

HOLD a public hearing and consider a request submitted by RSBP Developers, Inc. and the Killeen Chaparral Development, LLC to rezone approximately 199.5 acres, being part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W. E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

Chairman Frederick requested staff comments.

The City Planner stated the this request is to rezone 199.5 acres to a P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road. The proposed development is proposed to be named *Heritage Oaks*.

The City Planner stated that during the workshop it was discussed to limit the PUD to 660 lots with a gross density of 3.5 residences per acre, 70% of the lots to be 55 feet wide or larger, 15% of the lots to be 95 feet or larger and green space to be dedicated to the city for future park land use.

Mr. Gary Purser Jr., 6503 Wells Fargo Dr., Killeen, was present to represent this request. Mr. Purser stated that he would be amenable to the recommendations that were discussed during the workshop. Mr. Purser also stated that he would not "dedicate any green space to the city if they are not involved and it may not be dedicated to the city it may stay as an HOA and private. Mr. Purser said that "if the city is not involved he would not dedicate park space."

Vice Chair asked Mr. Purser, "would it be more plausible if more terminology was put in like, dedicated to city for park use and taking over maintenance?" Mr. Purser said, "that it is something that is viable and seems like a middle ground that would work." Mr. Hicks asked if Mr. Purser would accept a recommendation for the city to take over maintenance. Mr. Purser said he would accept that recommendation. Mr. Purser stated that "if improvements were made and the city accepted responsibility of maintenance it would seem like a reasonable request.

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

Chairman Frederick reviewed the recommendations that were stated by staff as conditions of

approval. The recommendations are: no more than 660 lots, density to be no more than 3.5 residences per lot, 15% of the lots to be 95 feet in width or larger, 70% of lots not to be smaller than 55 feet in width and the dedication of the open space to the city as parkland after it was built.

Vice Chair Langford motioned to recommend approval of the requested zoning with the conditions as set forth. Commissioner Dorroh seconded the motion. The motion passed 6-0.

Chairman Frederick stated that this will be forwarded to City Council on September 24, 2013 with a recommendation to approve.

City Planner informed the commission that Mr. Philip Cornet had arrived to represent PH-1.

Public Hearings / Ordinances

PH-1 **HOLD** a public hearing and consider a final plat submitted by Texas Triple Investments, L.L.C. (**Case #13-022RS: Killeen (Hooten) DTP VIII**), being a replat of Lot 1, Block 1, Miro Kim Addition. The property is located on the north right-of-way of E. Rancier Avenue (FM 439) and is locally known as 4501 E. Rancier Avenue, Killeen, Texas.

The City Secretary read the Ordinance caption.

Staff comments: The property is zoned B-5 (Business District) and the applicant is replatting the property into one commercial lot for a proposed Dollar General retail store. The plat does meet city requirements. The Planning and Zoning Commission voted to approve plat case #13-022RS: Killeen (Hooten) DTP VIII by a vote of 6 to 0.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Segarra to approve PH-1. Motion was seconded by Councilmember Okray; motion carried unanimously.

PH-2 **HOLD** a public hearing and consider an ordinance requested by the Killeen Chaparral Development, L.L.C. and RSBP Developers, Inc. (**Case #Z13-27**) to rezone approximately 199.5 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W.E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

The City Secretary read the ordinance caption.

The City Secretary read the Ordinance caption.

Staff comments: Tony McIlwain - Killeen Chaparral Development, L.L.C. and RSBP Developers, Inc. are the applicants. The property owner wants to construct single family residence. Approximately 67 acres would be set aside for green space. Mr. McIlwain briefly went over the residential conditions of the proposed development. The staff notified four (4) surrounding property owners within a 200' notification boundary regarding this request and no responses were received. The Planning and Zoning Commission recommended approval of the P.U.D. (Planned Unit Development) by a vote of 6 to 0.

Mayor Corbin opened the public hearing.

Gary Purser, Jr. – 6503 Wells Fargo. Mr. Purser stated the property would be developed in a nice area. Part of the property is in the flood way but the land is usable. He has spent time and money clearing the land and intends to work with the city and community on the development.

With no one else appearing, Mayor Corbin closed the public hearing.

Motion was made by Councilmember Foster to approve PH-2 with the amendment that the masonry and landscape requirements of SR-1 zoning be adopted. Motion was seconded by Councilmember Okray; motion carried unanimously.

PH-3 **HOLD** a public hearing and consider an ordinance requested by Billy W. & Myong C. Jones (**Case #Z13-30**) to rezone part of Lot 7, Block 1, Myong Jones Corner, from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District) to allow the on-premises sale and consumption of alcohol for a Meños Mexican Restaurant. The property is locally known as 1510-A S. Fort Hood Street, Killeen, Texas.

The City Secretary read the ordinance caption.

Staff comments: Tony McIlwain - The request is consistent with the Comprehensive Plan. The owners want to open a second restaurant location. The staff notified six (6) surrounding property owners within a 200' notification boundary regarding this request. Staff has received no protests. The Planning and Zoning Commission recommended approval of the applicant's request limited to the footprint of the existing restaurant by a vote of 6 to 0. The occurrence of the RC-1 alcohol zoning will not be within three hundred (300) feet of a church, public or private school or public or private hospital.

Mayor Corbin opened the public hearing. With no one appearing, the public hearing was closed.

Motion was made by Councilmember Segarra to approve PH-3. Motion was seconded by Councilmember Gilmore; motion carried unanimously.

PH-4 **HOLD** a public hearing and consider an ordinance requested by RSBP Developers, Inc. (**Case #Z13-31**) to rezone Lots 1-14, Block 1, and Lots 1-6, Block 2, Purser Crossing, Phase Three, from R-1 (Single Family Residential District) to R-2 (Two Family Residential District). All of the properties are located on Lineage Loop, immediately east of Bunny Trail, Killeen, Texas.

The City Secretary read the ordinance caption.

- CA-4 Consider a memorandum/resolution to adopt an amendment to the 2011 Drainage Design Manual.
- CA-5 Consider a memorandum/resolution accepting a Texas Department of Transportation Routine Airport Maintenance Program (RAMP) Grant for Killeen-Fort Hood Regional Airport.
- CA-6 Consider a memorandum/resolution accepting a Texas Department of Transportation Routine Airport Maintenance Program (RAMP) Grant for Skylark Field.
- CA-7 Consider a memorandum/resolution approving a lease renewal for office space at 207 and 209 W. Avenue D.
- CA-8 Consider a request for a final plat submitted by WBW Development, Ltd. (**Case #13-032FS: The Landing at Clear Creek Phase III**) of approximately 46.72 acres, being part of the John E. Maddera Survey, Abstract No. 600. The property is located southeast of the intersection of Clear Creek Road (S.H. 201) and Mohawk Drive, Killeen, Texas.
- CA-9 Consider a request for a final plat submitted by the Margaret Dorothy Stefek Marital Trust (**Case #13-028FS: Stefek Trust Addition, Phase One**) of approximately 1.373 acres, being part of the Azra Webb Survey, Abstract No. 857. The property is located on the east right-of-way of S. Fort Hood Street (S. H. 195), across from Leifester Circle, Killeen, Texas.
- CA-10 Consider a request for a final plat submitted by D and Sc Enterprises, Inc. (**Case #13-031FS: Prairie View Estates, Phase Three**) of approximately 28.099 acres, being part of the W. H. Cole Survey, Abstract No. 200. The property is located on the north right-of-way of Chaparral Road, east of the Soldiers Hospitality House, Killeen, Texas.
- CA-11 Consider a memorandum/resolution ratifying the City Manager's execution of an interlocal agreement between the City of Killeen and Harker Heights for a Home Chemical Collection Event.
- CA-12 Consider a memorandum/resolution authorizing entering into a reclaimed water supply agreement with Bell County Water Control & Improvement District No. 1.

Public Hearings / Ordinances

- PH-1 **HOLD** a public hearing and consider a final plat submitted by Texas Triple Investments, L.L.C. (**Case #13-022RS: Killeen (Hooten) DTP VIII**), being a replat of Lot 1, Block 1, Miro Kim Addition. The property is located on the north right-of-way of E. Rancier Avenue (FM 439) and is locally known as 4501 E. Rancier Avenue, Killeen, Texas.
- PH-2 **HOLD** a public hearing and consider an ordinance requested by the Killeen Chaparral Development, L.L.C. and RSBP Developers, Inc. (**Case #Z13-27**) to rezone approximately 199.5 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W.E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

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

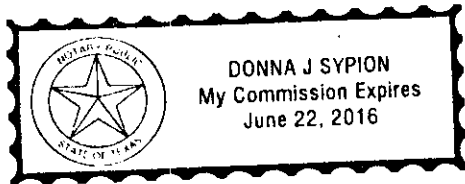
following dates to-wit: August 25, 2013 at a cost

of \$238.60.

Advertising Representative

Subscribed and sworn before me on August 26, 2013.

Notary Public, Bell, Texas



NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing is scheduled to be held by the Planning and Zoning Commission, City of Killeen, at 2:00 p.m. on Tuesday, September 10, 2013, in Council Chambers at City Hall, 101 Young Street, Killeen, Texas, to consider the following:

Hold a public hearing and consider a request by Gary W. Purser, Trust ET AL, and the Killeen Chaparral Development, LLC (Case No. 13-213-28) to rezone approximately 3.7 acres of property from the Agricultural District (A) and RA1 (Single-Family Residential District) to B-3 (Local Business District). The property is locally known as 3502, 3602 and 3702 Watercrest Road, Killeen, Texas.

HOLD a public hearing and consider a request submitted by the Gary W. Purser, Trust ET AL and the Killeen Chaparral Development, LLC (Case No. 13-213-28) to rezone approximately 3.7 acres of property from Survey Abstract No. 886, part of J.B. Harris Survey, Abstract No. 882, and the E. E. Neal Survey, Abstract No. 1116, from A (Agricultural District), SR-1 (Suburban Residential Single-Family District) and RA1 (Agricultural Single-Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and common open space. The properties located on the north right-of-way of Chaparral Road near the Killeen/Marker Heights city limits.

WITNESS MY HAND
THIS 25th DAY OF
August 2013.

Dianna Barker
City Secretary
By: Tony McIlwain
City Planner

(Publication published in the Killeen Daily Herald August 25, 2013)

**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
AUGUST 26, 2013
CITY HALL, 101 N. COLLEGE STREET
COUNCIL CHAMBERS**

ROLL CALL

PRESENT:

Commission: Johnny Frederick, Chair; Craig Langford, Vice Chair; James H. Butler; Michael DeHart; Tad Dorroh; Robert Hicks; Bobby Lee Hoover; Joel Steine

Staff: Tony D. McIlwain, AICP, CFM, City Planner; Dr. Ray Shanaa, AICP, Executive Director of Planning and Development Services; Scott Osburn, Esq., Deputy City Attorney; John Nett, P.E., CFM, City Engineer; Kristina Ramirez, P.E., CFM, Director of Environmental Services; Vicki Wanken, Planning Assistant

ABSENT: Terry Traina

CALL TO ORDER – 5:00 P.M. – CITY HALL COUNCIL CHAMBERS

Chairman Frederick called the meeting of the Planning and Zoning Commission to order at 5:08 p.m.

APPROVAL OF AGENDA

Commissioner Dorroh motioned to approve the agenda. Commissioner Hicks seconded the motion. The motion passed 7-0.

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission Meeting of August 12, 2013.

Commissioner Butler motioned to approve the consent agenda, Commissioner Dorroh seconded the motion. The motion passed 7-0.

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 for a plat by RSBP Developers, Inc (**Case #13-016RRS: Purser Crossing Phase Five**) being a replat of part of Drainage Tract "A" and Lots 3-7, Block 14, Purser Crossing Phase One and 2.924 acres being part of the W.L. Harris Survey, Abstract No. 1155. The property is located on the south side of John Helen Drive, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that Killeen Engineering & Surveying, Ltd. submits this request on behalf of RSBP Developers, Inc. for *Purser Crossing Phase Five*, being a residential replat of Drainage Tract "A", Lots 3-7, Block 14, Purser Crossing Phase One and 2.924 acres out of the W.L. Harris Survey, Abstract No. 1155, Killeen, Texas. The property is located south of John Helen Drive, east of Bunny Trail. The property is zoned R1-A (Single Family Garden Home District) and the applicant is replatting the property into 16 residential lots and one drainage tract. As this is a residential replat, staff has noticed this action in compliance with Local Government Code §212.015.

