

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 08-093)
 Owner Approval Letter/Dated 12-2-08
 CC Minutes (Date 11-18-08)
 CC Agenda (Date 11-18-08)
 CC Packet: (CCMO, Minutes, Considerations, Application, SPO Responses)
 Public Notice
 P&Z Minutes (Signed Copy) (Date 10/27/08)
 P&Z Agenda (Date 10/27/08)
 P&Z Packet: (P&Z Memo, Considerations, Application, Maps, SPO responses)
 PVT
 SPO Responses (if any)
 PO/SPO Letter: 7 Sent 1 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

CASE #:

Z 0840

Name(s) of Property Owner (s): W&B Development

Address: 3000 Illinois Ave Ste. 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: 2000' south of Stagecoach, east of Featherline

Has the Property been Platted? No _____
Lot(s) Block(s) Subdivision

Legal Description: See Attached Document _____
Metes and Bounds Description

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

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

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

Present Zoning(s): Ag Present Use: Undeveloped-Agriculture

Proposed Zoning(s): R1 Proposed Use: 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 ave. Ste 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 Garrett Nordyke Date 9-26-08

Signature of Property Owner  Title _____

Printed/Typed Name of Property Owner Bruce Whitis Date 9-26-08

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

Signature of Property Owner _____ Title _____

Printed/Typed Name of Property Owner _____ Date _____

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

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

DATE: August 22, 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.

PROPERTY:

All that certain tract of land part of the W.L. Shelburne Survey, Abstract No. 774, in Bell County, Texas, and being part of a 66-acre tract described in a deed recorded in Volume 1377, Page 71, of the Deed Records of Bell County, Texas; subject tract, containing 0.23 acre of land, being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

NOTICE: THIS INSTRUMENT WAS PREPARED BASED ON INFORMATION FURNISHED BY ONE OR BOTH PARTIES. NO INDEPENDENT TITLE SEARCH HAS BEEN MADE, AND NO RESPONSIBILITY FOR VALIDITY OF REAL ESTATE TITLE IS ASSUMED BY THE ATTORNEYS PREPARING THIS INSTRUMENT.

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.

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.

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

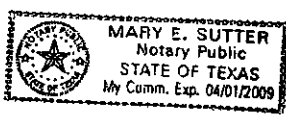
This instrument was acknowledged before me on the 22nd day of August, 2008, by SHERYL YOWELL ANDERSON, in her capacity as Trustee of the Sheryl Yowell Anderson 1998 Trust.



Mary E. Sutter
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on the 22nd day of August, 2008, by DEBORAH YOWELL FARLEY, in her capacity as Trustee of the Deborah Yowell Farley 1998 Trust.



Mary E. Sutter
NOTARY PUBLIC, STATE OF TEXAS

, all that
certain tract of land out of the W. L. Shelburne Survey,
Abstract No. 774, in Bell County, Texas, and being out of and
a part of a 66-acre tract described in a deed recorded in
Vol. 1377, Page 71, of the Deed Records of Bell County, Texas,
and now being more particularly described as follows:

BEGINNING at the southwest corner of said 66-
acre tract an iron pin at the intersection of
the east margin of Featherline Road and the
north margin of Chaparral Road and being the
southwest corner of this;

THENCE N 19° W 100 ft. along the east margin of
Featherline Road as fenced to an iron pin for the
northwest corner of this;

THENCE N 71° 03' 40" E 100 ft. to an iron pin for
the northeast corner of this;

THENCE S 19° E 100 ft. to an iron pin in the north
margin of said Chaparral Road for the southeast
corner of this;

THENCE S 71° 03' 40" W 100 ft. along the north
margin of said road to the place of beginning,
containing 0.23 acre.

EXHIBIT "A"

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

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, James Allcorn Survey, A-25 and, Wm. L. Shelbourn Survey, A-774, Bell County, Texas, being a part of the called 783.456 acre tract described in deed to Sheryl Yowell Anderson 1998 Trust etal, recorded in Volume 4050, Page 305, Official Records, Bell County, Texas, and all of the remainder of the tract described in deed to Central Texas Water Supply Company in Volume 1777, Page 505, Deed Records, Bell County, 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, 970.48 feet, to an iron rod set in the east margin of Featherline Road, same being the southwest 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, N 20°43'59" W, 890.27 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
3. 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, N 20°43'59" W, 1453.44 feet, along the east margin of Featherline Road (80' R.O.W.) to a 3/8" iron rod found for the northwest corner of the herein described tract;

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

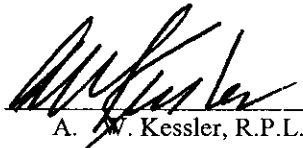
1. N 69°16'34" E, 537.09 feet, to an iron rod found for the beginning of a curve to the right;
2. Along a curve to the right, same having a radius of 392.10 feet, a length of 90.99 feet, a chord bearing N 75°55'26" E, and a chord of 90.78 feet, to an iron found for corner,
3. N 07°25'42" W, 70.00 feet, to an iron rod set for corner, same being the beginning of a curve to the left,
4. Along said curve having a radius of 462.10 feet, a length of 85.96 feet, a chord bearing S 77°14'34" W, and a chord of 85.83 feet, to an iron rod found for corner,
5. N 17°12'46" W, 120.53 feet, to an iron rod found, same being the beginning of a curve to the right,
6. Along said curve having a radius of 657.74 feet, a length of 238.46 feet, a chord bearing N 83°10'25" E, and a chord of 237.16 feet, to an iron rod found for corner,
7. S 85°27'14" E, 129.34 feet, to an iron rod set for the beginning of a curve to the left,
8. Along said curve having a radius of 1000.00 feet, a length of 630.39 feet, a chord bearing N 76°29'13" E, and a chord of 620.00 feet, to an iron found for corner,
9. N 58°25'39" E, 267.68 feet, to an iron rod found for corner;

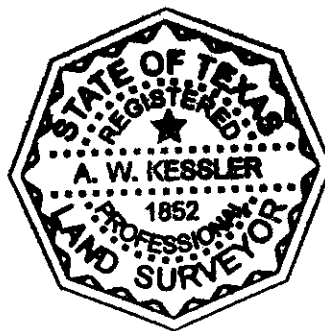
THENCE S 25°57'58" E, 264.32 feet, to an iron rod found for corner,

THENCE S 20°43'50" E, 1261.19 feet, to an iron rod found for corner,

THENCE N 69°56'18" E, 1561.85 feet, to the **PLACE OF BEGINNING** and containing 214.11 acres of land, more or less.

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

 9-25-08
A. W. Kessler, R.P.L.S. No. 1852



30579

FILED FOR RECORD
JUL 24 2008
9:44 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

American Abstract & Title Co., Inc.
2801-B E. ... Rd.
Killeen, TX 76542
A0704162
26.00
2/11

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.



C. 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.



C. 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,

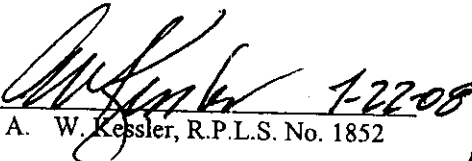
THENCE, S 69°55'26" W, 901.31 feet along the south line of this and north line of said Police Headquarters Addition,, to an iron rod found in the east margin of Featherline Road, same being the southwest corner of the herein described tract;

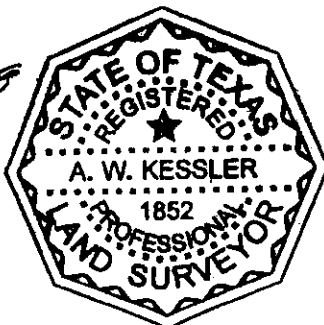
THENCE, along the east margin of Featherline Road (80' R.O.W.) with the following courses:

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.

