

**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 08-098)
- Owner Approval Letter/Dated 12-2-08
- CC Minutes (Date 11-25-08)
- CC Agenda (Date 11-25-08)
- CC Packet:** (CCMO, Minutes, Considerations, Application, SPO Responses)
  
- Public Notice
- P&Z Minutes (Signed Copy) (Date 11-10-08)
- P&Z Agenda (Date 11-10-08)
- P&Z Packet:** (P&Z Memo, Considerations, Application, Maps, SPO responses)
  
- PVT
  
- SPO Responses (if any)
  
- PO/SPO Letter:  Sent  Support  
 Opposed  Undelivered
- SPO Map
- Copy of SPO Database
- Receipt for application fee
- CUP (site plan if applicable)
- Label made for outside folder
- Copy of Ordinance given to Mapping (Date 12-2-08)



**City of Killeen  
Zoning Change Application**

Name(s) of Property Owner (s): Bruce Whitis

Address: 3000 Illinois Avenue, Suite 100

City: Killeen State: TX Zip: 76543 -

Home Phone: ( ) \_\_\_\_\_ Business Phone: (254) 953-5055 Cell Phone: \_\_\_\_\_

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: Southwest of Stagecoach & Featherline

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

Legal Description: 87.12 acres, field notes attached  
Metes and Bounds Description

Is there a simultaneous plat of this property? No \_\_\_\_\_  
(Plat Name)

Type of Ownership: \_\_\_\_\_ Sole Ownership \_\_\_\_\_ Partnership X Corporation \_\_\_\_\_ Other

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

Present Zoning(s): Ag Present Use: Agriculture

Proposed Zoning(s): R1 Proposed Use: Single Family Residential

**APPOINTMENT OF AGENT**

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

Name of Agent: W&B Development

Mailing Address: 3000 Illinois Avenue, Suite 100

City: Killeen State: TX Zip: 76543 -

Home Phone: ( ) \_\_\_\_\_ Business Phone: (254) 953-5055 Cell Phone: \_\_\_\_\_

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

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

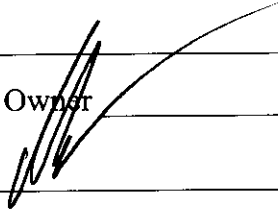
**I understand that the City will deal only with a fully authorized agent.** At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications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

Signature of Agent  Title \_\_\_\_\_

Printed/Typed Name of Agent Bruce Whitis Date 10-29-08

Signature of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

Printed/Typed Name of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

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.

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: Garrett Nordyke

Mailing Address: 3000 Illinois Ste 100

City: Killeen State: Texas Zip: 76543 -

Home Phone: ( ) Business Phone: ( 254 ) 953-5353

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

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

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

Signature of Agent  Title \_\_\_\_\_

Printed/Typed Name of Agent Garrett Nordyke Date 7/14/08

Signature of Property Owner \_\_\_\_\_ Title \_\_\_\_\_

Printed/Typed Name of Property Owner \_\_\_\_\_ Date \_\_\_\_\_

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.

30579

FILED FOR RECORD  
JUL 24 2008  
2:41 AM  
COUNTY CLERK  
BELL COUNTY, TEXAS

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

**WARRANTY DEED WITH VENDOR'S LIEN  
(OWNER FINANCED)**

DATE: July 15, 2008

GRANTOR: SHERYL YOWELL ANDERSON, IN HER CAPACITY AS TRUSTEE OF THE SHERYL YOWELL ANDERSON 1998 TRUST and DEBORAH YOWELL FARLEY, IN HER CAPACITY AS TRUSTEE OF THE DEBORAH YOWELL FARLEY 1998 TRUST

GRANTOR'S MAILING ADDRESS: 2916 Illinois Avenue, Killeen, Bell County, Texas 76543

GRANTEE: WBW LAND INVESTMENTS, LP

GRANTEE'S MAILING ADDRESS: 3000 Illinois Ave, Ste 100, Killeen, Bell County, Texas 76543

**CONSIDERATION:**

The sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable considerations, the receipt of which is hereby acknowledged, and the execution of a note of even date herewith covering Tract 2 in the principal amount as set forth therein, executed by Grantee, payable to the order of Grantor. It is secured by a vendor's lien retained in this deed and by a deed of trust of even date from Grantee to Frank Roberts, Burk Roberts or Wendy L. Brown, Trustee.

**PROPERTY:**

TRACT 1:

All of our undivided Sixty-four and .288 (64.288%) per cent interest in and to the the Property described herein in Exhibit "A", attached hereto and made a part hereof as though fully set out herein; and

TRACT 2:

All of our right, title and interest in and to the property described herein in Exhibit "B", attached hereto and made a part hereof as though fully set out herein.

**RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:**

This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time: any and all reservations, restrictions, covenants, conditions and easements, if any, relating to the hereinabove described property, but only to the extent they are still in effect and shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described property, and save and except all of the following minerals, resources and groundwater which are being conveyed to WBW O&G INVESTMENTS, LLC by Deed of even date herewith:

- (a) all oil, gas, petroleum, natural gas, coal, lignite and other hydrocarbons of whatever name or type, and all uranium, metals and any and all other minerals, gases and substances of whatever name or type, and geothermal energy and geothermal substances and rights, together with all ores thereof and other products or materials produced therefrom or in association therewith (the "Minerals and Resources"); and
- (b) all groundwater and other subsurface water of any and every type, kind, category or nature whatsoever, separately or mixed or combined with any other substance, found beneath the surface of the earth (whether referred to or categorized as ground water, underground water, percolating ground

Amoroso, Austin & Co., Inc.  
2501-B E. ... Rd.  
Killeen, TX 76542

AG 04162  
26.00  
2 4 11

EXHIBIT "A"

water, moisture in soils or other substances, underflow of streams or underground streams) (the "Groundwater");

now or in the future that are located in whole or in part, in, on, and under, and/or that may be produced from, that certain real property (the "Property") described in Exhibits "A" and "B" attached hereto and incorporated herein by reference. The Minerals and Resources and the Groundwater are collectively referred to herein as the "Minerals, Resources and Groundwater."

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS, AND CONVEYS to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, TO HAVE AND HOLD IT to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

The vendor's lien against and superior title to the property described as Tract 2 are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

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

THE SHERYL YOWELL ANDERSON 1998 TRUST

BY: *Sheryl Yowell Anderson*  
SHERYL YOWELL ANDERSON, Trustee

THE DEBORAH YOWELL FARLEY 1998 TRUST

BY: *Deborah Yowell Farley*  
DEBORAH YOWELL FARLEY, Trustee

STATE OF TEXAS  
COUNTY OF BELL

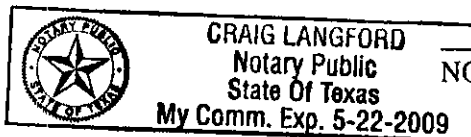
This instrument was acknowledged before me on the 15th day of July, 2008, by SHERYL YOWELL ANDERSON, in her capacity as Trustee of the Sheryl Yowell Anderson 1998 Trust.



*Craig Langford*  
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF BELL

This instrument was acknowledged before me on the 15th day of July, 2008, by DEBORAH YOWELL FARLEY, in her capacity as Trustee of the Deborah Yowell Farley 1998 Trust.



*Craig Langford*  
NOTARY PUBLIC, STATE OF TEXAS

After Recording Return To:

Prepared in the Law Offices of:

ROBERTS & ROBERTS, LLP  
2501 East Elms Rd., Ste. A  
Killeen, TX 76542-3019  
www.robertslegalfirm.com

# TRACT "A"

## FIELD NOTES BELL COUNTY, TEXAS

Being all that certain tract or parcel of land situated in and being out of the Samuel D. Carothers Survey, A-177, Bell County, Texas, and being a part of the called 783.456 acre tract described in deed to Sheryl Yowell Anderson 1998 Trust et al, recorded in Volume 4050, Page 305, Official Records, Bell County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 2" pipe fence corner post, same being southeast intersection of the east margin of Featherline Road and the south margin of Stagecoach Road, Killeen, Texas,

**THENCE**, along the south margin of Stagecoach Road with the following courses:

1. S 72°45'23" E, 1596.07 feet, to an iron rod set for corner,
2. N 68°54'12" E, 455.79 feet, to an iron rod set for corner and being the northeast corner of the herein described tract:

**THENCE**, departing the south margin of Stagecoach Road, across and upon said 783.456 acre tract and along the east line of this with the following courses:

1. S 20°43'50" E, 1757.91 feet, to an iron rod set for corner,
2. S 25°57'58" E, 657.58 feet, to an iron rod set for corner,
3. S 20°43'50" E, 1261.19 feet, to an iron rod set for corner and being the southeast corner of the herein described tract, same being S 69°56'18" W, 1561.85 feet, from a 1" pipe found at a cedar fence corner post, said corner post being an ell corner of said 783.456 acre tract,

**THENCE**, S 69°56'18" W, 913.78 feet along the south line of this to an iron rod with cap found for the northeast corner of the Police Headquarters Addition recorded in Cabinet D, slide 175B, Plat Records, Bell County, Texas,

**THENCE**, S 69°55'26" W, 901.31 feet along the south line of this and north line of said Police Headquarters Addition,, to an iron rod found in the east margin of Featherline Road, same being the southwest corner of the herein described tract;

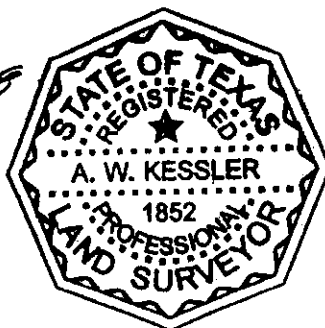
**THENCE**, along the east margin of Featherline Road (80' R.O.W.) with the following courses:

1. N 20°43'59" W, 4462.27 feet, to a 3/8" iron rod found at the base of a 2" pipe fence corner post for corner,
2. N 13°01'13" W, 99.84 feet, to a 3/8" iron rod found at the base of a 2" pipe fence corner post for corner,

**THENCE**, N 00°41'25" E, 76.20 feet, continuing along the east margin of Featherline Road, to the **PLACE OF BEGINNING** and containing 164.72 acres of land, more or less.

The basis for bearings is the east line of Featherline Road as established by previous GPS observations.

 7-22-08  
A. W. Kessler, R.P.L.S. No. 1852



# TRACT "B"

## FIELD NOTES BELL COUNTY, TEXAS

Being all that certain tract or parcel of land situated in and being out of the Samuel D. Carothers Survey, A-177, Bell County, Texas, and being a part of the called 783.456 acre tract described in deed to Sheryl Yowell Anderson 1998 Trust et al, recorded in Volume 4050, Page 305, Official Records, Bell County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1" pipe found at a cedar fence corner post, said corner post being an ell corner of said 783.456 acre tract, the northwest corner of the Atchison Family Reserve Trust tract described in Volume 4186, Page 84, Official Records, Bell County, Texas, and northeast corner of the herein described tract;

**THENCE**, S 21°01'27" E, 2338.70 feet, along an east line of said 783.456 acre tract, west line of said Atchison Family Reserve Trust tract, and east line of this to an iron rod with cap found for the northeast corner of the Killeen Independent School District (K.I.S.D.) tract described in Volume 5776, Page 526, Official Records, Bell County, Texas, and southeast corner of the herein described tract;

**THENCE**, S 69°36'30" W, along the north line of said K.I.S.D. tract and south line of this, at 2178.62 feet passing an iron rod set for the northwest corner of said K.I.S.D. tract, a total distance of 2377.18 feet to an iron rod set at the base of a 2" pipe fence corner post on the north margin of Chaparral Road and corner of the herein described tract;

**THENCE**, along the north margin of Chaparral Road, the south line of this, and south line of said 783.456 acre tract with the following courses with the following courses:

1. N 84°23'42" W, 45.72 feet, to an iron rod found at the base of a 2" pipe fence corner post,
2. S 69°23'13" W, 893.74 feet, to an iron rod set for the southeast corner of the remainder of the tract described in deed to Central Texas Water Supply Company in Volume 1777, Page 505, Deed Records, Bell County, Texas, and being an ell corner and being called the southwest corner of the herein described tract;

**THENCE**, departing the north margin of Chaparral Road, and along the east and north lines of said Central Texas Water Supply Company tract with the following courses:

1. N 20°42'54" W, 100.00 feet, to an iron rod set for corner,
2. S 69°19'22" W, 76.77 feet, to an iron rod set in the for corner, same being in east margin of Featherline Road (80' R.O.W.) and the west line of the herein described tract;

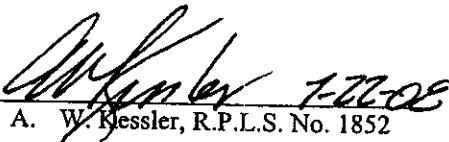
**THENCE**, N 20°43'59" W, 790.36 feet along the east margin of Featherline Road and west line of this to an iron rod with cap found for the southwest corner of the Police Headquarters Addition recorded in Cabinet D, slide 175B, Plat Records, Bell County, Texas, and being an ell corner of the herein described tract;

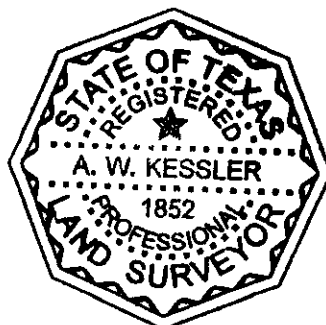
**THENCE**, departing the east margin of Featherline Road, and along the south and east lines of said Police Headquarters Addition with the following courses:

1. N 69°56'31" E, 900.93 feet, to an iron rod with cap found for corner,
2. N 20°43'05" W, 1452.31 feet, to an iron rod with cap found for the northeast corner of said Police Headquarters Addition, and being called the northwest corner of the herein described tract

**THENCE**, N 69°56'18" E, cross and upon said 783.456 acre tract, along the north line of this, at 913.78 feet, an iron rod set, continuing for a total distance of 2475.63 feet to the **PLACE OF BEGINNING** and containing 151.73 acres of land, more or less.