The Staff Review Committee met in a correction validation meeting on Monday, August 5, 2013, and concurred that the plat had met all provisions of Chapter 26 of the Killeen Code of Ordinances. Staff recommends that the Planning and Zoning Commission approve the plat.

Ms. Michelle Lee, Killeen Engineering & Surveying, 2901 E. Stan Schlueter Loop, was present to represent the request for the plat.

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

Commissioner Dehart motioned to approve of the plat. Commissioner Dorroh seconded the motion. The motion passed 7 to 0.

Chairman Frederick stated that this will be heard by City Council on September 10, 2013.

PH-2 HOLD a public hearing and consider a request submitted by the Gary W. Purser 1999 Trust ET. AL. and the Killeen Chaparral Development, LLC (**Case #Z13-27**) to rezone approximately 229.16 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W. E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

Chairman Frederick requested staff comments.

City Planner stated the this request is to rezone 229.16 acres, being part of the A.H. Wood Survey, Abstract No.886, W.E. Hall Survey, Abstract No.1116 and the J.B. Harris Survey, Abstract No. 452 from 'A' (Agricultural District) and 'A-R1' (Agricultural Single-Family Residential District) and 'SR-1' (Suburban Residential Single Family District) to P.U.D.(Planned Unit Development) for single family residential use and common open space. The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road.

The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

- (a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
- (b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and promote pedestrian circulation;
- (c) Allow developers greater freedom to be innovative in selecting the means to provide access, light, open space and amenities; and
- (d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

Public sanitary sewer utilities are in place to serve the entire drainage basin encompassing the tract. A 30" diameter gravity sanitary sewer interceptor serving the lower Trimmier Creek basin bisects the tract. City of Killeen development criteria will require the extension of public sanitary sewer utility service throughout the property when the property is platted for the purpose of a development permit. Any existing OSSF within the boundary of the property must be closed in accordance with all applicable state and local OSSF regulations as no future development within a future subdivision may be served by an OSSF.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

A portion of the property in this zoning case is located within a regulated Special Flood Hazard area (SFHA). Runoff flows from the property north into Trimmier Creek. Trimmier Creek and all of its tributaries are currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria. In addition Trimmier Creek was listed on the same list for concerns for near-nonattainment of the Water Quality Standards for the macrobenthic

community. The TCEQ listed Post-development Erosion and Sedimentation as the potential source for the impaired macrobenthic community in this basin.

Per Killeen Code of Ordinances Section 31-804, a P.U.D. application requires the following “proposed drainage plan with complete analysis of existing and post development water runoff and show how the developer intends to bring runoff water under control so as to be in compliance with the city’s drainage criteria and preclude downstream damage.” The applicant has not met the requirements of this section of code.

In addition, the owner/developer submitted a Stormwater Site Management plan (SWSMP) for this parcel in conjunction with White Rock Estates Phase 10 on Tuesday August 20, 2013. The proposed “green space” in the PUD will need to match the already submitted “green space” (creek buffer zones, parkland dedication, additional riparian buffers) in the SWSMP. The SWSMP can be amended but it will need to be evaluated for compliance. The use of the terms “green space” and “parkland” will need to be clarified and carefully used since identified creek buffer zones (CBZ) and Riparian areas cannot be developed (i.e. no trails or parks).

As of this time staff cannot recommend approval however depending on the action tonight we will continue to work with the property owner.

Mr. Gary Purser Jr, 6503 Wells Fargo Dr, Killeen was present to represent this request. This concept has been worked on for quite awhile. A PUD is requested because there is a tighter density, approximately 85+ acres in the special flood hazard area that is usable as far as green space, there is a nice creek in the area. Amenities are planned in the area at this time but nothing has been decided.

Commissioner Langford asked staff to clarify why drainage was a requirement of the PUD case. The City Planner explained that Section 31-804 of the current Killeen Code of Ordinances requires that a drainage analysis be submitted with PUD requests. Director of Environmental Services, Ms. Kristina Ramirez explained the reason for looking at drainage is similar to why drainage is looked at during the preliminary platting process. Staff first verifies that the required areas necessary for drainage infrastructure and road right-of-ways are identified. A viable conceptual drainage analysis is required for a PUD request and a detailed drainage analysis is not required until the submission of a final plat. In PUDs, the negotiated amount of “green space” and “parkland” offered is used to offset the requested lot density variance. Staff then compares the amount of additional “green space” and “parkland” set aside in a PUD to the non-developable creek buffer zones that are required in all zoning classifications. A drainage analysis for White Rock Phase 10, the neighboring plat was submitted on August 20, 2013. However, a corrected drainage analysis for the PUD had not been submitted prior to the August 26, 2013 P&Z workshop.

After a lengthy discussion between staff, the property owner and the commissioners, the property owner agreed to have this request postponed to the next Planning and Zoning meeting.

Commissioner Butler motioned to postpone this request until the next meeting on September 9, 2013. Commissioner Hicks seconded the motion. The motion passed 5 to 2 with Commissioners Hoover and Dehart voting against.

Chairman Frederick stated that this will be heard again on September 9, 2013 to give the applicant additional time to submit the remaining required documents.

PH-3 HOLD a public hearing and consider a request by Yong K. and Hyo S. Chang (**Case #Z13-28**) to rezone approximately 3.7 acres, being part of the Thomas Robinett Survey, Abstract Number 686, from 'A' (Agricultural District) and R-1 (Single-Family Residential District) to B-3 (Local Business District). The property is locally known as 3502, 3602 and 3702 Watercrest Road, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner stated that this request by Olympic Real Estate, on behalf of Yong K. and Hyo S. Chang, submits this request to rezone approximately 3.7 acres, being part of the Thomas Robinett Survey, Abstract Number 686, from 'A' (Agricultural District) and R-1 (Single-Family Residential District) to B-3 (Local Business District). The property is locally known as 3502, 3602 and 3702 Watercrest Road, Killeen, Texas. This request was before the Planning and Zoning Commission, May 13, 2013, City Council denied their request for B-3 and B-4 on May 28, 2013. The property owner has reduced the area by 20% and the request for B-4 zoning was taken out of consideration.

The property is located along the south right-of-way of Watercrest Road, south of the t-intersections of Lakecrest and Lakeridge Drives and Watercrest Road. The property is locally known as 3502, 3602 and 3702 Watercrest Road, Killeen, Texas.

Public water and sanitary sewer will be required for future development of this site. There is storm drain infrastructure along Watercrest Road, however, it was designed for buildout of this site.

This site is located along the south right-of-way of Watercrest Road, which is classified as a 90' minor arterial on the City's Thoroughfare Plan.

The property owned by this owner and immediately adjacent to this site is within a FEMA regulatory special flood hazard area (SFHA). Rainforest Creek is a tributary of Nolan Creek, and is classified as an AE zone, which is categorized as a high risk area with established base flood elevations. This section of Nolan Creek is not listed for impaired water quality.

Staff notified fifty-six (56) surrounding property owners with a 200' notification boundary. Staff received a petition in opposition signed by 20 property owners and three letters in opposition.

Staff recommended approval of the applicant's request for B-3 (Local Business District). At the time that this site was annexed into the city, it was the site of Huskey Stables, which was established in 1965 and offered boarding and riding. Currently there are several industrial

type metal buildings on the site, and the depth of the property is approximately 199'. While the depth of the tract is essentially twice that of a standard R-1 sized parcel, the level of service of Watercrest Road is not conducive to residential development fronting along its right-of-way. The FLUM does encourage commercial and retail operations along this corridor, and this site is appropriately sized to yield a complimentary scaled development.

Mr. Kim and Ms. Martin from Olympic Real Estate were present to represent this request. The property owner is looking at building offices on the site.

Commissioner Dorroh asked if the agent had looked at the NBD district. The agent said the owner wants B-3 zoning. Commissioner Butler asked if the uses in the NBD district were read to him would the property owner be willing to change. City Planner McIlwain read the uses allowed in the NBD district. After hearing the allowed uses, Mr. Kim stated that he would be willing to accept NBD district.

Chairman Frederick opened the public hearing.

Ms. Andrea Frediani, 3508 Viewcrest Drive spoke in opposition to the requested B-3 zoning. She had submitted a petition earlier in the day signed by twenty-four residents in the area. Included in the submission are pictures of the area. The residents living in the area not interested in having B-2 or NBD zoning in the area. The residents in the area would strongly support B-1 zoning

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

Vice Chair Langford motioned to recommend approval of NBD (Neighborhood Business District). Commissioner Dorroh seconded the motion. The motion passed 7 to 0.

Chairman Frederick stated that this will be heard by City Council on September 10, 2013 with a recommendation to approve NBD (Neighborhood Business District).

PH-4 HOLD a public hearing and consider the creation of a masonry ordinance for certain residential zoning districts and all business zoning districts within the City of Killeen.

Chairman Frederick requested staff comments.

City Planner stated that the draft ordinance is the result of multiple workshop efforts. He briefed the commissioners on the changes that were suggested at the last Planning and Zoning workshop on August 12, 2013. He also spoke on the concerns that were expressed during the current workshop.

Chairman Frederick opened the public hearing.

The following spoke with concerns regarding the proposed ordinance: Mr. Don Farek; Mr. Dale Janda, Mr. Gary Purser Jr., Tim Farek, Robert Stefek, Mr. Dave Johnson from Austin and Mr. Randy French from College Station. Their concerns were regarding structural and aesthetics portion of the ordinance. They all would like to see a committee of builders and

staff to work out details of the ordinance. The added cost is a concern of builders. The consumer will be paying for the additional cost.

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

Chairman Frederick stated that he would like staff to set up a meeting to address concerns of the builders within the next week. Commissioner Dorroh requested the subcommittee to be invited to the meeting.

Vice Chair Langford motioned to postpone the masonry ordinance to the next meeting of the Planning and Zoning Commission. Commissioner Steine seconded the motion. The motion passed 7-0.

OTHER ITEM

- OI-1** Consider a request by RSBP Developers, Inc, (**Case #13-021FS: White Rock Estates, Phase Ten**) for a final plat, being approximately 63.252 acres out of the William J.C. Hill Survey Abstract, No. 383 and the A. H. Wood Survey, Abstract No. 886. The property is located south of White Rock Estates Phase Eight, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request by Killeen Engineering & Surveying, Ltd. submits this request on behalf of RSBP Developers, Inc. for *White Rock Estates Phase Ten*, being a final plat consisting of 62.229 acres out of the WM. J. C. Hill Survey, Abstract No. 383 and the A. H. Wood Survey, Abstract No. 886, Killeen, Texas. The property is located south of White Rock Estates Phase Eight. The property is zoned R-1 (Single Family Residential District) and SR-1 (Suburban Residential Single Family District) and the applicant is platting the property into 197 residential lots, creating six new streets, and extending Obsidian and Pyrite Drives.

As of the time of this report, the plat had not validated, and staff was reviewing a drainage report that was missing from the correction submittal. At the request of the applicant, staff has placed this item on the Commissioner's agenda. Staff will advise the Commission on any changes relative to the drainage analysis and report. If all drainage concerns have been addressed, staff will recommend that the Commission approve the plat.

Director Ramirez stated that "at the time the plat was reviewed there were several items not included when corrections were received." Some of the needed paperwork included off-site drainage easements, clarification on three lots which overlapped with the designated green space in the storm water site management plan, and two design clarifications'. Director Ramirez noted that the drainage easements were being reviewed. The lots overlapping with the designated green space is an easy drafting correction. Director Ramirez discussed the design clarifications for rear and side yard swales and point discharges into streets with the engineer and both believe those changes can be handled during construction plan review.

The overall analysis was sound and found to be feasible. The only major item lacking were the drainage easements.