 1-22-08
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 etal, 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;

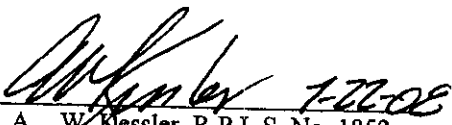
THENCE, N 20°43'59" W, 790.36 feet along the east margin of Featherline Road and west line of this to an iron rod with cap found for the southwest corner of the Police Headquarters Addition recorded in Cabinet D, slide 175B, Plat Records, Bell County, Texas, and being an ell corner of the herein described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



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

DATE: August 22, 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.

PROPERTY:

All that certain tract of land part of the W.L. Shelburne Survey, Abstract No. 774, in Bell County, Texas, and being part of a 66-acre tract described in a deed recorded in Volume 1377, Page 71, of the Deed Records of Bell County, Texas; subject tract, containing 0.23 acre of land, being more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

NOTICE: THIS INSTRUMENT WAS PREPARED BASED ON INFORMATION FURNISHED BY ONE OR BOTH PARTIES. NO INDEPENDENT TITLE SEARCH HAS BEEN MADE, AND NO RESPONSIBILITY FOR VALIDITY OF REAL ESTATE TITLE IS ASSUMED BY THE ATTORNEYS PREPARING THIS INSTRUMENT.

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.

EXHIBIT "B"

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.

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

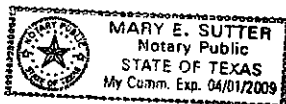
This instrument was acknowledged before me on the 22nd day of August, 2008, by SHERYL YOWELL ANDERSON, in her capacity as Trustee of the Sheryl Yowell Anderson 1998 Trust.



Mary E. Sutter
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on the 22nd day of August, 2008, by DEBORAH YOWELL FARLEY, in her capacity as Trustee of the Deborah Yowell Farley 1998 Trust.



Mary E. Sutter
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

, all that
certain tract of land out of the W. L. Shelburne Survey,
Abstract No. 774, in Bell County, Texas, and being out of and
a part of a 66-acre tract described in a deed recorded in
Vol. 1077, Page 71, of the Deed Records of Bell County, Texas,
and now being more particularly described as follows:

BEGINNING at the southwest corner of said 66-
acre tract an iron pin at the intersection of
the east margin of Featherline Road and the
north margin of Chaparral Road and being the
southwest corner of this;

THENCE N 19° W 100 ft. along the east margin of
Featherline Road as fenced to an iron pin for the
northwest corner of this;

THENCE N 71° 03' 40" E 100 ft. to an iron pin for
the northeast corner of this;

THENCE S 19° E 100 ft. to an iron pin in the north
margin of said Chaparral Road for the southeast
corner of this;

THENCE S 71° 03' 40" W 100 ft. along the north
margin of said road to the place of beginning,
containing 0.23 acre.

EXHIBIT "A"



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 #Z08-46: 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 214.11 acres, being part of the S. D Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25. The property is located approximately 2,000 south of Stagecoach Road on the east right-of-way of Featherline Road, Killeen, Texas.

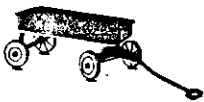
A copy of the ordinance is enclosed.

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

Sincerely,

Vicki Wanken
Planning Assistant

Enclosure
Ord. #08-093



ORDINANCE 08-093

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM A (AGRICULTURAL DISTRICT) TO 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 District) 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 27th day of October 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 18th 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 District) to R-1 (Single-Family Residential District) for approximately 214.11 acres, being part of the Simeon D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25. The property is located approximately 2,000 feet south of Stagecoach Road along the east right-of-way of

Featherline Road, Killeen, Texas.

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

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

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

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 18th 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

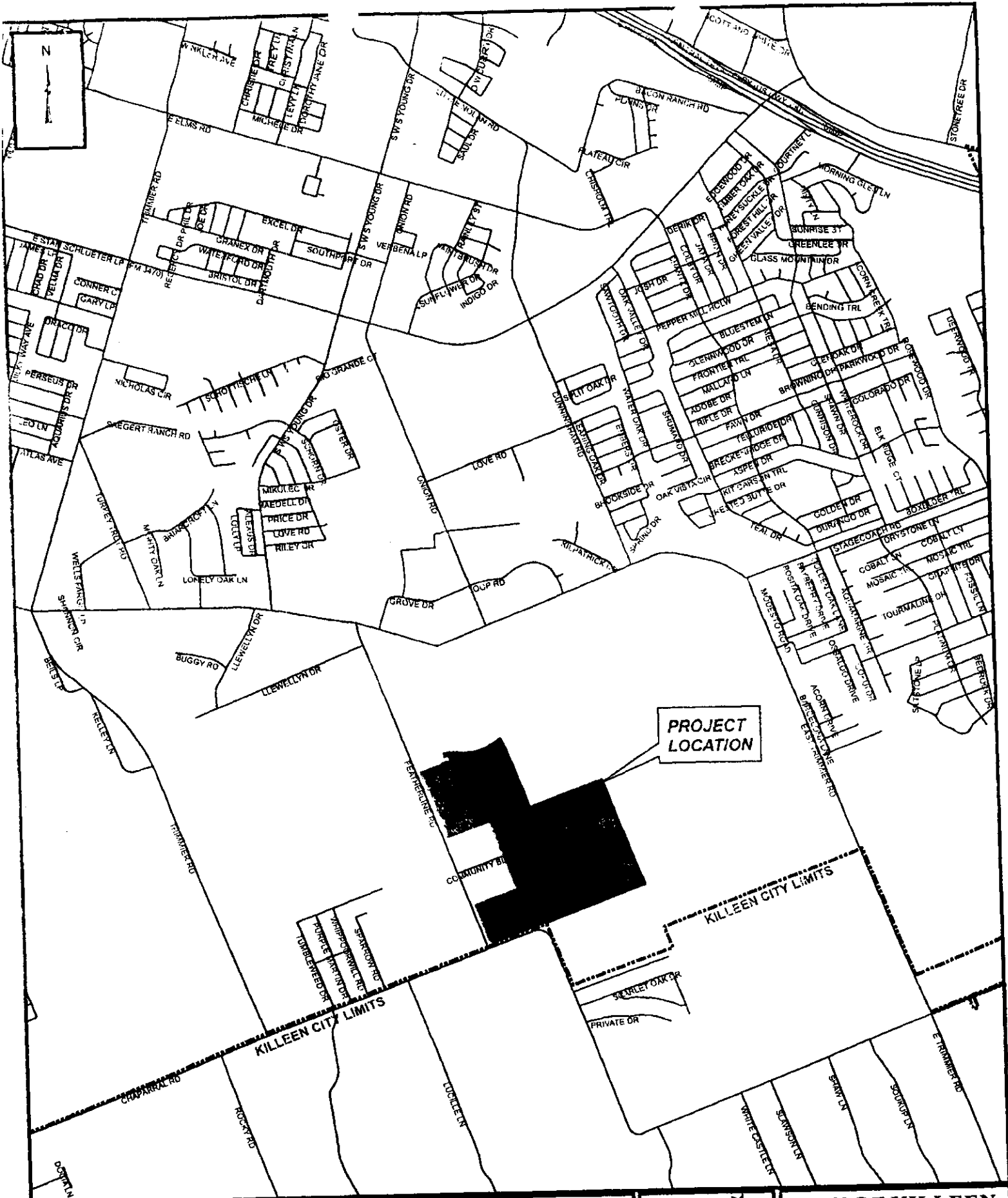
ATTEST:


