



# City of Killeen

## Agenda City Council

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Tuesday, May 28, 2019

5:00 PM

City Hall  
Council Chambers  
101 N. College Street  
Killeen, Texas 76541

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### Call to Order and Roll Call

<input type="checkbox"/> Jose Segarra, Mayor	<input type="checkbox"/> Jim Kilpatrick
<input type="checkbox"/> Shirley Fleming	<input type="checkbox"/> Butch Menking
<input type="checkbox"/> Steve Harris	<input type="checkbox"/> Debbie Nash-King
<input type="checkbox"/> Gregory Johnson	<input type="checkbox"/> Juan Rivera

### Invocation

### Pledge of Allegiance

### Approval of Agenda

### Minutes

1. [MN-19-010](#) Consider Minutes of Special City Council Meeting of May 7, 2019.  
**Attachments:** [Minutes](#)
2. [MN-19-011](#) Consider Minutes of Regular City Council Meeting of May 14, 2019.  
**Attachments:** [Minutes](#)

### Resolutions

3. [RS-19-045](#) Consider a memorandum/resolution authorizing a professional service agreement with Transmap Corporation to determine the overall condition of the road network and provide a five (5) year maintenance strategy.  
**Attachments:** [Staff Report](#)  
[Quote](#)  
[Agreement](#)  
[Certificate of Interested Parties](#)  
[Presentation](#)
4. [RS-19-046](#) Consider a memorandum/resolution authorizing the procurement of turnout gear for the Fire Department.  
**Attachments:** [Staff Report](#)

[Quote](#)

[Certificate of Interested Parties](#)

[Presentation](#)

5. [RS-19-047](#) Consider a memorandum/resolution authorizing expenditures in excess of \$50,000 for Police Headquarters maintenance and repairs to The Brandt Companies, LLC. for the HVAC system.

**Attachments:** [Staff Report](#)

[Contract](#)

[Certificate of Interested Parties](#)

[Presentation](#)

## Public Hearings

6. [PH-19-013A](#) HOLD a public hearing and consider an ordinance submitted by WBW Development and WBW Single Land Investment L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust (FLUM#19-03), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from an 'Estate' designation to a 'General Residential' designation for approximately 169 acres. The property is located east of Yowell Ranch Phases Two and Three, Killeen, Texas.

**Attachments:** [Staff Report](#)

[FLUM Exhibit](#)

[Minutes](#)

[Ordinance](#)

[Presentation](#)

7. [PH-19-013B](#) HOLD a public hearing and consider an ordinance requested by WBW Development and WBW Single Land Investment, L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust (Case #Z19-04), to rezone approximately 169 acres out of the J.D. Allcorn Survey, Abstract No. 25, the S.D. Carothers Survey, Abstract No. 177 and the M.J. Pleasant Survey, Abstract No. 652, from "A" (Agricultural District) to a Planned Unit Development (P.U.D.) with "R-1" (Single-Family Residential District) uses. The property is generally located east of Yowell Ranch Phases Two and Three, Killeen, Texas. (Requires 3/4 majority vote)

**Attachments:** [Staff Report](#)

[Zoning and Notification Area Map](#)

[Location Map](#)

[Minutes](#)

[Ordinance](#)

[P.U.D. Standards](#)

[Concept Plan](#)

[Considerations](#)[Responses](#)[Protest Map](#)[Presentation](#)

8. [PH-19-014](#) HOLD a public hearing and consider an ordinance requested by Turley Associates, Inc. on behalf of Central Christian Church of Killeen (Case #Z19-07) to rezone approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District). The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of Trimmier Road, Killeen, Texas.

**Attachments:** [Staff Report](#)

[Zoning and Notification Area Map](#)[Location Map](#)[Minutes](#)[Ordinance](#)[Site Plan](#)[Considerations](#)[Responses](#)[Presentation](#)

9. [PH-19-015A](#) HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (Case #FLUM19-04) to amend the Comprehensive Plan’s Future Land Use Map (FLUM) from a ‘General Commercial’ designation to a ‘General Residential’ designation for approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794. The property is addressed as 4402 Old FM 440, Killeen, Texas.

**Attachments:** [Staff Report](#)

[Current FLUM Map](#)[Location Map](#)[Minutes](#)[Ordinance](#)[Considerations](#)[Presentation](#)

10. [PH-19-015B](#) HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (Case #Z19-08) to rezone approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from “B-3” (Local Business District) to “R-2” (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.

**Attachments:** [Staff Report](#)

[Zoning and Notification Area Map](#)

[Location Map](#)[Minutes](#)[Ordinance](#)[Considerations](#)[Response](#)[Presentation](#)

11. [PH-19-016](#) HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Neimac, L.C. (Case #Z19-09) to rezone Lot 1, Block 1, Neimac Addition Phase Four, from “B-3” (Local Business District) to “B-4” (Business District). The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.

**Attachments:** [Staff Report](#)

[Zoning and Notification Area Map](#)[Location Map](#)[Minutes](#)[Ordinance](#)[Considerations](#)[Responses](#)[Presentation](#)

## Adjournment

*I certify that the above notice of meeting was posted on the Internet and on the bulletin boards at Killeen City Hall and at the Killeen Police Department on or before 5:00 p.m. on May 24, 2019.*

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*Lucy C. Aldrich, City Secretary*

*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.*

*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.

## Notice of Meetings

*The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. No official action will be taken by Council.*

- VFW Post 9191 60th Anniversary of Service, June 1, 2019, 6:00 p.m., Club Hood
- Korean War Veterans Association Banquet, July 27, 2019, 5:00 p.m., Club Hood

**Dedicated Service -- Every Day, for Everyone!**



# City of Killeen

## Legislation Details

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**File #:** MN-19-010    **Version:** 1    **Name:** Minutes of May 7, 2019  
**Type:** Minutes    **Status:** Minutes  
**File created:** 5/7/2019    **In control:** City Council  
**On agenda:** 5/28/2019    **Final action:**  
**Title:** Consider Minutes of Special City Council Meeting of May 7, 2019.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		

**City of Killeen**  
Special City Council Meeting  
Killeen City Hall  
May 7, 2019 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick, Councilmembers, Butch Menking, Juan Rivera, Gregory Johnson, Shirley Fleming, Debbie Nash-King and Steve Harris

Also attending were City Manager Ron Olson, City Attorney Kathryn Davis, City Secretary Lucy Aldrich, and Sergeant-at-Arms Gilman.

**Approval of Agenda**

*Motion was made by Mayor Pro Tem Kilpatrick to approve the agenda as written. Motion was seconded by Councilmember Fleming. The motion carried unanimously.*

**Presentations**

**PR-19-002** Presentation - Recognize Incredible Kids:

- Jarin Cole
- Briana Liles

Mayor Segarra recognized Jarin Cole and Briana Liles who were named as Incredible Kids by the Central Texas Youth Coalition. These two Killeen students were honored at the annual Incredible Kids Celebration on April 17, 2019.

**Citizens Petitions**

**CP-19-005** Kenneth Sharp, 103 Dunn, #14 - did not attend the meeting.

**CP-19-006** Joe Davis, 114 N. Gray Street - requested that City Council consider making upgrades to neighborhood parks that would include lighting, running water, and restroom facilities.

**Public Hearings**

**PH-19-008** HOLD a public hearing for a voluntary annexation petition for approximately 76.459 acres of land lying contiguous to the existing city limits and being adjacent to 5601 Clear Creek Road, Killeen, Texas. (1st of 2 Public Hearings)

**Staff Comments:** Ray Shanaa, Executive Director of Planning and Development Services.

City staff received a voluntary annexation petition from Gary Purser, Jr. The property is located due south of the Estancia West Subdivision and east and north of Fort Hood owned land. With the property being vacant and contiguous to current city limits, it is eligible for a 90 day annexation process. During the April 9, 2019 City Council meeting, the Council voted to proceed with the public hearings for the voluntary annexation of the property. Dr. Shanaa further reviewed the voluntary annexation schedule identifying the two public hearing dates. This public hearing is the first and the second one will be held on May 21, 2019. On

June 11, 2019, the Council will consider adopting the annexation ordinance with a service plan. In accordance with Local Government Code 43.065, the City shall “prepare a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality.” The annexation service plan will be available in the May 21 City Council agenda packet.

Mayor Segarra invited the applicant to speak.

Gary Purser, spoke in favor of the request.

Mayor Segarra opened the public hearing.

Tolly James, spoke against the request.  
James Ralston, spoke against the request.  
Mellisa Brown, spoke against the request.

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

**PH-19-009 HOLD** a public hearing for a voluntary annexation petition for approximately 83.01 acres of land lying contiguous to the existing city limits and being adjacent to 7501 Chaparral Road, Killeen, Texas. (1<sup>st</sup> of 2 Public Hearings)

**Staff Comments:** Ray Shanaa, Executive Director of Planning and Development Services.

City staff received a voluntary annexation petition from WBW Land Investments L.P. The property is located at the southeast corner of the City, south of Chaparral Road and west of the Killeen city limits. With the property being vacant and contiguous to current city limits, it is eligible for a 90 day annexation process. During the April 9, 2019 City Council meeting, the Council voted to proceed with the public hearings for the voluntary annexation of the property. Dr. Shanaa further reviewed the voluntary annexation schedule identifying the two public hearing dates. This public hearing is the first and the second one will be held on May 21, 2019. On June 11, 2019, the Council will consider adopting the annexation ordinance with a service plan. In accordance with Local Government Code 43.065, the City shall “prepare a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality.” The annexation service plan will be available in the May 21 City Council agenda packet.

Mayor Segarra invited the applicant to speak.

The applicant did not attend the meeting.

Mayor Segarra opened the public hearing.

Mellisa Brown, spoke against the request.

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

**Adjournment**

With no further business, upon motion being made by Councilmember Menking, seconded by Councilmember Rivera, and unanimously approved, the meeting was adjourned at 5:44 p.m.



# City of Killeen

## Legislation Details

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**File #:** MN-19-011    **Version:** 1    **Name:** Minutes of Regular City Council Meeting of May 14, 2019  
**Type:** Minutes    **Status:** Minutes  
**File created:** 5/6/2019    **In control:** City Council  
**On agenda:** 5/28/2019    **Final action:**  
**Title:** Consider Minutes of Regular City Council Meeting of May 14, 2019.  
**Sponsors:** City Secretary  
**Indexes:**  
**Code sections:**  
**Attachments:** [Minutes](#)

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		

**City of Killeen**  
Regular City Council Meeting  
Killeen City Hall  
May 14, 2019 at 5:00 p.m.

Presiding: Mayor Jose Segarra

Attending: Mayor Pro Tem Jim Kilpatrick, Councilmembers, Butch Menking, Juan Rivera, Gregory Johnson, Shirley Fleming, Debbie Nash-King and Steve Harris

Also attending were City Manager Ron Olson, City Attorney Kathryn Davis, City Secretary Lucy Aldrich, and Sergeant-at-Arms Cole.

Pastor Raquel Watkins gave the invocation, and Councilmember Fleming led everyone in the Pledge of Allegiance.

**Approval of Agenda**

*Motion was made by Mayor Pro Tem Kilpatrick to approve the agenda as written. Motion was seconded by Councilmember Fleming. The motion carried unanimously.*

**Ordinances**

**OR-19-010** Consider an ordinance canvassing the returns and declaring results of the May 4, 2019 General Election.

The City Secretary read the caption of the ordinance.