Mr. John Nett spoke about the city owner agreement. One thing that Mr. Purser mentioned was that the city was out of money, the city does have money for two plats that have been in the correction validation cycle for awhile and they are The Landing at Clear Creek Phase III and White Rock Estates Phase Ten. In good faith, Mr. Purser withdrew the plat and added a little more into this plat for the extension of Rosewood Drive which will serve the community better. A City Owner Agreement normally tracks concurrently with the plat and goes directly to the City Council. The City Owner Agreement will be presented at the workshop on September 3, 2013 and to City Council on September 10, 2013.

Mr. Gary Purser Jr, Killeen Engineering & Surveying, 2901 E. Stan Schlueter Loop, was present to represent the request for the plat. Mr. Purser will have the drainage easements submitted.

Commissioner Dorroh motioned to approve the plat. Commissioner Butler seconded the motion. The motion passed 7 to 0.

Chairman Frederick stated that this will be heard by City Council on September 10, 2013.

COMMISSION & STAFF ITEMS

I. Attendance Chart

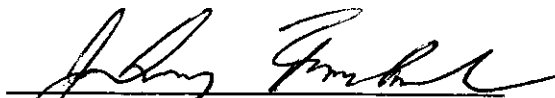
The commissioners reviewed their attendance charts.

ADJOURNMENT

Chairman Frederick adjourned the Planning and Zoning Meeting at 7:15 p.m. The next scheduled meeting for the Planning and Zoning Commission is **September 9, 2013** at 5:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.



Vicki Wanken
Planning Assistant



Johnny Frederick
Chairman, Planning & Zoning Commission



AGENDA
REGULAR MEETING
PLANNING AND ZONING COMMISSION
AUGUST 26, 2013
CITY HALL
101 N. COLLEGE STREET
COUNCIL CHAMBERS

WORKSHOP – 4:00 P.M. – Main Conference Room

- I. Discuss agenda items for the **August 26, 2013**, regular Planning and Zoning Commission meeting.
- II. Discuss revising Killeen Code of Ordinances, Division 6, District “RT-1” Residential Townhouse Single Family District.
- III. Discuss changing the Planning and Zoning Commission meeting days to the 1st and/or 3rd Monday of every month (to take effect beginning with the new Fiscal year).

CALL TO ORDER – 5:00 P.M. – Council Chambers

ROLL CALL

COMMISSION	STAFF
<input type="checkbox"/> Johnny Frederick, Chairman	<input type="checkbox"/> Dr. Ray Shanaa, AICP, Executive Director of Planning and Development Services
<input type="checkbox"/> Craig Langford, Vice Chairman	<input type="checkbox"/> Tony D. McIlwain, AICP, CFM, City Planner
<input type="checkbox"/> James H. Butler	<input type="checkbox"/> Jill Ferenc, AICP, Senior Planner
<input type="checkbox"/> Michael DeHart	<input type="checkbox"/> John Nett, P.E., CFM, City Engineer
<input type="checkbox"/> Tad Dorroh	<input type="checkbox"/> Scott Osburn, Esq., Deputy City Attorney II
<input type="checkbox"/> Robert Hicks, Sr.	<input type="checkbox"/> Kristina Ramirez, P.E., CFM, Director of Environmental Services
<input type="checkbox"/> Bobby Lee Hoover	<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 **August 26, 2013**.

CONSENT AGENDA

CA-1 Consider minutes of the regular Planning and Zoning Commission Meeting of **August 12, 2013.**

CITIZENS PETITIONS FOR INFORMATION

PUBLIC HEARING

PH-1 HOLD a public hearing and consider a request for a plat by RSBP Developers, Inc (**Case #13-016RRS: Purser Crossing Phase Five**) being a replat of part of Drainage Tract "A" and Lots 3-7, Block 14, Purser Crossing Phase One and 2.924 acres being part of the W.L. Harris Survey, Abstract No. 1155. The property is located on the south side of John Helen Drive, Killeen, Texas.

(This item will be forwarded to City Council on September 10, 2013.)

PH-2 HOLD a public hearing and consider a request submitted by the Gary W. Purser 1999 Trust ET AL and the Killeen Chaparral Development, LLC (**Case #Z13-27**) to rezone approximately 229.16 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W. E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

(This item will be forwarded to City Council on September 10, 2013.)

PH-3 HOLD a public hearing and consider a request by Yong K. and Hyo S. Chang (**Case #Z13-28**) to rezone approximately 3.7 acres, being part of the Thomas Robinett Survey, Abstract Number 686, from 'A' (Agricultural District) and R-1 (Single-Family Residential District) to B-3 (Local Business District). The property is locally known as 3502, 3602 and 3702 Watercrest Road, Killeen, Texas.

(This item will be forwarded to City Council on September 10, 2013.)

PH-4 HOLD a public hearing and consider the creation of a masonry ordinance for certain residential zoning districts and all business zoning districts within the City of Killeen.

(This item will be forwarded to City Council on September 10, 2013.)

- OI-1** Consider a request by RSBP Developers, Inc, (**Case #13-008FS: White Rock Estates, Phase Ten**) for a final plat, being approximately 63.252 acres out of the William J.C. Hill Survey Abstract, No. 383 and the A. H. Wood Survey, Abstract No. 886. The property is located south of White Rock Estates Phase Eight, Killeen, Texas.
(This item will be forwarded to City Council on September 10, 2013.)

COMMISSION AND STAFF ITEMS

I. Attendance Chart

ADJOURNMENT

The next regularly scheduled meeting for the Planning and Zoning Commission is **September 9, 2013** at 5:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.

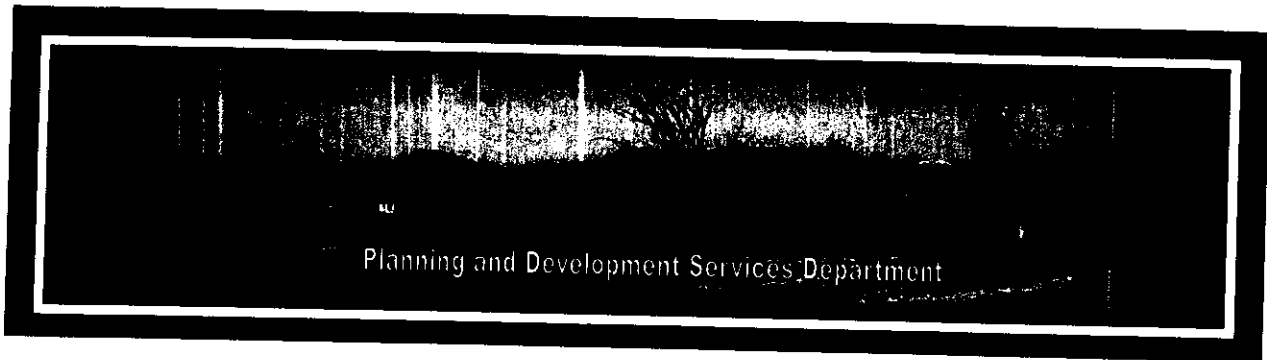
The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the Planning and 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 4:00 p.m. on August 23, 2013.**

Vicki Wanken
Planning Assistant



TO: PLANNING AND ZONING COMMISSION
FROM: TONY D. MCILWAIN, AICP, CFM, CITY PLANNER
DATE: AUGUST 9, 2013

REZONING CASE: #Z13-27 'A' (AGRICULTURAL DISTRICT) AND 'A-R1 (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) AND 'SR-1' (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT) TO P.U.D. (PLANNED UNIT DEVELOPMENT)

Nature of the Request

This request is to rezone 229.16 acres, being part of the A.H. Wood Survey, Abstract No.886, W.E. Hall Survey, Abstract No.1116 and the J.B. Harris Survey, Abstract No. 452 from 'A' (Agricultural District) and 'A-R1' (Agricultural Single-Family Residential District) and 'SR-1' (Suburban Residential Single Family District) to P.U.D.(Planned Unit Development) for single family residential use and common open space. The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road.

The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

- (a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
- (b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and promote pedestrian circulation;
- (c) Allow developers greater freedom to be innovative in selecting the means to provide access, light, open space and amenities; and
- (d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

Property Specifics

Applicant/Property Owner: Killeen Chaparral Development, L.L.C. and Gary W. Purser 1999 Trust, ET AL.

Property Location: The property is located at the Killeen/Harker Heights city limits north of Chaparral Road.

Legal Description: The property is part of the A.H. Wood Survey, Abstract No. 886, W.E. Hall Survey, Abstract No.1116 and the J.B. Harris Survey, Abstract No. 452, Killeen, Texas.

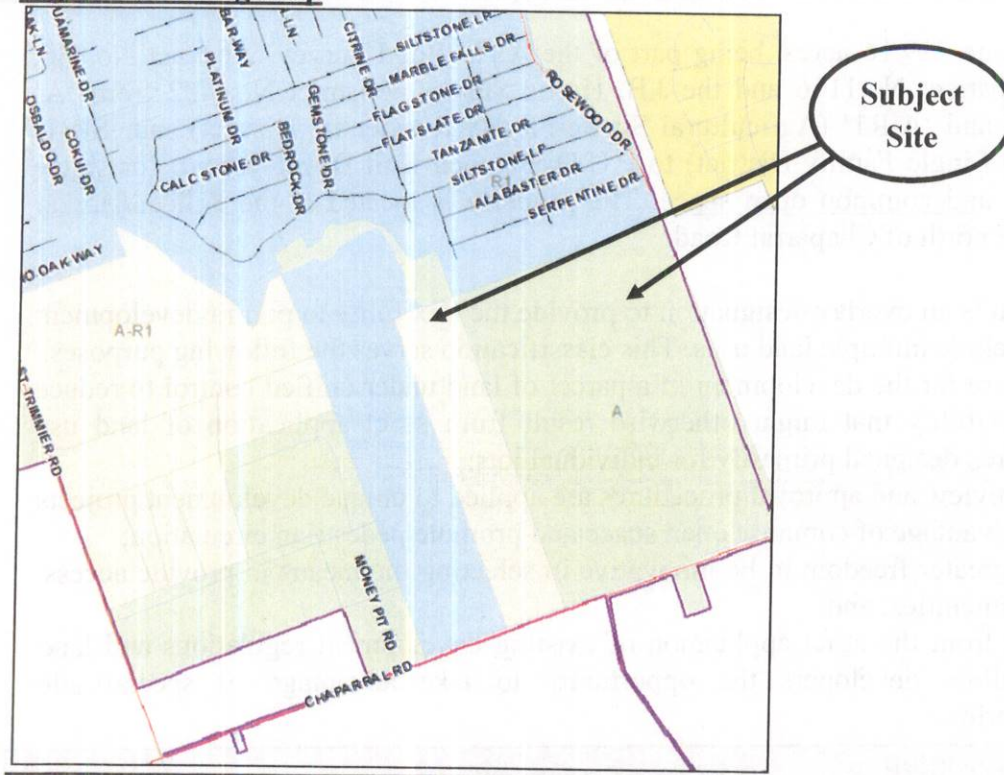
Annexation/ Zoning/ Plat Case History:

- The property was annexed into the City of Killeen effective May 1, 2004, per ordinance no. 04-12.
- The property was zoned A (Agricultural District) and A-R1 (Agricultural Single Family Residential District) on April 26, 2005, per ordinance #05-31.
- The property has not been platted.

Character of the Area:

Existing Land Use(s) on the Property: Undeveloped parcel of land.

Figure 1. Zoning Map



Historic Properties: None

Infrastructure and Community Facilities

Emergency Response:

Fire Protection District: City of Killeen, Fire Districts 8

Fire Response Zones: 8-1

Miles from Fire Station: Approximately 7 miles from Fire Station 8, which is located at 7252 East Trimmier Road, Killeen, Texas.

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: This memorandum provides advice on the availability of public water and sanitary sewer utility services to the above subject property located within the City of Killeen municipal utility service area. The existing potable water main serving the property is a looped 16-inch diameter transmission main running along the Chaparral Road frontage and the eastern boundary of the tract. When the property is platted for the purpose of a development permit, the developer would be required to extend public water mains to the property that provides adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of all required testing of the public water mains to confirm adequate flow and pressure exists to support any Code-mandated fire protection measures.

