

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 06-111)
- Owner Approval Letter/Dated 11-14-06
- CC Minutes 12/1/06
- CC Agenda

- CC Packet:
- CC Memo
 - Zoning Application (copy front and back)
 - Site Plan (if applicable)
 - Maps
 - SPO Responses (if any)
 - P&Z Minutes

Public Notice

P&Z Minutes (Signed Copy) PS

P&Z Agenda 10/6/06

- P&Z Packet:
- P&Z Memo
 - Application (copy front & back)
 - Site Plan (if applicable)
 - Maps

PVT

- SPO Responses (if any)
- PO/SPO Letter: 4 Sent 0 Support
- SPO Map 0 Opposed 1 Undelivered
- Copy of SPO Database
- Printout of SPO's
- Receipt for application fee
- Plat (Engineer & Plat if applicable)
- CUP (site plan if applicable)
- Label made for outside folder
- Copy of Ordinance given to Mapping



CASE #:

206-43

**City of Killeen
Zoning Change Application**

Name(s) of Property Owner (s): ALVIN, SUSIE WARE

Address: 2400 CATAWBA LP

City: HARKER HEIGHTS State: TX Zip: 76548 -

Home Phone: (254) 699-8792 Business Phone: () Cell Phone: 254-2894632

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

Address: _____

City: _____ State: _____ Zip: _____ -

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

Address/ Location of Property to be Rezoned: clear check RD

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

Legal Description: 2 ACRE TRACT of land in BELL county, TEXAS part of the THOMAS ROBINETT SURVEY
Metes and Bounds Description

Is there a simultaneous plat of this property? N/A _____
(Plat Name)

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

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

Present Zoning(s): A Present Use: VAN

Proposed Zoning(s): B5 Proposed Use: \$ gas STATION

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: Carrie Lynn Vigliotti
Mailing Address: 11056 Oakalla Rd.
City: Killeen State: TX Zip: 76549
Home Phone: (817) 547-6200 Business Phone: (817) 202-3405 Cell Phone: None

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: Carrie L. Vigliotti Title: Real Estate Agent
Printed/Typed Name of Agent: Carrie L. Vigliotti Date: 9-21-06
Signature of Property Owner: ALKW-R Title: OWNER
Printed/Typed Name of Property Owner: Alvin K Ware JR Date: 9-21-06
Signature of Property Owner: Susie Ware Title: owner
Printed/Typed Name of Property Owner: Susie Ware Date: 9-21-06
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.

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City: Killeen State: TX Zip: 76549

Home Phone: (254) 547-6200 Business Phone: (254) 202-3405 Cell Phone: Some

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Signature of Agent Carrie L. Vigliotti Title Real Estate Agent

Printed/Typed Name of Agent Carrie L. Vigliotti Date 9-21-06

Signature of Property Owner ALKW-R Title OWNER

Printed/Typed Name of Property Owner ALVIN K WARE JR Date 9-21-06

Signature of Property Owner Title

Printed/Typed Name of Property Owner Date

Signature of Property Owner Title

Printed/Typed Name of Property Owner Date

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

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

BC06-1868B

Special Warranty Deed

Date: September 12, 2006

Grantor: Marie S. Buchholz, Trustee of the Marie S. Buchholz Trust, a Revocable Trust created under Declaration of Trust dated August 15, 1990, Marvin R. Schulze, Eldon W. Schulze, Weldon E. Schulze, Harlan E. Schulze, Charles J. Schulze, and Dennis L. Schulze

Grantor's Mailing Address: c/o Dennis L. Schulze
468 Antelope Trail
Killeen, Texas 76542
Bell County

Grantee: Alvin Ware and Susie Ware, Husband and Wife

Grantee's Mailing Address:

_____ County

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration.

Property (including any improvements):

All of my right title and interest in and to the following described property:

5.0 acres of land, more or less, out of Thomas Robinett Survey, Abstract No. 686, Bell County, Texas, being more fully described by metes and bounds on Exhibit "A" attached hereto and incorporated herein for all purposes.

Reservations from Conveyance:

None

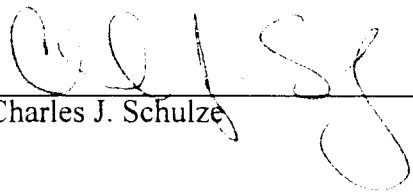
Exceptions to Conveyance and Warranty:

Validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2006, which Grantee assumes and agrees to pay, and

subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

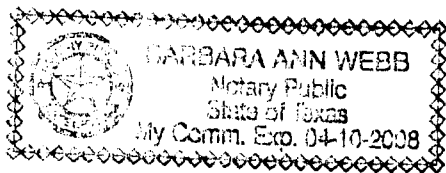
When the context requires, singular nouns and pronouns include the plural.




Charles J. Schulze

STATE OF TEXAS §
 §
COUNTY OF §

This instrument was acknowledged before me on the 1 day of September, 2006, by Charles J. Schulze.



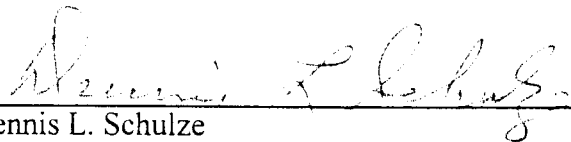


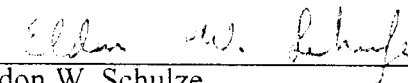
Notary Public, State of Texas

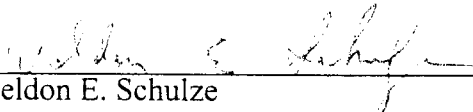
subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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


Dennis L. Schulze


Eldon W. Schulze



Weldon E. Schulze

STATE OF TEXAS §

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COUNTY OF BELL §

This instrument was acknowledged before me on the 13 day of September, 2006, by Dennis L. Schulze, Eldon W. Schulze, and Weldon E. Schulze.


Notary Public, State of Texas



subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

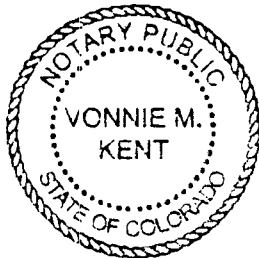
When the context requires, singular nouns and pronouns include the plural.

MARIE S. BUCHHOLZ TRUST, A REVOCABLE TRUST,
CREATED UNDER DECLARATION OF TRUST DATED
AUGUST 15, 1990

by: Marie S. Buchholz, Trustee
Marie S. Buchholz, Trustee

STATE OF COLORADO §
§
COUNTY OF §

This instrument was acknowledged before me on the 14 day of September, 2006, by Marie S. Buchholz, Trustee of the Marie S. Buchholz Trust, A Revocable Trust created under Declaration of Trust dated August 15, 1990.



My Commission Expires 03/12/2009

Vonnie M. Kent
Notary Public, State of Colorado

PREPARED IN THE OFFICE OF:

Joe Carothers, Attorney
401 S Main
Copperas Cove, TX 76522

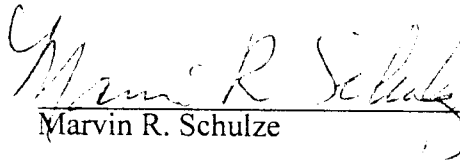
AFTER RECORDING RETURN TO:

Land Exchange Abstract & Title Co.
3301 E. Stan Schlueter Loop
Killeen, Texas 76542

subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

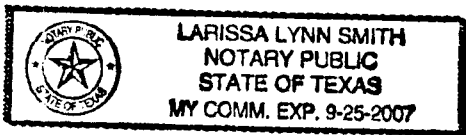
Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

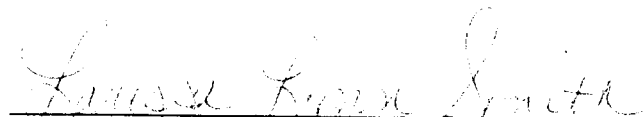
When the context requires, singular nouns and pronouns include the plural.


Marvin R. Schulze

STATE OF TEXAS §
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COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 13 day of September, 2006, by Marvin R. Schulze.

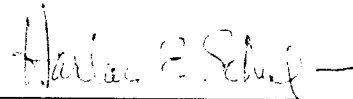



Notary Public, State of Texas

subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

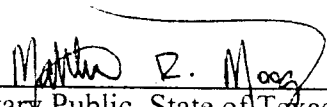
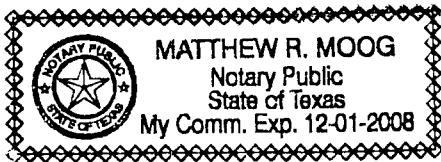
When the context requires, singular nouns and pronouns include the plural.



Harlan E. Schulze

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 14 day of September, 2006, by Harlan E. Schulze.



Notary Public, State of Texas

EXHIBIT A

FIELD NOTES for a 5.000 acre tract of land in Bell County, Texas, part of the Thomas Robinet Survey, Abstract No. 686, and the land herein described being part of that certain 100 acre tract of land in that deed from Dennis L. Schulze to Marie E. Bucholz, recorded in Volume 4283, Page 418, Official Public Records of Real Property of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with cap stamped "All Country" found, in the east right of way line of F. M. 3470 (Clear Creek Road), being the southwest corner that certain 6.86 acre tract of land described in a deed to National 1031 Clear Creek, L.L.C., recorded in Volume 5935, Page 626, Official Public Records of Real Property of Bell County, Texas, for the northwest corner of this tract.

THENCE with the south line of said 6.86 acre tract, S. 71°11'25" E., 748.64 feet (*Adj. Deed S. 71°11'25" E., 748.51 feet*), to a 1/2" iron rod with cap stamped "All Country" found, in the west line of that certain 64.834 acre tract of land described in a deed to Killeen Sunflower, Inc., recorded in Volume 5220, Page 555, Official Public Records of Real Property of Bell County, Texas, for the southeast corner of said 6.86 acre tract. for the northeast corner of this tract.

THENCE with the west line of said 64.834 acre tract and the east line of said 10.72 acre tract, S. 18° 58' 20" W., 293.11 feet (*Deed Bearing S. 18°58'51" W.*), to a 3/8" iron rod with cap stamped "M&ASSOC KILLEEN" set, for the southeast corner of this tract.

THENCE, N. 70°49'48" W., 749.60 feet, to a 3/8" iron rod with cap stamped "M&ASSOC KILLEEN" set in the east right of way line of said F. M. 3470, for the southwest corner of this tract.

THENCE with the east right of way line of said F. M. 3470, N. 19° 09' 43" E., 288.40 feet (*R.O.W. Bearing N. 17°19'32" E.*), to the *POINT OF BEGINNING* containing 5.000 acres of land.

The bearings for the above description are based on the south line of said 6.86 acre tract of land described in a deed to National 1031 Clear Creek, L.L.C., recorded in Volume 5935, Page 626, Official Public Records of Real Property of Bell County, Texas.

STATE OF TEXAS §
COUNTY OF BELL §

KNOW ALL MEN BY THESE PRESENTS, that I, Gary W. Mitchell, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract of land and to the best of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal this the 24th day of May, 2006, A. D.

Gary W. Mitchell
Gary W. Mitchell
Registered Professional
Land Surveyor, No. 4982



CENTURY 21(DWG #06-258-B)
S:\Field Notes\DAVES\EN5\CENTURY 21 5.000 AC.doc

Mitchell & Associates, Inc., 102 N. College St. Killeen, Texas 76541 (254)-634-5541

U



CASE #:

206-43

City of Killeen
Zoning Change Application

received
5-11-06

Name(s) of Property Owner (s): Marie E. Buchholz, Marvin R. Schulze
Eldon W. Schulze, Weldon Schulze, Harlan Schulze

Address: 202 S. Main St

City: Copperas Cove State: TX Zip: 76522

Home Phone: () _____ Business Phone: 817-547-012 Cell Phone: 817-3132

Name of Applicant: Alvin & Susie Ware
(if different than Property Owner)

Address: 2400 Catauba

City: H.H. State: TX Zip: 76548

Home Phone: () _____ Business Phone: () _____ Cell Phone: (734) 449-0379

Address/ Location of Property to be Rezoned: Clear Creek rd.

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

Legal Description: _____
Metes and Bounds Description

Is there a simultaneous plat of this property? _____
(Plat Name)

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

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

Present Zoning(s): A-2 Present Use: raw land

Proposed Zoning(s): B-5 Proposed Use: gas station w/ shopping plaza

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.

Please Send Notice.

Name of Agent: Mitchell & Associates, Inc. / Carrie Vigliotti

Mailing Address: P.O. Box 1088 / 102 N College 11056 Oakalla Rd Killeen TX

City: Killeen State: Texas Zip: 76540 76549 702-3405

Home Phone: () N/A Business Phone: (254) 634-5541

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.

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Signature of Agent [Signature] Title Agent

Printed/Typed Name of Agent Robert E. Mitchell Date 6-2-06

Signature of Property Owner [Signature] Title Owner

Printed/Typed Name of Property Owner Marie E. Buchholz Date 4-29-06

Signature of Property Owner [Signature] Title Owner

Printed/Typed Name of Property Owner Marvin R. Schulze Date 5-4-06

Signature of Property Owner [Signature] Title Owner

Printed/Typed Name of Property Owner Eldon W. Schulze Date 5-2-06

* Applications must be signed by the individual applicant, each partner of a partnership, or by an authorized officer of a corporation or association. Revised May 2004

Signature of Property Owner Weldon E. Schulze Title Owner
Printed/Typed Name of Property Owner Weldon E. Schulze Date 5/2/06

Signature of Property Owner Harlan E. Schulze Title Owner
Printed/Typed Name of Property Owner Harlan E. Schulze Date 5/6/06

Signature of Property Owner Charles J. Schulze Title Owner 5/6/06
Printed/Typed Name of Property Owner Charles J. Schulze Date _____

Signature of Property Owner Dennis L. Schulze Title Owner
Printed/Typed Name of Property Owner Dennis L. Schulze Date 5-2-06

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

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 you driver's license number.