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF A GENERAL ELECTION HELD MAY 4, 2019 FOR THE ELECTION OF A DISTRICT COUNCIL MEMBER FOR DISTRICT 2, DISTRICT 3 AND DISTRICT 4.

Prior to the meeting, Mayor Segarra, Councilmember Menking, and Councilmember Rivera verified the results of the May 4 election by reviewing the result tapes. Councilmember Menking read the ordinance that certified the election results, stating the number of votes each candidate received, and that Shirley Fleming was elected as Councilmember for District 1 (in an unopposed race), Debbie Nash-King was elected as Councilmember for District 2, Jim Kilpatrick was elected as Councilmember for District 3, and Steve Harris was elected as Councilmember for District 4.

*Motion was made by Councilmember Menking to approve OR-19-010, declaring Shirley Fleming elected for District 1 (in an unopposed race), Debbie Nash-King the elected for District 2, Jim Kilpatrick the elected for District 3, and Steve Harris the elected for District 4. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**Oath of Office & Certificate of Election**

Judge Kimble administered the Oath to Shirley Fleming, Debbie Nash-King, Jim Kilpatrick, and Steve Harris. Mayor Segarra presented the Certificate of Election.

### **Standards of Conduct**

City Manager, Ron Olson, read the Standards of Conduct while the entire council signed the Standards of Conduct.

### **Minutes**

*Motion was made by Councilmember Rivera to approve the minutes of the April 23, 2019 Regular City Council Meeting. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

### **Resolutions**

**RS-19-044** Consider a memorandum/resolution to elect a Mayor Pro-Tem.

Mayor Segarra asked for nomination.

Councilmember Rivera nominated Jim Kilpatrick to continue to serve as Mayor Pro-Tem. Councilmember Fleming seconded the nomination. With no other nominations, Mayor called for a vote. The nomination carried unanimously.

**RS-19-040** Consider a memorandum/resolution denying an application by Oncor to amend its distribution cost recovery factor.

**Staff Comments:** Kathy Davis, City Attorney.

The City is a regulatory authority for the rates and charges of electricity distribution within its boundaries. Oncor Electric Delivery Company LLC ("Oncor") has filed an Application for Approval of a Distribution Cost Recovery Factor to increase distribution rates for its service area. Oncor is seeking a system-wide increase in distribution revenues of \$29,443,804. Staff and attorneys for the Steering Committee of Cities Served by Oncor (OCSC) recommend denying Oncor's Application for Approval to amend its Distribution Cost Recovery Factor.

*Motion was made by Councilmember Fleming to approve RS-19-040. Motion was seconded by Councilmember Nash-King. Motion carried unanimously.*

**RS-19-041** Consider a memorandum/resolution approving the appointment of an Executive Director of Recreation Services.

**Staff Comments:** Eva Bark, Executive Director of Human Resources.

The Executive Director of Community Services position became vacant on April 26, 2019. Prior to posting the position, the City Manager requested a title change for this position from Executive Director of Community Services to Executive Director of Recreation Services. On April 15; City Management, Human Resources, and the executive staff interviewed seven candidates. Mr. Olson has extended a conditional letter of employment to Mr. Joseph Brown. Staff recommends that the City Council approve the City Manager's appointment of Joseph Brown as the City of Killeen's Executive Director of Recreation Services.



*Motion was made by Councilmember Rivera to approve RS-19-041. Motion was seconded by Councilmember Menking. Motion carried unanimously.*

**RS-19-042** Consider a memorandum/resolution approving the appointment of an Executive Director of Information Technology.

**Staff Comments:** Eva Bark, Executive Director of Human Resources. The Executive Director of Information Technology position became vacant on January 4, 2019. From February through April; City Management, Human Resources, and the Information Technology Consultant interviewed several candidates. Mr. Olson has extended a conditional letter of employment to Mr. Wilfred Resto. Staff recommends that the City Council approve the City Manager's appointment of Wilfred Resto as the City of Killeen's Executive Director of Information Technology.

*Motion was made by Councilmember Fleming to approve RS-19-042. Motion was seconded by Councilmember Rivera. Motion carried unanimously.*

**RS-19-043** Consider a memorandum/resolution approving the appointment of an Executive Director of Public Works.

**Staff Comments:** Eva Bark, Executive Director of Human Resources. The Executive Director of Public Works position became vacant on March 15, 2019. Mr. Olson appointed Ms. Danielle Singh as the Interim Executive Director of Public Works. Ms. Singh began employment with the City of Killeen in September 2018 as the City Engineer. Mr. Olson has extended a conditional promotional offer to Ms. Danielle Singh. Staff recommends that the City Council approve the City Manager's appointment of Danielle Singh as the City of Killeen's Executive Director of Public Works.

*Motion was made by Mayor Pro-Tem Kilpatrick to approve RS-19-043. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

### **Public Hearings**

**PH-19-010 HOLD** a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of SS Springs, L.L.C. and Abbott Springs, Ltd., (Case#Z18-22) to rezone approximately 42.3 acres, being part of Lot 2, Block 1, Rosewood Addition and Lots 1-6, Block 2, Rosewood Commercial, from "B-3" (Local Business District) to Planned Unit Development (PUD) with underlying "B-3" (Local Business District), "R-1" (Single-Family Residential District), "SF-2" (Single-Family Residential District), "R-2" (Two-Family Residential District), and "RT-1" (Residential Townhouse Single-Family District) zoning. The properties are addressed as 3700, 3918, 4136, 4354, 4572, 4790 and 4900 Rosewood Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN CHANGING THE ZONING OF APPROXIMATELY 42.3 ACRES, BEING PART OF LOT 2, BLOCK 1, ROSEWOOD ADDITION AND LOTS 1-6, BLOCK 2, ROSEWOOD

COMMERCIAL, FROM "B-3" (LOCAL BUSINESS DISTRICT) TO PLANNED UNIT DEVELOPMENT (P.U.D.) WITH "B-3" (LOCAL BUSINESS DISTRICT), "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT), "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT), "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT), AND "RT-1" (RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT) ZONING; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff comments:** Tony McIlwain, Assistant Director of Planning and Development Services.

The identified properties are designated as 'PD' (Planned Development) on the City's Future Land Use Map. The PD designation encourages mixed use development (retail, office, residential and public). The current PUD concept plan illustrates a customized commercial district, Rosewood Business District (RBD), as well as "SR-1", "R-1", "SF-2", "R-2", a customized residential Villa (V) district and Flex lots, which allow any combination of the previously referenced residential uses. The PUD consists of 45% residential uses (105 lots), 21.5% commercial uses (13 lots), 12% open space and 21.5% for right-of-way purposes. Residential density is 4.33 dwelling units per net acre (note: net acreage excludes rights-of-way and commercial areas). Staff notified 107 surrounding property owners within the 400' notification boundary. Staff received opposition from six individuals: Kenneth Greenawalt, Deron Walker, Leonardo Gonzalez-Sanchez, LaVera C. Harris, José I. Borges and Robert Volk. Three of these individuals own property within 200' of the site and amount to a 2% percent protest. The Planning and Zoning Commission recommends approval (4 to 1, one abstention) of the applicant's zoning request, subject to the submitted PUD concept plan and the associated PUD, RBD and Villa development standards.

Mayor Segarra invited the applicant to speak.

Pedro Quintero, spoke in favor of the request.

Mayor Segarra opened the public hearing.

Robert Stefek, spoke in favor of the request.  
Holly Teel, spoke against the request.  
Mellisa Brown, spoke against the request.  
Jim Wright, spoke in favor of the request.

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

*Motion was made by Councilmember Rivera to approve PH-19-010 with the amendment removing duplex usage from the flex lots. Motion was seconded by Councilmember Menking. Motion carried 5 to 2 with Councilmember Fleming and Councilmember Harris in opposition.*

**PH-19-011 HOLD** a public hearing and consider an ordinance requested by Esmeralda Medrano on behalf of Adolfo Medrano Romero and Claudia Corona De Medrano (**Case #Z19-05**) to rezone Lot 34, Block 1, Simmons 1<sup>st</sup>, from "R-1" (Single-

Family Residential District) to "R-2" (Two-Family Residential District). The property is addressed as 507 58<sup>th</sup> Street, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF LOT 34, BLOCK 1, SIMMONS 1ST, FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-2" (TWO FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff comments:** Tony McIlwain, Assistant Director of Planning and Development Services.

The property is designated as 'Residential Mix' (R-MX) on the City's Future Land Use Map (FLUM) of the Comprehensive Plan. The R-MX designation encourages a mix of residential types, public and institutional uses, parks and public spaces. Staff notified thirty-nine (39) surrounding property owners within a 400' notification boundary regarding this request. There have been no responses from the surrounding property owners in regard to this request. The Planning and Zoning Commission recommends approval of the applicant's request (by a vote of 6 to 0).

Mayor Segarra invited the applicant to speak.

Esmeralda Medrano – spoke in favor of the request.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Menking to approve PH-19-011. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

**PH-19-012 HOLD** a public hearing and consider an ordinance requested by William R. Dunivan Jr. and Robbie A. Dunivan (**Case #Z19-06**) to rezone approximately 1.001 acres out of the M.T. Martin Survey, Abstract No. 963 and the William Freer Survey, Abstract No. 517, from University District ("UD") with a Conditional Use Permit (C.U.P.) for "RT-1" (Residential Townhouse Single-Family District) to University District ("UD") with a Conditional Use Permit (C.U.P.) for "R-2" (Two-Family Residential District). The property is located southeast of Study Hall Loop and University Village Way, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN CHANGING THE ZONING OF APPROXIMATELY 1.001 ACRES OUT OF THE M.T. MARTIN SURVEY, ABSTRACT NO. 963 AND THE WILLIAM FREER SURVEY, ABSTRACT NO. 517, FROM UNIVERSITY DISTRICT "UD" WITH A CONDITIONAL USE PERMIT (C.U.P.) FOR "RT-1" (RESIDENTIAL TOWNHOUSE SINGLE-FAMILY DISTRICT) TO UNIVERSITY DISTRICT "UD" WITH A CONDITIONAL USE PERMIT

(C.U.P.) FOR "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff comments:** Tony McIlwain, Assistant Director of Planning and Development Services.

The City Council by majority vote may grant a Conditional Use Permit for any residential or business land use for a specific parcel in the University District. The Council may also impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the future four-year university. Conditional use permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed. Staff mailed thirty two (32) surrounding property owner letters within 400 feet of the subject property regarding this request. Staff has received one response of support from Reece's Creek Group L.C., and one opposition from Song Nam Chon, the owner of 6611 S. Fort Hood Street. The Planning and Zoning Commission recommends approval of the applicant's C.U.P. (by a vote of 6 to 0) subject to the following conditions: all duplexes lots shall satisfy the area regulations contained in Killeen Code of Ordinances Section 31-233; all duplex units shall be limited to one-story in height; and the Executive Director of Planning and Development Services or designee may grant an administrative approval to use an alternative landscaping standard when special lot area situations arise.

Mayor Segarra invited the applicant to speak.

None in the audience.

Mayor Segarra opened the public hearing.

With no one appearing, the public hearing was closed.