The basis for bearings is the east line of Featherline Road as established by previous GPS observations.

  
A. W. Kessler, R.P.L.S. No. 1852





**FIELD NOTES  
BELL COUNTY, TEXAS**

Being all that certain tract or parcel of land situated in and being out of the Samuel D. Carothers Survey, A-177, Bell County, Texas, and being a part of the called 783.456 acre tract described in deed to Sheryl Yowell Anderson 1998 Trust et al, recorded in Volume 4050, Page 147, Official Records, Bell County, Texas, and being more particularly described by metes and bounds as follows:

**COMMENCING** at a 2" pipe fence corner post, same being southeast intersection of the east margin of Featherline Road and the south margin of Stagecoach Road, Killeen, Texas,

**THENCE**, along the east margin of Featherline Road (80' R.O.W.) with the following courses:

1. S 00°41'25" W, 76.20 feet, to a 3/8" iron rod found at the base of a 2" pipe fence corner post for corner,
2. S 13°01'13" E, 99.74 feet, to a 3/8" iron rod found at the base of a 2" pipe fence corner post for corner,
3. S 20°43'59" E, 822.20 feet, to an iron rod set for corner and being the **PLACE OF BEGINNING** and being the northwest corner of the herein described tract,

**THENCE**, across and upon said 783.456 acre tract and north line of this with the following courses

1. N 69°16'10" E, 408.75 feet, an iron rod set,
2. N 20°43'52" W, 20.00 feet, an iron rod set,
3. N 69°16'10" E, 40.00 feet, an iron rod set,
4. S 20°43'52" E, 20.00 feet, an iron rod set, and,
5. N 69°16'10" E, 850.00 feet, an iron rod set for an ell corner of the herein described tract,

**THENCE**, N 20°43'52" W, 10.00 feet to an iron rod set in the fenced south margin of Stagecoach Road for corner of the herein described tract,

**THENCE**, N 68°54'12" E, 455.01 feet, along the fenced south margin of Stagecoach road to an iron rod set for northeast corner of the herein described tract,

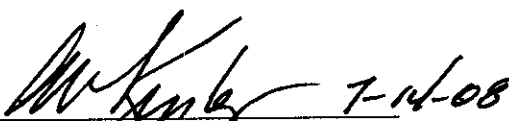
**THENCE**, S 20°43'50" E, 1757.91 feet and S 25°58'00" E, 393.20 feet, departing the south margin of Stagecoach Road, across and upon said 78.456 acre tract to an iron rod set for the southeast corner of the herein described tract,

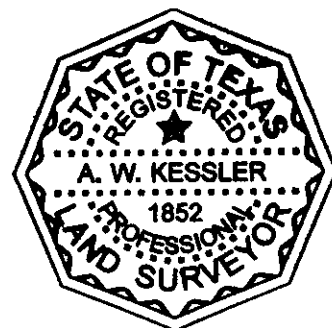
**THENCE**, continuing across and upon said 783.456 acre tract and south line of this with the following courses:

1. S 58°25'39" W, 267.68 feet, to an iron rod set for the beginning of a curve to the right,
2. Along said curve to the right, same having a radius of 1000.00 feet, a length of 630.39 feet, a chord bearing S 76°29'13" W, and a chord of 620.00 feet, to an iron set for corner,
3. N 85°27'14" W, 129.34 feet, to an iron rod set for the beginning of a curve to the left,
4. Along said curve to the left, same having a radius of 657.74 feet, a length of 238.46 feet, a chord bearing S 83°10'25" W, and a chord of 237.16 feet, to an iron rod set for corner,
5. S 17°12'46" E, 120.53 feet, to an iron rod set for corner, same being the beginning of a curve to the right,
6. Along said curve to the right, said curve not being tangential to the previous call, said curve having a radius of 462.10 feet, a length of 85.96 feet, a chord bearing N 77°14'34" E, and a chord of 85.83 feet, to an iron rod set for corner,
7. S 07°25'42" E, 70.00 feet, to an iron rod set for corner, same being the beginning of a curve to the left,
8. Along said curve to the left, said curve not being tangential to the previous call, said curve having a radius of 392.10 feet, a length of 90.99 feet, a chord bearing S 75°55'26" W, and a chord of 90.78 feet, to an iron set for corner,
9. S 69°16'34" W, 537.09 feet, to an iron rod set for corner, same being in the east margin of Featherline Road ( 80' R.O.W.) and being the southwest corner of the herein described tract,

**THENCE**, N 20°43'59" W, 2186.54 feet , along the east margin of Featherline Road to the **PLACE OF BEGINNING** and containing 87.12 acres of land, more or less.

The basis for bearings is the east line of Featherline Road as established by previous GPS observations.  
All iron rods set are 1/2 inch iron rods with cap marked "1852 CORNER".

  
A. W. Kessler, R.P.L.S. No. 1852



# KILLEEN DAILY HERALD

Serving The Growing Central Texas Area



## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing is scheduled by the City Council, City of Killeen, at 6:00 p.m., on Tuesday, November 25, 2008, in Council Chambers at City Hall, 101 North College Street, to consider the following:

**HOLD** a public hearing and consider a request submitted by Wayne Cosper (Case #208-45) to rezone Lots 1-2, Block 2, Lots 1-3, Block 3 and Lots 1-2, Block 1 Onion Creek Estates, Phase 6 from R-1 (Single-Family Residential District) to B-4 (Business District), for property locally known as 4408 and 4410-4413 Eclipse Court and 1202 and 1204 Granex Drive, Killeen, Texas.

**HOLD** a public hearing and consider a request submitted by James M. Wright (Case #208-47) to rezone approximately 1.009 acres, being part of the WH Cole Survey, Abstract No. 200, from UOD and COD to UOD with SUP (Specific Use Permit) and COD with SUP (Specific Use Permit) for on premises alcohol sales and consumption for property located on the east right-of-way of S. Fort Hood Street (SH 193) approximately 300 feet north of Splawn Ranch Drive, Killeen, Texas.

**HOLD** a public hearing and consider a request submitted by W&B Development (Case #208-38) to rezone approximately 87.12 acres, being part of the S. D. Carothers Survey, Abstract No. 177 from A (Agricultural District) to R-1 (Single-Family Residential District); the property is located on the east right-of-way of Featherline Road approximately 1,000 feet south of Stagecoach Road and north of Police Headquarters Addition, Killeen, Texas.

**HOLD** a public hearing and consider zoning Tracts 2-5 (Case #208-49) of the 50-day Annexations that were effective January 28, 2008 from A (Agricultural District) to A, AR-1 (Agricultural Residential District), R-1 (Single-Family Residential District), B-3 (Local business District) and B-4 (Business District).

WITNESS MY HAND THIS 11th DAY OF NOVEMBER 2008.

Paula A. Miller  
City Secretary

By Tony McIhwein  
City Planner

(Legal notice published in the Killeen Daily Herald on November 11, 2008)

## PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS  
COUNTY OF BELL


Personally appeared before the undersigned authority

**Colynn Calkum** who being sworn says that the

attached ad for: **Public Notice** was published in the

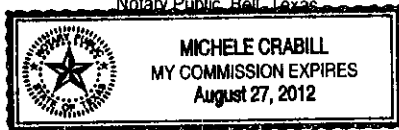
Killeen Daily Herald on the following dates, to-wit:

**November 11, 2008** at a cost of **\$300.70**.

  
Advertising Representative

Subscribed and sworn before me on November 17, 2008.

  
Notary Public, Bell, Texas



offered a development agreement because his property had a residential use, whereas other property owners along SH 195 were offered development agreements because they all had agricultural designations.

Mayor Hancock opened the public hearing.

Barbara Jones, 15545 SH 195, appeared to request B-4 zoning for her property. When she purchased the property, she was told there would be no problem in locating both a business and a home on the property. Research done on the property records indicated no deed restrictions.

Mary Wiley, 500 N. 10<sup>th</sup> Street, said her firm was involved in the sale and did the legal research. The title commitment on this property showed no deed restrictions.

Robert Moser, 15015 SH 195, advised property owners in Legend Oaks Subdivision, of which the property of Ms. Jones is part, does have deed restrictions, and seventy-five percent are opposed to B-4 zoning.

Angel Lopez, 12365 SH 195, advised his entire property was included in the annexation, rather than just the 1000 feet of some of his neighbors. Mayor Hancock advised Mr. Lopez to meet with the Planning staff for answers.

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

Councilmember Cosper moved to approve the ordinance [08-097], seconded by Councilmember Evans. The motion was approved 5-2 (Councilmembers Rivera and Workman in opposition).

PH-6 **HOLD** a public hearing and consider a request for an ordinance by W&B Development (Case #Z08-50) to rezone approximately 87.12 acres, being part of the S. D. Carothers Survey, Abstract No. 177 from A (Agricultural District) to R-1 (Single-Family Residential District) the property is located on the east right-of-way of Featherline Road approximately 1,000 feet south of Stagecoach Road and north of Police Headquarters Addition, 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) TO R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

This rezoning application is for single-family residential. It originally came forwarded from the Planning and Zoning Commission as a planned unit development for R-1 and R1-A but was denied by both the Commission and the Council. The Commission voted 4-3 to recommend approval of the request, and there was no response to the ten letters of notification.

Mayor Hancock opened the public hearing.

Speaking in opposition were Brad Retz, 1878 E. Stagecoach Road; Fred Garvin, 2859 E. Stagecoach Road; James Garvin, 2955 E. Stagecoach Road; Bill King, 186 Lonely Oaks, David Reed, 543 Loop Road; Randy Doyle, 595 Loop Road; and Leah Daul, 6104 Sulfur Springs. They cited concerns about the safety of roads in this area (Stagecoach Road, Trimmier Road, Featherline Road, Cunningham Road); the lack of need for this development considering the number of homes for sale in the area; the inconsistency with surrounding neighborhoods; the lack of green space; and the property's having been used for sludge deposit in the past.

Speaking in support was Bruce Whitis, 3000 Illinois, noting the city can only grow to the south, and planning for this growth is essential. Planning for this development will take eight to ten years.

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

Councilmember Workman moved to disapprove the request for reasons of safety, seconded by Councilmember Cole.

Councilmember Evans moved to approve the ordinance [08-099], seconded by Councilmember Rivera. The motion was approved 5-2 (Councilmembers Cole and Workman in opposition).

#### **Ordinances / Resolutions**

OR-1 Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 13 relating to smoking in public places.

This item was deleted from the agenda.

#### **Adjournment**

With no further business, upon motion being made by Mayor Pro-Tem Latham, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 8:52 p.m.

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Timothy L. Hancock, Mayor

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Paula Miller, City Secretary

**MINUTES**  
**REGULAR MEETING**  
**PLANNING AND ZONING COMMISSION**  
**NOVEMBER 10, 2008**  
**CITY HALL, 101 N. COLLEGE STREET**  
**MAIN CONFERENCE ROOM**

ROLL CALL

PRESENT:

Commission: Johnny Frederick, Chair; Miguel Diaz, Jr.; Robert Hicks; Eugene Kim; Craig Langford, Vice Chair; Austin Pickett; Joel Steine

Staff: Dr. Ray Shanaa, AICP, Executive Director of Planning and Development Services; Beverly Zendt, Senior Planner; Vicki Wanken, Planning Assistant; Maria Lopez, Planning Clerk; John P. Nett, P. E., City Engineer; Scott Osburn, Assistant City Attorney; Kristina Ramirez, P.E., Drainage Engineer; Earl Abbott, CBO, Building Official

ABSENT: Bobby Lee Hoover; Terry Traina

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

Chairman Frederick called the meeting of the Planning and Zoning Commission to order at 6:07 p.m.