WARRANTY DEED

Date:

JANUARY 19, 2005

Grantor:

MARIE S. BUCHHOLZ, individually, being one and the same person as MARIE E. BUCHOLZ, grantee in that certain deed recorded in Vol. 4233, Page 418, Official Public Records of Real Property of Bell County, Texas

Grantor's Mailing Address

1756 1600 Road
Delta, CO 81416

Grantee:

MARIE S. BUCHHOLZ, Trustee of The MARIE S. BUCHHOLZ TRUST, a revocable trust created under Declaration of Trust dated August 15, 1990

Grantee's Mailing Address

1756 1600 Road
Delta, CO 81416

Consideration: Ten and No/100 Dollars (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, and for the additional consideration of making a transfer to the trust above identified, the receipt of which is hereby acknowledged and confessed.

Property (including any improvements):

BEING all of Grantor's undivided interest in that certain tract or parcel of land, together with all improvements thereon, out of the Thomas Robinett Survey, in Bell County, Texas, and as more fully described in that certain Independent Executor's Deed dated October 13, 2000, recorded in Vol. 4233, Page 418, Official Public Records of Real Property of Bell County, Texas, LESS, SAVE AND EXCEPT HOWEVER, all tracts or parcels heretofore conveyed out of such property by Grantor after October 13, 2000, all of which deeds and conveyances are incorporated herein by reference and made a part hereof for all purposes. This conveyance specifically includes all property owned by Grantor in Bell County, Texas, whether or not correctly described above.

THENCE S 19 W 281.9 vrs to rock mound in E fence of pasture for corner.

THENCE N 71 W 513 vrs to iron pipe for inset corner;

THENCE S 19 W 1194.1 vrs to S line of Henry Schorn Survey;

THENCE N 71 W with fence 283.7 vrs to place of beginning and containing 100 acres and being the same property described in deed dated March 8, 1938, from Emma Davis Powell, et al, to Robert E. Schulze and recorded in Volume 463, pages 465-467, Deed Records of Bell County, Texas.

SAVE AND EXCEPT: a certain tract or parcel of land in Bell County, Texas, and being 1.526 acres out of the Thomas Robinett Survey, Abstract No. 686, Bell County, Texas, and more particularly described in deed dated December 13, 1973 from Robert E. Schulze, et ux, to the County of Bell, and being recorded in Volume 1259, pages 752-753, Deed Records of Bell County, Texas; and

FURTHER SAVE AND EXCEPT: a tract of 3.558 acres, more or less, out of that certain 100 acre tract of land out of the Thomas Robinett Survey, Abstract No. 686, more fully described in deed dated October 26, 1993, from Frieda Schulze to State of Texas, and recorded in Volume 3064, page 5, Official Public Record of Real Property of Bell County, Texas;

and being the same property described in Special Warranty Deed from Marvin R. Schulze and Dennis L. Schulze, Co-Independent Administrators of the Estate of Robert E. Schulze, Deceased, to Frieda M. Schulze, dated January 25, 1994, and recorded in Volume 3102, page 317, Official Public Record of Real Property of Bell County, Texas.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

This conveyance is made and accepted subject to prior mineral reservations and restrictions of record and to any rights-of-way or easements of record or visible upon the ground, to the extent such are valid and enforceable against the property, and taxes the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants and conveys to Grantees the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantees and Grantees' heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property to Grantees and Grantees' heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise.

Grantor acts only in Grantor's fiduciary capacity as Independent Executor. Grantor's warranty is limited to that capacity and does not bind Grantor individually or Grantor's heirs, executors or administrators.

100-420-0000-419

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

Dennis L. Schulze

DENNIS L. SCHULZE
Independent Executor of the Estate of
Frieda M. Schulze, Deceased

STATE OF TEXAS

This instrument was acknowledged before me on 19 Oct., 2000
by DENNIS L. SCHULZE as Independent Executor of the estate of Frieda M. Schulze,
Deceased



Jeffrey Borgus
Notary Public, State of Texas

VOL. 4283 PAGE 420

PREPARED IN THE OFFICE OF:

MARTIN & MILICAN
ATTORNEYS AT LAW
P.O. BOX 31
LAMPASAS, TX 76550-0031

AFTER RECORDING RETURN TO:

MARTIN & MILICAN
ATTORNEYS AT LAW
P.O. BOX 31
LAMPASAS, TX 76550-0031

2
10/19

NOTARY PUBLIC
STATE OF TEXAS
JEFFREY BORGUS
10/19/00

035352



Jack Smith

Donlie McMullin Realty
202 S 1st Street
Copper Cove, TX 78522

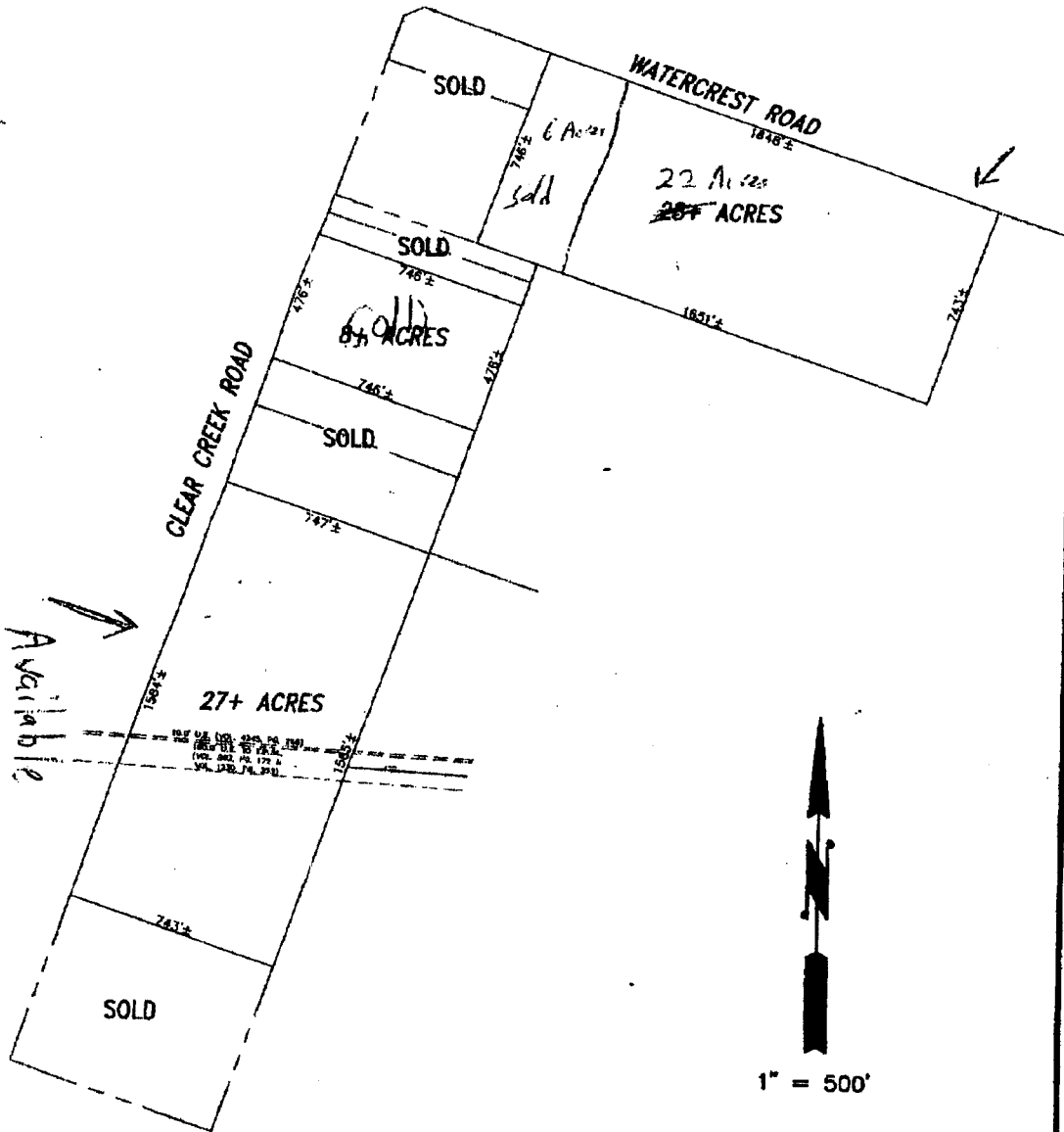
(254)547-0172 Phone Number
(254)542-7570 Fax Number
(254)290-3132 Mobile Number

www.realtor.com/fhodbx/jacksmith
www.fhodbrealstate.com
Jacksmithhomes.com
CentexRealtor@aol.com

FAX TRANSMITTAL FORM

To: <i>Carrie</i> Name: Phone: Fax: <i>634-2215</i>	From: <i>Liz Hays</i> Date Sent: <i>3/14/06</i> Number of Pages: <i>2</i>
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Clear Creek Plat



**KILLEEN ENGINEERING
& SURVEYING, LTD**
 2001 E. STAN SCHLUEWER LOOP
 KILLEEN, TEXAS 76542
 (254) 836-3881 FAX (254) 526-4351

FIELD NOTES for a 5.000 acre tract of land in Bell County, Texas, part of the Thomas Robinett Survey, Abstract No. 686, and the land herein described being part of that certain 100 acre tract of land in that deed from Dennis L. Schulze to Marie E. Bucholz, recorded in Volume 4283, Page 418, Official Public Records of Real Property of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with cap stamped "All Country" found, in the east right of way line of F. M. 3470 (Clear Creek Road), being the southwest corner that certain 6.86 acre tract of land described in a deed to National 1031 Clear Creek, L.L.C., recorded in Volume 5935, Page 626, Official Public Records of Real Property of Bell County, Texas, for the northwest corner of this tract.

THENCE with the south line of said 6.86 acre tract, S. 71°11'25" E., 748.64 feet (*Adj. Deed S. 71°11'25" E., 748.51 feet*), to a 1/2" iron rod with cap stamped "All Country" found, in the west line of that certain 64.834 acre tract of land described in a deed to Killeen Sunflower, Inc., recorded in Volume 5220, Page 555, Official Public Records of Real Property of Bell County, Texas, for the southeast corner of said 6.86 acre tract, for the northeast corner of this tract.

THENCE with the west line of said 64.834 acre tract and the east line of said 10.72 acre tract, S. 18° 58' 20" W., 293.11 feet (*Deed Bearing S. 18°58'51" W.*), to a 3/8" iron rod with cap stamped "M&ASSOC KILLEEN" set, for the southeast corner of this tract.

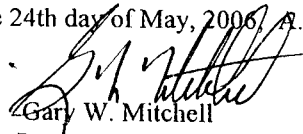
THENCE, N. 70°49'48" W., 749.60 feet, to a 3/8" iron rod with cap stamped "M&ASSOC KILLEEN" set in the east right of way line of said F. M. 3470, for the southwest corner of this tract.

THENCE with the east right of way line of said F. M. 3470, N. 19° 09' 43" E., 288.40 feet (*R.O.W. Bearing N. 17°19'32" E.*), to the *POINT OF BEGINNING* containing 5.000 acres of land.

The bearings for the above description are based on the south line of said 6.86 acre tract of land described in a deed to National 1031 Clear Creek, L.L.C., recorded in Volume 5935, Page 626, Official Public Records of Real Property of Bell County, Texas.

STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS, that I, Gary W. Mitchell,
COUNTY OF BELL § Registered Professional Land Surveyor, do hereby certify that I did cause
to be surveyed on the ground the above described tract of land and to the
best of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal this the 24th day of May, 2006, A. D.


Gary W. Mitchell
Registered Professional
Land Surveyor, No. 4982



CENTURY 21(DWG # 06-258-B)
S:\Field Notes\DAVES FN'S\CENTURY 21 5.000 AC.doc


Mitchell & Associates, Inc., 102 N. College St. Killeen, Texas 76541 (254)-634-5541

M
& A

MITCHELL & ASSOCIATES, INC.

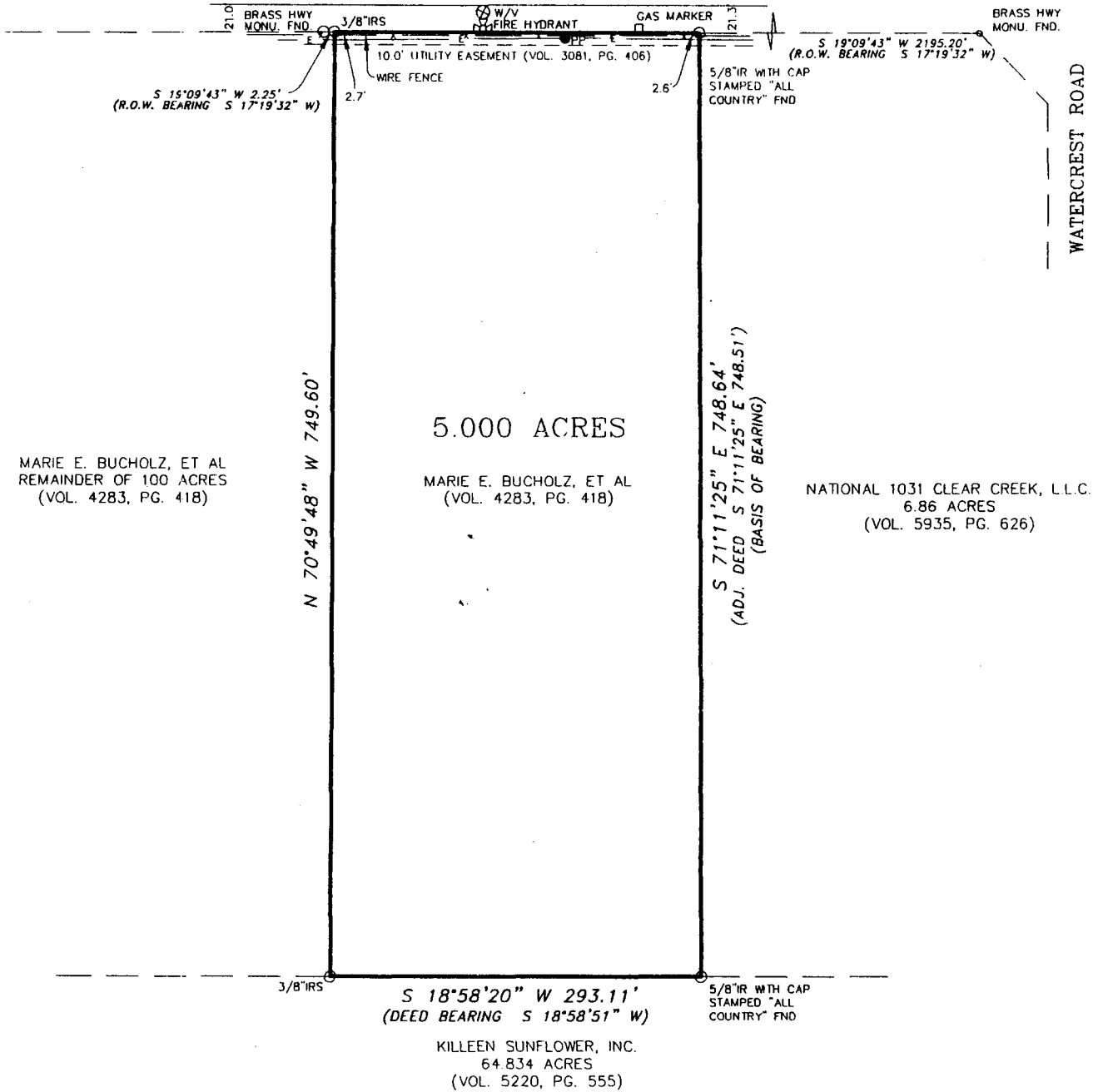
ENGINEERING & SURVEYING

102 N. COLLEGE, KILLEEN, TEXAS (254) 634-5541


SCALE 1"=100'
 IRF = IRON ROD FOUND
 IPF = IRON PIPE FND
 IRS = IRON ROD WITH CAP
 STAMPED "M &
 ASSOC. KILLEEN" SET

F. M. 3470 (CLEAR CREEK ROAD)

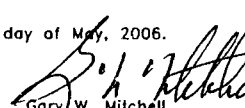
N 19°09'43" E 288.40'
(R.O.W. BEARING N 17°19'32" E)