*Motion was made by Councilmember Rivera to approve PH-19-012. Motion was seconded by Councilmember Fleming. Motion carried unanimously.*

### **Adjournment**

With no further business, upon motion being made by Councilmember Menking, seconded by Councilmember Nash-King, and unanimously approved, the meeting was adjourned at 6:44p.m.



# City of Killeen

## Legislation Details

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**File #:** RS-19-045    **Version:** 1    **Name:** Street Condition Assessment  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 2/20/2019    **In control:** City Council  
**On agenda:** 5/28/2019    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing a professional service agreement with Transmap Corporation to determine the overall condition of the road network and provide a five (5) year maintenance strategy.  
**Sponsors:** Public Works Department, Streets  
**Indexes:**  
**Code sections:**  
**Attachments:** [Staff Report](#)  
[Quote](#)  
[Agreement](#)  
[Certificate of Interested Parties](#)  
[Presentation](#)

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		



## STAFF REPORT

**DATE:** May 21, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Danielle Singh, Interim Executive Director of Public Works

**SUBJECT:** Authorize a Professional Services Agreement with Transmap Corporation to determine the overall condition of the road network and provide a five (5) year maintenance strategy

### **BACKGROUND AND FINDINGS:**

In December 2018, City Council adopted Sec. 25-227 of the Code of Ordinances which mandates that a road condition survey be conducted every three (3) years. The most recent Street Condition assessment was approved on April 23, 2013, and finalized in March 2014.

In preparation for conducting the Street Condition Assessment as required, staff reviewed all competency and qualifications for a firm to conduct a Street Condition Assessment to determine the overall condition of the road network and provide a five (5) year maintenance strategy.

### **THE ALTERNATIVES CONSIDERED:**

The following alternatives were considered with this item:

1. Defer Street Condition Assessment to future fiscal years;
2. Perform Street Condition Assessment in house with City employees and equipment; or
3. Award a Professional Services/Letter of Agreement contract for Street Condition Assessment to Transmap Corporation.

### **Which alternative is recommended? Why?**

City staff recommends Alternative 3, award a professional services contract to Transmap Corporation. Transmap is a highly qualified firm and the agreement allows for the most efficient use of available funding to address this item.

### **CONFORMITY TO CITY POLICY:**

This item conforms to state and local policies and regulations, including the following:

Texas Government Code Chapter 2254, Attorney General Opinion JM-940, and the City of Killeen Purchasing Policy;

Texas Local Government Code 252.022 which exempts selected professional services from competitive bid requirements because the public is best served by requiring professionals to be

judged by the responsiveness of services and the excellence, quality, and effectiveness of past services and that selection based on price-only is not in the best interest of the public; and

City Code of Ordinances Sec. 25-227, requiring that a road condition survey be conducted every three (3) years.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

Estimated expenditure for this assessment for current Fiscal Year: \$184,055.71.

**Is this a one-time or recurring expenditure?**

This will be a one-time expenditure, with a road survey to be conducted every three (3) years, per City Ordinance.

**Is this expenditure budgeted?**

Yes

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes, \$184,055.71 is available in Streets Consulting account #234-3445-434.47-01.

**RECOMMENDATION:**

City staff recommends that City Council authorize the City Manager, or designee to enter into a Professional Services Agreement with Transmap Corporation, to determine the overall condition of the road network and provide a five (5) year maintenance strategy in the amount of \$184,055.71. City staff further recommends that City Council authorize the City Manager, or designee, to execute any and all change orders within the amounts set by state and local law.

**DEPARTMENTAL CLEARANCES:**

Public Works  
Purchasing  
Finance  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Quote  
Agreement  
Certificate of Interested Parties

**City of Killeen, TX**  
**2019 Re-Inspection Pricing**  
**Price Quote is Valid for 60 Days**

**1) Pavement Management**

Task	Description	Comments	Transmap Units	Transmap Price	Total
1a	ON-SIGHT™ Raw Data Collection Includes LiDAR (units = centerline miles)	Transmap will utilize our Crack Map 3D technology (LCMS) for pavement collection - 100% coverage - 360-degree image view of all roadways (ROW) with new Ladybug5 Ultra HD solution. Ground-based LiDAR (100% roadway coverage)	552	\$96.29	\$53,152.08
1b	Advanced Inspections - Profilometer/Crack Map Orthos (units = lump sum)	Transmap uses an ASTM compliant E950 profilometer. Delivery of Crack Map orthophotography and City-wide rutting	1	\$5,885.00	\$5,885.00
1c	Network Setup and Review (units = hours)	Since Transmap set up the original Network in MicroPAVER, this will not be needed.	N/A	\$99.00	N/A
1d	Pavement Inspection (units = samples)	Detailed surface distress analysis - Transmap uses ASTM D6433 network level analysis - Crack Map 3D approach - Pavement width included - Price includes field verification (walkout)	9,251	\$5.65	\$52,268.15
1e	MicroPAVER Load (units = lump sum)	Formatting pavement sample data and centerline file for mass load into MicroPAVER using scripts	1	\$2,250.00	\$2,250.00
1f	Pavement Management Practice Definition "Boot Camp" (price is lump sum)	Transmap will meet with the City to review maintenance/rehabilitation activities, analysis procedures, and collect any existing information on roadways (ADT data, construct dates, maintenance dates, etc.) All information will be loaded into MicroPAVER.	1	\$3,500.00	\$3,500.00
1g	Reporting (units = hours)	Transmap will put together written/tabular and GIS map data to support traditional preventative maintenance pavement reporting, including budget scenarios with actual dollar amounts per M&R activity. Transmap will also create customized tables, work manager and predictive modeling within MicroPAVER.	44	\$125.00	\$5,500.00
1h	Transmap Project Management (units = hours)	Standard project management includes staff allocation, project tracking web site, phone calls, overall project coordination and monthly updates - Kick-off meeting	149	\$99.00	\$14,751.00

Subtotal

\$137,306.23



**City of Killeen, TX**  
**2019 Sign Extraction Pricing**  
**Price Quote is Valid for 60 Days**

**2) Sign Extraction**

Task	Description	Comments	Units	Price	Total
2a	Signs (units = centerline miles) Rates based on standard attributes	Standard attributes include; street name, unique ID, unique ID (street centerline), MUTCD code, daytime condition, post type, facing direction, flashers (yes, no)	552	\$71.99	\$39,738.48
2b	GIS Integration (units = hours)	Transmap will link all collected assets to the City centerline unique ID and road name.	18	\$109.00	\$1,962.00
2c	Project Management (units = hours)	Standard project management includes managing the personnel assigned to the project, monthly project updates, and phone support throughout project.	51	\$99.00	\$5,049.00

*Subtotal**\$46,749.48*

## **LETTER OF AGREEMENT**

This is a Letter of Agreement ("Agreement") between the **City of Killeen** (referred to herein as "City") and Transmap Corporation (referred to herein as "Contractor"), collectively the "Parties". This Agreement is made this **26th** day of **March 2019**.

In consideration of the premises and of the mutual covenants and agreements contained in this Agreement, the Parties hereby agree as follows:

*Scope of Agreement.* The purpose of this Agreement is to enlist the services of Contractor to:

Perform a Street Condition Assessment Survey on 552 Centerline Miles of street and associated tasks generally including the following: project management, on-sight raw data collection, pavement inspection, pavement boot camp, network set-up and review, Micropaver information load, reporting, Micropaver training, advanced pavement inspections, collection of traffic signs, pavement markings, ADA ramps, linear assets to include sidewalks and pavement markings, interface between CityWorks Asset Management and Micropaver and a MUTCD nighttime sign assessment according to the agreed upon Scope of Work (Street Condition Assessment Survey) attached hereto and incorporated herein for all purposes.

*Term of Agreement.* This Agreement shall commence on the \_\_\_\_ day of \_\_\_\_\_ 2019, and terminate 180 calendar days after commencement of work on the Project.

*Consideration.* Contractor agrees to provide the services stated above:

\_\_\_\_\_ at the rate of \$ \_\_\_\_\_ per hour; or

X for the lump sum payment not to exceed One Hundred Eighty-Four Thousand, Fifty Five Dollars, and Seventy One cents \$184,055.71.

*Independent Contractor.* Contractor shall act as an Independent Contractor. Under no circumstances shall Contractor be deemed an employee or partner of Owner.

*Applicable Laws:* Contractor shall follow all applicable local, State, and Federal laws, regulations, and requirements for the abatement and disposal of lead, asbestos, and other routinely encountered hazardous substances. If any unusual substances or extraordinary amounts of the aforementioned substances are encountered, the Contractor will contact the City to contact the State and the relevant agency with authority for regulation of the substance.

*Standard of Care.* The standard of care for all professional engineering and related services performed or furnished by Contractor under this Agreement will be the care and

skill ordinarily used by members of the Contractor's profession practicing under similar circumstances at the same time and in the same locality.

Insurance. Contractor shall procure and maintain insurance in the following amounts:

<u>Worker's Compensation</u>	<u>Statutory</u>
<u>Automobile Liability</u>	<u>\$500,000 Combined single Limit for each accident (Bodily injury and property damage).</u>
<u>General Liability</u>	<u>\$1,000,000 each occurrence (Bodily injury and property damage).</u>
<u>Professional Liability</u>	<u>\$1,000,000 general aggregate.</u>

On all policies, except Worker's Compensation, City shall be listed as an additional insured with a full waiver of subrogation. A certificate of coverage shall be provided to the City prior to commencing work on the Project.

Subcontracts and Assignments. Contractor's rights and obligations hereunder are deemed to be personal and may not be transferred or assigned. Any assignments shall be void and of no effect.

Indemnification. To the fullest extent permitted by law, City or Contractor, as applicable, shall indemnify and hold harmless the other party, and the other party's officers, directors, partners and employees from and against any and all costs, losses and damages (including, without limitation, all fees and charges of attorneys and other professionals, and all court or dispute resolutions costs) caused by the negligent acts or omissions of the City or Contractor, as applicable, or their respective officers, directors, partners, employees and consultants with respect to the performance under this Agreement or the Project.

Termination. This Agreement may be terminated by either party for cause upon thirty (30) calendar days' written notice, provided such cause cannot be reasonably cured within such thirty (30) day period. City may terminate this Agreement for convenience effective upon receipt of written notice declaring the same and Contractor shall be compensated for all work completed at that time in accordance with this Agreement.

Texas Law. This Agreement shall be subject to and governed by the laws of the State of Texas. The Parties agree that for venue purposes, any and all lawsuits, disputes, or causes of action shall be in Bell County, Texas.

Severability. If any provision of this Agreement shall, for any reason, be held to violate any applicable law, then the invalidity of such a specific provision in this Agreement shall not be held to invalidate the remaining provisions of this Agreement.

Survival. Any provision of this Agreement providing for indemnity, insurance or a duty that necessarily will not be completed until after the expiration or termination of this

Agreement shall continue in full force and effect until such a time as all duties have been fully performed.

Non-waiver. Failure to enforce any provision of this Agreement by either party shall not constitute a waiver of that provision for purposes of the subsequent enforcement of that provision or the remainder of this Agreement.

Entire Agreement. This Agreement shall represent the entire agreement by and between the Parties and it may not be changed except by written amendment duly executed by all Parties.