**APPROVAL OF AGENDA**

Vice Chair Langford motioned to approve the agenda as published. Commissioner Steine seconded the motion. The motion carried 6-0.

**CONSENT AGENDA**

- CA-1 Consider minutes of the Regular Planning and Zoning Commission Meeting of **October 27, 2008**.
- CA-2 Consider a request submitted by William R. Dunivan, Jr., and Robbie Dunivan (**Case #08-55FS: Vernon Addition**) for a final plat of approximately 6.501 acres, being part of the Robert Cunningham Survey, Abstract No. 158, for property located on the north side of Stan Schlueter Loop and east of Elms Road, Killeen, Texas.
- CA-3 Consider a request submitted by Luis Carlos Rodriguez-Sanchez (**Case #08-073FMS: Villa Mimi Addition**) for a final minor plat of approximately 1.793 acres, being part of the W. H. Cole Survey, Abstract No. 200, for property locally known as 9709 West Trimmier Road, Killeen, Texas.

**CA-4** Consider a request submitted by Splawn Ranch Partnership, a Texas General Partnership, (**Case #08-076FS: Splawn Ranch Subdivision, Phase Four, Section One**) for a final plat of approximately 16.127 acres, being part of the W. H. Cole Survey, Abstract No. 200, for property located on the east side of South Fort Hood Street (SH 195) and on the north right-of-way of Splawn Ranch Drive, Killeen, Texas.

**CA-5** Consider a request submitted by Splawn Ranch Partnership, a Texas General Partnership, (**Case #08-077FS: Splawn Ranch Subdivision, Phase Four, Section Two**) for a final plat of approximately 6.605 acres, being part of the W. H. Cole Survey, Abstract No. 200, for property located on the east side of South Fort Hood Street (SH 195) and on the south right-of-way of Splawn Ranch Drive, Killeen, Texas.

Vice Chair Langford motioned to approve the consent agenda. Commissioner Diaz seconded the motion. The motion carried 6-0.

Chairman Frederick stated that the consent agenda is approved and items CA-2, 4 and 5 will be forwarded to City Council on November 25, 2008.

#### CITIZENS PETITIONS FOR INFORMATION

Mr. Bill King, 186 Lonely Oaks Lane, Killeen, stated that the P&Z Agenda for October 27, 2008 was not posted on the city's website.

Staff checked with Ms. Rainey, Webmaster, the agenda was posted to the City's website on October 24, 2008 by 2:06 P.M.

#### PUBLIC HEARING

**PH-1 HOLD** a public hearing and consider a request submitted by Reeces Creek Developers, a Texas Limited Partnership, (**Case #08-043RRS: Goodnight Ranch Addition, Phase Six**) for a plat of approximately 81.273 acres, being a replat of all of Goodnight Ranch Addition, Phase 2 and all of Goodnight Ranch Addition Phase 3, for property located along the east right-of-way of Bunny Trail south of Stan Schlueter Loop, Killeen, Texas.

Chairman Frederick requested staff comments.

Director Shanaa stated that this request is submitted by Mitchell and Associates, Inc. on behalf of Reeces Creek Developers, a Texas Limited Partnership, for a plat of approximately 81.273 acres, being part of the Eugene LaSere Survey, Abstract No. 527 and a replat of Goodnight Ranch Addition Phase Two and Three. The property is located east along Bunny Trail, approximately 4200' south of Stan Schlueter Loop (FM 3470) and 4850' north of Reese Creek Road, Killeen, Texas. The property is currently zoned R-1 (Single-Family Residential District) and R-2 (Two Family Residential District) and the subdivision plat is comprised of 287 lots, 16 blocks, and 10 local streets within a 60' right of way. The applicant is replatting the property in order to facilitate lot relocation.

The Staff Review Committee met in a correction validation meeting on Monday, November 3,

2008, and concurred that the plat is in full conformance with the City development regulations. Staff recommends that the Planning and Zoning Commission approve the plat.

Mr. Robert Mitchell, Mitchell and Associates, 102 N. College Street, Killeen, represented this case.

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

Commissioner Steine motioned to approve Case #08-043RRS: Goodnight Ranch Addition, Phase Six. Commissioner Hicks seconded the motion. The motion carried 6-0.

Chairman Frederick stated this will be heard by City Council on November 25, 2008.

**PH-2 HOLD** a public hearing and consider a request submitted by B&R Enterprises, Inc., (**Case #08-057FMRRS: Esposito Addition, Phase Two**) for a plat of approximately 1.128 acres, being a replat of Lot 1, Block 1, Esposito Addition and 0.656 acre, being part of the W. H. Cole Survey, Abstract No. 201, for property locally known as 1102 Bacon Ranch Road, Killeen Texas.

Chairman Frederick requested staff comments.

Director Shanaa stated that this request is submitted by Mitchell and Associates, Inc. on behalf of B & R Enterprises for a minor plat of approximately 1.128 acres, being a replat of Lot 1, Block 1, Esposito Addition and 0.656 acre out of the W.H. Cole Survey, Abstract No. 201. The property is located at the southeast intersection of Trimmier Road and Bacon Ranch Road and is locally known as 1102 Bacon Ranch Road, Killeen, Texas. The property is currently zoned B-3 (Local Business District) and the applicant is platting the parcel to combine lots.

The Staff Review Committee met in a correction validation meeting on Monday, November 3, 2008, and concurred that the plat is in full conformance with the City development regulations. Staff recommends that the Planning and Zoning Commission approve the plat.

Mr. Robert Mitchell, Mitchell and Associates, 102 N. College Street, Killeen, represented this case.

Commissioner Kim asked where the entrance from Trimmier Road would be. Mr. Mitchell stated that there will be no access to Trimmier Road.

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

Commissioner Diaz motioned to approve Case #08-051FMRRS: Esposito Addition, Phase Two. Commissioner Steine seconded the motion. The motion carried 6-0.

Chairman Frederick stated that this plat is approved.

**PH-3 HOLD** a public hearing and consider a request submitted by Whitis Property Capital, Inc., a Texas Limited Partnership, (**Case #08-065RS: James Tate Commercial 2, Replat**) for a plat of

approximately 2.260 acres, being a replat of a part of James Tate Commercial, for property locally known as 2201 E. Rancier, Killeen, Texas.

Chairman Frederick requested staff comments.

Director Shanaa stated that this request is submitted by Mitchell and Associates, Inc. on behalf of Whitis property Capital, a Texas Limited Partnership for a plat of approximately 2.260 acres, being out of the G. W. Fleming Survey, Abstract No. 321, and a replat of Tract 3 of the James Tate Commercial Subdivision. The property is located at the northeast intersection North W.S. Young Drive and Rancier Avenue (FM 439) and is locally known as 2201 East Rancier Avenue, Killeen, Texas. The property is currently zoned B-5 (Business District) and the applicant is platting the parcel to receive building permits in order to expand an existing building.

The Staff Review Committee met in a correction validation meeting on Monday, November 3, 2008, and concurred that the plat is in full conformance with the City development regulations. Staff recommends that the Planning and Zoning Commission approve the plat.

Mr. Robert Mitchell, Mitchell and Associates, 102 N. College, Killeen, represented this case.

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

Commissioner Pickett motioned to approve plat case #08-065RS: James Tate Commercial 2, Replat. Commissioner Hicks seconded the motion. The motion carried 6-0.

Chairman Frederick stated that this case will be heard by City Council on November 25, 2008.

**PH-4 HOLD** a public hearing and consider a request submitted by Wayne Cospers (**Case #Z08-45**) to rezone Lots 1-2, Block 2, Lots 1-3, Block 3 and Lots 1-2, Block 1, Onion Creek Estates, Phase 6 from R-1 (Single-Family Residential District) to B-4 (Business District), for property locally known as 4408 and 4410-4413 Eclipse Court and 1202 and 1204 Granex Drive, Killeen, Texas.

Vice Chair Langford stepped down from the dais for this case as it may be a conflict of interest.

Chairman Frederick requested staff comments.

Director Shanaa stated that this request is submitted by Wayne Cospers to rezone Lots 1-2, Block 2, and Lots 1-3, Block 3, to B-3 (Local Business District) and Lots 1-2, Block 1, to B-4 (Business District) Onion Creek Estates, Phase Six from R-1 (Single-Family Residential District). The property is locally known as 4413, 4411, 4408, 4410 and 4412 Eclipse Court, Killeen, Texas and 1202 and 1204 Granex Drive, Killeen, Texas.

The Planning and Zoning Commission approved the Onion Creek Estates, Phase Six plat on July 10, 2006. The plat consisted of 40.379 acres and 106 single-family residential lots. There are unique conditions along the northern and southern boundary of the subject lots. The property directly north of the subject lots along Eclipse Court is a platted drainage tract, where development is unlikely to occur. The property directly south of the area proposed to be rezoned consists of Lot 2 or the WAR/AC Addition. Lot 2 is 3.023 acres that is zoned R-1. However, this



property is a flag lot and the southern boundary of Lots 1-2, Block 1, Onion Creek Estates, Phase Six abut the "staff" portion of the lot that is only 29.59' in depth. This "staff" essentially allows direct access to Trimmier Road, a 90' right-of-way classified as a minor arterial on the City's Thoroughfare Plan. This "staff" portion of Lot 2 is not wide enough to allow development in its current plat configuration. Lot 1 of the WAR/AC Addition is zoned B-5, and its entire frontage is along Trimmier Road.

There are numerous instances where B-5 zoning abuts R-1 zoning districts. This type of land use is not desirable as the differences between allowable uses may lead to compatibility issues. However Trimmier Road is a viable commercial and residential corridor, particularly between Elms Road and Stan Schlueter Loop (FM 3470). The encroachment of intense commercial uses in an area that is intended to serve as a residential subdivision is not ideal. However, business uses along a busy thoroughfare are common place.

The B-4 zoning district allows the second highest number of business uses under the City's Code of Ordinances. There is merit to having business uses that front or have near proximity to Trimmier Road, and the proposed lots are contiguous in their layout. However, due consideration should be given to the potential for land use compatibility issues. Although the construction phase of the subdivision has not concluded, a less intense business zoning district may be more suitable in this instance. Additionally, if rezoned, the subject lots would have to meet the parking requirements, area regulations of Chapter 31-323, as well as any side yard setback modifications as necessary under Chapter 31-473.

At the Planning and Zoning Commission meeting of October 27, 2008, the Commission voted to postpone a recommendation of this case and allow the agent additional time to consult with the property owner with regard to lower intensity zoning request. A letter of notification was mailed to seven (7) surrounding property owners in the 200-foot notification area. Staff did not receive any protest letters regarding this rezone request.

Mr. Robert Mitchell, Mitchell and Associates, 102 N. College Street, Killeen, represented this case. Mr. Mitchell stated that the applicant would like to amend the request to reflect B-3 zoning for the two lots on Granex Drive and the three lots on the east side of Eclipse Court and maintain the B-4 zoning for the two lots on the west side of Eclipse Court.

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

Commissioner Diaz motioned to recommend approval of all lots to B-3 (Local Business District) for zoning case #Z08-45. Commissioner Hicks seconded the motion. The motion carried 4-0, Commissioner Pickett abstained from voting.

Chairman Frederick stated that this case will be forwarded to City Council on November 25, 2008 with a recommendation to approve.

Vice Chair Langford returned to the dais.

**PH-5 HOLD** a public hearing and consider a request submitted by James M. Wright (Case #Z08-47) to rezone approximately 1.009 acres, being part of the WH Cole Survey, Abstract No. 200, from

UOD and COD to UOD with SUP (Specific Use Permit) and COD with SUP (Specific Use Permit) for on premises alcohol sales and consumption for property located on the east right-of-way of S. Fort Hood Street (SH 195) approximately 550 feet north of Splawn Ranch Drive, Killeen, Texas.

Chairman Frederick requested staff comments.

Director Shanaa stated that this request is submitted by Killeen Engineering and Surveying on behalf of the James Wright 2000 Trust to rezone 1.009 acres, being Lot 1, Block 1, Wright 195 Subdivision from COD/ UOD to COD/UOD with SUP. The property is located on the east right of way of S. Fort Hood Street (S.H. 195), north of Splawn Ranch Road and is locally known as 10540 State Highway 195, Killeen, Texas. The owner is seeking approval of the SUP to serve alcohol in conjunction with a restaurant.