Paula A. Miller, CITY SECRETARY

APPROVED AS TO FORM


Kathryn H. Davis, City Attorney

Case #08-46
Ord #08-___

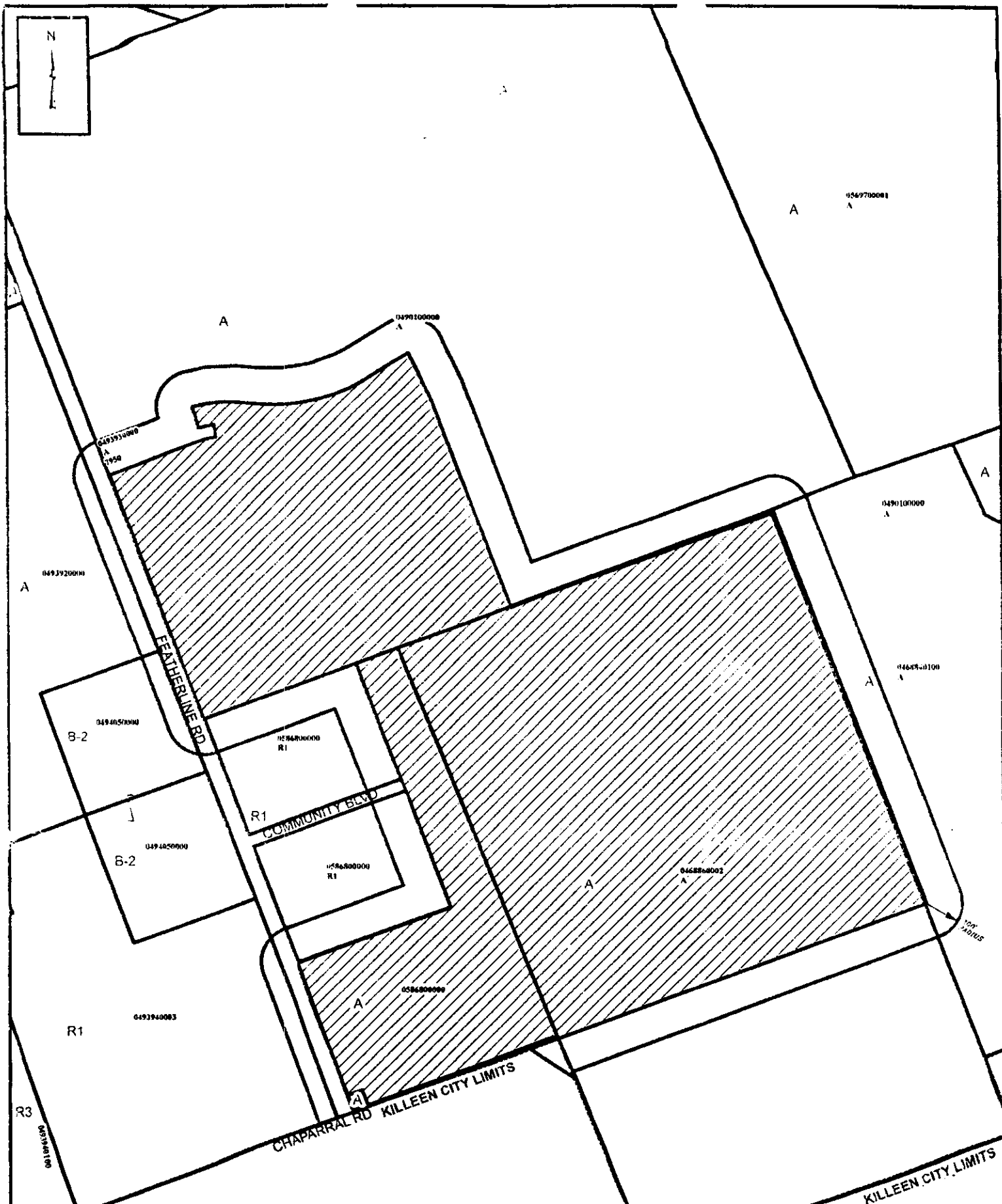


Date: 9/29/08
214.11 ACRES

ZONING CASE #Z08-46
From A To R-1



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



Date: 9/29/08

214.11 ACRES

ZONING CASE #Z08-46

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 #Z08-46
A TO R-1**

ORIGINATING DEPARTMENT  PLANNING & DEVELOPMENT SERVICES

BACKGROUND INFORMATION

W & B Development has submitted an application to rezone approximately 214.11 acres from Agricultural to R-1 (Single-Family Residential). The property is part of the Simeon D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25. The subject site is located on the east right-of-way of Featherline Road, approximately 2,000 feet south of Stagecoach Road, Killeen, Texas.

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 next phase of Yowell Ranch. Residential uses are the prevalent land uses in the area and this area is a viable corridor for this type of 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 (Zoning)

North	Agricultural zoning
West	B-2 zoning/ Agricultural zoning
East	Agricultural zoning
South	Agricultural zoning

A letter of notification was mailed to six (6) surrounding property owners in the 200-foot notification area. Staff received one letter of support from Bruce Whitis regarding this rezone request.

DISCUSSION/CONCLUSION

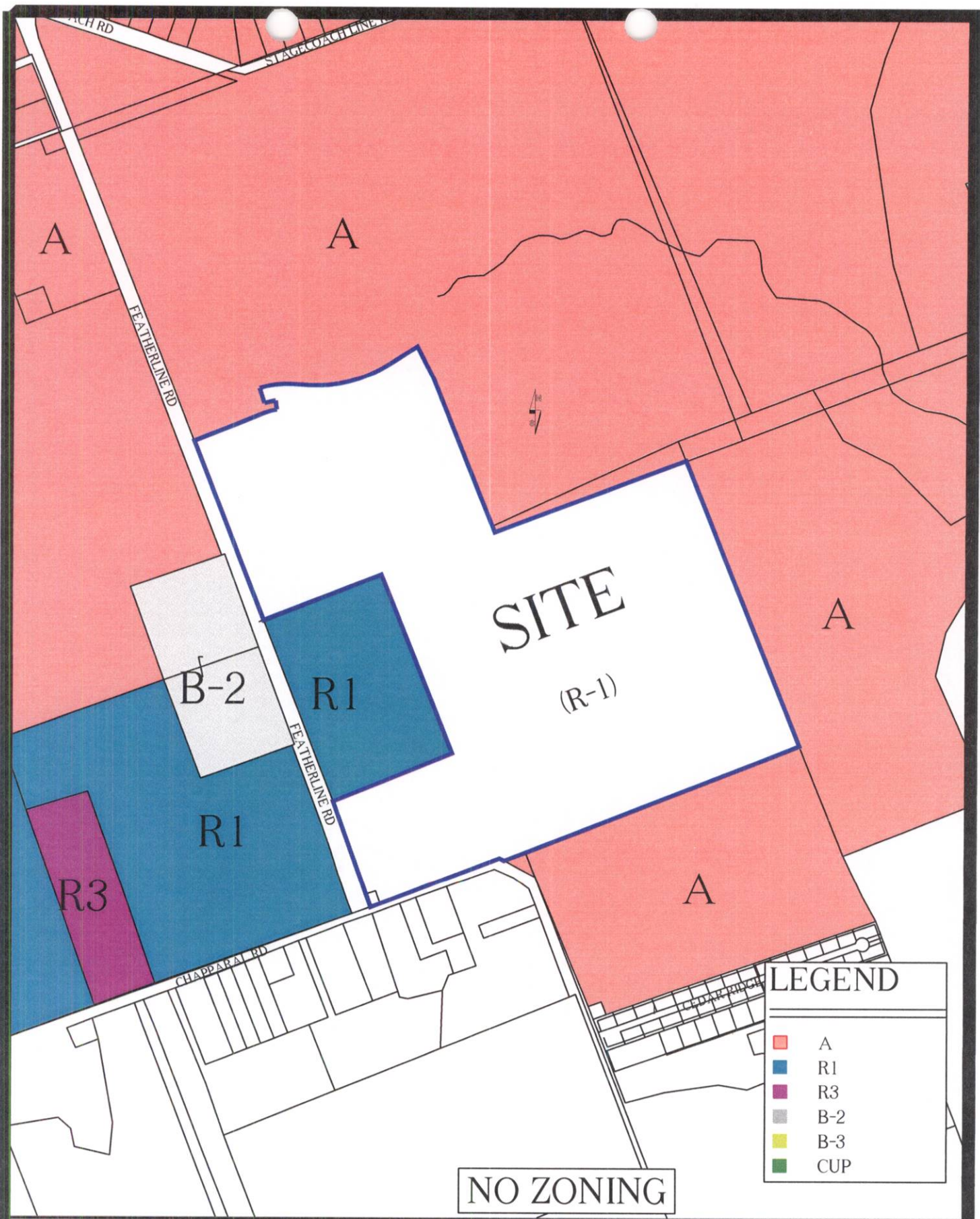
Bruce Whitis of W & B Development represented the case. Chairman Frederick opened the public hearing, and with no one requesting to speak, the public hearing was closed.