Public sanitary sewer utilities are in place to serve the entire drainage basin encompassing the tract. A 30" diameter gravity sanitary sewer interceptor serving the lower Trimmier Creek basin bisects the tract. City of Killeen development criteria will require the extension of public sanitary sewer utility service throughout the property when the property is platted for the purpose of a development permit. Any existing OSSF within the boundary of the property must be closed in accordance with all applicable state and local OSSF regulations as no future development within a future subdivision may be served by an OSSF.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:

Existing conditions: Ingress/egress to and from Chaparral Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is platted for the

purpose of a development permit. Chaparral Road is a rural section road with a bar ditch profile. It is not at the desired level of service for a minor arterial street classification.

Proposed Improvements: Development of additional streets will occur during the platting of the project.

Projected Traffic Generation: Significant upon build out.

Environmental Assessment

Topography: The property is undulating, with significant elevation changes. The site contains a substantial mesh of oak and other tree species. Trimmier Creek runs along the western portion of the subject site.

Regulated Floodplain/Floodway/Creek: A portion of the property in this zoning case is located within a regulated Special Flood Hazard area (SFHA). Runoff flows from the property north into Trimmier Creek. Trimmier Creek and all of its tributaries are currently listed on the TCEQ's 2012 303(d) water quality list for impairment due to bacteria. In addition Trimmier Creek was listed on the same list for concerns for near-nonattainment of the Water Quality Standards for the macrobenthic community. The TCEQ listed Post-development Erosion and Sedimentation as the potential source for the impaired macrobenthic community in this basin.

Per Killeen Code of Ordinances Section 31-804, a P.U.D. application requires the following "proposed drainage plan with complete analysis of existing and post development water runoff and show how the developer intends to bring runoff water under control so as to be in compliance with the city's drainage criteria and preclude downstream damage." The applicant has not met the requirements of this section of code.

In addition, the owner/developer has already submitted a Stormwater Site Management plan (SWSMP) for this parcel in conjunction with White Rock Estates Phase 10. The proposed "green space" in the P.U.D. will need to match the already submitted "green space" (creek buffer zones, parkland dedication, additional riparian buffers) in the SWSMP. The SWSMP can be amended but it will need to be evaluated for compliance. The use of the terms "green space" and "parkland" will need to be clarified and carefully used since identified creek buffer zones (CBZ) and Riparian areas cannot be developed (i.e. no trails or parks).

Land Use Analysis

Comprehensive Plan: The subject area is within the 'Estate' designation of the Comprehensive Plan's Future Land Use Map (FLUM). Under Local Government Code section 213, the comprehensive plan is recognized under state law as the city's document for long range growth and development.

Plan Recommendation: The 'Estate' character encourages detached residential dwellings, public/institutional uses, parks and public spaces. The characteristics of this designation include:

- Transition between Suburban and Rural character areas, with further progression along the character spectrum toward environments where the landscape is visually dominant over structures.

- Still in Suburban portion of character spectrum, but with larger lots (typically 1 acre minimum), especially where required by public health regulations to allow for both individual water wells and on-site septic systems on properties where centralized water and/or wastewater service is not available or feasible.
- One-acre lots are usually adequate in wooded areas to achieve visual screening of homes (from streets and adjacent dwellings). Three to five-acre lots may be needed achieve and maintain Estate character in areas with more open land.

Consistency: The Planned Unit Development concept is consistent with the FLUM.

Public Notification

The staff notified four (4) surrounding property owners within a 200' notification boundary regarding this request, and no responses were received.

Staff Recommendation

It is the Planning staff's responsibility to implement the Comprehensive Plan through thoughtful application of the Plan and appropriate zoning measures to support the future land use map. Therefore, staff supports the applicant's desire to develop the property within the context of a P.U.D. However, the staff and the applicant are still working through issues relative to the drainage requirements, the project's overall density and amenities, and the identified parkland versus undevelopable common space. At this time, staff will need additional information from the applicant before recommending approval of the overall P.U.D. concept.

The Comprehensive Plan promotes the 'Planned Unit Development' (PUD) overlay designation using a cluster or conservation design, because it provides flexibility for the property owner and conserves open space. A cluster or conservation design provides developers with the ability to reduce lot sizes below typical minimum standards and thereby focus the development footprint on only a portion of the site with a greater percentage of open space. This method allows for negotiated resource protection standards and the preservation of natural asset areas. The P.U.D. concept seeks to conserve natural resources both to preserve them and to capitalize on them as development amenities.

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit (if applicable)

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

C. Conditions to Consider

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

**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
SEPTEMBER 9, 2013
CITY HALL, 101 N. COLLEGE STREET
COUNCIL CHAMBERS**

ROLL CALL

PRESENT:

Commission: Johnny Frederick, Chair; Craig Langford, Vice Chair; James H. Butler; Tad Dorroh; Robert Hicks; Bobby Lee Hoover; Joel Steine

Staff: Tony D. McIlwain, AICP, CFM, City Planner; Dr. Ray Shanaa, AICP, Executive Director of Planning and Development Services; Traci Briggs, Deputy City Attorney; John Nett, P.E., CFM, City Engineer; Kristina Ramirez, P.E., CFM, Director of Environmental Services; Vicki Wanken, Planning Assistant

ABSENT: Terry Traina; Michael DeHart

CALL TO ORDER – 5:00 P.M. – CITY HALL COUNCIL CHAMBERS

Chairman Frederick called the meeting of the Planning and Zoning Commission to order at 5:00 p.m.

APPROVAL OF AGENDA

Commissioner Dorroh motioned to approve the agenda. Commissioner Butler seconded the motion. The motion passed 6-0.

CONSENT AGENDA

- CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **August 26, 2013.**
- CA-2** Consider a final plat submitted by the Margaret Dorothy Stefek Marital Trust (**Case #13-028FS: Stefek Trust Addition, Phase One**) of approximately 1.373 acres, being part of the Azra Webb Survey, Abstract No. 857. The property is located on the east right-of-way of S. Fort Hood Street (S. H. 195), across from Leifester Circle, Killeen, Texas.
- CA-3** Consider a final plat submitted by D and Sc Enterprises, Inc (**Case #13-031FS: Prairie View Estates, Phase Three**) of approximately 28.099 acres, being part of the W. H. Cole Survey,

Abstract No. 200. The property is located on the north right-of-way of Chaparral Road, east of the Soldiers Hospitality House, Killeen, Texas.

- CA-4** Consider a final plat submitted by WBW Development, Ltd. (**Case #13-032FS: The Landing at Clear Creek Phase III**) of approximately 46.72 acres, being part of the John E. Maddera Survey, Abstract No. 600. The property is located southeast of the intersection of Clear Creek Road (S.H. 201) and Mohawk Drive Killeen, Texas.

Commissioner Dorroh motioned to approve the consent agenda, Commissioner Butler seconded the motion. The motion passed 5-0. Vice Chair Langford stepped away from the dais for the consent agenda.

Chairman Frederick stated that the consent agenda is approved and the plat cases will be heard by City Council on September 24, 2013.

CITIZENS PETITIONS FOR INFORMATION

No one requested to speak.

PUBLIC HEARING

- PH-1 HOLD** a public hearing and consider a final plat submitted by Texas Triple Investments, L.L.C. [**Case #13-022RS: Killeen (Hooten) DTP VIII**], being a replat of Lot 1, Block 1, Miro Kim Addition. The property is located on the north right-of-way of E. Rancier Avenue (FM 439) and is locally known as 4501 E. Rancier Avenue, Killeen, Texas.

There was no one present to represent this request.

Commissioner Dorroh motioned to postpone the public hearing for this request to the next regular meeting of the Planning and Zoning Commission of September 23, 2013. Commissioner Butler seconded the motion. The motion passed 5-1 with Commissioner Hicks in opposition

At the conclusion of PH-2, the City Planner informed the Commissioners that Mr. Philip Cornet was in the audience and available to represent the Killeen (Hooten) plat.

Commissioner Butler motioned to reconsider the motion to postpone PH-1. Commissioner Dorroh seconded the motion. The motion to postpone failed 0-6.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that John Cowan & Associates, Inc. submits this request for *Killeen Hooten DTP VIII LLC Addition*, being a replat of Lot 1, Block 1, Miro Kim Addition, Killeen, Texas. The property is located along the north right-of-way of Rancier Avenue (FM 439), immediately west of Stone Ranch Apartment Homes, and is addressed as 4501 Rancier Avenue, Killeen, Texas. The property is zoned B-5 (Business District) and the applicant is

replatting the property into one commercial lot for a proposed Dollar General retail store.

The Staff Review Committee met in a correction validation meeting on Tuesday, September 3, 2013, and concurred that the plat had met all provisions of Chapter 26 of the Killeen Code of Ordinances. Staff recommends that the Planning and Zoning Commission approve the plat.

Mr. Philip Cornett, John Cowen & Associates, Tyler, Texas, was present to represent the request for the plat.

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

Commissioner Hicks motioned to approve of the plat. Vice Chair Langford seconded the motion. The motion passed 6 - 0.

Chairman Frederick stated that this will be heard by City Council on September 24, 2013.

PH-2 HOLD a public hearing and consider a request submitted by RSBP Developers, Inc. and the Killeen Chaparral Development, LLC (**Case #Z13-27**) to rezone approximately 199.5 acres, being part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W. E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

Chairman Frederick requested staff comments.

The City Planner stated the this request is to rezone 199.5 acres to a P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road. The proposed development is proposed to be named *Heritage Oaks*.

The City Planner stated that during the workshop it was discussed to limit the PUD to 660 lots with a gross density of 3.5 residences per acre, 70% of the lots to be 55 feet wide or larger, 15% of the lots to be 95 feet or larger and green space to be dedicated to the city for future park land use.

Mr. Gary Purser Jr., 6503 Wells Fargo Dr., Killeen, was present to represent this request. Mr. Purser stated that he would be amenable to the recommendations that were discussed during the workshop. Mr. Purser also stated that he would not "dedicate any green space to the city if they are not involved and it may not be dedicated to the city it may stay as an HOA and private. Mr. Purser said that "if the city is not involved he would not dedicate park space."

Vice Chair asked Mr. Purser, "would it be more plausible if more terminology was put in

like, dedicated to city for park use and taking over maintenance?” Mr. Purser said, “that it is something that is viable and seems like a middle ground that would work.” Mr. Hicks asked if Mr. Purser would accept a recommendation for the city to take over maintenance. Mr. Purser said he would accept that recommendation. Mr. Purser stated that “if improvements were made and the city accepted responsibility of maintenance it would seem like a reasonable request.

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

Chairman Frederick reviewed the recommendations that were stated by staff as conditions of approval. The recommendations are: no more than 660 lots, density to be no more than 3.5 residences per lot, 15 of the lots to be 95 feet in width or larger, 70 of lots not to be smaller than 55 feet in width and the dedication of the open space to the city as parkland after it was built.

Vice Chair Langford motioned to recommend approval of the requested zoning with the conditions as set forth. Commissioner Dorroh seconded the motion. The motion passed 6-0.

Chairman Frederick stated that this will be forwarded to City Council on September 24, 2013 with a recommendation to approve.

City Planner informed the commission that Mr. Philip Cornet had arrived to represent PH-1.

PH-3 HOLD a public hearing and consider a request by Billy W. & Myong C. Jones (**Case #Z13-30**) to rezone, part of Lot 7, Block 1, Myong Jones Corner, from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District) to allow the on-premises sale and consumption of alcohol for a Meños Mexican Restaurant. The property is locally known as 1510-A S. Fort Hood St., Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner stated that this request by Billy W. and Myong C. Jones is to rezone part of Lot 1, Block 1, Myong Jones Corner, from B-5 (Business District) to RC-1 (Restaurant and Alcohol Sales District) to allow for the on-premises sale and consumption of beer, wine, and mixed beverage sales in conjunction with the Meños Mexican Restaurant. The property is located at the southeast corner of the intersection of S. Fort Hood Street and Jasper Drive and is locally known as 1510-A S. Fort Hood Street, Killeen.