The subject site is a former Mexican food restaurant and the current owner wants to operate a Bar-B-Q restaurant with alcohol sales. The surrounding property is largely undeveloped and there is split zoning on the site. Restaurants (with no dine-in drive thru service) are an allowed use within the UOD, but not the COD. There are no plans for the restaurant to encroach within any portion of the property that is zoned COD. Sections 31-441 and 31-450 of the Code of Ordinances establish the guidelines for specific use permits. The city council may by ordinance grant a permit for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the Veterans Cemetery and to the future four-year university. Permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

There are no unusual site characteristics with the subject property and the applicant currently has a plat in progress. If the Planning and Zoning Commission recommends approval of the SUP request to City Council, staff recommends the following:

1. Alcohol sales shall be limited to on-premises consumption.

A letter of notification was mailed to one (1) surrounding property owner in the 200-foot notification area. Staff did not receive a protest letter regarding this rezone request.

Ms. Michelle Lee, Killeen Engineering and Surveying, 2901 E. Stan Schlueter Loop, Killeen, represented this request.

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

Vice Chair Langford motioned to recommend approval of zoning case #Z08-47 with the following conditions: alcohol sales to be confined to the structure and patio areas, comply with TABC requirements; no late hours and only an RM permit from TABC for a mixed beverage restaurant permit with FB. Commissioner Steine seconded the motion. The motion carried 6-0.

Chairman Frederick stated that this case will be forwarded to City Council on November 25, 2008 with a recommendation to approve.

**PH-6 HOLD** a public hearing and consider a request submitted by W&B Development (**Case #Z08-50**) to rezone approximately 87.12 acres, being part of the S. D. Carothers Survey, Abstract No. 177 from A (Agricultural District) to R-1 (Single-Family Residential District) the property is located on the east right-of-way of Featherline Road approximately 1,000 feet south of Stagecoach Road and north of Police Headquarters Addition, Killeen, Texas.

Chairman Frederick requested staff comments.

Director Shanaa stated that this request is submitted by W & B Development to rezone approximately 87.12 acres from Agricultural to R-1 (Single-Family Residential). The property is part of the Simeon D. Carothers Survey, Abstract No. 177, Killeen, Texas. The subject site is located on the east right-of-way of Featherline Road, approximately 2,000 feet south of Stagecoach Road.

The R-1 zoning district allows for uses such as one-family dwellings, churches or other places of worship, schools, colleges, universities or other institutions of higher learning, country clubs or golf courses, etc. The developer is petitioning to rezone the site to allow for the first phase of the proposed Yowell Ranch subdivision. The prevalent land uses in this area is residential development and this area is a viable corridor for single-family homesite development.

#### Transportation Infrastructure

The Public Works Department has submitted Featherline Road as a street project in the Transportation CIP. This document has been presented to the Transportation Committee and members of City Council and is awaiting project prioritization. Under the proposed street project, Featherline Road would be reconstructed to five lanes between Stagecoach Road and Chaparral Road at a project cost of approximately \$6,100,000.

The lot and area requirements of the R-1 zoning district are contained in Table 1 (below).

**Table 1. R-1 (Single-Family Residential)**

Setbacks	Front-25', rear-25', side-7' or 15' (against street)
Min. Area	6,000 sq. feet
Min. Width	60 feet
Min. Depth	100'

The property is vacant, with sparse vegetative ground cover. It appears suitable for low-intensity development and will continue the transformation of this quadrant of the City into a residential hub. The proposed new zoning is consistent with the zoning of neighboring lands, and the tract, while large, doesn't seek a use fundamentally different from surrounding lands. The request to rezone to single-family residential is fundamentally compatible with the existing and projected land uses in this area.

**Table 2. Surrounding Land Uses**

North	Undeveloped and Residential
West	Undeveloped
East	Residential
South	Undeveloped

A letter of notification was mailed to ten (10) surrounding property owners in the 200-foot notification area. Staff did not receive any protest letters regarding this rezone request.

Mr. Bruce Whitis, W&B Development, 3000 Illinois, Ste 100, Killeen, represented this case and stated that his request of R-1 zoning for the area is in compliance with Pharr v Tippett considerations.

Chairman Frederick opened the public hearing. The following spoke in opposition of the request: Mr. Bill King, Mr. Randy Doyle and Marcus Chapman. Their concerns were safety, traffic congestion and density. Mr. Doyle asked that the city slow growth and have a master plan in place before approving more construction. Mr. King refuted statements made by Mr. Whitis. Mr. King stated that there is no current need for more R-1, and it is not consistent with the size of lots in the surrounding area.

Mr. Bruce Whitis spoke in support of this request.

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

Commissioner Diaz motioned to recommend approval of zoning case #Z08-50. Vice Chair Langford seconded the motion. The motion tied 3-3. Chairman Frederick broke the tie vote by voting in favor of approval.

Chairman Frederick stated that this case will be forwarded to City Council on November 25, 2008 with a recommendation to approve.

**PH-7 HOLD** a public hearing and consider zoning Tracts 2-5 (Case #Z08-49) of the 90-day Annexations that were effective January 28, 2008 from A (Agricultural District) to A, AR-1 (Agricultural Residential District), R-1 (Single-Family Residential District), B-3 (Local business District) and B-4 (Business District).

Director Shanaa stated that this case responds to the task given to the Planning and Zoning Commission (Commission) by the City of Killeen Code of Ordinances Section 31-124(a) which requires the following of newly annexed areas:

**All territory annexed to the city shall be initially classified as district "A" agricultural district. The planning and zoning commission shall within twelve (12) months after date of annexation recommend to the city council a plan for permanent zoning in the area. The procedure to be followed for adoption shall be the same as is provided by law for the adoption of original zoning regulations. If the planning and zoning commission fails to submit a zoning plan to the city council within twelve (12) months after the date of annexation, the planning and zoning commission recommendation shall be deemed to be a**

**recommendation to change the initial annexation zoning to permanent zoning.**

The Planning and Zoning Commission's charge is to present a zoning plan to the City Council. This is the final of three public hearings on this matter and the Commission will forward their recommendation of the zoning plan to City Council.

It is critical that the Commission present a zoning plan that promotes desired land uses patterns, prevent the mixing of incompatible uses, and takes into account future land uses. In the course of determining the zoning for property, it may become necessary for certain land uses to become non-conforming. The Planning Staff has prepared conceptual zoning maps for tracts 2 through 5, all of which were annexed into the City on January 28, 2008. The maps contained basic zoning classifications to include A (Agricultural), R1 (Single-Family Residential District), A-R1 (Agricultural Single-Family Residential District), Commercial (Business Zoning District), and Manufacturing. These maps take into consideration existing land uses, and in some instances, the preferences communicated by the property owners.

A letter of notification was mailed to each property owner within the newly annexed Staff also noticed property owners within a 200-foot notification area. The Planning staffs received correspondence from multiple property owners regarding the rezone notices and have updated their preferences on the proposed zoning maps under discussion.

Chairman Frederick opened the public hearing.

Mr. Robert Moser voiced concerns that the property in Legend Oaks Estates has deed restrictions and if the Commission approves the B-4 zoning request it is not in compliance with them.

Mr. Angel Lopez wanted to know why his whole tract of land along SH 195 was annexed and his neighbor was not, he also had concerns on how taxes would be assessed on his property.

Ms. Lydia Friesz asked if zoning would lift deed restrictions.

Mr. Robert Baughn, 6502 Griffith Loop in the Bridgewood Subdivision would like to see that area in Tract 3 zoned Agricultural or Agricultural Single Family to preserve the open space already in existence.

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

Vice Chair Langford motioned to recommend approval of the zoning recommendations for case #Z08-51 with the exception that the B-4 request in Tract 4 be changed to Agricultural to comply with the deed restriction on the properties in Legend Oaks Estates. Commissioner Kim seconded the motion. The motion carried 5-0 with one abstention.

**PH-8 HOLD** a public hearing and consider recommendations for the zoning designations and land use plan for properties in the Stagecoach Region (Case #Z08-51) that were annexed effective January 28, 2009 per ordinance #08-006.

Chairman Frederick requested staff comments.

Director Shanaa stated that this case responds to the task given to the Planning and Zoning Commission (Commission) by the City of Killeen Code of Ordinances Section 31-124(a) which requires the following of newly annexed areas:

**All territory annexed to the city shall be initially classified as district “A” agricultural district. The planning and zoning commission shall within twelve (12) months after date of annexation recommend to the city council a plan for permanent zoning in the area. The procedure to be followed for adoption shall be the same as is provided by law for the adoption of original zoning regulations. If the planning and zoning commission fails to submit a zoning plan to the city council within twelve (12) months after the date of annexation, the planning and zoning commission recommendation shall be deemed to be a recommendation to change the initial annexation zoning to permanent zoning.**

The Planning and Zoning Commission’s charge is to present a zoning plan to the City Council. This is the final of three public hearings on this matter and the Commission will forward their recommendation of the zoning plan to City Council.

The Stagecoach Region consists of approximately 2.03 square miles, which is roughly 1,300 acres. The majority of this region lies south of Stan Schlueter Loop (FM 3470) between Trimmer Road and Cunningham Road, and north of Stagecoach Road. This area was annexed into the City of Killeen on January 22, 2008 as part of a three-year annexation process in accordance with Local government Code Section 43.052(c). A copy of Ordinance No. 08-006 has been attached for review. Included in the ordinance is the annexation service plan for the region which requires the City Planning and Zoning Commission to: (i) initiate a land use study of the Stagecoach annexation area within twelve months of the effective date of the annexation; and (ii) provide a recommendation to City Council for more specific zoning of property in the area. Additionally, based upon the pre-annexation request of the newly annexed residents, the City is tasked with completing a land use plan that will “support the initial zoning and provide additional protection by assuring that future zonings will be consistent with the land use plan.” A land-use plan can be a collection of guidelines, maps, and other exhibits that serves as a community’s blueprint for growth.

The Planning and Development Services staff has prepared a draft zoning map as well as a future land use map (FLUM) for consideration by the Planning and Zoning Commission. The intent is to have the FLUM serve as the instrument that anticipates future land use patterns. The FLUM should serve as a tool to be used by citizens, property owners, and City officials as they review specific development proposals.

It is critical that the Commission present a zoning plan that promotes desired land uses patterns and prevents the mixing of incompatible uses. Additionally, the Commission should review the FLUM since it takes into account the future land uses that may occur in this area within the next 25 years. In the course of determining the zoning for property, it may become necessary for certain land uses to become non-conforming. The Planning and Development Services Staff has prepared a conceptual zoning map for the Stagecoach region that contains basic zoning classifications to include A (Agricultural), R-1 (Single-Family Residential District), A-R1 (Agricultural Single-Family Residential District), and Commercial (Business Zoning District). The FLUM contains broad land use categories.

A letter of notification was mailed to each property owner within the newly annexed. The Planning staff received correspondence from multiple property owners regarding the rezone notices and has included their preferences in the packet.

Chairman Frederick opened the public hearing.

Mr. Randy Doyle, Mr. Bill King, Sonny Burton, Marcus Chapman, Ross Caviness, Joe Solis and Susie Croft voiced concerns as to the recommended zones and what affect it would have on any home based business already in existence at the time of annexation. Mr. Burton voiced concern with the recommended zoning along Onion Road as R-1. Director Shanaa explained to the citizens that any commercial activity/home based business that was in existence at the time of annexation will be considered "grandfathered" and will be allowed to continue as long as it is a legal business. Ms. Croft, 2384 E. Stagecoach Road, is a natural pathic health physician operating out of her home and would like to know if she will be able to continue her business out of her home once the property is zoned R-1. Dr. Shanaa informed Ms. Croft that home based occupations are regulated by the Code of Ordinance to allow certain uses. If it is a business the business would need to register with the City and possibly rezone the property. Mr. King asked for clarification on home based businesses in operation at the time of annexation were legal than the home based business could continue after annexation. Several of the residents voiced concern as to the amount of commercial property that is proposed they would like to see more single family in the area. Mr. Doyle asked if there would be any text on the land use plan and why commercial is proposed where it is.

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

Commissioner Diaz motioned to postpone the zoning recommendations to the next Planning and Zoning Commission meeting on November 24, 2008. Vice Chair Langford seconded the motion. The motion carried 6-0.

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**OTHER ITEM**

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- OI-1** Consider a request submitted by Killeen LAP, Ltd (Case #08-074FMS: G2K Killeen Addition) for a final minor plat of approximately 1.237 acres, being part of the Thomas Robinett Survey, Abstract No. 686. The property is located at the northeast intersection of Clear Creek Road and Desert Willow Drive, Killeen, Texas.

Chairman Frederick requested staff comments.

Director Shanaa stated that this request is submitted by Killeen Engineering and Surveying, Ltd. on behalf of Killeen LAP, Ltd. for a minor plat of approximately 1.237 acres, being part of the Thomas Robinett Survey, Abstract No. 686. The property is located at the north intersection of Clear Creek Road (S.H. 201) and Desert Willow Drive, Killeen, Texas. The property is currently zoned B-5 (Business District) and the applicant is platting the parcel to secure building permits for a Family Dollar retail store.