FISCAL IMPACT

No fiscal impact is associated with this rezone application.

RECOMMENDATIONS

Commissioner Traina made a motion to recommend approval of the rezone request, which was seconded by Commissioner Steine. The Planning and Zoning Commission voted 7 to 0 (with Commissioner Kim abstaining) to recommend approval of Zoning Case #Z08-46 to the City Council.



PROJECT AREA ZONING EXHIBIT

Survey, Abstract No. 651, for property located on the east right-of-way of S. Ft. Hood Street (SH 195) and is locally known as 12800 State Highway 195, Killeen, Texas.

The caption of the ordinance was read as follows:

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

This rezoning request is submitted on property annexed in January 2008 and seeks to rezone from agricultural to B-5 to allow the existing business to remain on the location. The remainder of the applicant's property lies outside the city limits. The property is bounded by home sites on the north, and the south is outside the city. There was no response to the one letter of notification, and the Planning and Zoning Commission voted 8-0 to recommend approval.

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

Councilmember Wells moved to approve the ordinance [08-092], seconded by Councilmember Evans. The motion was approved unanimously.

PH-4 **HOLD** a public hearing and consider a request for an ordinance by W&B Development (Case #Z08-46) to rezone approximately 214.11 acres from A (Agricultural District) to R-1 (Single-Family Residential District), being part of the S. D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25, for property located on the east right-of-way of Featherline Road approximately 2,000 feet south of Stagecoach Road, Killeen, Texas.

The caption of the ordinance was read as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM A (AGRICULTURAL DISTRICT) TO 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 submitted on approximately 214 acres to allow for residential development, and the applicant seeks the zoning change to continue development plans for the Yowell Ranch Subdivision. The Planning and Zoning Commission voted 7-0 to recommend approval.

Mayor Hancock opened the public hearing.

Bruce Whitis, 3000 Illinois, appeared in support of the application. He noted the property was annexed in 2004. The city is growing to the south and single-family residential development is the best use of the property since it would have the least impact on surrounding areas and is consistent with the area. The land use plan for the former donut hole recommends development for R-1 or B-3.

Bill King, 186 Lonely Oaks, said the request should be denied for three reasons: there is no need for this development since there is a surplus of homes for sale at the present time; safety due to the poor condition of Stagecoach Road at this time; and it is not consistent with surrounding areas.

Fred Garvin, 2859 E. Stagecoach Road, noted all the roads surrounding this property are small country roads and not suitable to handle large development.

Teresa Garvin, 2896 Stagecoach Road, advised one of her horses had become ill from toxins in the sludge dumped in the area. Bacteria lives in soil and sludge, and a residential development on property where sludge has been dumped is not suitable for residential development.

David Reed, 543 Loop Road, said this should not be approved because of safety and health concerns as well as inability of the roads to sustain the development.

David Heppner, 2325 E. Stagecoach Road, is a gastroenterologist and advised no studies have been conducted to determine the effects of sludge; however, it is his opinion that sludge does pose a threat.

Brad Retz, 1878 E. Stagecoach Road, said the request should be denied because of the roads surrounding the property are not capable of handling additional traffic at this time.

Ben Wickersham, 810 Llewellyn Lane, asked the Council to consider safety of traffic and pedestrians on Stagecoach Road as well as materials in the soil.

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

Councilmember Workman moved to disapprove the request because of safety issues concerning the streets and the sludge issue. The motion died for lack of a second.

Mayor Pro-Tem Latham moved to approve the ordinance [08-093], seconded by Councilmember Wells. The motion was approved 5-2 (Councilmembers Cole and Workman in opposition).

PH-5 **HOLD** a public hearing and consider a request by Walgreen Co. (Case #08-051RS: Parkwood Addition, Phase Two) for a plat of approximately 4.230 acre, being a replat of all Parkwood Addition, being a replat of Lot 1, Block 1, Wayne Gilmore Addition, part of Lot 1, Block 1, Gautier Addition and 2.278 acres part of the J. Essary Survey, Abstract No. 296, for property located at the southwest intersection of Highway 190 and Trimmier Road, Killeen, Texas.

- CA-4 Consider a memorandum/resolution authorizing the execution of Change Order No. 01 for the North Reese Creek wastewater improvements project.
- CA-5 Consider a request by the City of Killeen and Greater Killeen Lions Foundation, Inc., (Case #08-068FS: Lions Park Addition, Phase Two) for a final plat of approximately 53.848 acres, being part of the Azra Webb Survey, Abstract No. 857, for property located on the south right-of-way of Stan Schlueter Loop and east of Trimmier Road, Killeen, Texas.
- CA-6 Consider a request by Clement P. McClurkan (Case #08-062FS: Landmark Missionary Baptist Church) for a final plat of approximately 7.0 acres, being part of the James D. Allcorn Survey, Abstract No. 25, for property located on the west right-of-way of E. Trimmier Road approximately 4,500 feet south of Stagecoach Road, Killeen, Texas.
- CA-7 Consider a memorandum/resolution authorizing the City Manager to enter into an agreement with Freese and Nichols to provide water and wastewater modeling assistance.
- CA-8 Consider a memorandum/resolution authorizing the City Manager to execute a mutual aid agreement with Texas Department of State Health Services to assist during emergencies, state missions, and evacuations of state facilities.
- CA-9 Consider a memorandum/resolution approving the appointment of an Assistant City Manager.

Public Hearings / Ordinances

- PH-1 **HOLD** a public hearing and consider a request for an ordinance by Gerald Hodges (Case #Z08-36) to rezone approximately 1 acre, being part of the WH Cole Survey, Abstract No. 200, from B-3 (Local Business District) to R-1 (Single-Family Residential District) for property located approximately 1,200 feet north of Chaparral Road on the east right-of-way of W. Trimmier Road, Killeen, Texas.
- PH-2 **HOLD** a public hearing and consider a request for an ordinance by Fr. Gonzalo Ferrer (Case #Z08-43) to rezone approximately 1 acre, from (Agricultural District) to R-1 (Single-Family Residential District) being part of the M. T. Martin Survey, Abstract No. 963, for property locally known as 171 Beils Loop, Killeen, Texas.
- PH-3 **HOLD** a public hearing and consider a request for an ordinance by Centex Scrap and Metal, Inc., (Case #Z08-44) to rezone approximately 1.207 acres from A (Agricultural District) to B-5 (Business District), being part of the R. A. McGee Survey, Abstract No. 651, for property located on the east right-of-way of S. Ft. Hood Street (SH 195) and is locally known as 12800 State Highway 195, Killeen, Texas.
- PH-4 **HOLD** a public hearing and consider a request for an ordinance by W&B Development (Case #Z08-46) to rezone approximately 214.11 acres from A (Agricultural District) to R-1 (Single-Family Residential District), being part of the S. D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25, for property located on the east right-of-way of Featherline Road approximately 2,000 feet south of Stagecoach Road, Killeen, Texas.
- PH-5 **HOLD** a public hearing and consider a request by Walgreen Co. (Case #08-051RS: Parkwood Addition, Phase Two) for a plat of approximately 4.230 acre, being a replat of all Parkwood Addition, being a replat of Lot 1, Block 1, Wayne Gilmore Addition, part of Lot 1, Block 1, Gautier Addition and 2.278 acres part of the J. Essary Survey, Abstract No. 296, for property located at the southwest intersection of Highway 190 and Trimmier Road, Killeen, Texas.