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

Staff notified six (6) surrounding property owners within a 200’ notification boundary and no letters of protest were received.

Staff recommended approval of the applicant’s request limited to the footprint of the existing suite. The occurrence of the RC-1 alcohol zoning will not be within three hundred (300) feet

of a church, public or private school or public or private hospital.

Mr. Victor Quinones of Belton, Texas, was present to represent this request. Mr. Quinones stated that this will be his second location in Killeen and is requesting the RC-1 zoning to enable him to compete with other restaurants in the area.

Chairman Frederick opened the public hearing.

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

Commissioner Dorroh motioned to recommend approval of the requested zoning. Commissioner Hicks seconded the motion. The motion passed 6-0.

Chairman Frederick stated that this will be heard by City Council on September 24, 2013 with a recommendation to approve.

PH-4 HOLD a public hearing and consider a request by RSBP Developers, Inc (**Case #Z13-31**) to rezone Lots 1-14, Block 1, and Lots 1-6, Block 2, Purser Crossing, Phase Three, from R-1 (Single-family Residential District) to R-2 (Two Family Residential District). All of the properties are located on Lineage Loop, immediately east of Bunny Trail, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request by RSBP Developers is to rezone Lots 1-14, Block 1, and Lots 1-6, Block 2, Purser Crossing Phase Three, from R-1 (Single Family Residential District) to R-2 (Two Family Residential District) to allow for duplex development. The property is located east of Bunny Trail, south of John Helen Drive, Killeen, Texas.

The property was rezoned from R-1 to B-3 on November 10, 2009 and from B-3 to R-1 on June 12, 2012. The property is currently undeveloped.

The property is designated as 'General Residential' on the future land use map (FLUM) of the Comprehensive Plan. The rezone request is consistent with the Comprehensive Plan.

Staff notified six (6) surrounding property owners within a 200' notification boundary and no letters of protest or support were received.

Staff recommended approval of the request. It is consistent with the FLUM of the Comprehensive Plan.

Ms. Michele Lee, Killeen Engineering and Surveying, 2901 E. Stan Schlueter Loop, Killeen, was present to represent this request.

Chairman Frederick opened the public hearing.

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

Commissioner Dorroh motioned to recommend approval of the requested zoning. Commissioner Hicks seconded the motion. The motion passed 6-0.

Chairman Frederick stated that this will be heard by City Council on September 24, 2013 with a recommendation to approve.

PH-5 A. HOLD a public hearing and consider a request to amend the Comprehensive Plan's future land use map (FLUM) (**Case #FLUM Z13-32**) from 'Rural' to 'General Commercial' for approximately 2.439 acres. The property is located on the west right-of-way of S. Fort Hood St. (S.H. 195) across from the intersection of FM 2484, Killeen, Texas.

Chairman Frederick 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 a 'Rural' designated area to a 'General Commercial' designated area for 2.439 acres. The property is located along the west right-of-way of S.H. 195, west of the intersection of S.H. 195 and F.M. 2484, Killeen, Texas.

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

The proposed revision to the property would result in a 'General Commercial' designation on the future land use map (FLUM) of the Comprehensive Plan. The 'General Commercial' designation will allow for a wide range of commercial retail and service uses, at varying scales and intensities depending on the site.

Staff recommended approval of the amendment to the future land use map, for the 2.4 acres from 'Rural' to 'General Commercial'. The property is located west of the intersection of two TXDOT controlled rights-of-way (S.H. 195 and FM 2484). The highway commercial frontage, parcel size, and existing land use is compatible with a 'General Commercial' designation and provide commercial and retail opportunities for this site.

Chairman Frederick opened the public hearing.

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

Vice Chair Langford motioned to recommend approval of the requested zoning. Commissioner Dorroh seconded the motion. The motion passed 6-0.

Chairman Frederick stated that this will be heard by City Council on September 24, 2013 with a recommendation to approve.

B. HOLD a public hearing and consider a request by Hubert G. and Patricia A. Collins (**Case #Z13-32**) to rezone approximately 1.339 acres, being part of the Richard A. McGee Survey, Abstract No. 561, from 'A' (Agricultural District) to B-3 (Local Business District).

The property is located on the west right-of-way of S. Fort Hood St. (S.H. 195) across from the intersection of FM 2484, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request is the second component of the request by Glenn and Patricia Collins to rezone approximately 1.339 acres from "A" (Agricultural District) to B-3 (Local Business District). The applicant is petitioning to rezone the property for a convenience store.

The property is currently within the West Bell Co. Water Supply Corporation's (WBCWSC) Certificate of Convenience and Necessity (CCN) area.

Staff notified two (2) surrounding property owners regarding this request and no protests for this request were received.

Staff recommended approval of the applicant's B-3 request. The location is an optimal area for a commercial enterprise and will facilitate additional economic development to this corridor.

Mr. David Olsen, Mitchell & Associates, Killeen, Texas, was present to represent this request.

Chairman Frederick opened the public hearing.

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

Vice Chair Langford motioned to recommend approval of the requested zoning. Commissioner Dorroh seconded the motion. The motion passed 6-0.

Chairman Frederick stated that this will be heard by City Council on September 24, 2013 with a recommendation to approve.

PH-6 HOLD a public hearing and consider the creation of a masonry ordinance for certain residential zoning districts and all business zoning districts within the City of Killeen.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that there was a meeting with the home builders and the subcommittee on Wednesday, August 5, 2013, to discuss changes to the ordinance. Staff is asking that this be postponed to allow time for another meeting with the home builders.

Commissioner Butler motioned to postpone the masonry ordinance to the next meeting of the Planning and Zoning Commission. Commissioner Hicks seconded the motion. The motion passed 6-0.

OTHER ITEM

- OI-1** Consider a final plat submitted by Hubert G. Collins and Patricia A. Collins (**Case #13-027FMS: Collins Addition**) being a final minor plat of approximately 2.448 acres, part of the Richard A McGee Survey, Abstract No. 561. The property is located on the west right-of-way of S. Fort Hood Street (S.H. 195) across from FM 2484, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain requested that consideration of this plat be postponed to enable West Bell Water Corporation to respond to the applicant of the availability of service to a commercial business.

Vice Chair asked staff, "What is done in areas where West Bell provides water and the property is in the City of Killeen?" City Engineer Nett stated that when the project is in the county there are commitments that the developer needs to make to provide adequate water capacity. The subdivision code requires that the infrastructure that is required to support the subdivision is brought into compliance. He went on to state that "it will be many years before a transmission main will not be constructed along State Highway 195 and it would involve an agreement with West Bell". Mr. Nett stated that West Bell needs to say that they are able to provide water to a convenience store that would possibly have a car wash and gas pumps.

Vice Chair Langford motioned to postpone consideration of this request to the Planning and Zoning Meeting on September 23, 2013. Commissioner Steine seconded the motion. The motion passed 6 to 0.

Chairman Frederick stated that this will be heard at the next Planning and Zoning meeting on September 23, 2013.

COMMISSION & STAFF ITEMS


I. Attendance Chart


The commissioners reviewed their attendance charts.

Commissioner Dorroh asked for clarification of drainage requirements for a PUD (Planned Unit Development) and also a checklist to guide the commission on the approval requirements for a PUD

ADJOURNMENT

Chairman Frederick adjourned the Planning and Zoning Meeting at 5:45 p.m. The next scheduled meeting for the Planning and Zoning Commission is **September 23, 2013** at 5:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.


Johnny Frederick
Chairman, Planning & Zoning Commission


Vicki Wanken
Planning Assistant

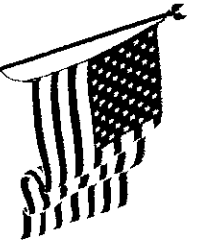


CITY OF KILLEEN

P.O. Box 1329

Killeen, Texas 76540-1329

Planning and Development Services Department



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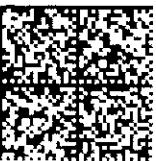
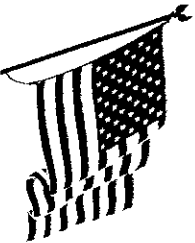


CITY OF KILLEEN

P.O. Box 1329

Killeen, Texas 76540-1329

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**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
AUGUST 12, 2013
CITY HALL, 101 N. COLLEGE STREET
COUNCIL CHAMBERS**

ROLL CALL

PRESENT:

Commission: Johnny Frederick, Chair; Craig Langford, Vice Chair; James H. Butler; Tad Dorroh; Joel Steine

Staff: Tony D. McIlwain, AICP, CFM, City Planner; Dr. Ray Shanaa, AICP, Executive Director of Planning and Development Services; Scott Osburn, Esq., Deputy City Attorney; John Nett, P.E., CFM, City Engineer; Kristina Ramirez, P.E., CFM, Director of Environmental Services; Jill Ferenc, AICP, Senior Planner; Vicki Wanken, Planning Assistant

ABSENT: Terry Traina; Robert Hicks; Bobby Lee Hover; Michael DeHart

CALL TO ORDER – 5:00 P.M. – CITY HALL COUNCIL CHAMBERS

Chairman Frederick called the meeting of the Planning and Zoning Commission to order at 5:00 p.m.

APPROVAL OF AGENDA

Commissioner Dorroh motioned to approve the agenda. Commissioner Steine seconded the motion. The motion passed 4-0.

CONSENT AGENDA

- CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **July 22, 2013**.
- CA-2** Consider a final plat submitted by Robert F. Michener and Myong H. Michener (**Case #13-018FS: Killeen Health Care Facility**) of approximately 2.5 acres, being part of the Julia Stephens Survey, Abstract No. 745. The property is located approximately 740 feet south of Vahrenkamp on the west right-of-way of Clear Creek Road (S.H. 201), Killeen, Texas.
- CA-3** Consider a request for a preliminary plat submitted by Reeces Creek Developers (**Case #12-24P: Goodnight Ranch, Phase Thirteen**) of approximately 177.405 acres, part of the

George Allen Survey, Abstract No. 43. The property is located east of the proposed The Landing at Clear Creek Phase Three and west of Goodnight Ranch Additions Phase One and Phase Four Replat, and north of Reese Creek Road, Killeen, Texas.

CA-4 Consider a request for a development plat submitted by LAD, Inc (**Case #13-025FS: Encino Tower Development**) of approximately 5.534 acres, being part of the A. Dickson Survey, Abstract No. 266. The property is located along the north right-of-way of Veterans Memorial Blvd (Bus. Hwy.190), north of Hillside Drive, Killeen, Texas.

CA-5 Consider a plat submitted by New Zion Christian Fellowship (**Case #12-030FS: New Zion Church Addition**) being approximately 5 acres part of the H. C. McClung Survey, Abstract No. 570. The property is located on the northeast intersection of N. 28th Street and Veterans Memorial Blvd (Bus. Hwy.190), Killeen, Texas.

Commissioner Dorroh motioned to approve the consent agenda, Commissioner Butler seconded the motion. The motion passed 4-0.

Chairman Frederick stated that the consent agenda is approved and PH-2 through PH-5 will be heard by city council on August 27, 2013.

CITIZENS PETITIONS FOR INFORMATION

No one requested to speak.

PUBLIC HEARING

PH-1 HOLD a public hearing and consider a plat submitted by Killeen Hotel Owner, L.P. (**Case #13-023RS: Killeen Centre IV**) being a replat of Lot 1, Block 1, Killeen Centre III. The property is located at the northwest intersection of South W.S. Young Drive and Central Texas Expressway, Killeen Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that All County Surveying, Inc. submitted this request on behalf of Killeen Hotel Owner, L.P. for a plat of approximately 5.32 acres, being a replat of Lot 1, Block 1, Killeen Centre III. The property is located at the northwest corner of the intersection of S. W.S. Young Drive and Central Texas Expressway, and is locally addressed as 1721 E. Central Texas Expressway, Killeen, Texas. The property is currently zoned B-5 (Business District) and the applicant is replatting into two lots. Lot 2, Block 1, will house a Panera Bread bakery-cafe.