The Staff Review Committee met in a correction validation meeting on Monday, November 3, 2008, and determined that the plat does not adequately address the City's adopted Access Management guidelines for access spacing. The applicant was advised by staff to provide a 1'

non-access easement from Clear Creek Road (S.H. 201) back for a distance of 125' east along Desert Willow Drive. The location of the first point of driveway access from Dessert Willow Drive west of S.H. 201 (as suggested by staff) is based upon the American Association of State Highway and Transportation Officials (AASHTO) guidelines for safe stopping distance in consideration of braking and turning movements on both S.H. 201 (a minor arterial street) and Desert Willow Drive (a local residential street). The City follows these access management guidelines for the promotion of public health, safety and welfare. The City Engineer has communicated with the applicant's agent that a permit applicant may perform a bona fide traffic engineering study to justify a request to deviate from the established safety criteria. The applicant has not submitted a traffic engineering study and has asked (in writing) that the plat proceed to Planning and Zoning Commission's agenda for due consideration. Staff recommends that the Planning and Zoning Commission disapprove the plat due to failure to address access management guidelines for access spacing.

Mr. John Nett believes that in the best interest of public health safety and welfare is to move the drive back from the area of influence at the northeast corner. Also the applicant's letter stated that a second drive enhances safety because of turning radius of trucks. Staff feels that a 40' wide drive also enhances safety since it would be wide enough for turning safety. Prior to this meeting it was discussed on past practices have been. In the past it has been very loosely handled, but within the last three years staff has been doing a better with access onto properties.

Ms. Michelle Lee, Killeen Engineering and Surveying 2901 E. Stan Schlueter Loop, Killeen, represented this case.

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

Commissioner Pickett motioned to approve plat case #08-074FMS: G2K Killeen Addition. The motioned failed due to lack of a second.

Commissioner Hicks motioned to disapprove the plat. Commissioner Diaz seconded the motion. The motion carried 5-1 with Commissioner Pickett in opposition to disapproving the plat.

**COMMISSION & STAFF ITEMS AND FUTURE AGENDAS**


- I. Attendance chart (for your information)


There were no comments on the attendance chart.

**ADJOURNMENT**

Chairman Frederick adjourned the Planning and Zoning Meeting at 8:42 p.m. The next regularly scheduled meeting for the Planning and Zoning Commission is **November 24, 2008** at 6:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.



  
\_\_\_\_\_  
**Johnny Frederick**  
**Chairman, Planning & Zoning Commission**

  
\_\_\_\_\_  
**Vicki Wanken**  
**Planning Assistant**



# CITY OF KILLEEN

PLANNING DIVISION

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

Telephone: 254.501.7630

Fax: 254.501.7628

December 2, 2008

Bruce Whitis  
3000 Illinois Avenue, Ste 100  
Killeen, TX 76543

**RE: Zoning Case #Z08-50: A to R-1**

Dear Property Owner:

On Tuesday, November 25, 2008, the City Council of the City of Killeen granted your request for rezoning, A (Agricultural District) to R-1 (Single-Family Residential District) for approximately 87.12 acres, being part of the S. D Carothers Survey, Abstract No. 177. The property is located approximately 1,000 south of Stagecoach Road on the east right-of-way of Featherline Road, 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. #08-098



**ORDINANCE 08-098**

**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) TO R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, W&B Development has presented to the City of Killeen a request for amendment of the Zoning Ordinance of the City of Killeen by changing the classification of the hereinafter described property from A (Agricultural) to R-1 (Single-Family Residential District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 10<sup>th</sup> day of November 2008, 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 25<sup>th</sup> day of November 2008, 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) to R-1 (Single Family Residential District) for 87.12 acres, being part of the Simeon D. Carothers Survey, Abstract No. 177, 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 25<sup>th</sup> day of November 2008, 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

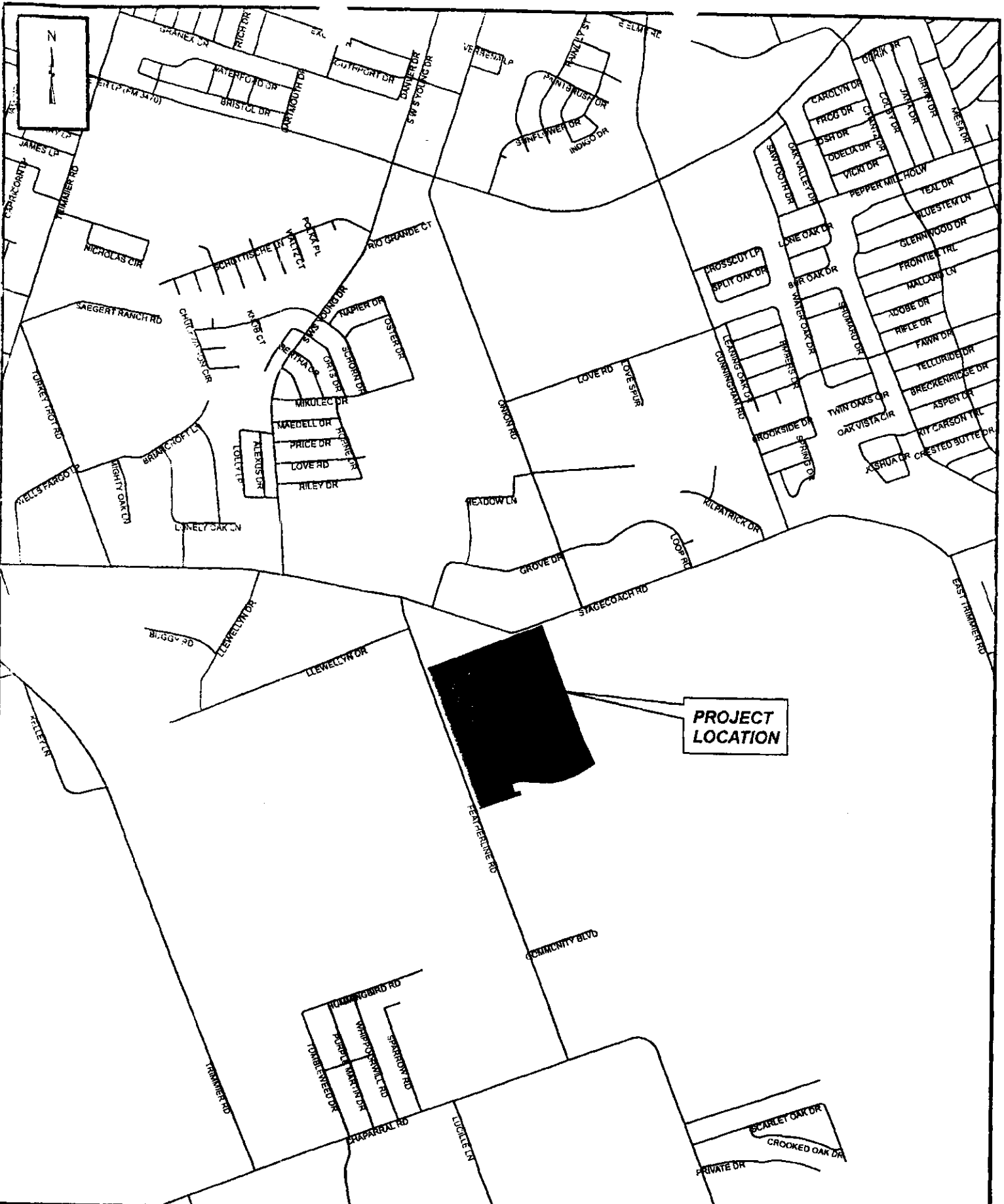
Attachment: Exhibits A and B

**APPROVED AS TO FORM**

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

Case #Z08-50

Ord #08-\_\_\_\_.

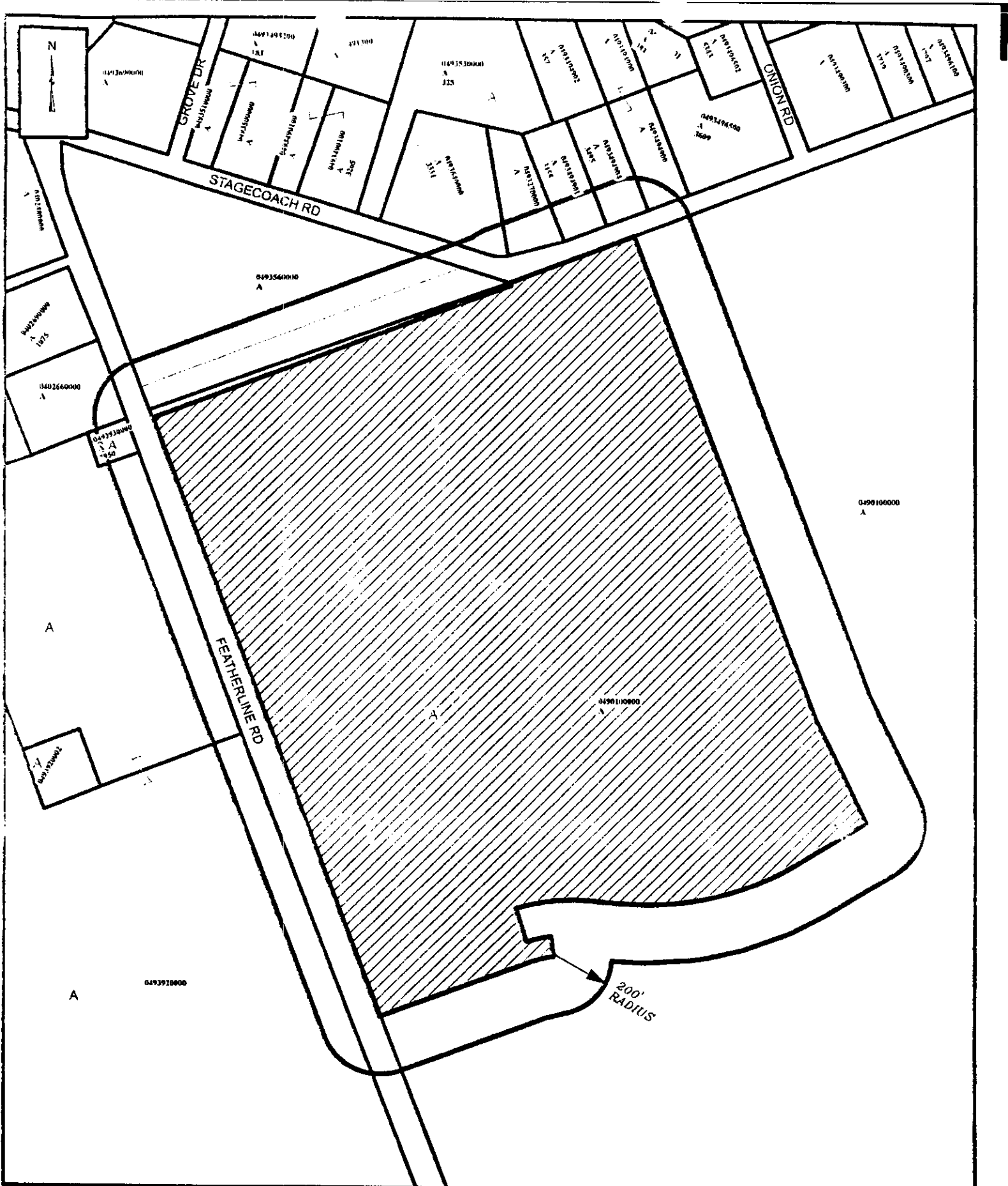


Date: 10/30/08  
87.12 ACRES

ZONING CASE #Z08-50  
From A To R-1



**CITY OF KILLEEN**  
PLANNING/MAPPING  
P.O. BOX 1329  
KILLEEN, TEXAS, 76540-1329



Date: 10/30/08

87.12 ACRES

ZONING CASE #Z08-50

From A To R-1



**CITY OF KILLEEN**

PLANNING/MAPPING

P.O. BOX 1329

KILLEEN, TEXAS, 76540-1329

**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**AGENDA ITEM**

**ZONING CASE #Z08-50  
A TO R-1**

**ORIGINATING DEPARTMENT <sup>TM</sup> PLANNING & DEVELOPMENT SERVICES**

**BACKGROUND INFORMATION**

W & B Development has submitted an application to rezone approximately 87.12 acres from Agricultural to R-1 (Single-Family Residential). The property is part of the Simeon D. Carothers Survey, Abstract No. 177, Killeen, Texas. The subject site is located on the east right-of-way of Featherline Road, approximately 2,000 feet south of Stagecoach Road.

The R-1 zoning district allows for uses such as one-family dwellings, churches or other places of worship, schools, colleges, universities or other institutions of higher learning; country clubs or golf courses, etc. The developer is petitioning to rezone the site to allow for the first phase of the proposed Yowell Ranch subdivision. The prevalent land uses in this area is residential development and this area is a viable corridor for single-family homesite development.