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
OCTOBER 27, 2008**

**CASE #Z08-46
A TO R-1**

HOLD a public hearing and consider a request submitted by W&B Development to rezone approximately 214.11 acres from A (Agricultural District) to R-1 (Single-Family Residential District), being part of the S. D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25, for property located on the east right-of-way of Featherline Road approximately 2,000 feet south of Stagecoach Road, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request is submitted by W & B Development has submitted an application to rezone approximately 214.11 acres from Agricultural to R-1 (Single-Family Residential). The property is part of the Simeon D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25. The subject site is located on the east right-of-way of Featherline Road, approximately 2,000 feet south of Stagecoach Road, Killeen, Texas.

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 next phase of Yowell Ranch. Residential uses are the prevalent land uses in the area and this area is a viable corridor for this type of 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 (Zoning)

North	Agricultural zoning
West	B-2 zoning/ Agricultural zoning
East	Agricultural zoning
South	Agricultural zoning

A letter of notification was mailed to six (6) surrounding property owners in the 200-foot notification area. Staff received one (1) response in support of this request.

Mr. Bruce Whitis, W&B Development, 3000 Illinois Avenue, Killeen, represented this request.

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

Commissioner Traina motioned to recommend approval of zoning case #Z08-46. Commissioner Steine seconded the motion. The motion carried 7-0 with Commissioner Kim abstaining.

Chairman Frederick stated that this case will be forwarded to City Council on November 18, 2008 with a recommendation to approve.

YOUR NAME:	Bruce Whitis
CURRENT ADDRESS:	3000 Illinois Ave
ADDRESS OF PROPERTY OWNED:	Featherline & Chaparral
COMMENTS:	_____ I support R1 Zoning
SIGNATURE:	A to R-1 SPO #Z08-46/ 2



"The City Without Limits"

MINUTES
REGULAR MEETING
PLANNING AND ZONING COMMISSION
OCTOBER 27, 2008
CITY HALL, 101 N. COLLEGE STREET
MAIN CONFERENCE ROOM

ROLL CALL

PRESENT:

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

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

ABSENT:

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

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

APPROVAL OF AGENDA

Vice Chair Langford motioned to approve the agenda as published. Commissioner Steine seconded the motion. The motion carried 8-0.

CONSENT AGENDA

- CA-1** Consider minutes of the Regular Planning and Zoning Commission Meeting of **October 6, 2008**.
- CA-2** Consider a request submitted by the City of Killeen and Greater Killeen Lion's Foundation, Inc., (**Case #08-068FS: Lion's Park Addition, Phase Two**) for a final plat of approximately 53.848 acres, being part of the Azra Webb Survey, Abstract No. 857, for property located on the south right-of-way of Stan Schlueter Loop and east of Trimmier Road, Killeen, Texas.
- CA-3** Consider a request submitted by Clement P. McClurkan (**Case #08-062FS: Landmark Missionary Baptist Church**) for a final plat of approximately 7.0 acres, being part of the James D. Allcorn Survey, Abstract No. 25, for property located on the west right-of-way of E. Trimmier

Road approximately 4,500 feet south of Stagecoach Road, Killeen, Texas.

Commissioner Diaz motioned to approve the consent agenda. Commissioner Traina seconded the motion. The motion carried 8-0.

Chairman Frederick stated that the consent agenda is approved and Items CA-2 and CA-3 will be forwarded to City Council on November 18, 2008.

CITIZENS PETITIONS FOR INFORMATION

No one requested to speak.

PUBLIC HEARING

PH-1 HOLD a public hearing to consider amendments to Chapter 31, Article V, Division 4 Signs and Outdoor Advertising Displays.

Deputy City Attorney Traci Briggs briefed the Commissioners on the changes to Chapter 31, Article V, Division 4 Signs and Outdoor Advertising Displays. The changes were recommended by the Fort Hood Area Association of Realtors, the following sections are to be amended: Section 31-504(d) eliminates "Signs shall be displayed only from 12:00 noon Friday to 12:00 noon on Monday." Section 31-504(d)(1) clarified the visibility triangle and allows signs no taller than 2 feet to be placed in the visibility triangle. Section 31-504(f) now allows signs on private property with the property owners consent. Section 31-505 added that signs shall not be greater than 2 feet in height measured from the top of the curb of the adjacent street.

Commissioner Diaz recommended forwarding the above amendment changes to Chapter 31 to City Council. Commissioner Hicks seconded the motion. The motion carried 8-0.

Chairman Frederick stated that the recommended changes will be forwarded to City Council on November 18, 2008.

PH-2 HOLD a public hearing and consider a request submitted by Gerald Hodges (Case #Z08-36) to rezone approximately 1 acre, being part of the W. H. Cole Survey, Abstract No. 200, from B-3 (Local Business District) to R-1 (Single-Family Residential District) for property located approximately 1,200 feet north of Chaparral Road on the east right-of-way of W. Trimmier Road, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request is submitted by Gerald Hodges to rezone 1 acre, being part of the W.H. Cole Survey, Abstract No. 200, and being locally known as 10230 West Trimmier Road, Killeen, Texas from B-3 (Local Business District) to R-1 (Single-Family Residential). The property is located north of Chaparral Road along the east right-of-way of West Trimmier Road

A survey submitted by the applicant shows the extents of the proposed rezone. The bearings and

distance measurements for the area to be rezoned are as follows: Beginning at a ½" iron rod set in the east right-of-way line of W. Trimmier Road, being the northwest corner of the property having a base bearing of N 18° 48' 45" E, then S 70° 38' 00" E for a distance of 320 feet; then S 22° 40' 50" W for a distance of 176.06 feet; then N 65° 34' 55" W for a distance of 260 feet; then N 19° 00' 17" E for a distance of 129.88 feet; then N 70° 38' 02" W for a distance of 50 feet; then N 18° 48' ¼" E to the base bearing of the property. This comprises a 1-acre tract as signed and sealed by a registered land surveyor.

The tract has not been platted. There is currently a manufactured home, a tin building, and several dilapidated metal structures, along with a salvage operation. The rezone to R-1 would delineate a residential parcel apart from the overall site. The remainder of the property would continue to exist as a business operation. The adjacent properties to the north and south are currently zoned B-3 and agricultural/residential uses are across the road. Any proposed new residential structure on the site would require the property to be platted prior to the acquisition of building permits.

The rezoning of a piece of the tract to residential is not necessarily compatible with the existing salvage operation. However, the preponderance of land uses in the immediate vicinity are either zoned for local business uses or agricultural/residential land uses, so a residential use is not inconsistent with the larger area. The lot will have to be platted to meet the area requirements of the R-1 zoning district as stipulated in Code section 31-188(b).

This item appeared before the planning and Zoning Commission on September 8, 2008, but had to be re-noticed due to an erroneous description of the property's location. A letter of notification was re-mailed to five (5) property owners in the 200-foot notification area. Staff received no responses regarding this request

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.

Vice Chair Langford motioned to recommend approval of zoning case #Z08-36. Commissioner Steine seconded the motion. The motion carried 8-0.

Chairman Frederick stated that this case will be forwarded to City Council on November 18, 2008 with a recommendation to approve.

PH-3 HOLD a public hearing and consider a request submitted by Fr. Gonzalo Ferrer (**Case #Z08-43**) to rezone approximately 1 acre, from A (Agricultural District) to R-1 (Single-Family Residential District) being part of the M. T. Martin Survey, Abstract No. 963, for property locally known as 171 Beils Loop, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request is submitted by Mitchell and Associates on behalf of Fr. Gonzalo Ferrer to rezone one acre, being part of the M.T. Martin Survey, Abstract No. 963, from A (Agricultural District) to R-1 (Single-Family Residential District) for property locally

known as 171 Beils Loop, Killeen, Texas.

The subject site is located on the west right-of-way of Trimmier Road, and south of Beils Loop. The tract currently has access to Beils loop via a private drive located on a 1.65-acre parcel owned by Stephen Curtis Dykes and Jan Dykes. The property is currently land-locked and abuts agricultural zoned properties to the north, west and south. The subject site abuts R-1 and B-3 (Local Business District) zoned properties to the east. Any uses allowed in the R-1 zoning district appear compatible with the area. The agent has indicated on the application that the owner proposes a residential use on the site. There are existing residential structures on the adjacent parcels and this zoning request is not substantially inconsistent with the surrounding lands. As this is a land-locked parcel, issues involving access to a dedicated street will have to be handled during the platting process.