By signing this contract, Contractor hereby verifies that it does not boycott Israel and will not boycott Israel during the term of this contract. Boycotting Israel is defined in Texas Government Code section 808.001 to mean refusing to deal with, terminating business activities with, or taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.

**SIGNED, ACCEPTED AND AGREED TO** this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the undersigned Parties who acknowledge that they have read and understand this Agreement and that the Agreement is issued in accordance with local, State, and Federal laws, and the undersigned Parties hereby execute this legal document voluntarily and of their own free will.

City \_\_\_\_\_ Contractor \_\_\_\_\_

\_\_\_\_\_  
Ronald L. Olson, City Manager  
City of Killeen

\_\_\_\_\_  
Printed:  
Title:

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:  
2019-454911

Date Filed:  
02/20/2019

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Transmap Corporation  
COLUMBUS, OH United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Killeen, TX

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

Pavement Management  
Pavement Management

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Transmap Corporation	Columbus, OH United States	X	

5 Check only if there is NO Interested Party. ☐

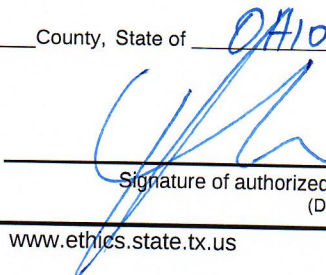
## 6 UNSWORN DECLARATION

My name is Howard Luxhoj, PE, and my date of birth is 10/30/72.

My address is 5030 Transamerica Drive, Columbus, OH, 43228, US.  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Franklin County, State of OH, on the 25 day of Feb, 20 19.  
(month) (year)

  
Signature of authorized agent of contracting business entity  
(Declarant)



# STREET CONDITION ASSESSMENT

RS-19-045

May 21, 2019

# Background

2

- The Street Maintenance Fee Ordinance adopted by City Council in December 2018 mandates that a road condition survey be conducted every three (3) years.
  - ▣ The most recent Street Condition Assessment was authorized in April 2013 and finalized in March 2014.
- The Street Condition Assessment would assess the overall condition of the road network and provide a five (5) year maintenance strategy.
  - ▣ The results of this assessment will be used to determine the street maintenance schedule for future years.
- Transmap Corporation was selected to perform the Street Condition Assessment based on their qualifications.

# Alternatives

3

- ❑ Defer Street Condition Assessment to future fiscal years.
- ❑ Perform Street Condition Assessment in-house with City employees and equipment.
- ❑ Enter into a professional services agreement for the Street Condition Assessment with Transmap Corporation.
  - ▣ Funding in the amount of \$184,056 is available in the current fiscal year.



# Recommendation Summary

4

- City staff recommends that City Council authorize the City Manager or designee to enter into a Professional Services Agreement with Transmap Corporation and to execute any and all changes within the amounts set by State and Local law.



# City of Killeen

## Legislation Details

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**File #:** RS-19-046    **Version:** 1    **Name:** Turnout Gear  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 5/2/2019    **In control:** City Council  
**On agenda:** 5/28/2019    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing the procurement of turnout gear for the Fire Department.  
**Sponsors:** Fire Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Staff Report](#)  
[Quote](#)  
[Certificate of Interested Parties](#)  
[Presentation](#)

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		



## STAFF REPORT

**DATE:** May 21, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Brian Brank, Fire Chief

**SUBJECT:** Purchase of Personal Protective Equipment (PPE)

### **BACKGROUND AND FINDINGS:**

The Fire Department works toward replacing Personal Protective Equipment (PPE) every five years in order to stay in compliance with NFPA 1851 (National Fire Protection Association). Personal Protective Equipment (PPE) is the protective ensemble worn by firefighters which typically consists of the following garments: coat, trousers, boots, helmet, hood and gloves. These items help protect firefighters in environments immediately dangerous to life or health. The fire department must replace PPE that is damaged and cannot be repaired. Additionally, industry standard establishes a usable lifespan for PPE of 5 years for front line use and 5 additional years as reserve or training gear. As a result of these factors, the fire department has a need to purchase approximately 20% of our current PPE inventory for our personnel each year in an attempt to avoid purchasing a large number of items in one year. This would create an inevitable hardship which could possibly exceed the reasonable budget for any given year. The current estimate of 20% is approximately 30 sets, which could increase as our personnel requirements increase. This will also allow us to outfit new employees who will be on shift before the next fiscal year, therefore making the annual expenditure with North American Fire Equipment Company (NAFECO) over \$50,000.

### **THE ALTERNATIVES CONSIDERED:**

- 1: Purchase PPE from The North American Fire Equipment Company's (NAFECO) quotation through TASB Buyboard.
- 2: Seek alternative vendors outside the purchasing cooperative.

### **Which alternative is recommended?**

The first alternative provides for the most efficient use of City resources and the best option for purchasing the quantity and sizes needed to meet departmental safety guidelines.

### **CONFORMITY TO CITY POLICY:**

The City of Killeen is a member of the TASB Buyboard purchasing cooperative. This cooperative is in compliance with Texas Local Government Code section 252.022 and satisfies the City's

legal requirement to competitively bid this purchase. The purchase of PPE will be made through the TASB Buyboard purchasing cooperative on contract number 524-17.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This request is for the purchase of 30 sets of turnout coats and trousers. The total cost for this purchase is \$73,500.00.

**Is this a one-time or recurring expenditure?**

This is a one-time purchase for this budget year. However, we will need to purchase additional items such as helmets, boots, gloves, and hoods throughout the year as well as additional turnout gear in FY 20. Our future purchase needs will be dictated by the number and types of garments that are damaged beyond repair or nearing expiration.

**Is this expenditure budgeted?**

Yes, it is budgeted in account 010-7070-442.41-20.

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes

**RECOMMENDATION:**

Staff recommends that the City Council authorize the purchase of 30 sets of turnout coats and trousers in the amount of \$73,500.00. Staff also recommends City Council authorize the purchase of PPE as needed from NAFECO through the remainder of their TASB Buyboard Cooperative Contract expiring March 31, 2020.

**DEPARTMENTAL CLEARANCES:**

Purchasing, Finance, Fire

**ATTACHED SUPPORTING DOCUMENTS:**

Quote  
Certificate of Interested Parties



## QUOTE

**Quote Expiration:** EXPIRES 30 DAYS

**F.O.B. Point:** FOBSHIP  
**Salesperson:** Kirby Prince (TX)  
**Quote Prepared By:** Brittany Liles

**Thank you for your business !**

**If you have any questions concerning this quote, please call our number listed above.**

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

NORTH AMERICA FIRE EQUIPMENT CO INC  
Decatur, AL United States

Certificate Number:  
2019-486682

Date Filed:  
05/06/2019

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Killeen Fire Department

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

Bunker Gear FY19  
Bunker Gear

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



### 6 UNSWORN DECLARATION

My name is BRIAN OAKS, and my date of birth is \_\_\_\_\_.

My address is 1515 W MOULTON ST, Decatur, AL, 35601, Moregan  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Moregan County, State of AL, on the 6 day of May, 20 19.  
(month) (year)

*Angelica R. ...*

*Brian Oaks*  
Signature of authorized agent of contracting business entity  
(Declarant)



# PURCHASE OF TURNOUT GEAR

RS-19-046

May 21, 2019

# PURCHASE OF TURNOUT GEAR

2

- ❑ The Killeen Fire Department provides turnout gear for our firefighters to include coats and trousers
- ❑ Conducted a wear test to determine best gear
- ❑ Conducted price comparison of selected gear
  - ▣ North American Fire Equipment Company (NAFECO) offered best pricing
  - ▣ Dooley Tackaberry
  - ▣ Casco Industries



# PURCHASE OF TURNOUT GEAR

3

- Alternatives:
  - ▣ Defer purchase
  - ▣ Purchase turnout gear that offers the greatest protection for our firefighters at the lowest cost
- Financial Impact
  - ▣ \$73,500
  - ▣ Budgeted expense- no additional funding required
- Conforms to City Policy: North American Fire Equipment Company's Buyboard Contract #524-17; effective through March 31, 2020

# PURCHASE OF TURNOUT GEAR

4

- Staff recommends that the City Manager or his designee be authorized to execute the purchase of turnout gear from North American Fire Equipment Company through a BuyBoard Cooperative Contract, and that the City Manager or designee is expressly authorized to execute any and all change orders within the amounts set by state and local law.



# City of Killeen

## Legislation Details

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**File #:** RS-19-047    **Version:** 1    **Name:** The Brandt Companies, LLC  
**Type:** Resolution    **Status:** Resolutions  
**File created:** 5/6/2019    **In control:** City Council  
**On agenda:** 5/28/2019    **Final action:**  
**Title:** Consider a memorandum/resolution authorizing expenditures in excess of \$50,000 for Police Headquarters maintenance and repairs to The Brandt Companies, LLC. for the HVAC system.  
**Sponsors:** Police Department  
**Indexes:**  
**Code sections:**  
**Attachments:** [Staff Report](#)  
[Contract](#)  
[Certificate of Interested Parties](#)  
[Presentation](#)

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		



## STAFF REPORT

**DATE:** May 21, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Charles F. Kimble, Chief of Police

**SUBJECT:** Police HQ maintenance and repairs in excess of \$50,000

### **BACKGROUND AND FINDINGS:**

The Killeen Police Department is under contract with The Brandt Companies, LLC, for maintenance of the heating ventilation and air conditioning (HVAC) system at the police headquarters building. The contract is listed under TASB BuyBoard Purchasing Cooperative #558-18.

In addition to the HVAC maintenance contract, the department utilizes The Brandt Companies, for plumbing and electrical work. Maintenance and repairs at the Police Department Headquarters' (PDHQ) building are an ongoing process. The PD has numerous complex systems that require ongoing maintenance and occasional repairs. The current maintenance contract with The Brandt Companies supports routine HVAC maintenance, but any repairs are at an additional cost to the department. Any maintenance will be performed under TASB BuyBoard Contract #461-14.

These expenses, in addition to pre-budgeted maintenance and repairs performed under our existing maintenance contract, will cause expenses paid to this vendor to exceed \$50,000 this fiscal year. Total expenditures could rise to approximately \$75,000 during the current fiscal year.

### **THE ALTERNATIVES CONSIDERED:**

1. Authorize the repairs and maintenance as proposed, or
2. Delay repairs and maintenance until FY 19-20.

### **Which alternative is recommended? Why?**

The logical decision is to authorize continued maintenance and repairs as needed. Failure to do so may cause irreparable harm to building systems and increase future costs.

### **CONFORMITY TO CITY POLICY:**

This expenditure conforms to City Policy and applicable laws.

**FINANCIAL IMPACT:**

Current FY expenditures to The Brand Companies total \$28,918.48. Anticipated maintenance and repair costs will exceed \$50,000 by the end of fiscal year 19. The Police Department has identified budgeted funds to cover the expense.

**What is the amount of the expenditure in the current fiscal year? For future years?**

Anticipated maintenance and repair costs will exceed \$50,000 and could approach \$75,000 or more for the current fiscal year.

Preventive maintenance and repairs as-needed are an ongoing process and vary from year to year.

**Is this a one-time or recurring expenditure?**

Recurring expenditure

**Is this expenditure budgeted?**

Yes in Heat & Air Repair account, 010-6050-441.43-20.