The Staff Review Committee met in a correction validation meeting on Monday, August 5, 2012, and concurred that the plat meets the requirements of the City's subdivision regulations. Staff recommended that the Planning and Zoning Commission approve the plat.

Mr. Justin Fuller, Clark and Fuller Engineering, 215 N. Main, Temple, was present to represent the request for the plat. The property is being subdivided into two lots, one for the hotel and one for a future pad site.

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

Commissioner Dorroh motioned to recommend approval of the request. Vice Chair Langford seconded the motion. The motion passed 4 to 0.

Chairman Frederick stated that this will be heard by City Council on August 27, 2013.

PH-2 A. HOLD a public hearing and consider a request to amend the Comprehensive Plan's future land use map (FLUM) from 'General Residential' to 'General Commercial' for Lot 5 Block 33, Crescent Manor. The property is known as 1507 S. W.S. Young Dr, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this is request to revise the comprehensive plan future land use map (FLUM) to change a 'General Residential' designated area to a 'General Commercial' designated area. The property is located along the west right-of-way of S. W.S. Young Drive, at the intersection of Jerry Road, and is locally known as 1507 S. W.S. Young Drive, Killeen, Texas.

The applicant has submitted a concurrent request to rezone the subject property from R-1 (Single Family Residential District) to B-4 (Business District).

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

Plan Recommendation: 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 proposed revision to the property would result in a 'General Commercial' designation on the future land use map (FLUM) of the Comprehensive Plan. This designation calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

Staff acknowledges the viability of the existing commercial use on the property considering the high profile site location. However staff recommended no amendment to the future land use map from 'General Residential' to 'General Commercial'. This designation is not consistent with the surrounding residential community. If approved, the occurrence of a 'General Commercial' designated parcel may be construed as spot planning since it would

designate a small island of land for a designation different from the adjacent area.

Mr. Fred Garvin, 2859 Stagecoach Rd, Killeen, was present to represent this request. He stated, "I am requesting this change to avoid being cited by the city when I or one on my employees park their automobile on the property with a 'for sale' sign. All along WS Young there are already commercially zoned properties."

Chairman Frederick opened the public hearing.

The following spoke in opposition to the FLUM and rezone request: Ms. Aleta Carroll, 1503 Jerry Road, and Mr. Richard Edmundson, 1502 Richard Drive. Their concerns were with 'spot zoning' and the ability of another owner for that property being able to conduct any business allowed in B-4 which they felt would bring down property values. Ms. Carroll stated that "Mr. Garvin approached her before he opened his current business stating that it would be an appraisal service, which turned into a real estate office and a counseling service." She also stated that there are several contractors in and out of the business on a daily basis.

Mr. J.T. Hahn, 4410 Stagecoach, Killeen, spoke in support of the request. He is purchasing properties at 15041, 1506 and 1508 S. W.S. Young Drive and will be pursuing commercial zoning for those properties. The houses are very old and will eventually be torn down.

Mr. Garvin stated that before he bought the property on the corner at Jerry Road and S. W.S. Young Drive is was in a state of disrepair. He said that he cleaned up the property and improved the area.

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

Commissioner Butler motioned to recommend disapproval of the amendment to the FLUM. Commissioner Steine seconded the motion. The motion passed 4 to 0.

Chairman Frederick stated that this amendment to the FLUM recommendation is disapproved.

PH-2 B. HOLD a public hearing and consider a request submitted by Fred Garvin (**Case #Z13-22**) to rezone Lot 5, Block 33, Crescent Manor from B-1 (Professional Business District) to B-4 (Local Business District) to sell used vehicles. The property is locally known as 1507 S. W.S. Young Drive, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request is to rezone Lot 5, Block 33, Crescent Manor, from B-1 (Professional Business District) to B-4 (Business District) for used vehicle sales. The property is locally known as 1507 S. W.S. Young Drive, Killeen, Texas. The property is located south of the t-intersection of S. W.S. Young Drive and Jerry Road, and is locally known as 1507 S. W.S. Young Drive, Killeen, Texas.

This property is designated as 'General Residential' on the Comprehensive Plan's Future Land Use Map (FLUM).

The 'General Residential' character encourages detached residential dwellings as the primary focus, attached housing types subject to compatibility and open space standards, planned developments with a mix of housing types subject to compatibility and open space standards, public/institutional, parks, and other public spaces. The characteristics of this designation include:

- Predominantly R-1 zoning district with less openness and separation between dwellings compared to Suburban Residential areas.
- Auto-oriented character that can be offset with architectural standards, landscaping, and limited uniform subdivision designs.
- Neighborhood-scale commercial emerging over time for well-suited areas.

This request is not consistent with the FLUM.

The staff notified twenty-one (21) surrounding property owners regarding this request. Staff received twenty (20) responses, two (2) in support, ten (10) in opposition and eight (8) other individuals in opposition that are renters. In accordance with the Local Government Code since the amendment to the FLUM was recommended for disapproval this zoning case should also recommend disapproval of the zoning case.

Staff recommended disapproval of the applicant's zoning request. The applicant has stated on the zoning application that he would like to sell used vehicles; although this is a corner lot along a heavily trafficked corridor, the prevailing character of this area is single family residential, and the existing development on this B-1 zoned lot has proven to be compatible in appearance and function with the surrounding residential community.

Mr. Fred Garvin, 2859 Stagecoach Road, Killeen, was present to represent this request. He requested that this request be withdrawn.

Chairman Frederick stated that request has been withdrawn by the property owner and will not be presented to City Council on August 27, 2013.

PH-3 HOLD a public hearing and consider a request submitted by Chong S. and Kyung S. Yu (**Case #Z13-25**) to rezone part of Lot 1, Block 1, Regency Ridge Subdivision, from B-5 (Business District) to B-3A (Local Business and Retail Alcohol Sales District) for a liquor store. The property is located at the northeast corner of Trimmier Road and E. Stan Schlueter Loop (FM 3470) and is locally known as 4700 Trimmier Road, Suite A, Killeen, Texas.

Chairman Frederick requested staff comments.

Senior Planner Ferenc stated that this request, submitted by Chong S. and Kyung S. Yu, is to rezone part of Lot 1, Block 1, Regency Ridge Subdivision from 'B-5' (Business District) to 'B-3A' (Local Business and Retail Alcohol Sales District) to allow for package store sales. The property is located at the northeast corner of Trimmier Road and E. Stan Schlueter Loop

and is locally known as 4700 Trimmier Road, Suite A, Killeen, Texas. Suite A is the western-most suite within the plaza and is currently vacant.

This area 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.

This request is consistent with the FLUM.

The staff notified property owners of the six (6) surrounding properties that are within 200 feet of the subject site regarding this request. Staff has received one protest from Bernadette Flores and Rafael Flores Malave (owners of 4612 Trimmier Road) stating that a liquor store next to their child care center, Little Wonders, would not be conducive to providing a safe environment for their customers.

Staff recommended approval of the applicant's B-3A zoning request. The subject site meets the B-3A zoning district requirements of a 10,000 square foot minimum lot size, 25' rear yard set-back, and architectural design standards. In addition, there are no existing public/private schools, churches, or public/private hospitals within 300' feet of the subject site as measured utilizing the standard articulated in TABC section 109.33.

Ms. Mary Wiley, Lindley, Wiley and Duskie, P.C., 500 N. 10th Street, Killeen, was present to represent this request. Ms Wiley stated that she contacted the police department and there were no police reports for this property.

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

Commissioner Dorroh motioned to recommend approval of the request. Commissioner Steine seconded the motion. The motion passed 4 to 0.

Chairman Frederick stated that this will be heard by City Council on August 27, 2013 with a recommendation to approve the B-3A zoning request.

PH-4 HOLD a public hearing and consider a request submitted by the Gary W. Purser 1999 Trust ET. AL. and the Killeen Chaparral Development, LLC (**Case #Z13-27**) to rezone approximately 229.16 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W. E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

Chairman Frederick requested staff comments.

City Planner asked the Commission to table the request to allow for the applicant to further discuss outstanding issues with the staff.

Ms Michelle Lee, Killeen Engineering and Surveying, 2901 E. Stan Schlueter Loop, Killeen, was present to represent this request and asked the commissioners to postpone this request until the next regular meeting of the Planning and Zoning Commission on August 26, 2013.

Commissioner Butler motioned to postpone this request until the meeting on August 26, 2013. Commissioner Steine seconded the motion. The motion passed 4 to 0.

Chairman Frederick stated that this will be reheard by the Planning and Zoning Commission on August 26, 2013.

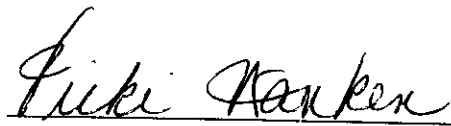
COMMISSION & STAFF ITEMS

I. Attendance Chart

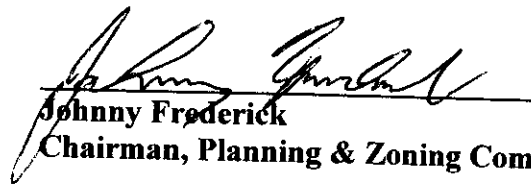
The commissioners reviewed their attendance charts.

ADJOURNMENT

Chairman Frederick adjourned the Planning and Zoning Meeting at 5:43 p.m. The next scheduled meeting for the Planning and Zoning Commission is **August 26, 2013** at 5:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.



Vicki Wanken
Planning Assistant



Johnny Frederick
Chairman, Planning & Zoning Commission

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

CASE NUMBER: Z13-27

DATE: 7/31/13

1. APPLICANT:

Name: Gary Purser 1999 Trust & Killeen Chaparral Development
 Received: \$ 200.00
 Present Zoning: 'SR-1', AR-1 and Ag
 Proposed Zoning/Permit: PUD
 Requested Time Period: N/A
 Proposed Use: Single family residential use
 Address/General Location: South of White Rock Estates and North of Chaparral Rd
 Legal Description of Property: approx 229.16 ac pt of A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452,

2. BACKGROUND:

A. Site Characteristics:

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

B. Neighborhood Characteristics:

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

C. Community Infrastructure

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



AGENDA
REGULAR MEETING
PLANNING AND ZONING COMMISSION
AUGUST 12, 2013
CITY HALL
101 N. COLLEGE STREET
COUNCIL CHAMBERS

WORKSHOP – 4:00 P.M. – Main Conference Room

- I. Discuss agenda items for the **August 12, 2013**, regular Planning and Zoning Commission meeting.
- II. Discuss the creation of a masonry ordinance for certain residential zoning districts and all business zoning districts within the City of Killeen.
- III. Discuss revising Killeen Code of Ordinances, Division 6, District “RT-1” Residential Townhouse Single Family District.
- IV. Discuss prospective homebuilder directional sign program.