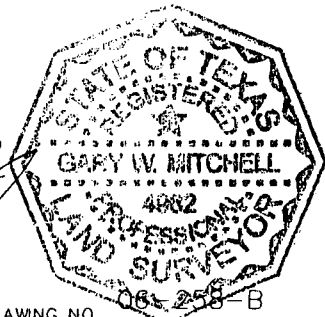


SEE FIELD NOTES
 5.000 ACRES PART OF THE THOMAS ROBINETT SURVEY, ABSTRACT NO. 686, KILLEEN, BELL COUNTY, TEXAS

STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS, That I, Gary W. Mitchell,
 COUNTY OF BELL Registered Professional Land Surveyor, do hereby certify
 that I did cause to be surveyed on the ground the above
 described tract of land.

IN WITNESS THEREOF, My hand and seal this the 24th day of May, 2006.


 Gary W. Mitchell
 Registered Professional
 Land Surveyor, No. 4982



**MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
OCTOBER 2, 2006
CITY HALL, 101 N. COLLEGE STREET
COUNCIL CHAMBERS**

ROLL CALL

PRESENT:

Commission: Craig Langford, Vice Chairman; Walter Autry; Robert Hicks; Terry Traina; Joel Steine; Bobby Hoover; Eugene Kim; Miguel Diaz, Jr.

Staff: Thomas C. Dann, Director of Planning; Andrew Allemand, City Planner; John P. Nett, City Engineer; Traci Briggs, Deputy City Attorney; Vicki Wanken, Planning Assistant

ABSENT: Johnny Frederick, Chair

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

Vice Chair Langford called the meeting of the Planning and Zoning Commission to order at 6:00 p.m.

APPROVAL OF AGENDA

Commissioner Diaz motioned to approve the agenda as published, seconded by Commissioner Traina. The motion carried 7-0.

CONSENT AGENDA

Mr. Hoover left the dais.

- CA-1 CA-1** Consider minutes of the Regular Planning and Zoning Commission Meeting of **September 25, 2006.**
- CA-2** Consider a request submitted by RSBP, Developers, Inc., (**Case #06-079FS: White Rock Estates, Phase Four, Section Two**) for a final plat of approximately 86.139 acres, being part of the Lewis Riddle Survey, Abstract No. 1096 and Abstract No. 719, the C.T. Bourland Survey, Abstract No. 137 and the J. B. Harris Survey, Abstract No. 452, located in the vicinity of Sulfur Spring Drive and Platinum Drive, Killeen, Texas.

Commissioner Autry motioned to approve the consent agenda; seconded by Commissioner Hicks. The motion passed 6-0.

Vice Chairman Langford stated that the above plat case will be forwarded to City Council on October 17, 2006.

Mr. Hoover returned to the dais.

CITIZENS PETITIONS FOR INFORMATION

No one requested to speak

PUBLIC HEARING

ZONINGS

PH-1 HOLD a public hearing and consider a request submitted by Alvin and Susie Ware (**CASE #Z06-43**) to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to R-3 (Multi-Family Residential District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.

Commissioner Diaz motioned to table Zoning Case #Z06-43 to a special meeting of the Planning and Zoning Commission to be held on October 6, 2006 at 8:00 a.m.; Commissioner Traina seconded the motion. The motion passed 6-0.

PH-2 HOLD a public hearing and consider a request submitted by Clear Creek Development, Ltd., (**CASE #Z06-59**) to rezone part of Lot 8, Block 1, Clear Creek Estates, Phase One, Replat, from B-5 (Business District) to R-2 (Two-Family Residential District) for property located at 4601 Barrington Trail, Killeen, Texas.

Vice Chairman Langford requested staff comments.

City Planner Allemand stated that this request is submitted by Clear Creek Development, Ltd. to rezone approximately 0.055 acre, being part of Lot 8, Block 1, Clear Creek Estates from B-5 (Business District) to R-2 (Two-Family Residential District). The property is located at the northwest intersection of John David Drive and Barrington Trail, locally known as 4601 Barrington Trail, Killeen, Texas. The owner of the property is rezoning the property so that it can be combined and replatted with the lot to the north for two-family residential use.

A letter of notification was mailed to ten (10) property owners in the 200-foot notification area. No responses were received.

Michelle Lee, Killeen Engineering and Surveying, 2901 E. Stan Schlueter Loop, Killeen, was present to represent this case.

Vice Chairman Langford opened the public hearing and with no one requesting to speak the public hearing was closed.

Commissioner Diaz motioned to approve Zoning Case #Z06-59; Commissioner Traina seconded the motion. The motion passed 6-0.

Vice Chairman Langford stated that this case will be forwarded to City Council on October 17, 2006 with a recommendation to approve.

REPLATS

PH-3 HOLD a public hearing and consider a request submitted by Ira W. Black, Jr. (**CASE #06-058FMR: HAMMER ADDITION, REPLAT**) for a minor plat of approximately 1.312 acres, being a replat of Lots 1-7, Clara E. Hammer Addition, located at 404, 406, 408 Bryce Avenue, 415 and 417 Collins Avenue and 803 and 805 Trimmier Road, Killeen, Texas.

Vice Chairman Langford requested staff comments.

City Planner Allemand stated that this request is submitted by Ira W. Black, Jr., for a minor plat of approximately 1.312 acres, being a replat of Lots 1-7, Clara E. Hammer Addition. The property is located on the west right-of-way of Trimmier Road, between Bryce Avenue and Collins Avenue, and is locally known as 404, 406, 408 Bryce Avenue, 415 and 417 Collins Avenue and 803 and 805 Trimmier Road, Killeen, Texas. The property is currently zoned R-3 (Multi-Family Residential District). The applicant is platting the property to remove interior lot lines for the development of multi-family use.

The Staff Review Committee met on September 25, 2006 in a Correction Validation Meeting. Staff concurred that all required corrections were completed and that the plat is in full compliance with City of Killeen development regulations. Staff recommends the Planning and Zoning Commission approve the plat.

Michelle Lee, Killeen Engineering and Surveying, 2901 E. Stan Schlueter Loop, Killeen, was present to represent this case.

Vice Chairman Langford opened the public hearing and with no one requesting to speak the public hearing was closed.

Commissioner Traina motioned to approve Plat Case #06-058FMR: Hammer Addition, Replat; Commissioner Hicks seconded the motion. The motion passed 6-0.

Vice Chairman Langford stated that this case is approved.

COMMISSION & STAFF ITEMS AND FUTURE AGENDAS

- I. Attendance chart (for your information).
- II. Discuss and consider forwarding a recommendation to the City Council on proposed revisions to Chapter 26 providing consistent enforcement standards, clarifying street rights-of-way/pavement width requirements and establishing street design standards that limit the amount of water in public streets.

Commissioner Langford voiced concerns about the changes, stating that did not want to overburden the development community; however, he further noted that the City needs adequate, safe and functional street, drainage and water/sewer utilities.

Commissioner Autry motioned to recommend approval of the recommended changes to Chapter 26 to City Council; Commissioner Hicks seconded the motion. The motion passed 6-0.

ADJOURNMENT

Vice Chairman Langford adjourned the Planning and Zoning Meeting at 6:30 p.m. The next regularly scheduled meeting for the Planning and Zoning Commission is **October 23, 2006** at 6:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.



Craig Langford

Vice Chairman, Planning & Zoning Commission



Vicki Wanken

Planning Assistant

CENTRAL TX. COLLEGE

HWY. 190



KILLEEN CITY LIMITS

KILLEEN CITY LIMITS

KILLEEN CITY LIMITS

PROJECT LOCATION

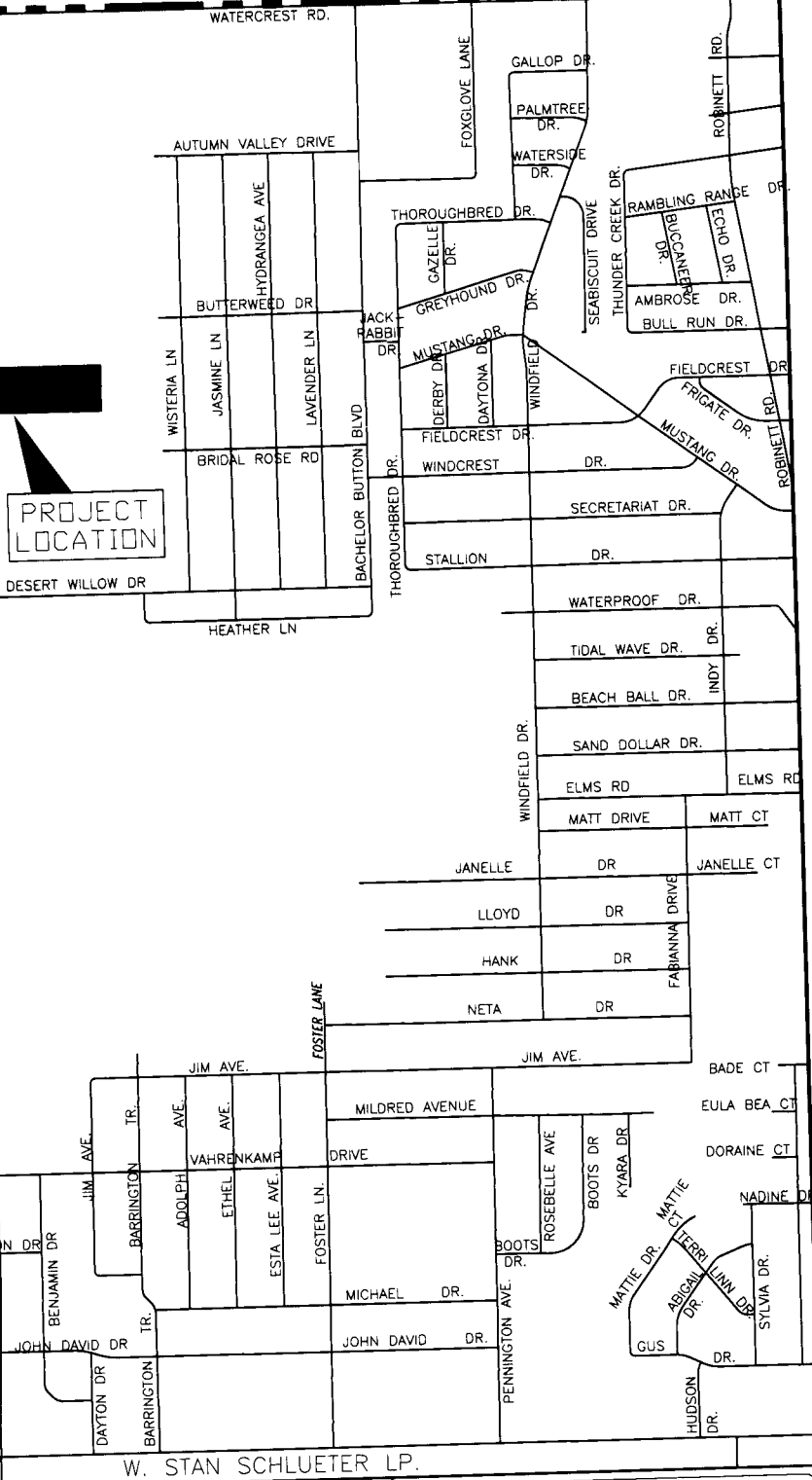
CLEAR CREEK RD.