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

Yes

**RECOMMENDATION:**

Staff recommends that the City Manager or his designee be authorized to execute the expenditures for the recommended repairs and maintenance at the Police headquarters building by The Brandt Companies, LLC, through the TASB BuyBoard; an expense that will exceed \$50,000 to one vendor for the current fiscal year.

**DEPARTMENTAL CLEARANCES:**

Purchasing  
Finance  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Contract





# MAINTENANCE AGREEMENT

Proposal Date: **November 17, 2015**

Proposal #: **1117150G02**

Customer:

City of Killeen  
3304 Community Blvd.  
Killeen, TX 76542

Site:

Killeen Police Headquarters  
3304 Community Blvd.  
Killeen, TX 76542

We are pleased to offer this proposal to provide the following:

☐ Full Service Maintenance Agreement

☒ Maintenance & Inspection Agreement

GSA Contract # GS-21F-0137W

TXMAS Contract # TXMAS-10-03FAC070

The Brandt Companies, LLC is pleased to submit the following preventive maintenance proposal pertaining to the specific mechanical equipment at the above referenced site.

Scheduled preventive maintenance will be performed quarterly (4) on the HVAC equipment outlined as per the attached scope pages. Upon completion of each visit, a Brandt operational log form will be completed on each unit, which will detail the operating performances.

Industry standard recommended preventive maintenance procedures will be adhered to as listed in our scope of work of this proposal. Work shall be completed under Existing Terms & Conditions of City of Killeen.

Your investment for this service is as follows:

	2016-2017	2017-2018
	<u>1st year</u>	<u>2nd year</u>
Total Annual Price	\$ 23,394.75	\$ 24,096.59

Your payment options will be as follows:

	<u>1st year</u>	<u>2nd year</u>
<input type="checkbox"/> Annual payment plus applicable tax	\$ 23,394.75	\$ 24,096.59
<input type="checkbox"/> Quarterly payment plus applicable tax	\$ 5,848.69	\$ 6,024.15
<input type="checkbox"/> Monthly payment plus applicable tax	\$ 1,949.56	\$ 2,008.05

If this proposal is acceptable, please sign below and return by facsimile to 254-772-9758 with a purchase order, if needed. A signed acceptance must be received prior to our commencing work. Our terms are net ten days from the invoice date, and past due after thirty days. This proposal is valid for 30 days.

Best Regards,

*Oscar Garza*  
Cell No. 254-644-1664  
Fax No. 254-772-9758

## CUSTOMER ACCEPTANCE

Accepted by:

Name:

Title:

Company:

Date:

*Oscar Garza*

*CITY MANAGER*

*CITY of Killeen*

*12/15/15*

## BUILDING OWNER

Name:

Address:

City, State, Zip

## THE BRANDT COMPANIES, LLC

Accepted by:

Name:

Title:

Date:

*Oscar Garza*

*Waco Operations Manager*

Upon acceptance, Brandt shall furnish service starting effective \_\_\_\_\_ This Agreement shall continue for a period of \_\_\_\_\_ year(s) (the term) from said date and shall be automatically renewed for each successive term unless cancelled in writing.

This contract is subject to a price revision upon the renewal date. The revision will be based on the current Consumer Price Index (CPI)

This Agreement is not valid without signature of customer and associated attachments.

Remit to: P.O. Box 227351, Dallas, TX 75222-7351

Regulated by The Texas Department of Licensing and Regulation P.O. Box 12157, Austin, TX 78711, 1-800-803-9202, 512-463-6599, [www.tdlr.texas.gov](http://www.tdlr.texas.gov)

## Brandt Office Locations:

Austin: 1340 Airport Commerce Drive, Ste. 575, Austin, TX 78741, 512.491.9100, TACLA15221C/TECL20109/M18098

Dallas: 1728 Briercroft Ct., Carrollton, TX 75006, 972.395.6000, TACLA000468C/TECL20109/M40211

Fort Worth: 2502 Gravel Drive, Fort Worth, TX 76118, 817.626.0033, TACLA26872C/TECL20109/M40211

Houston: 13810 Hollister Drive, Suite 100, Houston, TX 77086, 832.714.3200, TACLA21186C/TECL20109/M35506

San Antonio: 6023 Corridor Pkwy, Ste 100, Schertz, TX 78154, 210.599.6120 TACLA49777C/TECL20109/M18098

Waco: 205 Schroeder Dr., Waco, TX 76710, 254.772.1693 TACLA26979C/TECL20109/M40211

[www.brandt-companies.com](http://www.brandt-companies.com)





## SERVICE DESCRIPTION

☐ **Full Service Maintenance Agreement**

Full Service Maintenance Agreement coverage provides for all labor, parts, and material associated with maintaining and repairing the equipment identified in this agreement. This agreement assumes that the equipment listed is in good running, maintainable condition and eligible for coverage under a Full Maintenance Agreement. Should specific maintenances become required by a manufacturer or government entity, which are not covered as part of this agreement the customer shall allow Brandt to perform such work at agreed upon price. If on the first inspection, repairs are required, a proposal for repairs will be submitted for owner's approval. If these repairs are declined, the subject equipment may be removed from the Full Maintenance Agreement coverage at the discretion of Brandt; the price of the agreement will be adjusted accordingly. The proposal indicates the number of inspections Brandt is Agreementually obligated to; however, if additional inspections are required, they will be made as Brandt sees fit.

☒ **Maintenance & Inspection Agreement**

A Maintenance & Inspection Agreement provides early detection of problematic operating conditions to avoid costly repairs and equipment failures along with industry standard recommended maintenance functions. All labor, parts, and materials associated with repairing the equipment will be charged to the owner as an additional charge as a separate invoice from the Agreement invoice.

**Services Included:**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> <b>Mechanical Systems</b> | <input type="checkbox"/> <b>Backflow Preventer Testing</b> | <input type="checkbox"/> <b>Control Calibration</b>                               |
| <input checked="" type="checkbox"/> <b>Filter Service</b>     | <input type="checkbox"/> <b>Infrared Testing</b>           | <input checked="" type="checkbox"/> <b>Other: Preferred Customer Billing Rate</b> |
| <input type="checkbox"/> <b>Vibration Analysis</b>            | <input type="checkbox"/> <b>Drain Maintenance</b>          | <input type="checkbox"/> <b>Other:</b>  |
| <input type="checkbox"/> <b>Automation</b>                    | <input type="checkbox"/> <b>Eddy Current Testing</b>       | <input type="checkbox"/> <b>Other:</b>  |

**With respect to Service Agreement agreements:**

*The Brandt Companies, LLC agrees to:*

- \* Regularly inspect the equipment at intervals as indicated on the specific equipment schedule attached here as "schedules."
- \* Furnish customer with a copy of the Service Technician's report indicating what repairs, if any, are necessary resulting from each inspection.
- \* Improve or repair the equipment upon proper authorization from the customer. Labor and materials will be charged at Brandt's rate of charge in effect at the time the work is performed.
- \* In the case of Full Service Maintenance Agreements, Brandt will perform repairs at no additional cost. Determination as to the type of repair or replacement of any equipment or part thereof shall be made in accordance with Brandt's judgment.
- \* Instruct the customer in the operation of equipment to provide for greatest operating efficiency.
- \* Provide the customer with preferential service over regular service activity.
- \* Complete operating log form for Agreement covered equipment and present to owner.

*Customer agrees to:*

- \* Operate the subject equipment in accordance with Brandt's instructions and manufactures recommendations.
- \* Promptly notify Brandt of any unusual operating conditions.
- \* If Full Service Maintenance Agreement is selected, permit only Brandt to work on the subject equipment.
- \* Provide access to all equipment during normal working hours.
- \* Perform additional maintenance when needed as outlined by manufacture.

*Service Agreement does not include coverage of the following:*

- \* Equipment cabinets.
- \* Ductwork and air distribution devices.
- \* Water supply and drain beyond the subject equipment.
- \* Repair or replacement of heat exchangers in gas fired furnaces and duct heaters.
- \* Repair or replacement of metal tubes in condensers, chiller, boilers or any other heat exchanger.
- \* Moving or relocation of the subject equipment.
- \* Repairs due to freezing.
- \* Work made necessary by the enforcement of government codes, building and union regulations or as recommended by insurance companies.
- \* Damage of any kind due to corrosion, erosion, electrolytic actions, acts of God, power failure, vandalism, or any other cause whatever beyond the control of Brandt.
- \* Electrical components associated with the equipment including: starters, disconnect switches, fuses, circuit breakers, and electrical wiring not specifically identified within the scope of work.
- \* Water treatment.
- \* Piping systems of any nature.
- \* Refrigerant is not included in this agreement and will be billed separately.
- \* Factory installed controls panels and starters that become obsolete and require manufacture upgrade.

Proposal #: 111715OG02

Accepted by: \_\_\_\_\_





**Killeen Police Headquarters**  
**3304 Community Blvd.**  
**Killeen, TX 76542**



## EXHAUST FAN

Quantity	Basic Description	Size	Tag	Model #	Serial #	# Visits per calendar year
9	Greenheck Ex Fans					4

### Routine Inspection:

- \* Check bearing locking set screws. Lubricate bearing if necessary
- \* Lubricate fan and motor bearings.
- \* Check sheave alignment and level of shafts.
- \* Check belt tension and adjust as necessary.
- \* Check electrical connections and tighten as necessary.
- \* Check damper operation.
- \* Log operation of equipment. Provide copy to customer.

### Options / Clarifications:

If included in the proposal the box preceding the option will be checked.

☐ Belt Replacement



Actual maintenance functions will vary due to difference in equipment because of age, type and manufacturer. Task listed above will be performed as applicable to the equipment and agreed scope of work.

Proposal # : 111715OG02

Accepted by: 

SITE:

Killeen Police Headquarters  
3304 Community Blvd.  
Killeen, TX 76542





## ENERGY RECOVERY UNIT

Quantity	Basic Description	Size	Tag	Model #	Serial #	# Visits per calendar year
6	Energy Recovery Unit					4

### Routine Inspection:

- \* Check bearing locking set screws. Lubricate bearing if necessary
- \* Lubricate fan and motor bearings.
- \* Check sheave alignment and level of shafts.
- \* Check belt tension and adjust as necessary.
- \* Check electrical connections and tighten as necessary.
- \* Check damper operation.
- \* Log operation of equipment. Provide copy to customer.

### Options / Clarifications:

If included in the proposal the box preceding the option will be checked.

☐☐

Actual maintenance functions will vary due to difference in equipment because of age, type and manufacturer. Task listed above will be performed as applicable to the equipment and agreed scope of work.

Proposal # : 111715OG02

Accepted by: 

SITE:

Killeen Police Headquarters  
3304 Community Blvd.  
Killeen, TX 76542





ADDENDUM TO CONTRACT FOR GOODS OR SERVICES  
(Change as needed to match the name or type of your contract)

This addendum supplements that certain Maintenance and Inspection Agreement, dated August 23, 2018, made by and between the City of Killeen and Brandt.

1. **Verification by Vendor.** Vendor hereby verifies that it does not boycott Israel and will not boycott Israel during the term of this contract. Boycotting Israel is defined in Texas Government Code section 808.001 to mean refusing to deal with, terminating business activities with, or taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.
2. **Incorporation.** The provisions of this Addendum shall be incorporated into and are hereby made an essential part of the contract.
3. **Full Force and Effect.** Except as expressly modified herein, all other terms and provisions set for in the contract shall remain in full force and effect and shall not otherwise be affected by this Addendum.