A letter of notification was mailed to ten (10) surrounding property owners in the 200-foot notification area. Staff received one (1) letter in support of this rezone request.

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 Diaz motioned to recommend approval of zoning case #Z08-43. Vice Chair Langford seconded the motion. The motion carried 8-0.

Chairman Frederick stated that this case will be forwarded to City Council on November 18, 2008 with a recommendation to approve.

PH-4 HOLD a public hearing and consider a request submitted by Centex Scrap and Metal, Inc., (Case #Z08-44) to rezone approximately 1.207 acres from A (Agricultural District) to B-5 (Business District), being part of the R. A. McGee Survey, Abstract No. 651, for property located on the east right-of-way of S. Ft. Hood Street (SH 195) and is locally known as 12800 State Highway 195, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request is submitted by Centex Scrap and Metal, Inc. to rezone one 1.207 acres, being part of the R.A. McGee Survey, Abstract No. 651, from A (Agricultural District) to B-5 (Business District) for property locally known as 12800 State Highway, Killeen, Texas.

The subject site is located on the east right-of-way of SH 195, and approximately 2,080 feet north of FM 2484. A portion of the subject tract was annexed into the City as part of tract 4 in January 2008. The owner seeks to rezone that portion of the tract that lies within the City limits. Currently there is an existing business on the property and the owner wishes to rezone the site to B-5 since this zoning district allows for the higher intensity business use currently done on the premises. Currently there are a variety of different land uses occurring on the surrounding properties to include large-acre homesites, commercial enterprises, and agricultural uses. Due to the nature of the existing business use, as a scrap metal facility, a B-5 zoning may be the most compatible

district. Also, the eastern portion of the property is located outside of the city limits, and the City would not be able to enforce zoning regulations. In that regard the notion of use becomes less relevant, since the applicant can merely locate noxious uses to this portion of the property. A less intensive business district might be more desirable, however, due consideration must be given to the fact that the current land use pre-dated the property's annexation into the city.

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.

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 recommend approval of zoning case #Z08-44. Commissioner Diaz seconded the motion. The motion carried 8-0.

Chairman Frederick stated that this case will be forwarded to City Council on November 18, 2008 with a recommendation to approve.

PH-5 HOLD a public hearing and consider a request submitted by Wayne Coper (**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.

City Planner McIlwain stated that this request is submitted by Wayne Coper to rezone Lots 1-2, Block 2, Lots 1-3, Block 3, and Lots 1-2, Block 1, Onion Creek Estates, Phase Six from B-4 (Business District) and 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 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.

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.

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

Commissioner Kim motioned to postpone zoning case #Z08-45 to the next Planning and Zoning meeting on November 10, 2008. to enable the agent for this case to consult with the applicant on the zoning. Commissioner Hicks seconded the motion. The motion carried 7-0.

Chairman Frederick stated that this case will be presented again on November 10, 2008.

Vice Chair Langford returned to the dais.

PH-6 HOLD a public hearing and consider a request submitted by W&B Development (**Case #Z08-46**) to rezone approximately 214.11 acres from A (Agricultural District) to R-1 (Single-Family Residential District), being part of the S. D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25, for property located on the east right-of-way of Featherline Road approximately 2,000 feet south of Stagecoach Road, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request is submitted by W & B Development has submitted an application to rezone approximately 214.11 acres from Agricultural to R-1 (Single-Family Residential). The property is part of the Simeon D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25. The subject site is located on the east right-of-way of Featherline Road, approximately 2,000 feet south of Stagecoach Road, Killeen, Texas.

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 next phase of Yowell Ranch. Residential uses are the prevalent land uses in the area and this area is a viable corridor for this type of 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 (Zoning)

North	Agricultural zoning
West	B-2 zoning/ Agricultural zoning
East	Agricultural zoning
South	Agricultural zoning

A letter of notification was mailed to six (6) surrounding property owners in the 200-foot notification area. Staff received one (1) response in support of this request.

Mr. Bruce Whitis, W&B Development, 3000 Illinois Avenue, Killeen, represented this request.

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

Commissioner Traina motioned to recommend approval of zoning case #Z08-46. Commissioner Steine seconded the motion. The motion carried 7-0 with Commissioner Kim abstaining.

Chairman Frederick stated that this case will be forwarded to City Council on November 18, 2008 with a recommendation to approve.

PH-7 HOLD a public hearing and consider a request submitted by Walgreen Co. (Case #08-051RS: Parkwood Addition, Phase Two) for a plat of approximately 4.230 acre, being a replat of all Parkwood Addition, being a replat of Lot 1, Block 1, Wayne Gilmore Addition, part of Lot 1, Block 1, Gautier Addition and 2.278 acres part of the J. Essary Survey, Abstract No. 296, for property located at the southwest intersection of Highway 190 and Trimmier Road, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner McIlwain stated that this request is submitted by Mitchell and Associates on behalf of Walgreen Company for a plat of approximately 4.230 acres, being 2.278 acres out of the J. Essary Survey, Abstract No. 296, a replat of Lot 1, Block 1, Wayne Gilmore Addition, and part of Lot 1, Block 1, Gautier Addition. The property is located approximately 287 feet east of Gateway Drive, 203 feet west of Trimmier Road, and 261 feet south of Central Texas Expressway (US HWY 190) and is locally known as 2505 Trimmier Road, Killeen, Texas. The property is currently zoned B-5 (Business District) and the intent of the replat is to adjust lot lines.

The Staff Review Committee met in a correction validation meeting on Monday, October 20, 2008, and concurred that the plat is in full conformance with the City development regulations. Staff recommended 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 Diaz motioned to approve plat case #08-051RS: Parkwood Addition, Phase Two. Vice Chair Langford seconded the motion. The motion carried 8-0.

Chairman Frederick stated that this case will be heard by City Council on November 18, 2008.

PH-8 HOLD a public hearing and consider recommendations for zoning the 90-day Annexations that were effective January 28, 2008. (Second of three public hearings)

City Planner McIlwain briefed the Planning and Zoning Commissioners on the recommendations for zoning in the four tracts that were annexed into the City of Killeen, effective January 28, 2008.

Chairman Frederick opened the public hearing.

Mr. Luther Maxwell representing Teresa Sutton, who has property in Tract 5, asked if she could be disannexed since the properties that surround hers were not annexed into the city limits of Killeen. He stated that annexing her was not beneficial to her or the city with the cost of services that the city is required to provide. Mr. Angel Lopez from Tract 4 asked why his entire tract of

land was annexed when it was published that the city was only annexing 1,000 feet along SH 195.

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

Chairman Frederick informed the citizens that if they had a question concerning annexation that they should speak to the City Council. The Planning and Zoning Commission only assigns a zoning designation to the land after annexation.

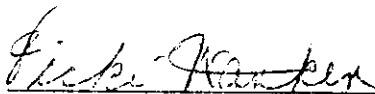
Chairman Frederick stated that this will again be present to the Planning and Zoning Commission on November 10, 2008 for recommendation to City Council.

COMMISSION & STAFF ITEMS AND FUTURE AGENDAS

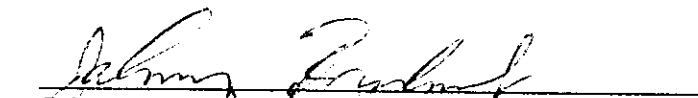
- I. Attendance chart (for your information)

ADJOURNMENT

Chairman Frederick adjourned the Planning and Zoning Meeting at 7:25 p.m. The next regularly scheduled meeting for the Planning and Zoning Commission is **November 10, 2008** at 6:00 p.m., in the Council Chambers at 101 North College Street, Killeen, Texas.