KILLEEN CITY LIMITS

TROPICANA CT
ENETIAN CT
LUXOR DR
MANDALAY DR
TROPICANA DR
CAPRI DR
BALLY DR
FREMONT DR
FLAMINGO DR

KILLEEN CITY LIMITS

LAUREN MACKENZIE DRIVE
VAHRENKAMP DRIVE
CHELSEA DRIVE
JEREMY DR
ANDREANA DR
LAUREN MACKENZIE DRIVE
BELLAGIO DR



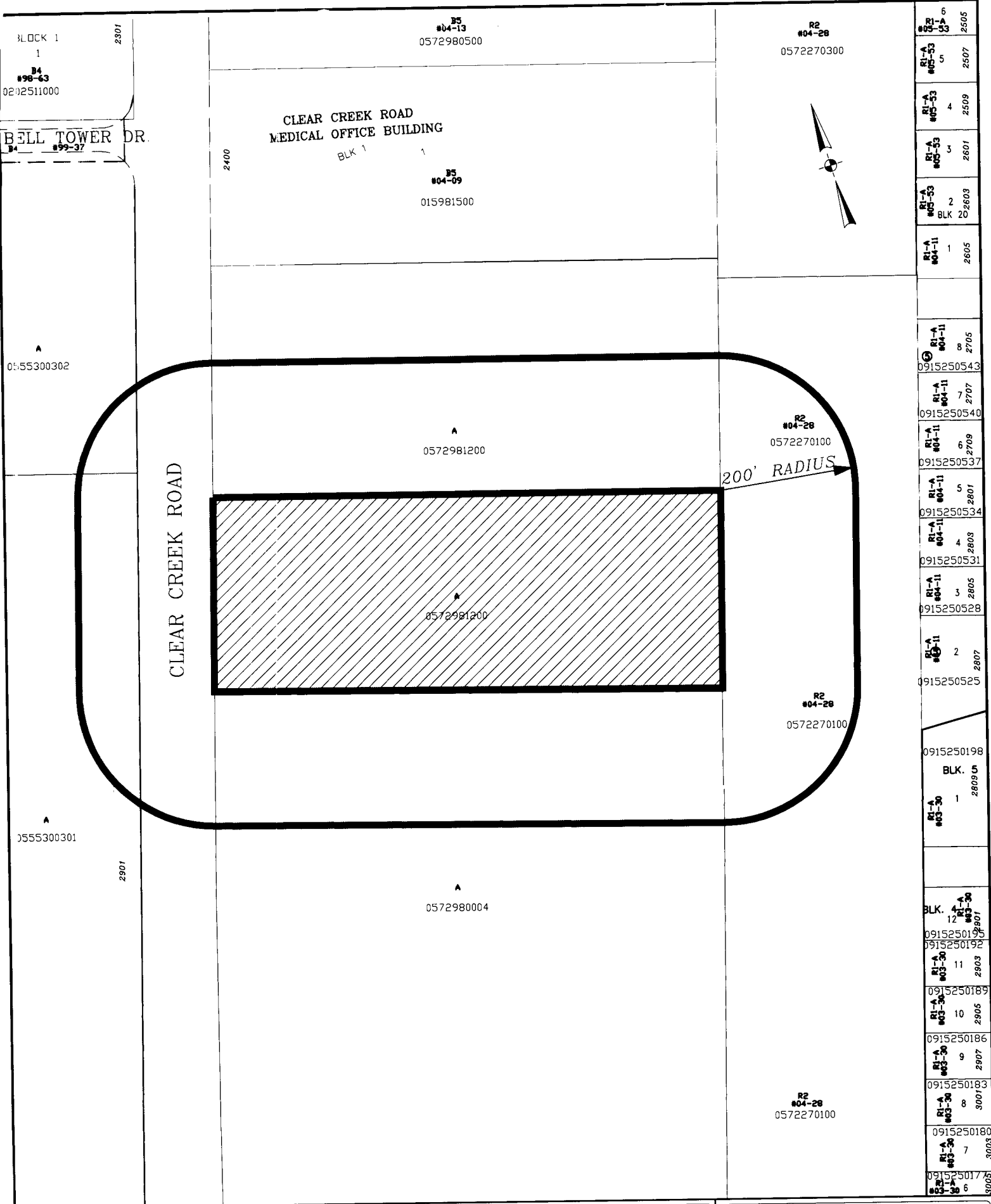
DATE: 06/14/06

5.00 ACRES

ZONING CASE # 06-43
FROM A TO B-5



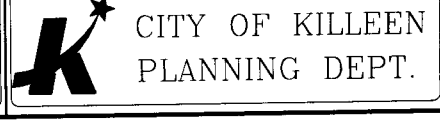
CITY OF KILLEEN
PLANNING DEPT.



R2 #04-28	6	2605
R1-A #05-53	5	2507
R1-A #05-53	4	2509
R1-A #05-53	3	2601
R1-A #05-53	2	2603
BLK 20		2603
R1-A #04-11	1	2605
R1-A #04-11		2705
R1-A #04-11		2707
R1-A #04-11	6	2709
R1-A #04-11	5	2801
R1-A #04-11	4	2803
R1-A #04-11	3	2805
R1-A #04-11	2	2807
BLK. 5		2809
R1-A #03-30	1	2901
R1-A #03-30	11	2903
R1-A #03-30	10	2905
R1-A #03-30	9	2907
R1-A #03-30	8	3001
R1-A #03-30	7	3003
R1-A #03-30	6	3005

DATE: 06/14/06
5.00 ACRES

ZONING CASE # 06-43
FROM A TO B-5



BLOCK 1
1

B4
#98-63
0202511000

HELL TOWER DR.
B4 #99-37

2301

B5
#04-13
0572980500

CLEAR CREEK ROAD
MEDICAL OFFICE BUILDING
BLK 1 1

B5
#04-09
015981500

2400

R2
#04-28
0572270300



- 6
R1-A
#03-33 2505
- 5
R1-A
#03-33 2507
- 4
R1-A
#03-33 2509
- 3
R1-A
#03-33 2501
- 2
R1-A
#03-33 2603
- 1
R1-A
#04-11 2605

BUTTERWEED DRIVE

- 8
R1-A
#04-11 2705
- 7
R1-A
#04-11 2707

A
0355300302

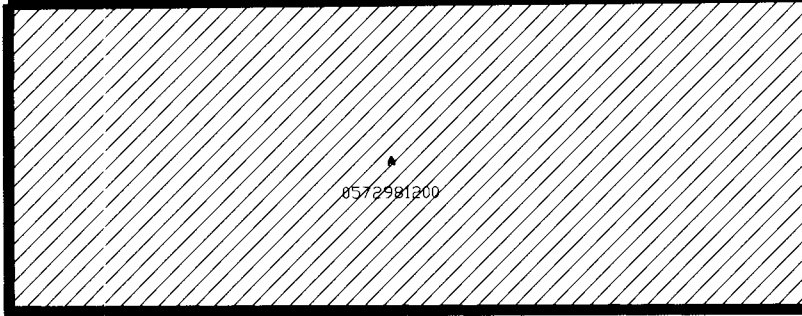
A
0572981200

R2
#04-28
0572270100

- 6
R1-A
#04-11 2709
- 5
R1-A
#04-11 2801
- 4
R1-A
#04-11 2803
- 3
R1-A
#04-11 2805
- 2
R1-A
#04-11 2807

200' RADIUS

CLEAR CREEK ROAD



0572981200

R2
#04-28
0572270100

- 12
BLK. 5
R1-A
#03-30 2809
- 11
R1-A
#03-30 2903
- 10
R1-A
#03-30 2905
- 9
R1-A
#03-30 2907
- 8
R1-A
#03-30 3001
- 7
R1-A
#03-30 3003
- 6
R1-A
#03-30 3005

BRIDAL ROSE ROAD

A
0355300301

A
0572980004

R2
#04-28
0572270100

2901

DATE: 06/14/06

5.00 ACRES

ZONING CASE # 06-43
FROM A TO B-5



CITY OF KILLEEN
PLANNING DEPT.

**MINUTES
SPECIAL MEETING
PLANNING AND ZONING COMMISSION
OCTOBER 6, 2006
CITY HALL, 101 N. COLLEGE STREET
MAIN CONFERENCE ROOM**

ROLL CALL

PRESENT: Johnny Frederick, Chair

Commission: Craig Langford, Vice Chairman; Walter Autry; Terry Traina; Joel Steine

Staff: Thomas C. Dann, Director of Planning; Andrew Allemand, City Planner; John P. Nett, City Engineer; Traci Briggs, Deputy City Attorney; Vicki Wanken, Planning Assistant

ABSENT: Robert Hicks; Bobby Hoover; Eugene Kim; Miguel Diaz, Jr.

CALL TO ORDER – 8:00 A.M. – MAIN CONFERENCE ROOM

Chairman Frederick called the meeting of the Planning and Zoning Commission to order at 8:02 a.m.

APPROVAL OF AGENDA

Commissioner Autry motioned to approve the agenda as published, seconded by Commissioner Traina. The motion carried 4-0.

CONSENT AGENDA

CITIZENS PETITIONS FOR INFORMATION

No one requested to speak

PUBLIC HEARING

ZONINGS

PH-1 HOLD a public hearing and consider a request submitted by Alvin and Susie Ware (**CASE #Z06-43**) to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Multi-Family Residential District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner Allemand stated that this request is submitted by Alvin and Susie Ware to rezone approximately 5.0 acres, being part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District). The property is located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas. The property designated entirely for commercial development by the SH 195/201 Land Use Study. The owners of the property are rezoning the property for the construction of a gas station. The case was rescheduled at the regular meeting of the Planning and Zoning Commission, Monday, October 2, 2006.

A letter of notification was mailed to four property owners in the 200 foot notification area. No responses were received.

Carrie L. Vigliotti, Century 21 Diamond Realty, was present to represent this case.

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

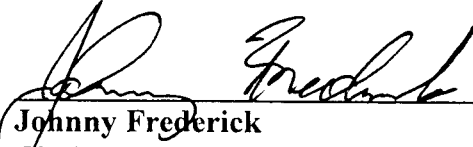
Commissioner Autry motioned to approve Zoning Case #Z06-43; Commissioner Langford seconded the motion. The motion passed 4-0.

Chairman Frederick stated that this case will be forwarded to City Council on October 17, 2006 with a recommendation to approve.

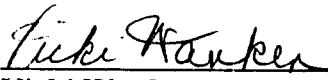
COMMISSION & STAFF ITEMS AND FUTURE AGENDAS

ADJOURNMENT

Chairman Frederick adjourned the Planning and Zoning Meeting at 8:15 a.m. The next regularly scheduled meeting for the Planning and Zoning Commission is **October 23, 2006** at 6:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.



Johnny Frederick
Chairman, Planning & Zoning Commission



Vicki Wanken
Planning Assistant

- PH-1 **HOLD** a public hearing and consider an ordinance for a request by Alvin and Susie Ware (Case #Z06-43) to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.
- PH-2 **HOLD** a public hearing and consider an ordinance for a request by Ronald Esposito (Case #Z06-53) to rezone approximately 1.05 acres, being Lots 1 -3, Block 1, Bremser Addition, from B-5 (Business District) to R-3 (Multi-Family Residential District), for property located on the northwest corner of the intersection of Bremser Avenue and Raymond Street, Killeen, Texas.
- PH-3 **HOLD** a public hearing and consider an ordinance for a request by National United Bancshares, Inc., (Case #Z06-54) to rezone approximately 6.86 acres from A (Agricultural District) to B-5 (Business District), for property located on the east right-of-way of Clear Creek Road (SH 201), south of Watercrest Road and north of Desert Willow Drive, Killeen, Texas.
- PH-4 **HOLD** a public hearing and consider an ordinance for a request by Clear Creek Development, Ltd., (Case #Z06-59) to rezone approximately 0.055 acre, being part of Lot 8, Block 1, Clear Creek Estates, Phase One, Replat, from B-5 (Business District) to R-2 (Two-Family Residential District) for property located at 4601 Barrington Trail, Killeen, Texas.

Ordinances / Resolutions

- OR-1 Consider an ordinance granting a taxicab franchise for Harker Heights Taxi to operate a taxicab service in Killeen (first of three readings).
- OR-2 Consider a memorandum/resolution appointing members to the various boards and commissions.
- OR-3 Consider a memorandum/resolution appointing members of the Killeen Volunteers, Inc. - Youth Advisory Commission and swear in.
- OR-4 Consider an ordinance amending Chapter 29 Transportation.
- OR-5 Consider an ordinance amending Chapter 1 General Provisions, regarding code enforcement authority.

Citizens Petitions and Information

Comments should be limited to three minutes.

- CP-1 Julius Shaw (605 N Gray)-Burglaries in Killeen
- CP-2 Cythia Helemandollar (4604 Old Florence Rd)-Home Occupation Ordinance
- CP-3 Gerald Helemandollar (4604 Old Florence Rd)-Home Occupation Ordinance
- CP-4 Lisa Humphreys (5811 Greenforest Cir)-Killeen Sister Cities International Festival

finance policy requires a performance bond.

Councilmember Young moved to postpone this item to November 14 to see if additional funding from the City's budget can be found, seconded by Councilmember Hausmann. The motion was unanimously approved.

CA-8 Consider a memorandum/resolution approving the purchase of property from Yowell Trusts, (Fire Station) and authorizing the City Manager to carry out the sale.

Councilmember Cole asked for a brief explanation of the terms of the contract and the location. Fire Chief Jerry Gardner advised the property is located east of Trimmier and south of Stagecoach Road, and Fire Station 8 is in the strategic plan. The station should be completed by the time the annexation is completed.

Councilmember Young moved to approve the resolution [06-209R], seconded by Mayor Pro-Tem Wilkerson. The motion was approved 6-1 (Councilmember Cole in opposition).

CA-11 Consider a memorandum/resolution [06-210R] authorizing the award of a construction contract to Lee Lewis Construction for the Lion's Club Park Family Recreation Center and Senior Center Project.

Councilmember Young advised that Lee Lewis Construction would be the contractor on this project, and it would come in at the budgeted amount. Groundbreaking is set for October 18 at 10:00 a.m.

Councilmember Young moved to approve the resolution [06-210R], seconded by Mayor Pro-Tem Wilkerson. The motion was unanimously approved.

Public Hearings / Ordinances

PH-1 **HOLD** a public hearing and consider an ordinance for a request by Alvin and Susie Ware (Case #Z06-43) to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.

The caption of the ordinance was read as follows:

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) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted on a five-acre tract south of Watercrest and north of Desert Willow Drive. The applicant intends to develop the property for a gas station fronting Clear

Creek Road with a small retail establishment at the rear fronting on the marginal access street. The Planning and Zoning Commission voted 4-0 to recommend approval of the request.

Mayor Hancock opened the public hearing. Carrie Vigliotti, 11056 Oakalla Road, appeared in support of the request. With no one else appearing, the public hearing was closed.

Councilmember Young moved to approve the ordinance [06-111], seconded by Mayor Pro-Tem Wilkerson. The motion was approved unanimously.