CALL TO ORDER – 5:00 P.M. – Council Chambers

ROLL CALL

COMMISSION

___ Johnny Frederick, Chairman
___ Craig Langford, Vice Chairman
___ James H. Butler
___ Michael DeHart
___ Tad Dorroh
___ Robert Hicks, Sr.
___ Bobby Lee Hoover
___ Joel Steine
___ Terry Traina

STAFF

___ Dr. Ray Shanaa, AICP, Executive Director of
Planning and Development Services
___ Tony D. McIlwain, AICP, CFM, City Planner
___ Jill Ferenc, AICP, Senior Planner
___ John Nett, P.E., CFM, City Engineer
___ Scott Osburn, Esq., Deputy City Attorney II
___ Kristina Ramirez, P.E., CFM, Director of
Environmental Services
___ Earl Abbott, CBO, CFM, Building Official
___ Vicki Wanken, Planning Assistant
___ Terri Lorenz, Executive Assistant
___ Maria Lopez, Principal Secretary

APPROVAL OF AGENDA

Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for **August 12, 2013.**

CONSENT AGENDA

- CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **July 22, 2013.**
- CA-2** Consider a final plat submitted by Robert F. Michener and Myong H. Michener (**Case #13-018P: Killeen Health Care Facility**) of approximately 2.5 acres, being part of the Julia Stephens Survey, Abstract No. 745. The property is located approximately 740 feet south of Vahrenkamp on the west right-of-way of Clear Creek Road (S.H. 201), Killeen, Texas.
(This item will be forwarded to City Council on August 27, 2013.)
- CA-3** Consider a request for a final plat submitted by Reeces Creek Developers (**Case #12-24FS: Goodnight Ranch Phase Thirteen**) of approximately 177.405 acres, part of the George Allen Survey, Abstract No. 43. The property is located east of the proposed The Landing at Clear Creek Phase Three and west of Goodnight Ranch Additions Phase One and Phase Four Replat, and north of Reese Creek Road, Killeen, Texas.
(This item will be forwarded to City Council on August 27, 2013.)
- CA-4** Consider a request for a development plat submitted by LAD, Inc (**Case #13-025FS: Encino Tower Development**) of approximately 5.534 acres, being part of the A. Dickson Survey, Abstract No. 266. The property is located along the north right-of-way of Veterans Memorial Blvd (Bus. Hwy.190), north of Hillside Drive, Killeen, Texas.
(This item will be forwarded to City Council on August 27, 2013.)
- CA-5** Consider a plat submitted by New Zion Christian Fellowship (**Case #12-030FMS: New Zion Church Addition**) being approximately 5 acres part of the H. C. McClung Survey, Abstract No 570. The property is located on the northeast intersection of N. 28th Street and Veterans Memorial Blvd (Bus. Hwy.190), Killeen, Texas.
(This item will be forwarded to City Council on August 27, 2013.)

CITIZENS PETITIONS FOR INFORMATION

PUBLIC HEARING

- PH-1** **HOLD** a public hearing and consider a plat submitted by Killeen Hotel Owner, L.P. (**Case #13-023RS: Killeen Centre IV**) being a replat of Lot 1, Block 1, Killeen Centre III. The property is located at the northwest intersection of South W.S. Young Drive and Central Texas Expressway, Killeen Texas.
(This item will be forwarded to City Council on August 27, 2013.)

PH-2A.HOLD a public hearing and consider a request to amend the Comprehensive Plan's future land use map (FLUM) from 'General Residential' to 'General Commercial' for Lot 5, Block 33, Crescent Manor. The property is locally known as 1507 S. W.S. Young Drive, Killeen, Texas.

(This item will be forwarded to City Council on August 27, 2013.)

PH-2B.HOLD a public hearing and consider a request submitted by Fred Garvin (**Case #Z13-22**) to rezone Lot 5, Block 33, Crescent Manor from B-1 (Professional Business District) to B-4 (Local Business District) to sell used vehicles. The property is locally known as 1507 S. W.S. Young Drive, Killeen, Texas.

(This item will be forwarded to City Council on August 27, 2013.)

PH-3 HOLD a public hearing and consider a request submitted by Chong S. and Kyung S. Yu (**Case #Z13-25**) to rezone part of Lot 1, Block 1, Regency Ridge Subdivision, from B-5 (Business District) to B-3A (Local Business and Retail Alcohol Sales District) for a liquor store. The property is located at the northeast corner of Trimmier Road and E. Stan Schlueter Loop (FM 3470) and is locally known as 4700 Trimmier Road, Suite A, Killeen, Texas.

(This item will be forwarded to City Council on August 27, 2013.)

PH-4 HOLD a public hearing and consider a request submitted by the Gary W. Purser 1999 Trust ET. AL. and the Killeen Chaparral Development, LLC (**Case #Z13-27**) to rezone approximately 229.16 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, and the W. E. Hall Survey, Abstract No. 1116, from 'A' (Agricultural District), SR-1 (Suburban Residential Single-Family District) and AR-1 (Agricultural Single Family Residential District) to P.U.D. (Planned Unit Development) for single family residential use and common open space. The property is located on the north right-of-way of Chaparral Road near the Killeen/Harker Heights city limits.

(This item will be forwarded to City Council on August 27, 2013.)

COMMISSION AND STAFF ITEMS

I. Attendance Chart

ADJOURNMENT

The next regularly scheduled meeting for the Planning and Zoning Commission is **August 26, 2013** at 5:00 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

Planning and Zoning Agenda
August 12, 2013

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 4:00 p.m. on August 8, 2013.**

Vicki Wanken

Planning Assistant



TO: PLANNING AND ZONING COMMISSION
 FROM: TONY D. MCILWAIN, AICP, CFM, CITY PLANNER
 DATE: AUGUST 9, 2013

REZONING CASE: #Z13-27 'A' (AGRICULTURAL DISTRICT) AND 'A-R1 (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) AND 'SR-1' (SUBURBAN RESIDENTIAL SINGLE FAMILY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT)

Nature of the Request

This request is to rezone 229.16 acres, being part of the A.H. Wood Survey, Abstract No.886, W.E. Hall Survey, Abstract No.1116 and the J.B. Harris Survey, Abstract No. 452 from 'A' (Agricultural District) and 'A-R1' (Agricultural Single-Family Residential District) and 'SR-1' (Suburban Residential Single Family District) to P.U.D.(Planned Unit Development) for single family residential use and common open space. The property is located at the Killeen/Harker Heights city limits line north of Chaparral Road.

The PUD classification is an overlay designation to provide the flexibility to permit development projects which may include multiple land uses. This classification serves the following purposes:

- (a) Establish a procedure for the development of a parcel of land under unified control to reduce or eliminate the inflexibility that might otherwise result from strict application of land use standards and procedures designed primarily for individual lots;
- (b) Ensure structured review and approval procedures are applied to unique development projects that intended to take advantage of common open space and promote pedestrian circulation;
- (c) Allow developers greater freedom to be innovative in selecting the means to provide access, light, open space and amenities; and
- (d) Provide flexibility from the strict application of existing development regulations and land use standards and allow developers the opportunity to take advantage of special site characteristics and location.

Property Specifics

Applicant/Property Owner: Killeen Chaparral Development, L.L.C. and Gary W. Purser 1999 Trust, ET AL.

Property Location: The property is located at the Killeen/Harker Heights city limits north of Chaparral Road.

Legal Description: The property is part of the A.H. Wood Survey, Abstract No. 886, W.E. Hall Survey, Abstract No.1116 and the J.B. Harris Survey, Abstract No. 452, Killeen, Texas.

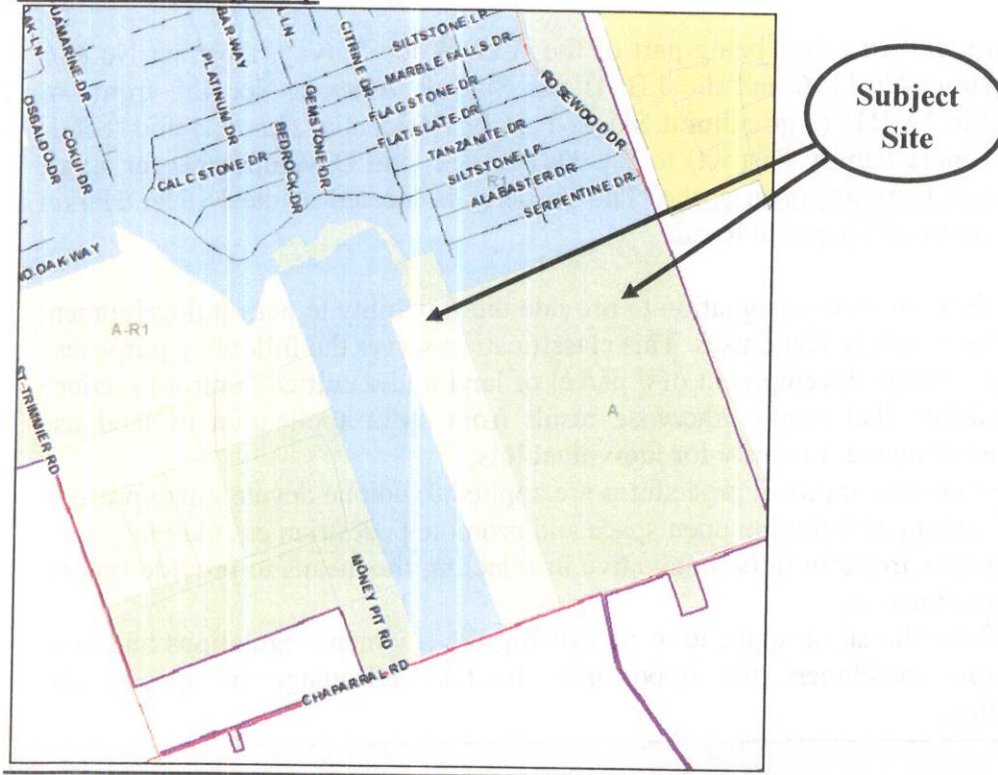
Annexation/ Zoning/ Plat Case History:

- The property was annexed into the City of Killeen effective May 1, 2004, per ordinance no. 04-12.
- The property was zoned A (Agricultural District) and A-R1 (Agricultural Single Family Residential District) on April 26, 2005, per ordinance #05-31.
- The property has not been platted.

Character of the Area:

Existing Land Use(s) on the Property: Undeveloped parcel of land.

Figure 1. Zoning Map



Historic Properties: None

Infrastructure and Community Facilities

Emergency Response:

Fire Protection District: City of Killeen, Fire Districts 8

Fire Response Zones: 8-1

Miles from Fire Station: Approximately 7 miles from Fire Station 8, which is located at 7252 East Trimmier Road, Killeen, Texas.

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: This memorandum provides advice on the availability of public water and sanitary sewer utility services to the above subject property located within the City of Killeen municipal utility service area. The existing potable water main serving the property is a looped 16-inch diameter transmission main running along the Chaparral Road frontage and the eastern boundary of the tract. When the property is platted for the purpose of a development permit, the developer would be required to extend public water mains to the property that provides adequate domestic and fire flows in accordance with the City of Killeen Code of Ordinances and other applicable development criteria. A permit applicant is solely responsible for, and shall perform and submit the results of all required testing of the public water mains to confirm adequate flow and pressure exists to support any Code-mandated fire protection measures.

Public sanitary sewer utilities are in place to serve the entire drainage basin encompassing the tract. A 30" diameter gravity sanitary sewer interceptor serving the lower Trimmier Creek basin bisects the tract. City of Killeen development criteria will require the extension of public sanitary sewer utility service throughout the property when the property is platted for the purpose of a development permit. Any existing OSSF within the boundary of the property must be closed in accordance with all applicable state and local OSSF regulations as no future development within a future subdivision may be served by an OSSF.

It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:

Existing conditions: Ingress/egress to and from Chaparral Road will be disciplined through the policies of the City's Thoroughfare Development Manual when the property is platted for the

purpose of a development permit. Chaparral Road is a rural section road with a bar ditch profile. It is not at the desired level of service for a minor arterial street classification.

Proposed Improvements: Development of additional streets will occur during the platting of the project.

Projected Traffic Generation: Significant upon build out.

Environmental Assessment

Topography: The property is undulating, with significant elevation changes. The site contains a substantial mesh of oak and other tree species. Trimmier Creek runs along the western portion of the subject site.

Regulated Floodplain/Floodway/Creek: The property is characterized as a beneficial riparian corridor along the southern boundary, which lies within a detailed study FEMA regulatory Special Flood Hazard Area (SFHA).

Land Use Analysis

Comprehensive Plan: The subject area is within the 'Estate' designation of the Comprehensive Plan's Future Land Use Map (FLUM). Under Local Government Code section 213, the comprehensive plan is recognized under state law as the city's document for long range growth and development.

Plan Recommendation: The 'Estate' character encourages detached residential dwellings, public/institutional uses, parks and public spaces. The characteristics of this designation include:

- Transition between Suburban and Rural character areas, with further progression along the character spectrum toward environments where the landscape is visually dominant over structures.
- Still in Suburban portion of character spectrum, but with larger lots (typically 1 acre minimum), especially where required by public health regulations to allow for both individual water wells and on-site septic systems on properties where centralized water and/or wastewater service is not available or feasible.
- One-acre lots are usually adequate in wooded areas to achieve visual screening of homes (from streets and adjacent dwellings). Three to five-acre lots may be needed achieve and maintain Estate character in areas with more open land.