Vicki Wanken
Planning Assistant



Johnny Frederick
Chairman, Planning & Zoning Commission



**AGENDA
REGULAR MEETING
PLANNING AND ZONING COMMISSION
OCTOBER 27, 2008
CITY HALL
101 N. COLLEGE STREET
COUNCIL CHAMBERS**

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

- I. Discuss agenda items for the October 27, 2008 regular Planning and Zoning Commission meeting.
- II. Committee Reports – This provides standing committees an opportunity to provide and discuss reports on work relating to the mission and charge of the respective committee.
- III. 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

Johnny Frederick, Chairman
 Craig Langford, Vice Chairman
 Miguel Diaz, Jr.
 Eugene Kim
 Robert Hicks, Sr.
 Bobby Lee Hoover
 Austin Pickett
 Joel Steine
 Terry Traina

STAFF

Dr. Ray Shanaa, AICP, Director of Planning and Development Services
 Tony D. McIlwain, AICP, City Planner
 John Nett, P.E., City Engineer
 Scott Osburn, Assistant City Attorney
 Vicki Wanken, Planning Assistant

APPROVAL OF AGENDA

Consider approval of the Agenda for the regular meeting of the Planning and Zoning Commission for October 27, 2008.

CONSENT AGENDA

- CA-1 Consider minutes of the Regular Planning and Zoning Commission Meeting of October 6, 2008.
- CA-2 Consider a request submitted by the City of Killeen and Greater Killeen Lion's Foundation, Inc., (Case #08-068FS: **Lion's Park Addition, Phase Two**) for a final plat of approximately 53.848 acres, being part of the Azra Webb Survey, Abstract No. 857, for property located on the south right-of-way of Stan Schlueter Loop and east of Trimmier Road, Killeen, Texas.
(This case is scheduled to be heard by City Council on November 18, 2008.)
- CA-3 Consider a request submitted by Clement P. McClurkan (Case #08-062FS: **Landmark Missionary Baptist Church**) for a final plat of approximately 7.0 acres, being part of the James D. Allcorn Survey, Abstract No. 25, for property located on the west right-of-way of E. Trimmier Road approximately 4,500 feet south of Stagecoach Road, Killeen, Texas.
(This case is scheduled to be heard by City Council on November 18, 2008.)

CITIZENS PETITIONS FOR INFORMATION

PUBLIC HEARING

- PH-1 HOLD a public hearing to consider amendments to Chapter 31, Article V, Division 4 Signs and Outdoor Advertising Displays.
(This is scheduled to be heard by City Council on November 18, 2008.)
- PH-2 HOLD a public hearing and consider a request submitted by Gerald Hodges (Case #Z08-36) to rezone approximately 1 acre, being part of the WH Cole Survey, Abstract No. 200, from B-3 (Local Business District) to R-1 (Single-Family Residential District) for property located approximately 1,200 feet north of Chaparral Road on the east right-of-way of W. Trimmier Road, Killeen, Texas.
(This case is scheduled to be heard by City Council on November 18, 2008.)
- PH-3 HOLD a public hearing and consider a request submitted by Fr. Gonzalo Ferrer (Case #Z08-43) to rezone approximately 1 acre, from A (Agricultural District) to R-1 (Single-Family Residential District) being part of the M. T. Martin Survey, Abstract No. 963, for property locally known as 171 Beils Loop, Killeen, Texas.
(This case is scheduled to be heard by City Council on November 18, 2008.)
- PH-4 HOLD a public hearing and consider a request submitted by Centex Scrap and Metal, Inc., (Case #Z08-44) to rezone approximately 1.207 acres from A (Agricultural District) to B-5 (Business District), being part of the R. A. McGee Survey, Abstract No. 651, for property located on the east right-of-way of S. Ft. Hood Street (SH 195) and is locally known as 12800 State Highway 195, Killeen, Texas.
(This case is scheduled to be heard by City Council on November 18, 2008.)

- PH-5** 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 18, 2008.)
- PH-6** HOLD a public hearing and consider a request submitted by W&B Development (Case #Z08-46) to rezone approximately 214.11 acres from A (Agricultural District) to R-1 (Single-Family Residential District), being part of the S. D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25, for property located on the east right-of-way of Featherline Road approximately 2,000 feet south of Stagecoach Road, Killeen, Texas. (This case is scheduled to be heard by City Council on November 18, 2008.)
- PH-7** HOLD a public hearing and consider a request submitted by Walgreen Co. (Case #08-051RS: Parkwood Addition Phase Two) for a plat of approximately 4.230 acre, being a replat of all Parkwood Addition, being a replat of Lot 1, Block 1, Wayne Gilmore Addition, part of Lot 1, Block 1, Gautier Addition and 2.278 acres part of the J. Essary Survey, Abstract No. 296, for property located at the southwest intersection of Highway 190 and Trimmer Road, Killeen, Texas. (This case is scheduled to be heard by City Council on November 18, 2008.)
- PH-8** HOLD a public hearing and consider recommendations for zoning the 90-day Annexations that were effective January 28, 2008. (Second of three public hearings)

COMMISSION & STAFF ITEMS AND FUTURE AGENDAS

- I. Attendance chart (for your information)

ADJOURNMENT

The next regularly scheduled meeting for the Planning and Zoning Commission is November 10, 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 October 24, 2008.



Vicki Wanken, Planning Assistant

cc: Earl Abbott
Kristina Ramirez
Beverly Zendt
Maria Lopez



MEMORANDUM

TO: PLANNING AND ZONING COMMISSION

FROM: *TDW* TONY D. MCILWAIN, AICP
CITY PLANNER

DATE: OCTOBER 22, 2008

SUBJECT: ZONING CASE #Z08-46
A (AGRICULTURAL) TO R-1 (SINGLE-FAMILY RESIDENTIAL)

W & B Development has submitted an application to rezone approximately 214.11 acres from Agricultural to R-1 (Single-Family Residential). The property is part of the Simeon D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25. The subject site is located on the east right-of-way of Featherline Road, approximately 2,000 feet south of Stagecoach Road, Killeen, Texas.

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 next phase of Yowell Ranch. Residential uses are the prevalent land uses in the area and this area is a viable corridor for this type of 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 (Zoning)

North	Agricultural zoning
West	B-2 zoning/ Agricultural zoning
East	Agricultural zoning
South	Agricultural zoning

A letter of notification was mailed to six (6) surrounding property owners in the 200-foot notification area. Staff did not receive any protest letters regarding this rezone request.

CONSIDERATIONS

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

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Specific/Special Use Permit

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

C. Conditions to Consider

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



CITY OF KILLEEN

PLANNING DIVISION

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

Telephone: 254.501.7630

Fax: 254.501.7628

October 15, 2008

RE: CASE #Z08-46: Request is submitted by W&B Development to rezone approximately 214.11 acres from A (Agricultural District) to R-1 (Single-Family Residential District), being part of the Samuel D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25, for property is located on the east right-of-way of Featherline Road approximately 2,000 feet south of Stagecoach Road, Killeen, Texas.

Dear Property Owner:

The Planning and Zoning Commission of the City of Killeen has rescheduled a public hearing on your request for rezoning the property referenced above, on **October 27, 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 tentatively scheduled for **November 18, 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 2nd 173 (Tex 1981) established general guidelines which the Zoning Commission and City Council should take into consideration when making their respective recommendation and decision.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

B. Specific/Special Use Permit

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

October 15, 2008

Case #08-46: Request is submitted by W&B Development to rezone approximately 214.11 acres from A (Agricultural District) to R-1 (Single-Family Residential District), being part of the Samuel D. Carothers Survey, Abstract No. 177 and the James Allcorn Survey, Abstract No. 25. The property is located on the east right-of-way of Featherline Road approximately 2,000 feet south of Stagecoach Road, Killeen, Texas.

Dear Property Owner:

W&B Development, 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 **October 27, 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., October 27, 2008**.

After the Planning and Zoning meeting, this matter will be forwarded to the City Council which is tentatively scheduled on **November 18, 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

YOUR NAME:	
CURRENT ADDRESS:	
ADDRESS OF PROPERTY OWNED:	
COMMENTS:	
SIGNATURE:	A to R-1 SPO #Z08-46/

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
AGRICULTURAL 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

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

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

R-1-A
SINGLE-FAMILY GARDEN HOME RESIDENTIAL

Single-family dwellings meeting the criteria of the garden home district.
All uses allowed in section 31-186, including those defined as home occupation uses.