PH-2 **HOLD** a public hearing and consider an ordinance for a request by Ronald Esposito (Case #Z06-53) to rezone approximately 1.05 acres, being Lots 1 -3, Block 1, Bremser Addition, from B-5 (Business District) to R-3 (Multi-Family Residential District), for property located on the northwest corner of the intersection of Bremser Avenue and Raymond Street, Killeen, Texas.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM B-5 (BUSINESS DISTRICT) TO R-2 (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning request is submitted on a tract located at the northwest corner of Bremser Avenue and Raymond Drive. There was one letter returned in response to the twelve letters of notification. At the Planning and Zoning Commission meeting, the applicant indicated R-2 would be an appropriate zoning for the property, and the Commission voted to recommend R-2.

Mayor Hancock opened the public hearing. Ronald Esposito, 1406 Vardeman, appeared in support of the application, and he advised R-2 was appropriate for this rezoning. With no one else appearing, the public hearing was closed.

Councilmember Workman moved to approve the ordinance [06-112] for R-2 zoning, seconded by Councilmember Latham. The motion was approved unanimously.

PH-3 **HOLD** a public hearing and consider an ordinance for a request by National United Bancshares, Inc., (Case #Z06-54) to rezone approximately 6.86 acres from A (Agricultural District) to B-5 (Business District), for property located on the east right-of-way of Clear Creek Road (SH 201), south of Watercrest Road and north of Desert Willow Drive, Killeen, Texas.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF



CITY OF KILLEEN
PUBLIC WORKS / PLANNING

November 14, 2006

Alvin and Susie Ware
2400 Catawba Loop
Harker Heights, TX 76548

RE: Zoning Case #Z06-43

Dear Property Owner:

On Tuesday, October 17, 2006, the City Council of the City of Killeen granted your request for rezoning, from A (Agricultural District) to B-5 (Business District) for approximately 5 acres, being part of the Thomas Robinett Survey, Abstract No. 686. The property is located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas. A copy of the ordinance is enclosed.

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

Sincerely,

Vicki Wanken
Planning Assistant

Enclosure
Ord. #06-111

cc: Carrie L. Vigliotti
11056 Oakalla Road
Killeen TX 76549

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) TO B-5 (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Alvin and Susie Ware, 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 the hereinafter described property from A (Agricultural District) to B-5 (Business District) said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6th day of October 2006, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 6:00 P.M., on the 17th day of October 2006, 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) to B-5 (Business District) for approximately 5.0 acres, being part of the Thomas Robinett Survey, Abstract No. 686. The property is located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, 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,

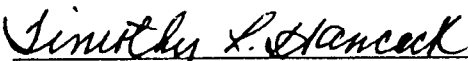
or effect of any other section or parts of this ordinance.

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.

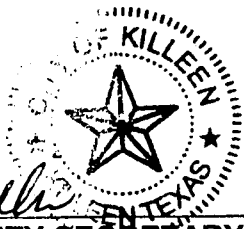
PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 17th day of October 2006, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED:



Timothy L. Hancock, MAYOR

ATTEST:





Paula A. Miller, CITY SECRETARY

Attachment: Exhibits A and B

APPROVED AS TO FORM



Kathryn H. Davis, City Attorney

Case #06-43
Ord #06-____

Regular 10-17-06
Item # PH-1

CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

**ZONING CASE #Z06-43
A TO B-5**

ORIGINATING DEPARTMENT

PLANNING & ECONOMIC DEVELOPMENT

BACKGROUND INFORMATION

This request is submitted by Alvin and Susie Ware to rezone approximately 5.0 acres, being part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District). The property is located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas. The property designated entirely for commercial development by the SH 195/SH 201 Land Use Study. The owners of the property are rezoning the property for the construction of a gas station.

A letter of notification was mailed to four (4) property owners in the 200-foot notification area. No responses were received.

DISCUSSION/CONCLUSION

No one requested to speak at the public hearing. The Commission took the background information into consideration.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATIONS

The Planning and Zoning Commission voted 4-0 to recommend approval of Zoning Case #Z06-43.

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
OCTOBER 6, 2006**

**CASE #Z06-43
A TO B-5**

HOLD a public hearing and consider a request submitted by Alvin and Susie Ware to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Multi-Family Residential District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner Allemand stated that this request is submitted by Alvin and Susie ware to rezone approximately 5.0 acres, being part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District). The property is located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas. The property designated entirely for commercial development by the SH 195/201 Land Use Study. The owners of the property are rezoning the property for the construction of a gas station. The case was rescheduled at he the regular meeting of he Planning and Zoning Commission, Monday, October 2, 2006.

A letter of notification was mailed to four property owners in the 200 foot notification area. No responses were received.

Carrie L. Vigliotti, Century 21 Diamond Realty, was present to represent this case.

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

Commissioner Autry motioned to approve Zoning Case #Z06-43; Commissioner Langford seconded the motion. The motion passed 4-0.

Chairman Frederick stated that this case will be forwarded to City Council on October 17, 2006 with a recommendation to approve.

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Specific/Special Use Permit

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

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
OCTOBER 6, 2006
CITY HALL
101 N. COLLEGE STREET
COUNCIL CHAMBERS**

CALL TO ORDER – 8:00 AM – CITY HALL MAIN CONFERENCE ROOM

ROLL CALL

COMMISSION	STAFF
<input type="checkbox"/> Johnny Frederick, Chairman	<input type="checkbox"/> Thomas Dann, Director of Planning
<input type="checkbox"/> Craig Langford, Vice Chairman	<input type="checkbox"/> Andrew Allemand, City Planner
<input type="checkbox"/> Walter Autry	<input type="checkbox"/> John Nett, P.E., City Engineer
<input type="checkbox"/> Miguel Diaz, Jr.	<input type="checkbox"/> Traci Briggs, Deputy City Attorney
<input type="checkbox"/> Eugene Kim	<input type="checkbox"/> Vicki Wanken, Planning Assistant
<input type="checkbox"/> Robert Hicks, Sr.	
<input type="checkbox"/> Bobby Lee Hoover	
<input type="checkbox"/> Joel Steine	
<input type="checkbox"/> Terry Traina	

APPROVAL OF AGENDA

Consider approval of the Agenda for the Regular Meeting of the Planning and Zoning Commission for **October 6, 2006.**

CITIZENS PETITIONS FOR INFORMATION

PUBLIC HEARING

ZONINGS

PH-1 HOLD a public hearing and consider a request submitted by Alvin and Susie Ware (**CASE #Z06-43**) to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.

(This request is scheduled to be heard by the City Council on October 17, 2006)

COMMISSION & STAFF ITEMS AND FUTURE AGENDAS

ADJOURNMENT

The next regularly scheduled meeting for the Planning and Zoning Commission is **October 23, 2006** at 6:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the City Council 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, before 8:00 a.m. **on or before October 3, 2006.**

Vicki Wanken, Planning Assistant

MEMORANDUM

TO: PLANNING AND ZONING COMMISSION

**FROM: ANDREW ALLEMAND
CITY PLANNER**

DATE: OCTOBER 5, 2006

**SUBJECT: ZONING CASE #Z06-43
A TO B-5**

This request is submitted by Alvin and Susie Ware to rezone approximately 5.0 acres, being part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District). The property is located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas. The property designated entirely for commercial development by the SH 195/SH 201 Land Use Study. The owners of the property are rezoning the property for the construction of a gas station. This case was rescheduled at the regular meeting of the Planning and Zoning Commission, Monday, October 2, 2006.

A letter of notification was mailed to four (4) property owners in the 200-foot notification area.

ENCLOSURE "1"

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

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Specific/Special Use Permit

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

MEMORANDUM

TO: PLANNING AND ZONING COMMISSION

FROM: ANDREW ALLEMAND *AA*
CITY PLANNER

DATE: SEPTEMBER 27, 2006

SUBJECT: ZONING CASE #Z06-43
A TO B-5

This request is submitted by Alvin and Susie Ware to rezone approximately 5.0 acres, being part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District). The property is located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas. The property designated entirely for commercial development by the SH 195/SH 201 Land Use Study. The owners of the property are rezoning the property for the construction of a gas station.

A letter of notification was mailed to four (4) property owners in the 200-foot notification area.



**AGENDA
REGULAR MEETING
PLANNING AND ZONING COMMISSION
OCTOBER 2, 2006
CITY HALL
101 N. COLLEGE STREET
COUNCIL CHAMBERS**

WORKSHOP - 5:15 PM – MAIN CONFERENCE ROOM

- I. Discuss agenda items for the **October 2, 2006** regular Planning and Zoning Commission Meeting.
- II. Discuss various methods of zoning and permitting the sale of alcohol for on-premises consumption in an entertainment and/or recreational environment.

CALL TO ORDER – 6:00 PM – CITY HALL COUNCIL CHAMBERS

ROLL CALL

COMMISSION	STAFF
<input type="checkbox"/> Johnny Frederick, Chairman	<input type="checkbox"/> Thomas Dann, Director of Planning
<input type="checkbox"/> Craig Langford, Vice Chairman	<input type="checkbox"/> Andrew Allemand, City Planner
<input type="checkbox"/> Walter Autry	<input type="checkbox"/> John Nett, P.E., City Engineer
<input type="checkbox"/> Miguel Diaz, Jr.	<input type="checkbox"/> Traci Briggs, Deputy City Attorney
<input type="checkbox"/> Eugene Kim	<input type="checkbox"/> Vicki Wanken, Planning Assistant
<input type="checkbox"/> Robert Hicks, Sr.	
<input type="checkbox"/> Bobby Lee Hoover	
<input type="checkbox"/> Joel Steine	
<input type="checkbox"/> Terry Traina	

APPROVAL OF AGENDA

Consider approval of the Agenda for the Regular Meeting of the Planning and Zoning Commission for **October 2, 2006**.

CONSENT AGENDA

- CA-1 Consider minutes of the Regular Planning and Zoning Commission Meeting of **September 25, 2006**.
- CA-2 Consider a request submitted by RSBP, Developers, Inc., (**Case #06-079FS: White Rock**

Estates, Phase Four, Section Two) for a final plat of approximately 86.139 acres, being part of the Lewis Riddle Survey, Abstract No. 1096 and Abstract No. 719, the C.T. Bourland Survey, Abstract No. 137 and the J. B. Harris Survey, Abstract No. 452, located in the vicinity of Sulfur Spring Drive and Platinum Drive, Killeen, Texas.
(This request is scheduled to be heard by the City Council on October 17, 2006)

CITIZENS PETITIONS FOR INFORMATION

PUBLIC HEARING

ZONINGS

PH-1 HOLD a public hearing and consider a request submitted by Alvin and Susie Ware (**CASE #Z06-43**) to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to R-3 (Multi-Family Residential District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.
(This request is scheduled to be heard by the City Council on October 17, 2006)

PH-2 HOLD a public hearing and consider a request submitted by Clear Creek Development, Ltd., (**CASE #Z06-59**) to rezone part of Lot 8, Block 1, Clear Creek Estates, Phase One, Replat, from B-5 (Business District) to R-2 (Two-Family Residential District) for property located at 4601 Barrington Trail, Killeen, Texas.
(This request is scheduled to be heard by the City Council on October 17, 2006)

REPLATS

PH-3 HOLD a public hearing and consider a request submitted by Ira W. Black, Jr. (**CASE #06-058FMR: HAMMER ADDITION, REPLAT**) for a minor plat of approximately 1.312 acres, being a replat of Lots 1-7, Clara E. Hammer Addition, located at 404, 406, 408 Bryce Avenue, 415 and 417 Collins Avenue and 803 and 805 Trimmier Road, Killeen, Texas.

COMMISSION & STAFF ITEMS AND FUTURE AGENDAS

- I. Attendance chart (for your information).
- II. Discuss and consider forwarding a recommendation to the City Council on proposed revisions to Chapter 26 providing consistent enforcement standards, clarifying street rights-of-way/pavement width requirements and establishing street design standards that limit the amount of water in public streets.

ADJOURNMENT

The next regularly scheduled meeting for the Planning and Zoning Commission is **October 23, 2006** at 6:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the City Council 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, before 5:00 p.m. **on or before September 29, 2006.**



Vicki Wanken, Planning Assistant



CITY OF KILLEEN

PUBLIC WORKS / PLANNING

September 21, 2006

RE: CASE #Z06-43; Request submitted by Alvin and Susie Ware to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.

Dear Property Owner:

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

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **October 2, 2006 at 6:00 p.m.**, in the City Council Chambers, City Hall, 101 North College Street. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

In addition to attending this meeting, you may indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: *Planning and Zoning Commission, City of Killeen, PO Box 1329, Killeen, Texas 76540-1329*. To be considered a protest under provisions of the State Local Government Code, the protest must be written and signed by the property owner of a property located within the 200-foot notification area (you may use the slip on the bottom of this page). Any petition, whether in support or opposition to this request must be received by the Planning Department no later than **5:00 p.m., October 2, 2006**.

After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **October 17, 2006 at 6:00 p.m.**, where you may also appear and speak.