**Transportation Infrastructure**

The Public Works Department has submitted Featherline Road as a street project in the Transportation CIP. This document has been presented to the Transportation Committee and members of City Council and is awaiting project prioritization. Under the proposed street project, Featherline Road would be reconstructed to five lanes between Stagecoach Road and Chaparral Road at a project cost of approximately \$6,100,000.

The lot and area requirements of the R-1 zoning district are contained in Table 1 (below).

**Table 1. R-1 (Single-Family Residential)**

Setbacks	Front-25', rear-25', side-7' or 15' (against street)
Min. Area	6,000 sq. feet
Min. Width	60 feet
Min. Depth	100'

The property is vacant, with sparse vegetative ground cover. It appears suitable for low-intensity development and will continue the transformation of this quadrant of the City into a residential hub. The proposed new zoning is consistent with the zoning of neighboring lands, and the tract, while large, doesn't seek a use fundamentally different from surrounding lands. The request to rezone to single-family residential is fundamentally compatible with the existing and projected land uses in this area.

**Table 2. Surrounding Land Uses**

North	Undeveloped and Residential
West	Undeveloped
East	Residential
South	Undeveloped

A letter of notification was mailed to ten (10) surrounding property owners in the 200-foot notification area. Staff did not receive any protest letters regarding this rezone request.

### **DISCUSSION/CONCLUSION**

Bruce Whitis of W & B Development was present to represent the case. Chairman Frederick opened the public hearing, and the following individuals spoke at the public hearing: Bill King and Randy Doyle. Mr. King expressed concerns about safety, density, and congestion. Mr. Doyle remarked about the need for the City to slow the pace of housing construction until a City masterplan is in place and also stated that there are currently 1,200 to 1,400 homes for sale in Killeen.

### **FISCAL IMPACT**

No fiscal impact is associated with this rezone application.

### **RECOMMENDATIONS**

The Planning and Zoning Commission made a recommendation to approve rezone case #Z08-50 by a vote of 4 to 3.



- PH-6 **HOLD** a public hearing and consider a request for an ordinance by W&B Development (Case #Z08-50) to rezone approximately 87.12 acres, being part of the S. D. Carothers Survey, Abstract No. 177 from A (Agricultural District) to R-1 (Single-Family Residential District) the property is located on the east right-of-way of Featherline Road approximately 1,000 feet south of Stagecoach Road and north of Police Headquarters Addition, Killeen, Texas.

## Ordinances / Resolutions

- OR-1 Consider an ordinance amending the City of Killeen Code of Ordinances, Chapter 13 relating to smoking in public places.

## Adjournment

### CLOSED MEETINGS

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.

## Future Workshop Items

The following items have been scheduled for workshop discussion on the dates shown. The final scheduling of these items is dependent upon the presenters/interested parties being available on the dates projected.

### December 2, 2008 (Workshop Meeting)

- ◆ Discuss City Council Agenda Items and Land Use Cases
- ◆ Briefing/Update-Informational Jacobs Engineering formerly Carter & Burgess Inc.
- ◆ Discuss Adoption of New Construction Codes and TCEQ Lawn Irrigation Requirements
- ◆ Discuss Adoption of New Fire Codes, Fire Alarm Ordinance and Amendments to Chapter 11

### December 9, 2008 (Regular Meeting)

- ◆ Discuss City Council Agenda Items and Land Use Cases
- ◆ Discuss Possible Cell Phone Ordinance (Cole, Latham & Rivera)

### Unscheduled

- ◆ Discuss-Elimination of Signal Lights on Business 190 (Latham) (Transportation Committee-Pending)
- ◆ Briefing-City Facilities Assessment (Staff)
- ◆ Discuss-Police Helicopter (Rivera & Wells)
- ◆ Discuss-Bicycle and Pedestrian Lanes (Rivera)
- ◆ Discuss-Direction of the Ad Hoc Land Use/Development Committee (Hancock)

## Notice of Meetings

The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office.

- Holiday Under the Stars, December 5, 2008, 6:00 p.m., Killeen Community Center
- 7<sup>th</sup> Annual Armed Services YMCA Festival of Trees, December 5, 2008, 6:30 p.m., Killeen Civic and Conference Center
- 46<sup>th</sup> Annual Killeen Christmas Parade, December 13, 2008, 3:30 p.m., Chamber of Commerce, Killeen
- 2008 White Christmas in Puerto Rico Gala, December 20, 2008, 6:00 p.m., Killeen Civic and Conference Center
- City of Killeen Annual Employee Services Awards Banquet, January, 23, 2008, 11:30 a.m., Killeen Civic and Conference Center

- CA-6 Consider a memorandum/resolution approving the police department's Federal Annual Certification Report for the federal seizure fund.
- CA-7 Consider a memorandum/resolution rescheduling the City Council meeting of December 23, 2008.
- CA-8 Consider a request by William R. Dunivan, Jr., and Robbie Dunivan (Case #08-55FS: Vernon Addition) for a final plat of approximately 6.501 acres, being part of the Robert Cunningham Survey, Abstract No. 158, for property located on the north side of Stan Schlueter Loop and east of Elms Road, Killeen, Texas.
- CA-9 Consider a request by Splawn Ranch Partnership, a Texas General Partnership, (Case #08-076FS: Splawn Ranch Subdivision, Phase Four, Section One) for a final plat of approximately 16.127 acres, being part of the WH Cole Survey, Abstract No. 200, for property located on the east side of South Fort Hood Street (SH 195) and on the north right-of-way of Splawn Ranch Drive, Killeen, Texas.
- CA-10 Consider a request by Splawn Ranch Partnership, a Texas General Partnership, (Case #08-077FS: Splawn Ranch Subdivision, Phase Four, Section Two) for a final plat of approximately 6.605 acres, being part of the WH Cole Survey, Abstract No. 200. The property is located on the east side of South Fort Hood Street (SH 195) and on the south right-of-way of Splawn Ranch Drive, Killeen, Texas.

<b>Public Hearings / Ordinances</b>
-------------------------------------

- PH-1 **HOLD** a public hearing and consider a request for an ordinance by Wayne Cosper (Case #Z08-45) to rezone Lots 1-2, Block 2, Lots 1-3, Block 3 and Lots 1-2, Block 1 Onion Creek Estates, Phase 6 from R-1 (Single-Family Residential District) to B-4 (Business District), for property locally known as 4408 and 4410-4413 Eclipse Court and 1202 and 1204 Granex Drive, Killeen, Texas.
- PH-2 **HOLD** a public hearing and consider a request for an ordinance by James M. Wright (Case #Z08-47) to rezone approximately 1.009 acres, being part of the WH Cole Survey, Abstract No. 200, from UOD and COD to UOD with SUP (Specific Use Permit) and COD with SUP (Specific Use Permit) for on premises alcohol sales and consumption for property located on the east right-of-way of S. Fort Hood Street (SH 195) approximately 550 feet north of Splawn Ranch Drive, Killeen, Texas.
- PH-3 **HOLD** a public hearing and consider a request by Reeces Creek Developers, a Texas Limited Partnership, (Case #08-043RRS: Goodnight Ranch Addition, Phase Six) for a plat of approximately 81.273 acres, being a replat of all of Goodnight Ranch Addition, Phase 2 and all of Goodnight Ranch Addition Phase 3, for property located along the east right-of-way of Bunny Trail south of the Killeen City Limits, Killeen, Texas.
- PH-4 **HOLD** a public hearing and consider a request by Whitis Property Capital, Inc., a Texas Limited Partnership, (Case #08-065RS: James Tate Commercial 2, Replat) for a plat of approximately 2.260 acres, being a replat of a part of James Tate Commercial, for property locally known as 2201 E. Rancier, Killeen, Texas.
- PH-5 **HOLD** a public hearing and consider zoning Tracts 2-5 (Case #Z08-49) of the 90-day Annexations that were effective January 28, 2008 from A (Agricultural District) to A, AR-1 (Agricultural Residential District), R-1 (Single-Family Residential District), B-3 (Local business District) and B-4 (Business District)

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
NOVEMBER 10, 2008**

**CASE #Z08-50  
A TO R-1**

**HOLD a public hearing and consider a request submitted by W&B Development to rezone approximately 87.12 acres, being part of the S. D. Carothers Survey, Abstract No. 177 from A (Agricultural District) to R-1 (Single-Family Residential District) the property is located on the east right-of-way of Featherline Road approximately 1,000 feet south of Stagecoach Road and north of Police Headquarters Addition, Killeen, Texas.**

Chairman Frederick requested staff comments.

Director Shanaa stated that this request is submitted by W & B Development to rezone approximately 87.12 acres from Agricultural to R-1 (Single-Family Residential). The property is part of the Simeon D. Carothers Survey, Abstract No. 177, Killeen, Texas. The subject site is located on the east right-of-way of Featherline Road, approximately 2,000 feet south of Stagecoach Road.

The R-1 zoning district allows for uses such as one-family dwellings, churches or other places of worship, schools, colleges, universities or other institutions of higher learning; country clubs or golf courses, etc. The developer is petitioning to rezone the site to allow for the first phase of the proposed Yowell Ranch subdivision. The prevalent land uses in this area is residential development and this area is a viable corridor for single-family homesite development.

**Transportation Infrastructure**

The Public Works Department has submitted Featherline Road as a street project in the Transportation CIP. This document has been presented to the Transportation Committee and members of City Council and is awaiting project prioritization. Under the proposed street project, Featherline Road would be reconstructed to five lanes between Stagecoach Road and Chaparral Road at a project cost of approximately \$6,100,000.

The lot and area requirements of the R-1 zoning district are contained in Table 1 (below).

**Table 1. R-1 (Single-Family Residential)**

Setbacks	Front-25', rear-25', side-7' or 15' (against street)
Min. Area	6,000 sq. feet
Min. Width	60 feet
Min. Depth	100'

The property is vacant, with sparse vegetative ground cover. It appears suitable for low-intensity development and will continue the transformation of this quadrant of the City into a residential hub. The proposed new zoning is consistent with the zoning of neighboring lands, and the tract, while large, doesn't seek a use fundamentally different from surrounding lands. The request to rezone to single-family residential is fundamentally compatible with the existing and projected land uses in this area.

**Table 2. Surrounding Land Uses**

North	Undeveloped and Residential
West	Undeveloped
East	Residential
South	Undeveloped

A letter of notification was mailed to ten (10) surrounding property owners in the 200-foot notification area. Staff did not receive any protest letters regarding this rezone request.

Mr. Bruce Whitis, W&B Development, 3000 Illinois, Ste 100, Killeen, represented this case and stated that his request of R-1 zoning for the area is in compliance with Pharr v Tippett considerations.

Chairman Frederick opened the public hearing. The following spoke in opposition of the request: Mr. Bill King; Mr. Randy Doyle and Marcus Chapman. Their concerns were safety, traffic congestion and density. Mr. Doyle asked that the city slow growth and have a master plan in place before approving more construction. Mr. King refuted statements made by Mr. Whitis. Mr. King stated that there is no current need for more R-1, and it is not consistent with the size of lots in the surrounding area.

Mr. Bruce Whitis spoke in support of this request.

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

Commissioner Diaz motioned to recommend approval of zoning case #Z08-50. Vice Chair Langford seconded the motion. The motion tied 3-3. Chairman Frederick broke the tie vote by voting in favor of approval.

Chairman Frederick stated that this case will be forwarded to City Council on November 25, 2008 with a recommendation to approve.

# CONSIDERATIONS

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

## A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## B. 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.

**THE CITY OF KILLEEN  
REQUEST FOR ZONING CHANGE OR SPECIFIC/SPECIAL USE PERMIT**

CASE NUMBER: Z08-50

DATE: 10/31/08

**1. APPLICANT:**

Name: W&B Development  
 Received: \$ 200.00  
 Present Zoning: A  
 Proposed Zoning/Permit: R-1  
 Requested Time Period: N/A  
 Proposed Use: Single-Family Residential  
 Address/General Location: 1,000 feet south of Stagecoach on the east ROW of Featherline Rd  
 Legal Description of Property: (Yowell Ranch Phase One) approximately 87 acres part of the S. D Carothers Survey A-177

**2. BACKGROUND:**

**A. Site Characteristics:**

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

**B. Neighborhood Characteristics:**

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

**C. Community Infrastructure**

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

*Improvement of Stagecoach and Featherlines Rds subject to future Tranop. CIP Program*

*COK ESI Ph. II MP project to extend adequate transmission capacity through proposed develop.*

*COK ESI Ph II MP project to extend adequate interceptor capacity to proposed development*

*JPM  
10-31-08*



**AGENDA  
REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
NOVEMBER 10, 2008  
CITY HALL  
101 N. COLLEGE STREET  
COUNCIL CHAMBERS**

**WORKSHOP – 5:15 P.M. – MAIN CONFERENCE ROOM**

- I. Discuss agenda items for the **November 10, 2008** regular Planning and Zoning Commission meeting.
- II. Discuss City of Killeen's current practice of issuing specific or special use permits to allow on-premises sale and consumption of alcohol.