Consistency: The Planned Unit Development concept is consistent with the FLUM.

Public Notification

The staff notified four (4) surrounding property owners within a 200' notification boundary regarding this request, and no responses were received.

Staff Recommendation

It is the Planning staff's responsibility to implement the Comprehensive Plan through thoughtful application of the Plan and appropriate zoning measures to support the future land use map. Therefore, staff supports the applicant's desire to develop the property within the context of a P.U.D. However, the staff and the applicant are still working through issues relative to the drainage concept. At this time, staff will need additional information from the applicant before recommending approval of the overall P.U.D. concept.

The Comprehensive Plan promotes the 'Planned Unit Development' (PUD) overlay designation using a cluster or conservation design, because it provides flexibility for the property owner and conserves open space. A cluster or conservation design provides developers with the ability to reduce lot sizes below typical minimum standards and thereby focus the development footprint on only a portion of the site with a greater percentage of open space. This method allows for negotiated resource protection standards and the preservation of natural asset areas.

The P.U.D. concept seeks to conserve natural resources both to preserve them and to capitalize on them as development amenities.

The site is a 229.16-acre project comprised of 91.44 acres of common space area situated on Trimmier Creek. This property lies within the outskirts of Killeen where rolling terrain and creek areas similar to that of the Austin, Texas area are located. This land has remained undeveloped and has been part of the Fergus family for generations while Killeen, “The City Without Limits” continued to grow towards it. The property was successfully purchased in 2012 by a consortium of residential and commercial interests, who then proceeded with master planning the property as a “Planned Unit Development” (PUD). The property is heavily wooded with Oak trees and has elevations that give a majestic display of the city. The creek area has hard bedrock, a steady supply of water, and looks similar to that of Barton and Walnut Creek in Austin, Texas. It will be a great addition to the City of Killeen as Rosewood and Platinum branch out and it will set the standard of what neighborhoods should look like in this area.

The proposed minimum PUD specifications are as follows:

Table 1

Category	Unit	Quantity
Lot Areas	AC	0.15
Lot Widths	FT	55
Lot Depth	FT	115
Building Setbacks		
Side	FT	5
Front	FT	20
Back	FT	20
Building Heights	Story	1 (minimum)
	Story	2 (allowable)
Maximum Lot Coverage	SF	3375
Parking Areas		Along Creek
Public Access	Description	Roads fronting creek
Landscaping	Description	At entrance and along street near hike and bike/creek area
Screening	Description	None
Signage	Description	Entrance
Lighting	Description	Street lights and possibly near the sign at the entrance
Common Spaces	AC	Approximately 91.44 acres
Amenities	Description	91.44 Ac. of hike & bike trails



CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit

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

C. Conditions to Consider

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



CITY OF KILLEEN

PLANNING & DEVELOPMENT SERVICES

July 31, 2013

RE: CASE #Z13-27: HOLD a public hearing and consider a request submitted by the Gary W. Purser 1999 Trust ET AL and the Killeen Chaparral Development, LLC to rezone approximately 229.16 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, from SR-1 (Suburban Residential Single Family District), A (Agricultural District) and AR-1 (Agricultural Single Family Residential District) to PUD (Planned Unit Development) for residential use. The property is located on the north side of Chaparral Road near the Killeen/HH city limits.

Dear Property Owner:

Gary W. Purser 1999 Trust and the Killeen Chaparral Development, LLC, 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 with a two hundred (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 August 12, 2013, 5:00 p.m. in Council Chambers, at 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 4:00 p.m., August 12, 2013.

After the Planning and Zoning meeting, this matter will be forwarded to the City Council on August 27, 2013 at 5:00 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

CUT HERE

Form with fields: YOUR NAME, PHONE NUMBER, CURRENT ADDRESS, ADDRESS OF PROPERTY OWNED, COMMENTS, SIGNATURE, and SPO #Z13-27/

**A
AGRICULTURAL
DISTRICT**

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.

**ARI
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, owned
and/or operated by the municipality
or other public agency.

Public buildings, including
libraries, museums, police and fire
stations.
Real estate sales offices during the
development of residential
subdivisions but not to exceed two
(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, which buildings shall
be removed upon the completion or
abandonment of construction work.
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.

**SF-2
SINGLE-FAMILY
RESIDENTIAL DISTRICT**

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

**SR-1
SINGLE-FAMILY
RESIDENTIAL DISTRICT**

Single-family detached dwellings
Home occupations, accessory uses
and bldgs as allowed in section 31-
186(13).

**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-3P
MULTI-FAMILY
RESIDENTIAL DISTRICT**

All uses allowed in section 31-186"
Multifamily structures containing 3
or 4 separate dwellings units
Institutions of a religious,
educational,
Charitable or philanthropic nature,
but not a penal or mental institution
Licensed group or community home
housing five (5) or fewer persons
Accessory buildings and uses,
customarily incident to the above
uses and located on the same lot
therewith, not involving the
conduct of a retail business
Planned unit development required

**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

**CD
CEMETERY DISTRICT**

Offices of practitioners of the
recognized professions, as herein
defined.
a. Professional building. Any
structure used solely for the housing
of professional
offices of recognized professions.

b. Professions, recognized
Members of a recognized
profession include those
persons and customary staff
normally considered as
professional, and shall be
deemed to include doctors, dentists,
lawyers, architects, certified public
accountants, registered engineers
and related professions.
Uses customarily incidental to the
primary use, as hereinafter
provided, subject to the special
conditions contained in section 31-
276(3).
Physical therapy clinic.
Chemical or X-ray laboratory.
Dispensing optician.
Dental laboratory.
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 article V, division 3.
Sign standards for this district shall
apply to both primary and
incidental uses
No building in this district shall be
constructed or altered to produce a
storefront, show, window or display
window, and there shall be no
merchandise visible from the
exterior of the building.
No outside storage shall be
permitted in this district.
Office, general business.
An on-premises residential use or
living quarters may be included in
one structure in a commercial land
use district when the main use of
the structure is commercial,
provided both uses are in
compliance with appropriate
building codes and the proprietor or
an employee of the commercial
activity is a resident in the living
quarters.
Business day care.
Bakery shop (retail sales only).
Barbershop, beauty shop to include
permanent cosmetics (licensed per
Texas Health and Safety Code,
chapter 146 amended).
Construction field office and yard.
On the job site, for duration of
construction only. Mortuary or
funeral chapel.
Drugstore or pharmacy.

**UD
UNIVERSITY DISTRICT**

A building or premises in the
university district shall only be used
for uses permitted in the "B-2"
district, subject to the provisions of
this division, and for the following
purposes:
Bank, savings and loan or other
financial institution.
Hospital, home or center for the
acute or chronic ill, or assisted
living facility.
Household appliance sales and
repair service.
Retail bakery or confectionery;
engaged in preparation, baking,
cooking, selling and delivery of
products.
Boat and accessory sales, no outside
storage.
Bowling alleys.
Cleaning or laundry (self-service).
Cleaning or laundry (pick-up
station).
Florist, garden shop, greenhouse or
nursery office (retail); no growing
of plants, shrubs or trees out-of-
doors on premises, no outside
display or storage unless behind the
required front yard or the actual
setback of the principal building,
whichever is greater.
General food products, retail sales,
such as supermarkets, butcher
shops, dairy stores, seafood sales or
health food sales.
Catereria or catering service.
Office, general business.
Restaurant or café (with drive-thru
or dine in service).
Tennis, swim club, health club or
gym.

Millinery, repair shop for small electrical appliances and food preparation establishments

Small animal clinic or pet grooming shop.
Hotel or motel.
Job printing.
Gasoline service station, auto laundry, car wash, or oil/lube service station.
Retail sales of new auto parts: no outside storage.
A customarily incidental use: sale of beer and/or wine for off-premises consumption
only shall be considered a customarily incidental use in this district.

Theaters of general release.
A restaurant permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, and in accordance with chapter 31, division 16, restaurant and alcohol sales district, as amended.
Package stores operating under the rules and regulations promulgated by the Texas

Alcoholic Beverage Commission, as amended, and in accordance with chapter 31, division 12A, district B-3A, local business and alcohol sales district, as amended.
Mixed-use development, being located nine hundred and fifty (950) feet to fifteen

hundred (1,500) feet east of the east right-of-way of State Highway 195, and for a distance of approximately seventy-six hundred (7,600) feet south of the intersection of State Highway 195 and State Highway 201, for the commercial and residential use of a building, set of buildings, or neighborhood, where the first floor is designed, constructed and used for commercial use only while allowing access to residential uses.
Art gallery, book store or library.

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



CITY OF KILLEEN
PLANNING & DEVELOPMENT SERVICES

July 31, 2013

RE: CASE #Z13-27: HOLD a public hearing and consider a request submitted by the Gary W. Purser 1999 Trust ET AL and the Killeen Chaparral Development, LLC to rezone approximately 229.16 acres, part of the A. H. Wood Survey, Abstract No. 886, part of J.B. Harris Survey, Abstract No. 452, from SR-1 (Suburban Residential Single-Family District), A (Agricultural District) and AR-1 (Agricultural Single Family Residential District) to PUD (Planned Unit Development) for residential use. The property is located on the north side of Chaparral Road near the Killeen/HH city limits.

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 **August 12, 2013, 5:00 p.m.**, in the Council Chambers, City Hall, 101 North College Street, Killeen, Texas.

As required under by 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 will be held on **August 27, 2013, 5:00 p.m.** in the Council Chambers, City Hall, 101 N. College Street, Killeen Texas.

Sincerely,

Vicki Wanken
Planning Assistant

Enclosure

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.

CITY OF KILLEEN
PLANNING & DEVELOPMENT SERVICES

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Conditional Use Permit

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

	A	B	C	D	E	F	G
1	PROP_ID	ParcelOwneNO	FILE_AS_NA	Addr_line3	City	State	Addr_zip
2	35120	Z13-27/01	PURSER, GARY W 1999 TRUST ETAL	2901 E STAN SCH KILLEEN	KILLEEN	TX	76542-4593
3	318067	Z13-27/02	FERGUS, ANITA P ETAL	11 RUE MAISON	ABILENE	TX	79605-4710
4	109715	Z13-27/03	KILLEEN HYMESA LTD ETAL	2901 E STAN SCH KILLEEN	KILLEEN	TX	76542-4593
5	35122	Z13-27/04	KILLEEN CHAPARRAL DEVELOPMENT LLC	201 S BELL BLVD	CEDAR PARK	TX	78613-2938
6	364615	Z13-27/05, 06	HORN, EARL	1106 OLD FM 441	KILLEEN	TX	76549-1244
7	170866	Z13-27/07	WBW LAND INVESTMENTS LP	3000 ILLINOIS AV	KILLEEN	TX	76543-5372
8		Z13-27/OWNER	KILLEEN CHAPARRAL DEVELOPMENT LLC	201 S BELL BLVD	CEDAR PARK	TX	78613-2938
9		Z13-27/OWNER	PURSER, GARY W 1999 TRUST ETAL	2901 E STAN SCH KILLEEN	KILLEEN	TX	76542-4593
10		Z13-27/AGENT	KILLEEN ENGINEERING AND SURVEYING	2901 E STAN SCH KILLEEN	KILLEEN	TX	76540-4593

Rezone Application fee

200.00

7/10/13

1016

City of Killeen

\$200.00

RECEIPT		DATE <u>7/12/2013</u>	No. <u>409487</u>
RECEIVED FROM <u>Killeen Chaparral Development LLC</u>		\$ <u>200.00</u>	
<u>Two hundred & 00/100</u>		DOLLARS	
<input type="radio"/> FOR RENT <input type="radio"/> FOR <u>Zoning Request - Killeen Chaparral Development LLC (South)</u>			
ACCOUNT		<input type="radio"/> CASH <input checked="" type="radio"/> CHECK <input type="radio"/> MONEY ORDER <input type="radio"/> CREDIT CARD	FROM _____ TO _____ BY <u>Maria Lopez</u>
PAYMENT	<u>#1016</u>		
BAL. DUE			