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

Sincerely,

Vicki Wanken
Planning Assistant
Attachments

YOUR NAME:	
CURRENT ADDRESS:	
ADDRESS OF PROPERTY OWNED:	
COMMENTS:	
SIGNATURE:	S PO #06-43/

B-1 PROFESSIONAL BUSINESS DISTRICT	B-2 LOCAL RETAIL DISTRICT	B-3 LOCAL BUSINESS DISTRICT	B-4 BUSINESS DISTRICT	B-5 BUSINESS DISTRICT	M-1 MANUFACTURING DISTRICT	M-2 HEAVY MANUFACTURING
<p>ART IV, DIV 10</p> <p>Any use permitted in Sec 31-1-186, with exception of R-1 dwellings</p> <p>Physical Therapy Clinic</p> <p>Chemical or X-Ray Laboratory</p> <p>Dispensing Optician</p> <p>Dispensing apothecary</p> <p>Dental Laboratory</p> <p>Offices of Practitioners of recognized professions (doctors, dentists, lawyers, architects, certified public accountants, registered engineers and related professions)</p>	<p>ART IV, DIV 11</p> <p>Any use in "B-1 or B-DC"</p> <p>Appliance (household) sales</p> <p>Bakery Shop (retail sales only)</p> <p>Barber Shop, beauty shop</p> <p>To include perm cosmetics</p> <p>Construction field office and yard on the job site for duration of construction only</p> <p>Cleaning or laundry (pick-up station)</p> <p>Cleaning or laundry (self-service) using fully automatic equipment</p> <p>Washers, capacity not more than 40 lbs. Dryers or extractors, capacity not more than 60 lbs. Dry cleaning machines</p> <p>Custom personal services, shops, i.e. a health studio, answering service, typing service, tailor, employment agency, FM piped music service, income tax service, letter or mailing service, marriage counselor, Secretarial service or shoe repair</p> <p>Drugstore or pharmacy</p> <p>Electric utility substations</p> <p>Florist (retail) flowers and small plants. No flower or plant raising or outside display or storage</p> <p>Grocery store (drive-in)</p> <p>Home for the aged</p> <p>Registered public surveyor</p> <p>Restaurant, coffee shop, or cafe (no drive-in service)</p> <p>Retail stores (other than listed) offering all types of consumer goods</p> <p>Studio for photography, interior decoration, fine arts instruction, or sale of art objects</p> <p>Telephone exchange building</p> <p>A customarily incidental use</p> <p>Drop-in care centers</p>	<p>ART IV, DIV 12</p> <p>Any use permitted in "B-2"</p> <p>Bank, savings and loan or other financial institution</p> <p>Day Camp</p> <p>Hospital, home or center for the acute or chronically ill</p> <p>Monetary or funeral chapel</p> <p>Appliance (household) sales & repair</p> <p>Bakery or confectionery, engaged in preparation, baking cooking and selling of products at retail on premises, with 6 or less employees</p> <p>Boat and accessory sales, rentals & svc</p> <p>Bowling alleys</p> <p>Cleaning or laundry (Self-service)</p> <p>Cleaning, pressing and dyeing with six or less employees</p> <p>Florist, garden shop, green house or nursery office (retail), no growing of plants, shrubs or trees out-of-doors on premises, no outside display or storage unless behind the required front yard or the actual setback of the principal bldg, whichever is greater</p> <p>General food products, retail sales, supermarkets, butcher shops, dairy stores, seafood sales, or health food</p> <p>Catereria or catering service</p> <p>Marine supplies, sales and service</p> <p>Office, general business</p> <p>Restaurant or cafe (with drive-in or pick-up service)</p> <p>Tennis or swim club</p> <p>Small animal clinic or pet grooming shop</p> <p>Hotel or motel</p> <p>Job printing, not more than 17 X 25 page size</p> <p>Gasoline service station, auto laundry or car wash</p> <p>Auto parts sales, new, at retail</p> <p>A customarily incidental use, sales of beer/wine for off-premises consumption</p> <p>Theaters of general release</p> <p>Mini/self storage, no outside storage</p> <p>Storage, sales, service, rental</p>	<p>ART IV, DIV 13</p> <p>Any use permitted in "B-3"</p> <p>Antique Shop</p> <p>Secondhand goods store. No outside display, repair or storage</p> <p>Auto sales, major business being showroom display and sale of new autos by authorized dealer, used car sales, repair and service on same premises shall be purely incidental, this area not being nearer than 20 feet from required front line of principal bldg</p> <p>Auto sales, used cars, no salvage, dismantling or wrecking on premises, no display of vehicles in required front yard</p> <p>Commercial parking (public lot)</p> <p>Auto repair (garage)</p> <p>Auto upholstery or muffler shop</p> <p>Cold storage plant (locker rental)</p> <p>Bakery or confectionery, wholesale</p> <p>Bomb shelter (as principal use)</p> <p>Building material or lumber sales (no outside storage)</p> <p>Cleaning, pressing and dyeing, no direct exterior exhaust from plant, dust must be controlled by bag or filter and separator or precipitator to eliminate dust, order, fumes, or noise</p> <p>Florist, garden shop, greenhouse or nursery (retail)</p> <p>Balpark, stadium, athletic field (private)</p> <p>Wholesale offices</p> <p>Lodges or fraternal organizations</p> <p>Philanthropic institutions (not elsewhere listed)</p> <p>Cabinet, upholstery, woodworking shop</p> <p>Plumbing, electrical, air conditioning service shop (no outside storage)</p> <p>Trade or business school</p> <p>Sale of beer/wine for off-premises consumption only</p> <p>Garment manufacturing in space of 4,000 feet or less, all loading & unloading off-street</p> <p>SUP (Specific Use Permit)</p> <p>A Specific Use Permit is granted under the provisions of this division shall be considered only an addition to the uses permitted on a particular tract of land</p>	<p>ART IV, DIV 14</p> <p>Any use permitted in "B-4"</p> <p>Building Material and Lumber sales (outside storage allowed)</p> <p>Storage Warehouse: Less than 100,000 square feet</p> <p>Newspaper or job printing</p> <p>Bus or Railroad passenger terminal</p> <p>Tire Recapping or Retreading</p> <p>Trailer Rental or Sales</p> <p>Wholesale House</p> <p>Auto Parts Sales, Used</p> <p>No outside storage, display or dismantling</p> <p>A customarily incidental use</p> <p>Any commercial use, not included in any other district, provided such use is not noxious or offensive because of odors, dust, noise, fumes or vibrations</p> <p>Mobile Home Sales</p> <p>Sale of Beer, Wine and/or all other alcoholic beverages for off-premises consumption only</p> <p>Tattooing (as licensed per Texas Health and Safety Code, Chap 146, as amended)</p>	<p>ART IV, DIV 19</p> <p>Any use permitted in "B-5", except the sale of beer, wine and/or any other alcoholic beverages for off-premises consumption at retail</p> <p>Paper products manufacture</p> <p>Wood, paper, plastic container manufacture</p> <p>Stone monument works</p> <p>Petroleum products whole-sale storage</p> <p>Processing of chemicals or mineral extractions, not elsewhere classified</p> <p>Food processing</p> <p>Foundry, forge plant, rolling mill, metal fabrication</p> <p>Feed mill</p> <p>Petroleum or chemical products manufacture (indoor)</p> <p>Planing mill</p> <p>Railroad yard, roundhouse shop</p> <p>Textile or garment manufacture</p> <p>Automobile, mobile home heavy equipment manufacture</p> <p>Electroplating</p> <p>Sewage treatment plant</p> <p>Electrical equipment or appliance manufacture (lg)</p> <p>Furniture, cabinet, kitchen equipment manufacture</p> <p>Oil well tools, oil well equipment manufacture</p> <p>Aircraft, aircraft hardware or parts manufacture</p> <p>A customarily incidental use</p> <p>The sale of beer/wine at retail shall not be considered a customarily incidental use</p>	<p>ART IV, DIV 19</p> <p>Any use permitted in "M-1"</p> <p>Grain Elevator</p> <p>Flour Mill</p> <p>Yeast Plant</p> <p>Petroleum or chemical products bulk storage</p> <p>Planing Mill</p> <p>Clay Products Manufacture</p> <p>Galvanizing Hot-Dip Metal Process</p> <p>Any building or premises may be used for any purpose not now or hereafter prohibited by any provision of law, provided however, that no building shall be erected, reconstructed, or Structurally altered for residential purpose, except for resident Watchmen and caretaker employed on the premises, and provided further that no building or occupancy permit shall be issued for any of the following uses until And unless the location of such Use shall have been approved by the board of adjustment</p> <p>Cotton or cottonseed processing or storage</p> <p>Paper manufacture</p> <p>Poultry raising or processing</p> <p>Stockyards, feed pens, livestock sales with barns</p> <p>Animal Slaughtering or meat packing Boiler works</p> <p>Fireworks and munitions or storage</p> <p>Fertilizer manufacture</p> <p>Salvage or reclamation of products (outside)</p> <p>Stone, sand gravel or mineral extraction</p> <p>Auto wrecking or salvage yard, in conformance w/ current ordinance</p> <p>No use allowed in this district shall be construed to include the sale of beer, wine and/or any other alcoholic beverages at retail</p>
<p>B-DC BUSINESS DAYCARE</p> <p>Day Care Center</p> <p>Airport, landing field or Ship for aircraft</p> <p>Amusement park not w/ In 300' of any "R" district</p> <p>Circus for carnival grounds</p> <p>But not w/in 300' of any "R" district</p> <p>Commercial, recreational or amusement dvlp for</p> <p>ump or seasonal periods</p> <p>Hospital, clinic or institution</p> <p>Provided that it is permitted In any "R-1", "R1 A" & "R2"</p> <p>(Office Bldg of civic, religious, charitable org- con- ducing activities primarily by mail & not handling merch or rendering svcs on the premises, only in R-3</p> <p>Partly operated community Bldg or rec field</p> <p>Mobile home not more than One MH per 10 acres in Unplatted resid zoned dis</p> <p>Sale of Beer or wine &/or Any other alcoholic bev for</p>	<p>B-C-1 GENERAL BUSINESS & ALCOHOL SALES DISTRICT</p> <p>Any use in B-5</p> <p>Business establishments dispensing alcoholic beverages under the TABC, in accordance with permits issued</p> <p>Business establishments</p>					

A AGRICULTURAL DISTRICT	A-R1 AGRICULTURAL SINGLE-FAMILY RESIDENTIAL	R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT	R-2 TWO-FAMILY RESIDENTIAL DISTRICT	R-3 MULTIFAMILY RESIDENTIAL DISTRICT	HOME OCCUPATIONS PERMITTED	NOT INCLUDED AS HOME OCCUPATION
Stables, commercial or private Agricultural uses to include animal and crop production, horticulture, and supporting housing Home occupations as permitted in "R-1" Accessory buildings customarily incident to the uses in "A-R1"	Single-Family Residential Home occupation as permitted in "R-1" Accessory buildings customarily incident to the uses in Division 3	One-family dwellings Churches/Places of worship Colleges/universities Country Clubs/Golf courses except miniature golf courses driving ranges or other forms of commercial amusement Farms, nurseries or truck gardens no poultry or livestock other than household pets shall be housed within 100 feet of any property line Parks, Playgrounds, community buildings-owned/operated by city or public agency Public Buildings (libraries, museums, police & fire sts) Real estate sales offices during the development of residential subdivisions not to exceed 2 yrs Schools, Public Elementary or High; Private with curriculum equivalent to public schools Temporary Buildings Incidental to construction work on premises Accessory Buildings customarily incident to the uses in Division 4 Water supply reservoirs, towers, and pumping plants Cemetery	Two-Family Dwellings All uses allowed in section "R-1", with the exception of one-family dwellings, including those defined as home occupations.	Multifamily dwellings Any use permitted in "R-2" Boarding and lodging houses Dormitories for students Fraternity or sorority houses Religious, educational, charitable or philanthropic institutions Accessory buildings customarily incident to the uses in Division 8	Author, Artist, Sculptor Dressmaker, Seamstress or Tailor Music/Dance Teacher one (1) pupil at a time Individual tutoring Minister, rabbi or priest Home crafts such as rug weaving, model making Office facility of: a) Architect, attorney, engineer, insurance agent, accountant, real estate Broker, or similar profession b) sales or manufacturers representative, service provider Repair Shops: for small electrical appliances (irons, portable fans, typewriters, cameras) provided the item does not have an internal combustion engine Food Preparation: Cake maker, provided there is compliance with all state health laws	Animal hospitals/clinics commercial stables or kennels; Schools of instruction with more than 1 pupil. Restaurants Automobile/boat repair Doctor, dentist, vet or other medically related offices Retail sales Laundromats (with more than one washer / dryer) Barber/Beauty Shops Mortuaries Private Clubs Trailer rentals Carpentry work Repair Shops or Service establishments Photo developing or studio Upholstering Antique Shops Gift Shops Repair shops for any item with an internal combustion engine Others that would be classified as assembly, factory-industrial, hazardous, institutional or mercantile as defined by 1988 Standard Building Code
Agricultural single-family residential in accordance with Division 3 of this article						
RM-1 RESIDENTIAL MODULAR HOME SINGLE-FAMILY DISTRICT ART IV, DIV 5	RI-A SINGLE-FAMILY GARDEN HOME RESIDENTIAL DISTRICT ART IV, DIV 4A	RT-1 RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT ART IV, DIV 6	R-MP MOBILE HOME DISTRICT ART IV, DIV 9	R-MS MANUFACTURED HOUSING DISTRICT ART IV, DIV 9A	PUD Division Eight Land use design incorporating concepts of density & Common space – entire parcel Must be assigned one or more Standard zoning district classifications	
All uses permitted in "R-1" One-family dwellings of modular construction and affixed to a permanent foundation Restricted to this district	Single-Family dwellings meeting the criteria of the garden home district All uses allowed in "R-1" including those defined as home occupation	All buildings shall be limited to townhouse development and accessory buildings and uses described in section 31-1.186	Mobile home, conforming to the current ordinance regulating same, either as part of a mobile home park, or, provided that mobile trailer parks in existence on date of the ordinance of which this section is derived All incidental uses. All other mobile home parks are nonconforming.	Manufactured housing shall be part of a manufactured home subdivision for occupancy as a single-family home, shown on a subdivision plat designed specifically for and restricted to manufactured home development		



CITY OF KILLEEN
PUBLIC WORKS / PLANNING

September 21, 2006

RE: CASE #Z06-43; Request submitted by Alvin and Susie Ware to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.

Dear Property Owner:

The Planning and Zoning Commission of the City of Killeen has scheduled a public hearing on your request for rezoning the property referenced above, on **October 2, 2006, 6:00 p.m.**, in the Council Chambers, City Hall, 101 North College Street, Killeen, Texas.

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

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

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

The City Council meeting to hear this request is scheduled for **October 17, 2006, at 6:00 p.m.**, in the Council Chambers, City Hall, 101 North 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.

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Specific/Special Use Permit

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



CITY OF KILLEEN
PUBLIC WORKS / PLANNING

September 13, 2006

RE: CASE #Z06-43; Request submitted by Marie Bucholz, Marvin Schulze, Eldon Schulze, Weldon Schulze, Harlan Schulze, Charles Schulze and Dennis Schulze to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.