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

**ROLL CALL**

COMMISSION	STAFF
<input type="checkbox"/> Johnny Frederick, Chairman	<input type="checkbox"/> Dr. Ray Shanaa, AICP, Director of Planning and Development Services
<input type="checkbox"/> Craig Langford, Vice Chairman	<input type="checkbox"/> Tony D. McIlwain, AICP, City Planner
<input type="checkbox"/> Miguel Diaz, Jr.	<input type="checkbox"/> John Nett, P.E., City Engineer
<input type="checkbox"/> Eugene Kim	<input type="checkbox"/> Scott Osburn, Assistant City Attorney
<input type="checkbox"/> Robert Hicks, Sr.	<input type="checkbox"/> Vicki Wanken, Planning Assistant
<input type="checkbox"/> Bobby Lee Hoover	
<input type="checkbox"/> Austin Pickett	
<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 **November 10, 2008**.

**CONSENT AGENDA**

**CA-1** Consider minutes of the Regular Planning and Zoning Commission Meeting of **October 27, 2008**.

- CA-2** Consider a request submitted by William R. Dunivan, Jr., and Robbie Dunivan (**Case #08-55FS: Vernon Addition**) for a final plat of approximately 6.501 acres, being part of the Robert Cunningham Survey, Abstract No. 158, for property located on the north side of Stan Schlueter Loop and east of Elms Road, Killeen, Texas.  
(This case is scheduled to be heard by City Council on November 25, 2008.)
- CA-3** Consider a request submitted by Luis Carlos Rodriguez-Sanchez (**Case #08-073FMS: Villa Mimi Addition**) for a final minor plat of approximately 1.793 acres, being part of the W. H. Cole Survey, Abstract No. 200, for property locally known as 9709 West Trimmier Road, Killeen, Texas.
- CA-4** Consider a request submitted by Splawn Ranch Partnership, a Texas General Partnership, (**Case #08-076FS: Splawn Ranch Subdivision, Phase Four, Section One**) for a final plat of approximately 16.127 acres, being part of the W. H. Cole Survey, Abstract No. 200, for property located on the east side of South Fort Hood Street (SH 195) and on the north right-of-way of Splawn Ranch Drive, Killeen, Texas.  
(This case is scheduled to be heard by City Council on November 25, 2008.)
- CA-5** Consider a request submitted by Splawn Ranch Partnership, a Texas General Partnership, (**Case #08-077FS: Splawn Ranch Subdivision, Phase Four, Section Two**) for a final plat of approximately 6.605 acres, being part of the W. H. Cole Survey, Abstract No. 200, for property located on the east side of South Fort Hood Street (SH 195) and on the south right-of-way of Splawn Ranch Drive, Killeen, Texas.  
(This case is scheduled to be heard by City Council on November 25, 2008.)

**CITIZENS PETITIONS FOR INFORMATION**

**PUBLIC HEARING**

- PH-1 HOLD** a public hearing and consider a request submitted by Reeces Creek Developers, a Texas Limited Partnership, (**Case #08-043RRS: Goodnight Ranch Addition, Phase Six**) for a plat of approximately 81.273 acres, being a replat of all of Goodnight Ranch Addition, Phase 2 and all of Goodnight Ranch Addition Phase 3, for property located along the east right-of-way of Bunny Trail south of Stan Schlueter Loop, Killeen, Texas.  
(This case is scheduled to be heard by City Council on November 25, 2008.)
- PH-2 HOLD** a public hearing and consider a request submitted by B&R Enterprises, Inc., (**Case #08-051FMRRS: Esposito Addition, Phase Two**) for a plat of approximately 1.128 acres, being a replat of Lot 1, Block 1, Esposito Addition and 0.656 acre, being part of the W. H. Cole Survey, Abstract No. 201, for property locally known as 1102 Bacon Ranch Road, Killeen Texas.
- PH-3 HOLD** a public hearing and consider a request submitted by Whitis Property Capital, Inc., a Texas Limited Partnership, (**Case #08-065RS: James Tate Commercial 2, Replat**) for a plat of approximately 2.260 acres, being a replat of a part of James Tate Commercial, for property locally known as 2201 E. Rancier, Killeen, Texas.  
(This case is scheduled to be heard by City Council on November 25, 2008.)



**PH-4 HOLD** a public hearing and consider a request submitted by Wayne Cosper (**Case #Z08-45**) to rezone Lots 1-2, Block 2, Lots 1-3, Block 3 and Lots 1-2, Block 1 Onion Creek Estates, Phase 6 from R-1 (Single-Family Residential District) to B-4 (Business District), for property locally known as 4408 and 4410-4413 Eclipse Court and 1202 and 1204 Granex Drive, Killeen, Texas.  
**(This case is scheduled to be heard by City Council on November 25, 2008.)**

**PH-5 HOLD** a public hearing and consider a request submitted by James M. Wright (**Case #Z08-47**) to rezone approximately 1.009 acres, being part of the WH Cole Survey, Abstract No. 200, from UOD and COD to UOD with SUP (Specific Use Permit) and COD with SUP (Specific Use Permit) for on premises alcohol sales and consumption for property located on the east right-of-way of S. Fort Hood Street (SH 195) approximately 550 feet north of Splawn Ranch Drive, Killeen, Texas.  
**(This case is scheduled to be heard by City Council on November 25, 2008.)**

**PH-6 HOLD** a public hearing and consider a request submitted by W&B Development (**Case #Z08-50**) to rezone approximately 87.12 acres, being part of the S. D. Carothers Survey, Abstract No. 177 from A (Agricultural District) to R-1 (Single-Family Residential District) the property is located on the east right-of-way of Featherline Road approximately 1,000 feet south of Stagecoach Road and north of Police Headquarters Addition, Killeen, Texas.  
**(This case will be heard by City Council on November 25, 2008.)**

**PH-7 HOLD** a public hearing and consider zoning Tracts 2-5 (**Case #Z08-49**) of the 90-day Annexations that were effective January 28, 2008 from A (Agricultural District) to A, AR-1 (Agricultural Residential District), R-1 (Single-Family Residential District), B-3 (Local business District) and B-4 (Business District)  
**(This is scheduled to be heard by City Council on November 25, 2008.)**

**PH-8 HOLD** a public hearing and consider recommendations for the zoning designations and land use plan for properties in the Stagecoach Region (**Case #Z08-51**) that were annexed effective January 28, 2009 per ordinance #08-006.

<b>OTHER ITEM</b>
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**OI-1** Consider a request submitted by Killeen LAP, Ltd (**Case #08-074FMS: G2K Killeen Addition**) for a final minor plat of approximately 1.237 acres, being part of the Thomas Robinett Survey, Abstract No. 686. The property is located at the northeast intersection of Clear Creek Road and Desert Willow Drive, Killeen, Texas.

<b>COMMISSION &amp; STAFF ITEMS AND FUTURE AGENDAS</b>
--

- I. Attendance chart (for your information).

**ADJOURNMENT**

The next regularly scheduled meeting for the Planning and Zoning Commission is **November 24, 2008** 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 November 7, 2008.**

---

Vicki Wanken, Planning Assistant

cc: Earl Abbott  
Kristina Ramirez  
Beverly Zendt  
Maria Lopez



# MEMORANDUM

TO: PLANNING AND ZONING COMMISSION

FROM:  TONY D. MCILWAIN, AICP  
CITY PLANNER

DATE: NOVEMBER 7, 2008

SUBJECT: ZONING CASE #Z08-50  
A (AGRICULTURAL) TO R-1 (SINGLE-FAMILY RESIDENTIAL)

W & B Development has submitted an application to rezone approximately 87.12 acres from Agricultural to R-1 (Single-Family Residential). The property is part of the Simeon D. Carothers Survey, Abstract No. 177, Killeen, Texas. The subject site is located on the east right-of-way of Featherline Road, approximately 2,000 feet south of Stagecoach Road.

The R-1 zoning district allows for uses such as one-family dwellings, churches or other places of worship, schools, colleges, universities or other institutions of higher learning; country clubs or golf courses, etc. The developer is petitioning to rezone the site to allow for the first phase of the proposed Yowell Ranch subdivision. The prevalent land uses in this area is residential development and this area is a viable corridor for single-family homesite development.

### Transportation Infrastructure

The Public Works Department has submitted Featherline Road as a street project in the Transportation CIP. This document has been presented to the Transportation Committee and members of City Council and is awaiting project prioritization. Under the proposed street project, Featherline Road would be reconstructed to five lanes between Stagecoach Road and Chaparral Road at a project cost of approximately \$6,100,000.

The lot and area requirements of the R-1 zoning district are contained in Table 1 (below).

**Table 1. R-1 (Single-Family Residential)**

Setbacks	Front-25', rear-25', side-7' or 15' (against street)
Min. Area	6,000 sq. feet
Min. Width	60 feet
Min. Depth	100'

The property is vacant, with sparse vegetative ground cover. It appears suitable for low-intensity development and will continue the transformation of this quadrant of the City into a residential hub. The proposed new zoning is consistent with the zoning of neighboring lands, and the tract, while large, doesn't seek a use fundamentally different from surrounding lands. The request to rezone to single-family residential is fundamentally compatible with the existing and projected land uses in this area.

**Table 2. Surrounding Land Uses**

North	Undeveloped and Residential
West	Undeveloped
East	Residential
South	Undeveloped

A letter of notification was mailed to ten (10) surrounding property owners in the 200-foot notification area. Staff did not receive any protest letters regarding this rezone request.



# CITY OF KILLEEN

PLANNING DIVISION

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

Telephone: 254.501.7630

Fax: 254.501.7628

October 29, 2008

**RE: CASE #Z08-50: Request is submitted by W & B Development, Ltd. to rezone approximately 87.12 acres being part of the Simeon D. Carothers Survey, Abstract No. 177, from A (Agricultural District) to R-1 (Single Family Residential) for property located on the east right-of-way of Featherline Road, south of Stagecoach Road, and north of the Police Headquarters Addition, 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 **November 10, 2008, 6:00 p.m.**, in the Council Chambers, City Hall, 101 North College Street, Killeen, Texas.

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

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

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

The City Council meeting to hear this request is scheduled for **November 25, 2008, 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 2<sup>nd</sup> 173 (Tex 1981) established general guidelines which the Zoning Commission and City Council should take into consideration when making their respective recommendation and decision.

### **A. General Factors to Consider:**

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

### **B. Specific/Special Use Permit**

Whether the use is 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

PLANNING DIVISION

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

Telephone: 254.501.7630

Fax: 254.501.7628

October 29, 2008

**RE: CASE #Z08-50: Request is submitted by W & B Development, Ltd. to rezone approximately 87.12 acres being part of the Simeon D. Carothers Survey, Abstract No. 177, from A (Agricultural District) to R-1 (Single Family Residential) for property located on the east right-of-way of Featherline Road, south of Stagecoach Road, and north of the Police Headquarters Addition, Killeen, Texas.**

Dear Property Owner:

W&B Development, Ltd., owner 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 **November 10, 2008 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., November 10, 2008.**

After the Planning and Zoning meeting, this matter will be forwarded to the City Council on **November 25, 2008 at 6:00 p.m.**, where you may also appear and speak.

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

Sincerely,

Vicki Wanken  
Planning Assistant  
Attachments

<b>YOUR NAME:</b>	
<b>CURRENT ADDRESS:</b>	
<b>ADDRESS OF PROPERTY OWNED:</b>	
<b>COMMENTS:</b>	<b>A to R-1</b>
<b>SIGNATURE:</b>	<b>SPO #Z08-50/</b>



**A**  
**AGRICULTURAL DISTRICT**

A building or premises in a district "A," Agricultural District shall be used only for the following purposes:  
Stables, commercial or private Agricultural uses to include animal production, crop production, horticulture, and support housing.  
Home occupations as permitted in district "R-1" single-family residential district.  
Agricultural single-family residential in accordance with division 3 of this article  
Accessory buildings customarily incidental to the uses in this section

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

Single-family residential  
Home occupation as permitted in "R-1" single-family residential  
Accessory buildings customarily incidental to the uses in this section

**RM-1**  
**RESIDENTIAL MODULAR HOME SINGLE-FAMILY**

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

**R-1**  
**SINGLE-FAMILY RESIDENTIAL DISTRICT**

Family dwellings  
Churches or other places of worship  
Colleges, universities or other institutions of higher learning  
Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement  
Farms, nurseries or truck gardens, limited to the proportion and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than normal household pets shall be housed within one hundred (100) feet of any property line.  
Parks, playgrounds, community buildings and other public recreational facilities

Public buildings, including libraries, museums, police and fire stations  
Real estate sales offices during the development of residential subdivisions but not to exceed 2 years  
Display residential houses with sales offices, provided that if such display houses are not moved within a period of one (1) year, specific permission must be obtained from the city council for such display houses to remain on their locations.  
Schools, public elementary or high schools, private with curriculum equivalent to that of a public elementary or high school.  
Temporary buildings for uses incidental to construction work on the premises  
Water supply reservoirs, pumping plants and towers.  
Accessory buildings and uses, incidental to the uses in this section and located on the same lot herewith, not involving the conduct of a retail building.  
Carnelery

**R1-A**  
**SINGLE-FAMILY GARDEN HOME RESIDENTIAL**

Single-family dwellings meeting the criteria of the garden home district.  
All uses allowed in section 31-1-86, including those defined as home occupation uses.