The City and Vendor have duly executed this Addendum as of this 23<sup>rd</sup> day of August, 2018.

City of Killeen

Vendor

By: \_\_\_\_\_

Title: \_\_\_\_\_

The BRANDT Companies, LLC  
By: [Signature]  
BRANDT WACO GM

This is required by law since we cannot budget for future years.



**Non-appropriations Clause:** This agreement is subject to the appropriation of funds by the Customer/City in its budget adopted for any fiscal year for the specific purpose of making payments pursuant to this Agreement for that fiscal year. The obligation of the City pursuant to this agreement in any fiscal year for which this Agreement is in effect shall constitute a current expense of the City for that fiscal year only, and shall not constitute an indebtedness of the City of any monies other than those lawfully appropriated in any fiscal year. In the event of non-appropriation of funds in any fiscal year to make payments pursuant to this Agreement, this Agreement may be terminated.



## INTEROFFICE MEMORANDUM

**To:** All Departments  
**FROM:** Traci Briggs, Deputy City Attorney  
**DATE:** AUGUST 9, 2017  
**SUBJECT:** NEW LEGISLATION REGARDING CONTRACTS

Two bills passed by the Legislature affect contracts entered into by the city on or after September 1, 2017.

**H.B. 89** – Government Code chapter 2270 is added and provides that a governmental entity, including a city, may not enter into a contract for goods or services unless the contract contains written verification from the company that it does not boycott Israel and will not boycott Israel during the term of the contract. Company is broadly defined in section 808.001 of the Government Code as nearly any type of for-profit entity.

**Recommended action:** This change will affect nearly all contracts entered into by the city on or after September 1, 2017. Any template contracts used by departments should be amended to include the following language: *By signing this contract, Vendor (or whatever term is used in the specific contract) hereby verifies that it does not boycott Israel and will not boycott Israel during the term of this contract. Boycotting Israel is defined in Texas Government Code section 808.001 to mean refusing to deal with, terminating business activities with, or taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes.*

It is likely that most contracts from outside vendors will not have the required language. My recommendation would be to use the attached addendum for each contract, modified as necessary to a specific contract.

Purchasing should amend RFP and RFQ standard terms to include this requirement in all contracts entered into through the bid/proposal process.





**S.B. 252** – Amends Government Code chapter 2252 and provides that a governmental entity, including a city, may not enter into a contract for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials or equipment with a company engaged in business with Iran, Sudan or a foreign terrorist organization. The Texas Comptroller is tasked with preparing, maintaining and making available a list of companies known to have contracts Iran, Sudan and foreign terrorist organizations. There is an exception for companies excluded from sanctions by the United States government. This affects contracts entered into on or after September 1, 2017.

**Recommended Action:** Each department should check the list provided by the Comptroller to ensure a company the city plans to do business with is not listed. Currently, the list is not available online. I have made contact with counsel for the Comptroller who said it will be when online the bill is effective. I will give you an update and link when it is available.

Purchasing should amend RFP and RFQ standard terms to include language regarding this requirement in all bid/proposal documents.

Please do not hesitate to contact me or your department's attorney with any questions you may have in working with these new laws.

# CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.  
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

## OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

The Brandt Companies, LLC  
Waco, TX United States

Certificate Number:  
2019-491462

Date Filed:  
05/15/2019

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Killeen Police Department

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

041818JS01  
HVAC Maintenance Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



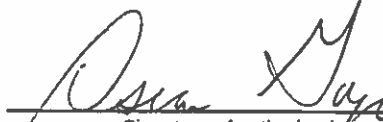
### 6 UNSWORN DECLARATION

My name is Oscar Garza, and my date of birth is 10/12/1966

My address is 229 LCR 192, Coolidge, TX, 76635, USA  
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in McLennan County, State of Texas, on the 15 day of May, 20 19  
(month) (year)



Signature of authorized agent of contracting business entity  
(Declarant)





# PD HVAC REPAIRS AND MAINTENANCE

RS-19-047

May 21, 2019

# PD HQ Repairs and Maintenance

2

- ❑ The PD has an existing contract with the Brandt Companies, LLC, for maintenance and repair of the HVAC System. Repair work is performed under TASB BuyBoard Contract.
- ❑ The contract supports maintenance of the headquarters' HVAC system. Repairs are performed at an additional cost.
- ❑ Anticipated maintenance and repair costs will exceed \$50,000 and could rise to \$75,000.

# Funding

3

- ❑ Current Fiscal Year repair expenses with The Brandt Company - \$28,918.48.
- ❑ Anticipated repair and maintenance costs will exceed \$50,000 by the end of FY19.
- ❑ The Police Department has budgeted funds available for this expense.

# Alternatives

4

- ❑ Delay preventative maintenance and repairs until FY 19-20.
- ❑ Authorize the repairs and maintenance.

# Recommendation

5

- City staff recommends that the City Manager or his designee be authorized to execute the expenditures for the recommended HVAC repairs and maintenance at the Police headquarters building by The Brandt Companies, LLC, through the TASB BuyBoard; an expense that will exceed \$50,000 to one vendor for the current fiscal year.



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-19-013A	<b>Version:</b>	1	<b>Name:</b>	FLUM 19-03
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	4/1/2019		<b>In control:</b>	City Council	
<b>On agenda:</b>	5/28/2019		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance submitted by WBW Development and WBW Single Land Investment L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust (FLUM#19-03), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from an 'Estate' designation to a 'General Residential' designation for approximately 169 acres. The property is located east of Yowell Ranch Phases Two and Three, Killeen, Texas.				
<b>Sponsors:</b>	Planning & Development Dept				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">FLUM Exhibit</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		



## STAFF REPORT

**DATE:** May 21, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Dr. Ray Shanaa, AICP, Exec. Dir. of Planning and Development Services

**SUBJECT:** Comprehensive Plan Future Land Use Map (FLUM) Amendment: 'Estate' to 'General Residential'

### **BACKGROUND AND FINDINGS:**

WBW Development and the WBW Single Land Investment L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust, submit this request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from an 'Estate' (E) designation to a 'General Residential' (GR) designation for approximately 169 acres. The property is located east of Yowell Ranch Phases Two and Three, Killeen, Texas.

**Land Use Plan:** The property is designated as 'Estate' (E) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Estate' (E) designation encourages the following development types:

- Detached residential dwellings
- Public/ institutional
- Parks and public spaces

'Estate' (E) characteristics:

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

Still in Suburban portion of character spectrum, but with larger lots (typically 1 acre minimum), especially where required by public health regulations to allow for both individual water wells and on-site septic systems on properties where centralized water and/or wastewater service is not available or feasible. One-acre lots are usually adequate in wooded areas to achieve visual screening of homes (from streets and adjacent dwellings). Three- to 5-acre lots may be needed to achieve and maintain Estate character in areas with more open land.

If approved, the 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus
- Attached housing types subject to compatibility and open space standards (e.g. duplexes, townhomes, patio homes)

- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
- Public/ institutional
- Parks and public spaces

A portion of this property lies within a FEMA regulatory Special Flood Hazard Area (SFHA). While there is not currently a floodway designated in this SFHA, there are approximately 3,000 linear feet of wetlands (a mixture of riverine and Freshwater Forested/Shrub) identified within this addition. The SFHA and the reported wetlands both fall within the approximately 18 acres of soil classified as Frio silty clay with 0 to 1 percent slopes. This is significant since this type of soil is frequently flooded.

Currently sheet flow runoff exits this parcel in a concentrated manner within the Yowell Creek Tributary prior to its convergence with Yowell Creek. Runoff then flows in an easterly direction to Trimmier Creek prior to leaving the City of Killeen. Trimmier Creek is listed on the TCEQ's 303(d) list for concerns for near-nonattainment for an impaired microbenthic community.

The property will need to be platted prior to further development. As a result, the current Drainage Design Manual (DDM), creek buffer zones (CBZ), and post construction (PC) requirements will apply to future development on this parcel. The DDM, CBZ, and PC requirements were not in place during the formation of the existing Yowell Ranch PUD.

### **THE ALTERNATIVES CONSIDERED:**

#### **Which alternative is recommended? Why?**

The items below should be reviewed and addressed when a Future Land Use Map (FLUM) amendment is being considered:

- **Scope of Amendment:** Is the proposed map change limited to one or a few parcels, or would it affect a much larger area? ***The amendment request would affect two parcels totaling approximately 169 acres, and is considered a large-scale amendment.***
- **Change in Circumstances:** What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date? ***Staff is not aware of any specific conditions that render the current map inappropriate or out-of-date. The 'Estate' (E) designation has been and continues to be appropriate for those existing neighborhoods that developed in Killeen's extra-territorial jurisdiction (ETJ) that (as a result of annexation) are now within the City limits. However, staff acknowledges that since the Comprehensive Plan's adoption, there have been no new single-family residential subdivisions developed exclusively for acreage home sites within the City. Therefore, based on historical residential development, it appears that the designation is***



***not reflective of the market conditions that drive private investment and residential development.***

- **Consistency with Other Plans:** In addition to the Comprehensive Plan, is the proposed map change consistent with the intent and policy direction of any applicable small area plans, utility or drainage plans, or other City plans? ***The proposed map change is consistent with other City planning efforts (Water and Wastewater Master Plan, Thoroughfare Plan, Parks Master Plan).***
- **Adequate Information:** Do City staff, the Planning and Zoning Commission, and/or City Council have enough and appropriate information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)? ***Staff has sufficient information regarding existing utility capacity and roadway level of service for this area. All development in this area will meet all applicable city requirements with regard to publically dedicated utility infrastructure and rights-of-way. At the time of development the current drainage design manual and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.***
- **Stakeholder Input:** What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? ***With the exception of listing this action as a public hearing item on the Planning and Zoning Commission's agenda, there is no public notice requirement for this amendment action.***

#### **CONFORMITY TO CITY POLICY:**

This FLUM amendment request conforms to the City's policy as detailed in the Comprehensive Plan.

#### **FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year?**

This is not applicable at this time.

**For future years?**

The proposed FLUM amendment does not involve the expenditure of city funds; however, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

**Is this a one-time or recurring expenditure?**

This is not applicable at this time.

**Is this expenditure budgeted?**

This is not applicable at this time.

**If not, where will the money come from?**

This is not applicable at this time.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable at this time.

**RECOMMENDATION:**

The Planning and Zoning Commission recommended that the FLUM designation be changed from 'Estate' to 'Suburban Residential' as it provides for single-family housing, but at a lower overall density than what is encouraged in the 'General Residential' designation. The recommendation was by a vote of 4 to 3, with Commissioners Alvarez, O'Brien and Ploeckelmann in opposition to the motion.

The 'Suburban Residential' (SR) designation encourages the following development types:

- Detached residential dwellings
- Planned developments to provide for other housing types (e.g., townhouse, patio) in a Suburban character setting
- Public/institutional
- Parks and public spaces

'Suburban Residential' (SR) Characteristics:

- Suburban character from balance between buildings and other site improvements relative to degree of open space maintained on the site (compared to predominance of site coverage over undeveloped space in auto-oriented areas).
- Larger baseline minimum lot size allows for larger front yards and building setbacks and greater side separation between homes.
- Also results in less noticeable accommodation of the automobile on sites compared to more intensive residential areas, especially where driveways are on the side of homes rather than occupying a portion of the front yard space, and where garages are situated to the side or rear of the main dwelling.
- Can establish development options which allow for lot sizes smaller than the baseline in exchange for greater open space set-aside, with additional open space devoted to maintaining the overall suburban character and buffering adjacent properties.