Dear Property Owner:

The Planning and Zoning Commission of the City of Killeen has scheduled a public hearing on your request for rezoning the property referenced above, on **September 25, 2006, 6:00 p.m.**, in the Council Chambers, City Hall, 101 North College Street, Killeen, Texas.

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

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

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

The City Council meeting to hear this request is scheduled for **October 10, 2006, at 6:00 p.m.**, in the Council Chambers, City Hall, 101 North College Street, Killeen, Texas.

Sincerely,

Vicki Wanken
Planning Assistant

Enclosure



CITY OF KILLEEN

PUBLIC WORKS / PLANNING

September 13, 2006

RE: CASE #Z06-43; Request submitted by Marie Bucholz, Marvin Schulze, Eldon Schulze, Weldon Schulze, Harlan Schulze, Charles Schulze and Dennis Schulze to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to B-5 (Business District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.

Dear Property Owner:

Marie Bucholz, Marvin Schulze, Eldon Schulze, Weldon Schulze, Harlan Schulze, Charles Schulze and Dennis Schulze owners of the above mentioned property has requested rezoning of this property. The City of Killeen is required by state law to notify all property owners within a 200-foot radius of the request. The enclosed maps show the property to be rezoned. This property is marked by diagonal lines, and the circular line indicates those properties within the 200-foot radius.

The City of Killeen Planning and Zoning Commission has scheduled a public hearing for this request on **September 25, 2006 at 6:00 p.m.**, in the City Council Chambers, City Hall, 101 North College Street. You are invited to attend this hearing to present any facts, which you feel the Planning and Zoning Commission should consider in evaluating this request.

In addition to attending this meeting, you may indicate your support or opposition to this request, by filling out the bottom portion of this letter and sending it to: *Planning and Zoning Commission, City of Killeen, PO Box 1329, Killeen, Texas 76540-1329*. To be considered a protest under provisions of the State Local Government Code, the protest must be written and signed by the property owner of a property located within the 200-foot notification area (you may use the slip on the bottom of this page). Any petition, whether in support or opposition to this request must be received by the Planning Department no later than **5:00 p.m., September 25, 2006**.

After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **October 10, 2006 at 6:00 p.m.**, where you may also appear and speak.

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

Sincerely,

Vicki Wanken
Planning Assistant
Attachments

YOUR NAME:
CURRENT ADDRESS:
ADDRESS OF PROPERTY OWNED:
COMMENTS:
SIGNATURE: S PO #06-43/

Vicki Wanken

From: Andrew Allemand
Sent: Monday, August 14, 2006 9:57 AM
To: 'carrielyne'
Cc: Vicki Wanken
Subject: RE: Wares file on clear Creek Land

Good Morning Ms. Vigliotti,

Please review the following responses to your questions. Additionally, I would caution against the scheduling of any transaction deadlines in relation to this zoning case (ZC) or land-use plan amendment (LUPA) in the future. Although I believe that your case has merit, the City must be cautious in how it handles this submission as your request represents the first "applicant-initiated" amendment to our Comprehensive Land-Use Plan for SH 195/SH 201. We obviously have no control over Mitchell & Associates and we cannot predict whether or not the Planning and Zoning Commission (P&Z)/City Council will table or otherwise postpone action on the case.

1. Has Mitchell and Assoc. gotten you the letter we so badly need for P & Z regarding the illegal land use issue.

We received a letter from Mitchell & Associates on Thursday of last week. It still requires one minor change, but I anticipate resubmission today or tomorrow. Assuming that everything was correct on Thursday, we still would not have been able to get the item on the agenda for tonight's meeting; however, this delay will allow us to avoid one of the other possible, more serious delays at City Council...individual notification of surrounding property owners. Our staff will now send out notifications to the affected property owners within the area proposed for commercial designation. If we did not do this, the City Council or our Legal Department would probably have taken exception and asked that the case start all over again and be rerouted to P&Z following notice of the surrounding property owners.

2. When will know if we are on the docket for both P & Z's in August? This is imperative information as my clients stand a chance of actually losing this property if they are delayed again and none of it is their fault nor could they have had any control over it.

As of today, this is how your schedule looks:

* LUPA Property Owner Notices	August 16, 2006
* ZC Application Date	August 25, 2006
* LUPA goes to P&Z	August 28, 2006
* LUPA goes to City Council	September 11, 2006
* ZC goes to P&Z	September 25, 2006
* ZC goes to City Council	October 10, 2006

3. Is Mike Kreigel now in charge of our case instead of Bob Mitchell?

Although you will have to discuss this with Mitchell & Associates, my recent contact on the case has been with Mr. Kreigel.

NOTE: We must be done and thru all the committees and councils by 14 Sept. 2006.

As I stated earlier, the zoning case and especially the land-use plan amendment cannot be held to a hard-and-fast timeline. The P&Z and City Council have wide-discretion and will use whatever means (including time) necessary to effectively evaluate the requests and make their decisions. If everything goes well, I anticipate that the timeline above will stand and the property will be in good stead by October 10, 2006.

Please let me know if there is anything else that I can do for you. Otherwise, I would continue to work with Mitchell & Associates and get prepared for the upcoming meetings and public hearings.

Thank you.

Andrew Allemand
City Planner
City of Killeen - Planning Division
Phone: (254) 501-7632
Fax: (254) 501-7628
Email: aallemand@ci.killeen.tx.us

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-----Original Message-----

From: carrielyne [mailto:carrielyne@earthlink.net]
Sent: Friday, August 11, 2006 5:28 PM
To: Andrew Allemand
Cc: susie ware
Subject: Wares file on clear Creek Land

Andrew,

Carrie Vigliotti here. I have a couple of questions.

1. Has Mitchell and Assoc. gotten you the letter we so badly need for P & Z regarding the illegal land use issue.
2. When will know if we are on the docket for both P & Z's in August? This is imperative information as my clients stand a chance of actually loosing this property if they are delayed again and none of it is their fault nor could they have had any control over it.
3. Is Mike Kreigel now in charge of our case instead of Bob Mitchell?

NOTE: We must be done and thru all the committees and councils by 14 Sept. 2006.

Hope to hear from you soon.

Respectfully
Carrie Vigliotti



CITY OF KILLEEN
PUBLIC WORKS / PLANNING

July 14, 2006

Robert E. Mitchell, P.E.
Mitchell & Associates, Inc.
102 North College Street
Killeen, Texas 76541

RE: Actions Necessary to Facilitate Processing Zoning Case #Z06-43

Dear Mr. Mitchell:

The request submitted by your office on July 12, 2006 to revise the Comprehensive Land Use Plan for State Highways 195 and 201, in conjunction with Zoning Case #Z06-43, did not provide the necessary information for staff to process the aforementioned request. Additionally, the City cannot process the request to amend the plan concurrently with the zoning case as the Planning and Zoning Commission could not consider rezoning property in direct violation of the City's own Comprehensive Plan.

If the applicant wishes to have the City Council consider a revision to the Land Use Plan, the request should reference the change in the character of the area that would justify an amendment to the plan. The applicant should also identify existing developments, thoroughfare plans, projects under construction and any surrounding zonings that would support the request. An illustration should be attached that clearly outlines the proposed revision area, not just the applicant's property – possibly from Watercrest Road to Desert Willow Drive in this case. The request will be forwarded to the Planning and Zoning Commission on July 24th if the necessary materials are submitted to the Division's offices by 2:00 PM on Tuesday, July 18, 2006. As a courtesy, the applicant may submit the zoning case on the July 28th intake deadline as no notice will be sent before the City Council makes their determination on August 8th, 2006 (assuming no delays).

The Planning Division appreciates your professionalism and cooperation on this very important matter. Please understand that the City must be diligent in its review of this request as it will be the first citizen-initiated amendment to the SH 195/SH 201 Land Use Plan. Please contact me at (254) 501-7632 if you have any questions. Thank you.

Sincerely,

Andrew Allemand
City Planner

Mitchell & Associates, Inc.
Engineering & Surveying

July 12, 2006

received
7/12/06

Thomas Dann
City of Killeen - Planning
PO Box 1329
Killeen, TX 76540

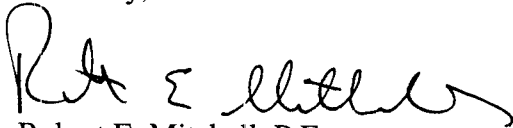
RE: Zoning Case No. 06-15

Dear Mr. Dann:

I, Robert E. Mitchell, P.E., appointed agent representing the above-referenced case, am hereby requesting that the land use plan be revised to coincide with this specific zoning case.

Thank you for your consideration in this matter.

Sincerely,



Robert E. Mitchell, P.E.

REM/ss

PARCEL NO.	CASE/PO	PROPERTY OWNER	ADDRESS	CITY	ST	ZIP
		Marie Bucholz, Marvin Schluze, Eidon Shculze, Weldon Schluze and Harlan Schluze	202 S. Main St			
	06-43/Owner			Copperas Cove	TX	76522
	06-43/Agent	Mitchell & Associates	po Box 1088	KILLEEN	TX	76540
	06-43/1	Metroplex Adventist Hospital, Inc	2201 S. Celar Creek Rd	KILLEEN	TX	76549
	06-43/2, 4	Schulze, Dennis L. ETAL	468 Antelope Trl	KILLEEN	TX	76542
	06-43/3	Killeen Sunflower Inc., Gary W. Purser Sr.	2901 E. Stan Schlueter Loop	KILLEEN	TX	76542
	06-43/5	Central Texas Union Junior College	Hwy 190	KILLEEN	TX	76541

4 300

BLOCK 1
1
B4
#98-63
0202511000

BELL TOWER DR.
E4 #99-37

A
0555300302

A
0555300301

2301

B5
#04-13
0572980500

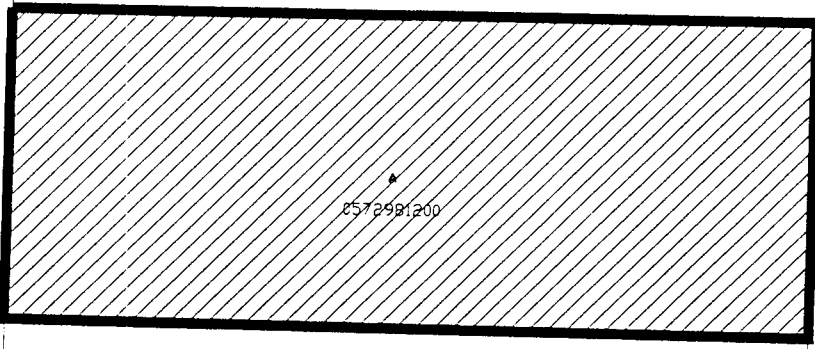
CLEAR CREEK ROAD
MEDICAL OFFICE BUILDING
BLK 1

B5
#04-09
015981500

R2
#04-28
0572270300



CLEAR CREEK ROAD



A
0572981200

0572981200

R2
#04-28
0572270100

200' RADIUS

R2
#04-28
0572270100

A
0572980004

R2
#04-28
0572270100

6	R1-A #05-53	2505
5	R1-A #05-53	2507
4	R1-A #05-53	2509
3	R1-A #05-53	2601
2	R1-A #05-53	2603
20	BLK	2605
1	R1-A #04-11	2605
6	R1-A #04-11	2705
6	R1-A #04-11	0915250543
7	R1-A #04-11	2707
6	R1-A #04-11	0915250540
6	R1-A #04-11	0915250537
5	R1-A #04-11	2801
4	R1-A #04-11	0915250534
4	R1-A #04-11	2803
3	R1-A #04-11	0915250531
3	R1-A #04-11	2805
3	R1-A #04-11	0915250528
2	R1-A #04-11	2807
2	R1-A #04-11	0915250525
1	R1-A #03-30	2809
12	BLK. #03-30	0915250198
11	R1-A #03-30	0915250192
11	R1-A #03-30	2903
10	R1-A #03-30	0915250189
10	R1-A #03-30	2905
9	R1-A #03-30	0915250186
9	R1-A #03-30	2907
8	R1-A #03-30	0915250183
8	R1-A #03-30	3001
7	R1-A #03-30	0915250180
7	R1-A #03-30	3003
6	R1-A #03-30	0915250177
6	R1-A #03-30	3005

DATE: 06/14/06
5.00 ACRES

ZONING CASE # 06-43
FROM A TO B-5



CITY OF KILLEEN
PLANNING DEPT.