**RT-1**  
**RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT**

All buildings located in the district "R1-1" residential townhouse single-family district shall be limited to townhouse development and accessory buildings and uses as described in section 31-1-85

**R-2**  
**TWO-FAMILY RESIDENTIAL DISTRICT**

Any use permitted in district "R-1."  
Two-family dwellings

**R-3**  
**MULTI-FAMILY RESIDENTIAL**

Any use permitted in district "R-2."  
Multifamily dwellings  
Boarding and lodging houses  
Dormitories for students  
Fraternity or sorority houses  
Institutions of a religious, educational, charitable or philanthropic nature, but not a penal or mental institution

Accessory buildings and uses, customarily incidental to the above uses and located on the same lot herewith, not involving the conduct of a retail business

**R-MP**  
**MOBILE HOME DISTRICT**

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

**RMS**  
**MANUFACTURED HOUSING DISTRICT**

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

**PUD**  
**PLANNED UNIT DEVELOPMENT**

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

**COD**  
**CEMETERY OVERLAY DISTRICT**

Offices of practitioners of the recognized professions, such as: doctors, dentists, lawyers, architects, certified public accountants, registered engineers and related professions.  
Uses customarily incidental to the primary use, subject to the special conditions contained in section 31-276(3).  
Buildings may be used for one or more of the uses prescribed in section (2) only under the following conditions:  
Public access to such incidental uses shall be from the interior of the building.  
No parking space shall occupy any part of the required front yard, except as provided in section 31-287 (a)(1)(b).  
Sign standards for this district shall apply to both primary and incidental uses.

No building in this district shall be constructed or altered to produce a storefront, show, window or display window, and there shall be no merchandise visible from the exterior of the building.  
No outside storage shall be permitted in this district.  
Office, general business.  
An on-premises residential use or living quarters may be included in one structure in a commercial land use district when the main use of the structure is commercial, provided both uses are in compliance with appropriate building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.  
Business day care.  
Bakery shop (retail sales only).  
Bakery shop (retail sales only).  
Bakery shop, beauty shop to include permanent cosmetics (licensed per Texas Health and Safety Code, Chapter 146 amended).

**UOD**  
**UNIVERSITY OVERLAY DISTRICT**

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

**HOME OCCUPATIONS**

Individual tutoring  
Minister, rabbi or priest  
Home crafts such as rug weaving, model making  
Office facility of: Architect, attorney, engineer, insurance agent, accountant, real estates broker, or similar profession, sales or manufacturing representative, service provider  
Millinery, repair shop for small electrical appliances and food preparation establishments  
Business day care.  
Bakery shop (retail sales only).  
Barbershop, beauty shop to include permanent cosmetics (licensed per Texas Health and Safety Code, Chapter 146 amended).  
Constructor field office and yard, on the job site, for duration of construction only.  
Cleaning or laundry (pick-up only).  
Drugstore or pharmacy.  
Florist (retail) retail sales of flowers and small plants. No flower or plant raising or outside display or storage.  
Restaurant, coffee shop, or cafe (no drive-in/dine thru service).  
Bank, savings and loan or other financial institution.  
All structures within this district shall be constructed with 80% stone, brick or stucco veneer having a limestone front facade. No metal siding shall be visible from curbs.  
No off-premises signs shall be permitted in this district. On-premises signs are restricted to one sign per lot. The permitted sign shall be set back 10 feet from the property line, shall not exceed 10 feet in height and the face shall not exceed 100 square feet and the sign shall be constructed of limestone masonry material to match the building facade.

All structures within this district shall be constructed with 80% stone, brick or stucco veneer having a limestone front facade. No metal siding shall be visible from curbs.  
No off-premises signs shall be permitted in this district. On-premises signs are restricted to one sign per lot. The permitted sign shall be set back 10 feet from the property line, shall not exceed 10 feet in height and the face shall not exceed 100 square feet and the sign shall be constructed of limestone masonry material to match the building facade.

**UNIVERSITY OVERLAY DISTRICT**

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

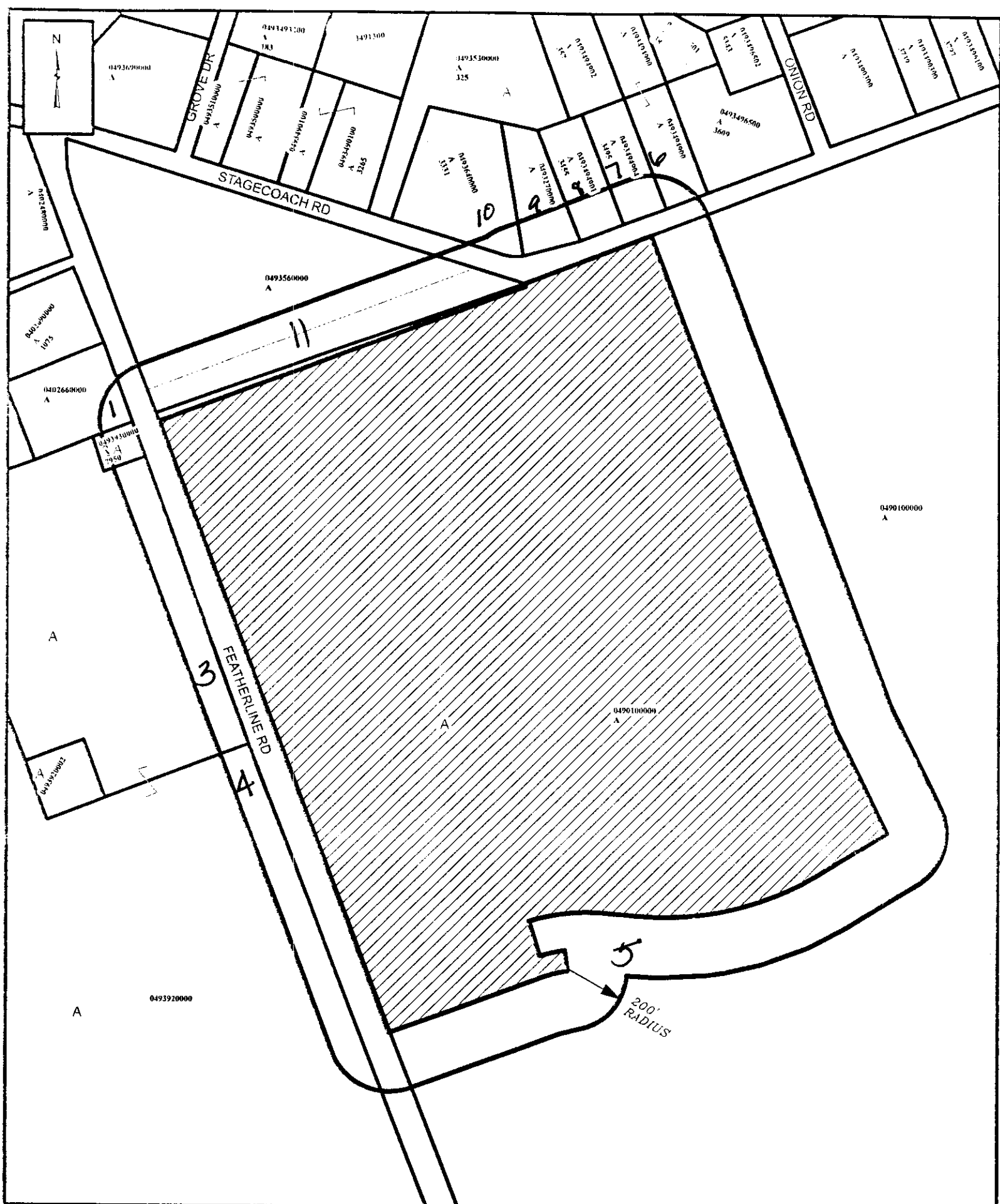
No building in this district shall be constructed or altered to produce a storefront, show, window or display window, and there shall be no merchandise visible from the exterior of the building.  
No outside storage shall be permitted in this district.  
Office, general business.  
An on-premises residential use or living quarters may be included in one structure in a commercial land use district when the main use of the structure is commercial, provided both uses are in compliance with appropriate building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.

**HOME OCCUPATIONS**

Individual tutoring  
Minister, rabbi or priest  
Home crafts such as rug weaving, model making  
Office facility of: Architect, attorney, engineer, insurance agent, accountant, real estates broker, or similar profession, sales or manufacturing representative, service provider  
Millinery, repair shop for small electrical appliances and food preparation establishments  
Business day care.  
Bakery shop (retail sales only).  
Barbershop, beauty shop to include permanent cosmetics (licensed per Texas Health and Safety Code, Chapter 146 amended).  
Constructor field office and yard, on the job site, for duration of construction only.  
Cleaning or laundry (pick-up only).  
Drugstore or pharmacy.  
Florist (retail) retail sales of flowers and small plants. No flower or plant raising or outside display or storage.  
Restaurant, coffee shop, or cafe (no drive-in/dine thru service).  
Bank, savings and loan or other financial institution.  
All structures within this district shall be constructed with 80% stone, brick or stucco veneer having a limestone front facade. No metal siding shall be visible from curbs.  
No off-premises signs shall be permitted in this district. On-premises signs are restricted to one sign per lot. The permitted sign shall be set back 10 feet from the property line, shall not exceed 10 feet in height and the face shall not exceed 100 square feet and the sign shall be constructed of limestone masonry material to match the building facade.



PARCEL NO.	CASE/PO	PROPERTY OWNER	ADDRESS	CITY	ST	ZIP
Z08-50/1		CAVINESS, JAMES R ETUX GWENDOLYN J	1705 LLEWELLYN LN	KILLEEN	TX	76542
Z08-50/2		GALLAWAY, TREY A ETUX JULIE R	PO BOX 1775	BELTON	TX	76513
Z08-50/3, 4		HUSUNG, FRED MRS	8390 FEATHERLINE RD	KILLEEN	TX	76542
Z08-50/5		W & B DEVELOPMENT	3000 ILLINOIS, STE 100	KILLEEN	TX	76543
Z08-50/6		ESPOSITO, RONALD	129 N 2ND ST	KILLEEN	TX	76541
Z08-50/7		DEERKOP, LOREN A ETUX VIRGINIA	3495 E STAGECOACH RD	KILLEEN	TX	76542
Z08-50/8		MAYO, ALFRED G JR	3455 E STAGECOACH RD	KILLEEN	TX	76542
Z08-50/9		MAYO, ALFRED G JR ETUX SONG JA	1502 DALLAS ST	KILLEEN	TX	76541
Z08-50/10		MAYO, GEORGE ETUX PATRICIA	1502 DALLAS ST	KILLEEN	TX	76541
		ANDERSON, SHERYL YOWELL 1998 TRUST ETAL C/O ANDERSON, SHERYL YOWELL TRUSTEE				
Z08-50/11			4248 E STAGECOACH RD	KILLEEN	TX	76542
Z08-50/AGENT		W & B DEVELOPMENT	3000 ILLINOIS, STE 100	KILLEEN	TX	76543
Z08-50/OWNER		W & B DEVELOPMENT	3000 ILLINOIS, STE 100	KILLEEN	TX	76543



Date: 10/30/08

87.12 ACRES

ZONING CASE #Z08-50

From A To R-1



**CITY OF KILLEEN**  
 PLANNING/MAPPING  
 P.O. BOX 1329  
 KILLEEN, TEXAS, 76540-1329

DATE: 10/29/2008 CK #: 300049 BANK: First National Bank  
 PAYEE: City of Killeen Planning Department

INV NO	INV DATE	DESCRIPTION	AMOUNT
102908	10/29/2008	filing fee	\$200.00
			\$200.00

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

7483

RECEIVED OF WAB Development DATE 10/29, 2008  
Two Hundred and no/100 DOLLARS \$ 200

Spring Case 08-0  
Check 300049  
 By [Signature]

Form 1001