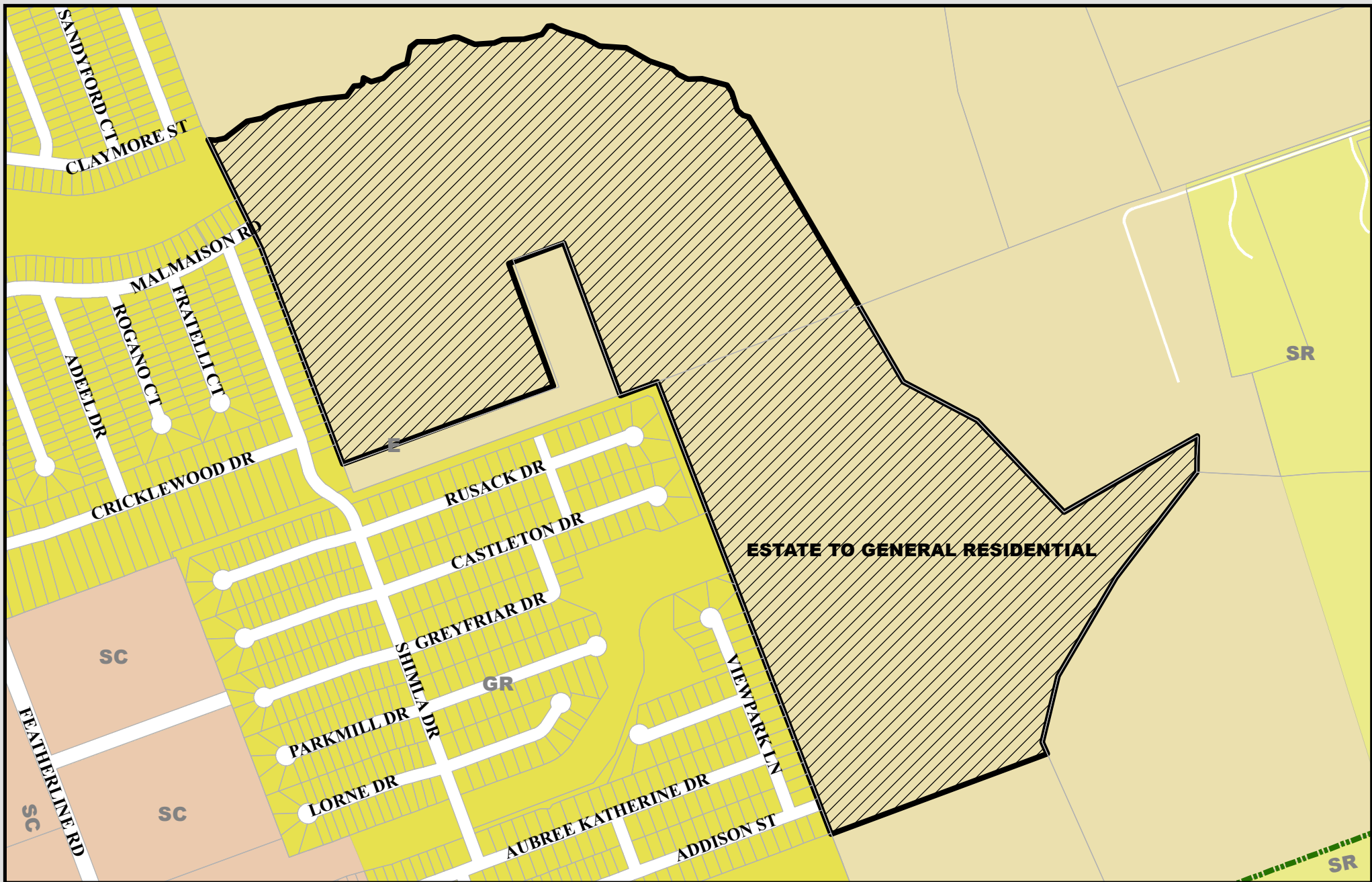
- Can also provide a cluster development option that further concentrates the overall development footprint while providing the developer the same lot yield-or even a density bonus to incent conversation designs with a higher open space ratio and discourage "cookie cutter" subdivision designs with more opportunity for natural and/or swale drainage (and storm water retention/absorption) versus concentrated storm water runoff and conveyance in auto-oriented areas.

**DEPARTMENTAL CLEARANCES:**

Planning  
Legal

**ATTACHED SUPPORTING DOCUMENTS:**

FLUM exhibit  
Minutes  
Ordinance



# FLUM Notification Plan

## **Case: FLUM AMENDMENT 2019-03**

Council District: 3

FROM: ESTATE TO GENERAL RESIDENTIAL

1 inch = 622 feet

Subject Property Legal Description: 77.92 acres out of the J. D. Allcorn Survey, Abstract No. 25 and

approximately 91.08 acres out of the S D Carothers Survey, Abstract No. 177 and the M. J. Pleasant Survey, Abstract No. 652

## **FUTURE LANDUSE MAP**

### **Legend**



Killeen City Limits



Bell County Area



FLUM Case Location



**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
APRIL 1, 2019**

**FLUM #19-03  
'E' to 'GR'**

**HOLD** a public hearing and consider an ordinance submitted by WBW Development and WBW Single Land Investment L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust, to amend the Comprehensive Plan's Future Land Use Map (FLUM) from an 'Estate' designation to a 'General Residential' designation for approximately 169 acres. The property is located east of Yowell Ranch Phases Two and Three, Killeen, Texas.

Vice Chairman Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that the property is located east of the existing Yowell Ranch Subdivision.

The property is designated as 'Estate' (E) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Estate' (E) designation encourages the following development types:

- Detached residential dwellings
- Public/ institutional
- Parks and public spaces

'Estate' (E) characteristics:

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

Still in Suburban portion of character spectrum, but with larger lots (typically 1 acre minimum), especially where required by public health regulations to allow for both individual water wells and on-site septic systems on properties where centralized water and/or wastewater service is not available or feasible.

One-acre lots are usually adequate in wooded areas to achieve visual screening of homes (from streets and adjacent dwellings). Three- to 5-acre lots may be needed to achieve and maintain Estate character in areas with more open land.

If approved, the 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus

- Attached housing types subject to compatibility and open space standards (e.g. duplexes, townhomes, patio homes)
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards
- Public/ institutional
- Parks and public spaces

A portion of this property lies within a FEMA regulatory Special Flood Hazard Area (SFHA). While there is not currently a floodway designated in this SFHA, there are approximately 3,000 linear feet of wetlands (a mixture of riverine and Freshwater Forested/Shrub) identified within this addition. The SFHA and the reported wetlands both fall within the approximately 18 acres of soil classified as Frio silty clay with 0 to 1 percent slopes. This is significant since this type of soil is frequently flooded.

Currently sheet flow runoff exits this parcel in a concentrated manner within the Yowell Creek Tributary prior to its convergence with Yowell Creek. Runoff then flows in an easterly direction to Trimmier Creek prior to leaving the City of Killeen. Trimmier Creek is listed on the TCEQ's 303(d) list for concerns for near-nonattainment for an impaired microbenthic community.

Mr. McIlwain stated that staff recommended that the FLUM designation be changed from 'Estate' to 'Suburban Residential'. The 'Suburban Residential' (SR) designation encourages the following development types:

- Detached residential dwellings
- Planned developments to provide for other housing types (e.g., townhouse, patio) in a Suburban character setting
- Public/institutional
- Parks and public spaces

'Suburban Residential' (SR) Characteristics:

- Suburban character from balance between buildings and other site improvements relative to degree of open space maintained on the site (compared to predominance of site coverage over undeveloped space in auto-oriented areas).
- Larger baseline minimum lot size allows for larger front yards and building setbacks and greater side separation between homes.
- Also results in less noticeable accommodation of the automobile on sites compared to more intensive residential areas, especially where driveways are on the side of homes rather than occupying a portion of the front yard space, and where garages are situated to the side or rear of the main dwelling.
- Can establish development options which allow for lot sizes smaller than the baseline in exchange for greater open space set-aside, with the additional open space devoted to

maintaining the overall suburban character and buffering adjacent properties.

- Can also provide a cluster development option that further concentrates the overall development footprint while providing the developer the same lot yield—or even a density bonus to incent conservation designs with a higher open space ratio and discourage “cookie cutter” subdivision designs with more opportunity for natural and/or swale drainage (and storm water retention/absorption) versus concentrated storm water runoff and conveyance in auto-oriented areas.

Vice Chairman Latham opened the public hearing.

Ms. Isamary Banks, 8907 Viewpark Lane, Killeen, Texas, stated that there is a demand for larger lots, which are not available and that people have to go to Belton, Salado and Temple. She also stated that she is not against development but would like to see more open areas and green space.

Ms. Tatiana Gorlova, 7300 East Trimmier Road, Killeen, Texas, she had concerns in regards to pesticides, chemicals going into the creek.

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

Commissioner Cooper motioned to recommend approval for ‘Suburban Residential’ (SR) as recommended by staff. Commissioner Holly seconded, and the motion passed by a vote of 4 to 3 with Commissioners Ploeckelmann, Alvarez and O’Brien in opposition.

Vice Chairman Latham stated that the request will be forwarded to City Council with a recommendation to approve

**ORDINANCE** \_\_\_\_\_

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'ESTATE' TO 'GENERAL RESIDENTIAL' FOR APPROXIMATELY 169 ACRES OF PROPERTY LOCATED EAST OF YOWELL RANCH PHASES TWO AND THREE, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen finds that Chapter 213.003 of the Local Government Code enables municipalities to adopt and amend comprehensive plans in the interest of coordinating long-range development of the municipality.

**WHEREAS**, the Planning and Zoning Commission has received a request from WBW Development and the WBW Single Land Investment L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust, for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan, to change an 'Estate' designation to a 'General Residential' designation for 169 acres for property located east of Yowell ranch Phases Two and Three, Killeen, Texas; said revision having been duly presented and recommended for approval of 'Suburban Residential' for 169 acres by the Planning and Zoning Commission of the City of Killeen on the 1st day of April 2019, and due notice of the filing of said revision and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 23rd day of April 2019, 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 amendment should be approved;



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

**SECTION I:** That the future land use designation of approximately 169 acres of property located east of Yowell Ranch Phases Two and Three, Killeen, Texas, be amended from an 'Estate' designation to a 'Suburban Residential' designation.

**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 23rd day of April 2019, 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:**

---

**Jose L. Segarra**  
**MAYOR**

**ATTEST:**

---

**Lucy C. Aldrich**  
**CITY SECRETARY**

**APPROVED AS TO FORM**

---

**Kathryn H. Davis**  
**CITY ATTORNEY**

Case #: FLUM #19-03  
Ord#:19-\_\_\_\_



CASE #FLUM19-03 'E' TO 'GR'

PH-19-013A

May 21, 2019

## CASE #: FLUM19-03 'E' TO 'GR'

2

- WBW Development and WBW Single Investment L.L.C. – Series 110 submit this request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from an 'Estate' designation to a 'General Residential' designation for 169 acres, for property located east of Yowell Ranch Phases Two and Three.