Bell CAD - 2005

Prop ID:
240197

Owner:
METROPLEX ADVENTIST HOSPITAL

Legal:
A-0562 R A MCGEE, 5.281AC, CTC

Property
 Improvements
 Land
 Roll History
 Deed History
 Tax Due
 Summary

Name, Address and Property Information

Owner ID	138846	Property ID	240197 (Real)	Geo ID	0555300302
	METROPLEX ADVENTIST HOSPITAL INC		A-0562 R A MCGEE, 5.281AC, CTC		
Name & Address	2201 S CLEAR CREEK RD KILLEEN, TX 76549-4110	Legal Description			
% Ownership	100%	Situs	00000 CLEAR CREEK RD KI		
Exemptions	n/a	Neighborhood	30 (Killeen)		
Map ID	28A08				

Property Value and Taxing Jurisdiction Information

		Property Values	
(+)Improvement Homesite Value:	+	\$0	
(+)Improvement Non-Homesite Value:	+	\$0	
(+)Land Homesite Value:	+	\$0	
(+)Land Non-Homesite Value:	+	\$2,641	Ag / Timber Use Value
(+)Agricultural Market Valuation:	+	\$0	\$0
(+)Timber Market Valuation:	+	\$0	\$0

(=)Market Value:	=	\$2,641	
(-)Ag or Timber Use Value Reduction:	-	\$0	

(=)Appraised Value:	=	\$2,641	
(-) HS Cap:	-	\$0	

(=)Assessed Value:	=	\$2,641	

Owner	Percent Ownership	Total Value
METROPLEX ADVENTIST HOSPITAL	100%	\$2,641

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CB BELL COUNTY	0.346500	\$2,641	\$2,641	\$9.15
JCTC CEN TEXAS COLLEGE	0.146000	\$2,641	\$2,641	\$3.86
RRD BELL COUNTY ROAD	0.029500	\$2,641	\$2,641	\$0.78
SKIL KILLEEN ISD	1.558300	\$2,641	\$2,641	\$41.15
TKI CITY OF KILLEEN	0.695000	\$2,641	\$2,641	\$18.35
WCLW CLEARWATER U.W.C.D.	0.004400	\$2,641	\$2,641	\$0.12

Total Tax Rate: 2.7797

Estimated Tax With Current Exemptions:	\$73.41
Estimated Tax Without Current Exemptions:	\$73.41

Bell CAD - 2005

Prop ID:
345295

Owner:
SCHULZE, DENNIS L ETAL

Legal:
A-0686 T ROBINETT, 8.611AC

Property
 Improvements
 Land
 Roll History
 Deed History
 Tax Due
 Summary

Name, Address and Property Information

Owner ID	579483	Property ID	345295 (Real)	Geo ID	0572981200
	SCHULZE, DENNIS L ETAL		A-0686 T ROBINETT, 8.611AC		
Name & Address	468 ANTELOPE TRL KILLEEN, TX 76542- 5009	Legal Description			
% Ownership	100%	Situs	0000 WATERCREST RD KI, TX		
Exemptions	n/a	Neighborhood	30 (Killeen)		
Map ID	28A08				

2

Property Value and Taxing Jurisdiction Information

		Property Values	
(+)Improvement Homesite Value:	+	\$0	
(+)Improvement Non-Homesite Value:	+	\$0	
(+)Land Homesite Value:	+	\$0	
(+)Land Non-Homesite Value:	+	\$10,333	Ag / Timber Use Value
(+)Agricultural Market Valuation:	+	\$0	\$0
(+)Timber Market Valuation:	+	\$0	\$0

(=)Market Value:	=	\$10,333	
(-)Ag or Timber Use Value Reduction:	-	\$0	

(=)Appraised Value:	=	\$10,333	
(-) HS Cap:	-	\$0	

(=)Assessed Value:	=	\$10,333	

Owner	Percent Ownership	Total Value
SCHULZE, DENNIS L ETAL	100%	\$10,333

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CB BELL COUNTY	0.346500	\$10,333	\$10,333	\$35.80
JCTC CEN TEXAS COLLEGE	0.146000	\$10,333	\$10,333	\$15.09
RRD BELL COUNTY ROAD	0.029500	\$10,333	\$10,333	\$3.05
SKIL KILLEEN ISD	1.558300	\$10,333	\$10,333	\$161.02
TKI CITY OF KILLEEN	0.695000	\$10,333	\$10,333	\$71.81
WCLW CLEARWATER U.W.C.D.	0.004400	\$10,333	\$10,333	\$0.45
Total Tax Rate: 2.7797				

Estimated Tax With Current Exemptions:	\$287.23
Estimated Tax Without Current Exemptions:	\$287.23

[\[Property\]](#)
[\[Improvements\]](#)
[\[Land\]](#)
[\[Roll History\]](#)
[\[Deed History\]](#)
[\[Tax Due\]](#)
[\[Summary\]](#)
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Bell CAD - 2005

Prop ID:
335975

Owner:
KILLEEN SUNFLOWER INC

Legal:
A-0686 T ROBINETT, 12.220AC,

(Property Improvements Land Roll History Deed History Tax Due Summary)

Name, Address and Property Information

Owner ID	548758	Property ID	335975 (Real)	Geo ID	0572270100
Name & Address	KILLEEN SUNFLOWER INC C/O PURSER, GARY W SR 2901 E STAN SCHLUETER LOOP KILLEEN, TX 76542- 4593	Legal Description	A-0686 T ROBINETT, 12.220AC,		
% Ownership	100%	Situs	00000 WATERCREST RD KI, TX		
Exemptions	n/a	Neighborhood	30 (Killeen)		
Map ID	28A08				

3

Property Value and Taxing Jurisdiction Information

Property Values			
(+)Improvement Homesite Value:	+	\$0	
(+)Improvement Non-Homesite Value:	+	\$0	
(+)Land Homesite Value:	+	\$0	
(+)Land Non-Homesite Value:	+	\$48,895	Ag / Timber Use Value
(+)Agricultural Market Valuation:	+	\$0	\$0
(+)Timber Market Valuation:	+	\$0	\$0

(=)Market Value:	=	\$48,895	
(-)Ag or Timber Use Value Reduction:	-	\$0	

(=)Appraised Value:	=	\$48,895	
(-) HS Cap:	-	\$0	

(=)Assessed Value:	=	\$48,895	

Owner	Percent Ownership	Total Value
KILLEEN SUNFLOWER INC	100%	\$48,895

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CB BELL COUNTY	0.346500	\$48,895	\$48,895	\$169.42
JCTC CEN TEXAS COLLEGE	0.146000	\$48,895	\$48,895	\$71.39
RRD BELL COUNTY ROAD	0.029500	\$48,895	\$48,895	\$14.42
SKIL KILLEEN ISD	1.558300	\$48,895	\$48,895	\$761.93
TKI CITY OF KILLEEN	0.695000	\$48,895	\$48,895	\$339.82
WCLW CLEARWATER U.W.C.D.	0.004400	\$48,895	\$48,895	\$2.15
Total Tax Rate: 2.7797				

Estimated Tax With Current Exemptions: \$1,359.13
 Estimated Tax Without Current Exemptions: \$1,359.13

Bell CAD - 2005

Prop ID:
153151

Owner:
SCHULZE, DENNIS L ETAL

Legal:
A-0686 T ROBINETT, 55, 19.142AC

[Property](#) [Improvements](#) [Land](#) [Roll History](#) [Deed History](#) [Tax Due](#) [Summary](#)

Name, Address and Property Information

Owner ID	579483	Property ID	153151 (Real)	Geo ID	0572980004
	SCHULZE, DENNIS L ETAL		A-0686 T ROBINETT, 55, 19.142AC		
Name & Address	468 ANTELOPE TRL KILLEEN, TX 76542- 5009	Legal Description			
% Ownership	100%	Situs	05110 WATERCREST RD KI, TX		
Exemptions	n/a	Neighborhood	30 (Killeen)		
Map ID	28A08 ARO				

4

Property Value and Taxing Jurisdiction Information

		Property Values	
(+)Improvement Homesite Value:	+	\$0	
(+)Improvement Non-Homesite Value:	+	\$0	
(+)Land Homesite Value:	+	\$0	
(+)Land Non-Homesite Value:	+	\$22,970	Ag / Timber Use Value
(+)Agricultural Market Valuation:	+	\$0	\$0
(+)Timber Market Valuation:	+	\$0	\$0

(=)Market Value:	=	\$22,970	
(-)Ag or Timber Use Value Reduction:	-	\$0	

(=)Appraised Value:	=	\$22,970	
(-) HS Cap:	-	\$0	

(=)Assessed Value:	=	\$22,970	

Owner	Percent Ownership	Total Value
SCHULZE, DENNIS L ETAL	100%	\$22,970

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CB BELL COUNTY	0.346500	\$22,970	\$22,970	\$79.59
JCTC CEN TEXAS COLLEGE	0.146000	\$22,970	\$22,970	\$33.54
RRD BELL COUNTY ROAD	0.029500	\$22,970	\$22,970	\$6.78
SKIL KILLEEN ISD	1.558300	\$22,970	\$22,970	\$357.94
TKI CITY OF KILLEEN	0.695000	\$22,970	\$22,970	\$159.64
WCLW CLEARWATER U.W.C.D.	0.004400	\$22,970	\$22,970	\$1.01

Total Tax Rate: 2.7797

Estimated Tax With Current Exemptions: \$638.50
 Estimated Tax Without Current Exemptions: \$638.50

[\[Property\]](#) [\[Improvements\]](#) [\[Land\]](#) [\[Roll History\]](#) [\[Deed History\]](#) [\[Tax Due\]](#) [\[Summary\]](#) [\[Search\]](#) [\[Home\]](#)

Bell CAD - 2005

Prop ID:
153157

Owner:
CENTRAL TEXAS UNION JUNIOR

Legal:
A-0562 R A MCGEE, 23.768AC, CTC

[Property](#) [Improvements](#) [Land](#) [Roll History](#) [Deed History](#) [Tax Due](#) [Summary](#)

Name, Address and Property Information

Owner ID	12863	Property ID	153157 (Real)	Geo ID	0555300301
	CENTRAL TEXAS UNION JUNIOR		A-0562 R A MCGEE, 23.768AC, CTC		
Name & Address	COLLEGE HWY 190 KILLEEN, TX 76541	Legal Description			
% Ownership	100%	Situs	0000 CLEAR CREEK RD KI, TX		
Exemptions	EX	Neighborhood	30 (Killeen)		
Map ID	28A08 AQ5				

5

Property Value and Taxing Jurisdiction Information

		Property Values	
(+)Improvement Homesite Value:	+	\$0	
(+)Improvement Non-Homesite Value:	+	\$0	
(+)Land Homesite Value:	+	\$0	
(+)Land Non-Homesite Value:	+	\$11,884	Ag / Timber Use Value
(+)Agricultural Market Valuation:	+	\$0	\$0
(+)Timber Market Valuation:	+	\$0	\$0

(=)Market Value:	=	\$11,884	
(-)Ag or Timber Use Value Reduction:	-	\$0	

(=)Appraised Value:	=	\$11,884	
(-) HS Cap:	-	\$0	

(=)Assessed Value:	=	\$11,884	

Owner	Percent Ownership	Total Value
CENTRAL TEXAS UNION JUNIOR	100%	\$11,884

Entity Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CB BELL COUNTY	0.346500	\$11,884	\$0	\$0.00
JCTC CEN TEXAS COLLEGE	0.146000	\$11,884	\$0	\$0.00
RRD BELL COUNTY ROAD	0.029500	\$11,884	\$0	\$0.00
SKIL KILLEEN ISD	1.558300	\$11,884	\$0	\$0.00
TKI CITY OF KILLEEN	0.695000	\$11,884	\$0	\$0.00
WCLW CLEARWATER U.W.C.D.	0.004400	\$11,884	\$0	\$0.00
Total Tax Rate: 2.7797				

Estimated Tax With Current Exemptions: \$0.00
Estimated Tax Without Current Exemptions: \$330.34

[\[Property\]](#) [\[Improvements\]](#) [\[Land\]](#) [\[Roll History\]](#) [\[Deed History\]](#) [\[Tax Due\]](#) [\[Summary\]](#) [\[Search\]](#) [\[Home\]](#)

PAID

B


KILLEEN DAILY HERALD

Serving The Growing Central Texas Area

PUBLISHER'S AFFIDAVIT

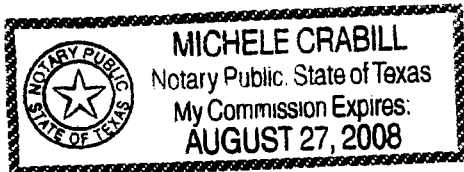
THE STATE OF TEXAS
COUNTY OF BELL


Personally appeared before the undersigned authority
Anthony Edwards who being sworn says that the
attached ad for: **Public Hearing**
was published in the Killeen Daily Herald on the
following date, to-wit: October 1, 2006
At the cost of: \$ 217.00


Advertising Representative

Subscribed and sworn before me on October 1, 2006.


Notary Public, Bell, Texas




CITY OF KILLEEN
"The City Without Limits"

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing is scheduled to be held by the City Council, City of Killeen, at 6:00 p.m., on Tuesday, October 17, 2006, in Council Chambers at City Hall, 101 North College Street, to consider the following:

HOLD a public hearing and consider a request submitted by Ronald Esposito (CASE #Z06-53) to rezone Lots 1-3, Block 1, Bremser Addition, from B-5 (Business District) to R-3 (Multi-Family Residential District), for property located on the northwest corner of the intersection of Bremser Avenue and Raymond Street, Killeen, Texas.

HOLD a public hearing and consider a request submitted by National United Bancshares, Inc., (CASE #Z06-54) to rezone approximately 6.86 acres from A (Agricultural District) to B-5 (Business District), for property located on the east right-of-way of Clear Creek Road (SH 201), south of Watercrest Road and north of Desert Willow Drive, Killeen, Texas.

HOLD a public hearing and consider a request submitted by Alvin and Susie Ware to rezone approximately 5.0 acres, being a part of the Thomas Robinett Survey, Abstract No. 686 from A (Agricultural District) to R-3 (Multi-Family Residential District), located on the east side of Clear Creek Road, approximately 1,150 feet north of Desert Willow Drive, Killeen, Texas.

HOLD a public hearing and consider a request submitted by Clear Creek Development, Ltd., (CASE #Z06-59) to rezone part of Lot 8, Block 1, Clear Creek Estates, Phase One, Replat, from B-5 (Business District) to R-2 (Two-Family Residential District) for property located at 4601 Barrington Trail, Killeen, Texas.

WITNESS MY HAND
THIS 1st DAY OF OCTOBER 2006.

Paula A. Miller
City Secretary

By Andrew Allemand,
City Planner

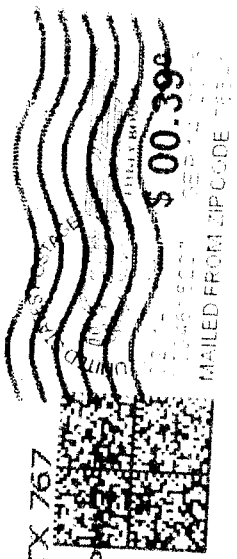
(Legal notice published in Killeen Daily Herald on October 1, 2006.)

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



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

80850



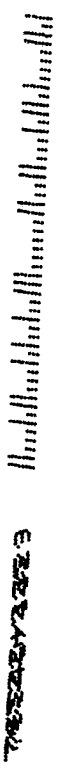
WACO TX 767

14 SEP 2006

RECEIVED
SEP 19 2006
CHIEF OF POLICE
CITY OF KILLEEN

06-43/OWNER
MARIE BUCHOLZ, MARVIN, ELDON,
WELDON AND HARLAN SCHLUZE
202 S. MAIN ST
COPPERAS COVE TX 76522

MSM



RECEIVED OF *Alvin & Suzie Weere*
Two-hundred - dollars 00/100

DATE *6/21*, 20 *06*
DOLLARS \$ *200.00*

Zoning application fee
A-B-S

By *Resawna Sperry*