RT-1
RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT

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

R-2
TWO-FAMILY RESIDENTIAL DISTRICT

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

R-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 therewith, 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.

R-MS
MANUFACTURED HOUSING DISTRICT

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

PUD
PLANNED UNIT DEVELOPMENT

A PUD is a land use design incorporating the concepts of density and common open space. The PUD designation serves as an "overlay zoning and development classification. When a parcel of land receives a PUD designation, the entire parcel must be assigned one or more standard

zoning district classifications. However, the added PUD overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site

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 31-278(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 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 structure in a commercial land use district when the main use of the structure is commercial, provided both building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.
Business day care.
Bakery shop (retail sales only).
Barbershop, beauty shop to include permanent cosmetics (licensed per 146 amended)
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 31-278(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.
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Barbershop, beauty shop to include permanent cosmetics (licensed per 146 amended)
Texas Health and Safety Code, Chapter 146 amended

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 of the sign shall be constructed of limestone masonry material to match the building facade.

UOD
UNIVERSITY OVERLAY DISTRICT

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Uses customarily incidental to the primary use, as hereinafter provided, subject to the special conditions contained in section 31-278(3)
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An on-premises residential use or structure in a commercial land use district when the main use of the structure is commercial, provided both building codes and the proprietor or an employee of the commercial activity is a resident in the living quarters.

HOME OCCUPATIONS

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

HOME OCCUPATIONS

Business day care.
Bakery shop (retail sales only).
Barbershop, beauty shop to include permanent cosmetics (licensed per 146 amended)
Texas Health and Safety Code, Chapter 146 amended
Construction field office and yard: on the job site, for duration of construction only.
Cleaning or laundry (pick-up only).
Drugstore or pharmacy.
Florist (retail) retail sales of flowers and small plants. No flower or plant raising or outside display or storage.
Restaurant, coffee shop, or cafe (no dine-in/dine thru service).
Bank, savings and loan or other financial institution.
All structures within this district shall be constructed with 80% stone, brick or stucco veneer having a limestone facade. No metal siding shall be visible from curbs.
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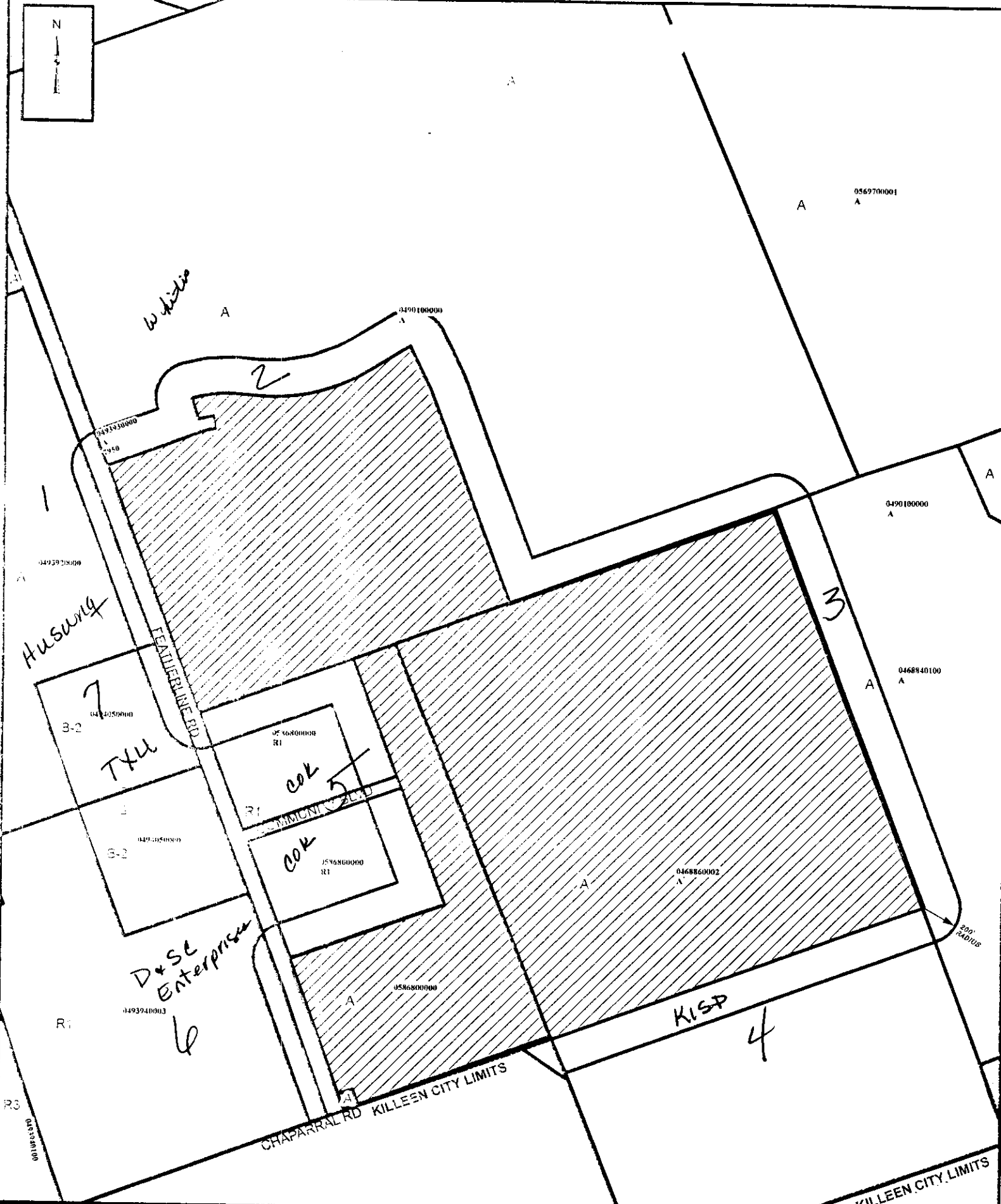
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GEOID	PROP_ID	Prop OWNER Number	file_as_na	addr_line1	addr_line3	addr_city	addr_z
0586800000	131887	Z08-46/5	CITY OF KILLEEN	ATTN: CITY MANAGER	PO BOX 1329	KILLEEN	TX 76540
0494050000	147164	Z08-46/7	TXU ELECTRIC DELIVERY COMPANY		PO BOX 219071	DALLAS	TX 75221
0468840100	231816	Z08-46/3	ATCHISON FAMILY REVOCABLE TRUST	C/O ATCHISON, RICKY & JUDITH TRUSTEES	PO BOX 10160	KILLEEN	TX 76547
0493920000	53268	Z08-46/1	HUSUNG, FRED MRS		8390 FEATHERLINE RD	KILLEEN	TX 76542
0493940003	194232	Z08-46/6	D & SC ENTERPRISES INC		2110 SOUTHPORT DR	KILLEEN	TX 76542
0468860002	0	Z08-46/4	KILLEEN IND SCHOOL DISTRICT		P BOX 967	KILLEEN	TX 76540
		Z08-46/OWNER	W&B DEVELOPMENT		3000 ILLINOIS AVE STE 100	KILLEEN	TX 76543
		Z08-46/AGENT	W&B DEVELOPMENT		3000 ILLINOIS AVE STE 100	KILLEEN	TX 76543
		Z08-46/2	W&B Development				



Date: 9/29/08
 214.11 ACRES

ZONING CASE #Z08-46
 From A To R-1



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

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

7461

RECEIVED OF W & B Development DATE 9/26, 2008
Two hundred & 00/100 DOLLARS \$ 200.00

Zoning Yowell Ranch

Form 1001
By Maria Lopez

DATE: 9/26/2008 CK #: 309936
PAYEE: City of Killeen Planning Department
BANK: First National Bank

INV NO	INV DATE	DESCRIPTION	AMOUNT
092608	09/26/2008	Filing Fee	200.00
			\$200.00