#### FLUM LOCATION MAP

**Case: FLUM AMENDMENT 2019-03**

Council District: 3

**ESTATE TO GENERAL RESIDENTIAL**

Subject Property Legal Description: 77.92 ACRES OUT OF THE A0025BC J D ALLCORN, 1, ACRES 102.017

#### FUTURE LANDUSE LOCATION MAP



**FLUM LOCATION**



1 inch = 2,500 feet

## CASE #: FLUM19-03 'E' TO 'GR'

4

The 'Estate' designation encourages the following development types:

- ❑ Detached residential dwellings;
- ❑ Public/ institutional; and
- ❑ Parks and public spaces.

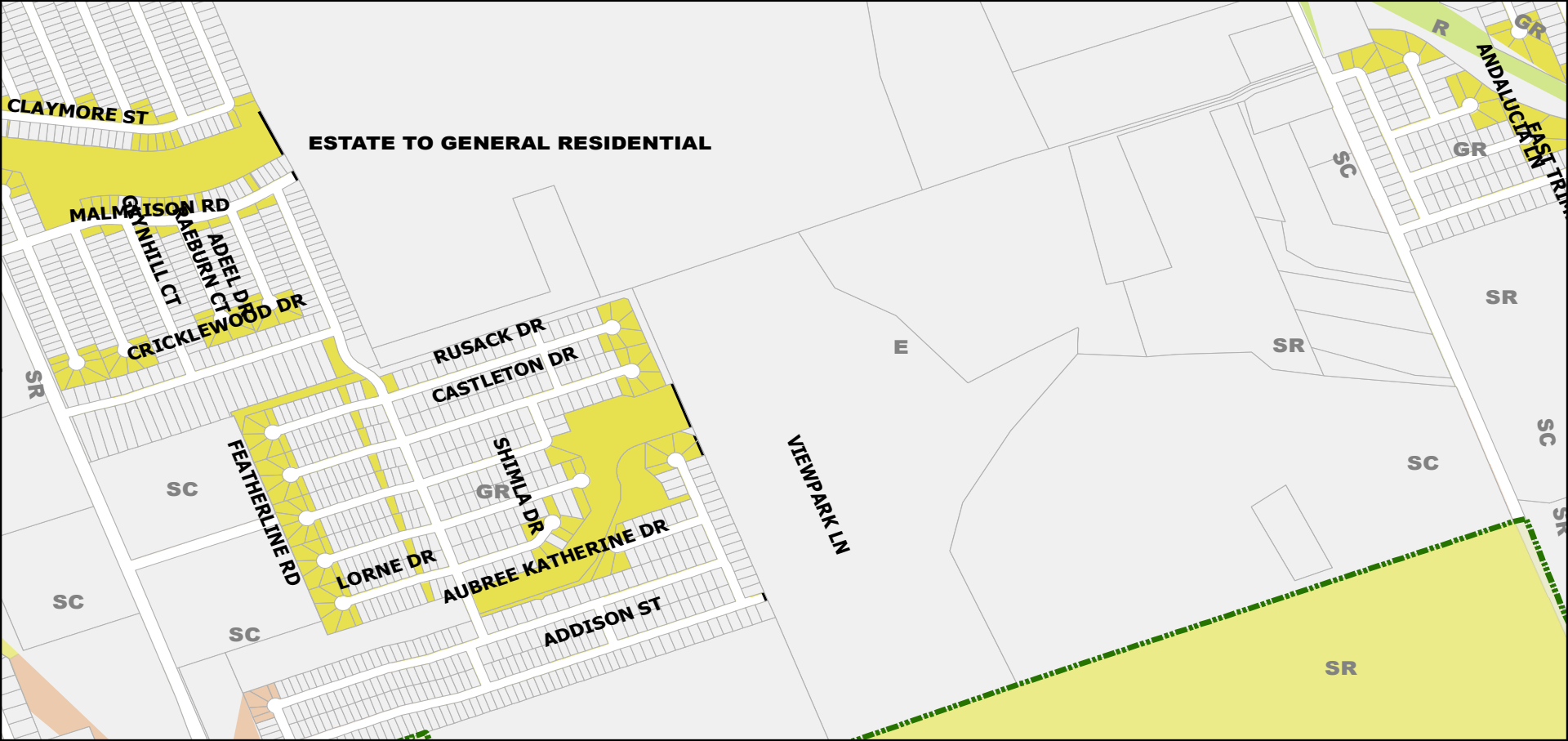
Transition between 'Suburban' and 'Rural' character areas, but with larger lots (typically 1 acre minimum), where the landscape is visually dominant over structures.

## CASE #: FLUM19-01 'E' TO 'GR'

5

If approved, the 'General Residential' designation encourages the following development types:

- ❑ Detached residential dwellings as a primary focus;
- ❑ Attached housing types subject to compatibility and open space standards;
- ❑ Planned developments; and
- ❑ Public/ institutional and Parks and public spaces.



## FLUM Notification Plan

### Case: FLUM AMENDMENT 2019-03

Council District: 3

FROM: ESTATE TO GENERAL RESIDENTIAL

1 inch = 833 feet

Subject Property Legal Description: 77.92 acres out of the J. D. Allcorn Survey, Abstract No. 25 and

approximately 91.08 acres out of the S D Carothers Survey, Abstract No. 177 and the M. J. Pleasant Survey, Abstract No. 652

## FUTURE LANDUSE MAP

### Legend



Killen City Limits



FLUM Case Location

Bell County Area

1 inch = 833 feet



# CASE #: FLUM19-03 'E' TO 'GR'

7

The Planning and Zoning Commission recommended approval of amending the FLUM from 'Estate' to 'Suburban Residential' for the subject 169 acres by a vote of 4 to 3.

The 'Suburban Residential' designation encourages the following development types:

- ❑ Detached residential dwellings with larger baseline minimum lot sizes for larger front yards, building setbacks and side separation between structures;
- ❑ Planned developments to allow for other housing types;
- ❑ Public/ institutional and Parks and public spaces, and
- ❑ Cluster development with higher open space ratios.



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-19-013B	<b>Version:</b>	1	<b>Name:</b>	Zoning 19-04
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	4/1/2019		<b>In control:</b>	City Council	
<b>On agenda:</b>	5/28/2019		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by WBW Development and WBW Single Land Investment, L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust (Case #Z19-04), to rezone approximately 169 acres out of the J.D. Allcorn Survey, Abstract No. 25, the S.D. Carothers Survey, Abstract No. 177 and the M.J. Pleasant Survey, Abstract No. 652, from "A" (Agricultural District) to a Planned Unit Development (P.U.D.) with "R-1" (Single-Family Residential District) uses. The property is generally located east of Yowell Ranch Phases Two and Three, Killeen, Texas. (Requires 3/4 majority vote)				
<b>Sponsors:</b>	Planning & Development Dept				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Zoning and Notification Area Map</a> <a href="#">Location Map</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">P.U.D. Standards</a> <a href="#">Concept Plan</a> <a href="#">Considerations</a> <a href="#">Responses</a> <a href="#">Protest Map</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		



## STAFF REPORT

**DATE:** May 21, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Dr. Ray Shanaa, Exec. Dir. Of Planning and Development Services

**SUBJECT:** Zoning Case #Z19-04 "A" (Agricultural District) to Planned Unit Development (P.U.D.) with "R-1" (Single-Family Residential District) uses.

### **Background and Findings:**

This request is submitted by WBW Development and WBW Single Land Investment, L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust, to rezone approximately 169 acres out of the J.D. Allcorn Survey, Abstract No. 25, the S.D. Carothers Survey, Abstract No. 177 and the M.J. Pleasant Survey, Abstract No. 652, from "A" (Agricultural District) to a Planned Unit Development (P.U.D.) with "R-1" (Single-Family Residential District) uses. The applicant has proposed a revised Planned Unit Development concept plan, which would include 598 single-family lots on 150.45 acres of land, which is approximately 20 acres less than the originally submitted by the applicant. The submitted P.U.D. concept plan illustrates a residential density amount of approximately 4.83 dwelling units per net (exclusive of rights-of-way) acre.

### **District Descriptions:**

A Planned Unit Development (P.U.D.) is a land use design incorporating the concepts of density and common open space. Common open space shall include, but is not limited to, community amenities such as parks, gardens, pedestrian trails, recreation areas, and usable undisturbed, natural areas. The P.U.D. designation serves as an "overlay zoning and development classification." In this capacity, the designation permits specific negotiated development regulations to be applied to the base land use zoning district(s) in which the property is located. When a parcel of land receives a P.U.D. designation, the entire parcel must be assigned one or more standard zoning district classifications. However, the added P.U.D. overlay classification enables the developer of the site to request that specific land use development regulations be applied to his development site. Such specific land use and development regulations shall not take effect until they are reviewed, public hearings held and approved by both the planning and zoning commission and the City council.

The procedure for requesting, processing, and approving a P.U.D. classification shall conform to those procedures prescribed for requesting a zoning change. The development regulations which the developer desires to have approved for the proposed P.U.D. will be submitted concurrent with the requested zoning change for a P.U.D. classification. Development plats shall not be submitted until approval action on the P.U.D. classification has been taken by the City council.

**P.U.D. review:** The Planning and Zoning commission will assess the impacts the proposed P.U.D. will have on planning goals, utilities, emergency services, traffic, and all properties adjoining and likely to be influenced by the proposed P.U.D. development. The City shall comply with the notification, public notice, and public hearing requirements mandated for changes in zoning districts. The Planning and Zoning Commission shall make recommendations regarding approval/denial, development regulations, and any mitigating conditions required of the P.U.D. classification to the City Council. The City Council may approve/disapprove the P.U.D. classification, modify any requested development regulations, and impose any conditions relative to the development of the P.U.D.. Unless otherwise stipulated, such conditions shall be complied with before any permit shall be issued for the construction of any structure within the P.U.D..

**Assessment criteria:** Each proposed P.U.D. development shall be reviewed to determine the compatibility of the development with surrounding land uses and the compatibility of the land uses within the development. No P.U.D. shall be approved if it is found that the proposed development:

- (1) Does not conform with applicable regulations and standards established by this article;
- (2) Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, setbacks and open spaces, landscaping, drainage, or access and traffic circulation;
- (3) Potentially create unfavorable effects or impacts on other existing or permitted uses on abutting sites that cannot mitigated by imposed conditions, screening, or other provision of this section;
- (4) Adversely affects the safety and convenience of vehicular and pedestrian circulation and parking in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses anticipated considering existing zoning and land uses in the area;
- (5) Fails to reasonably protect persons and property from infrastructure failure, erosion, flood or water damage, fire, odors, dust, noise, fumes, vibrations, glare, and similar hazards or impacts;
- (6) Adversely affects emergency access, traffic control, or adjacent properties by inappropriate infrastructure standards, location, access, lighting, or type of signs; or
- (7) Will be detrimental to the public health, safety and welfare, or injurious to property or improvements in the vicinity, for reasons specifically articulated by the Planning and Zoning Commission or the City Council.

**Property Specifics:**

Applicant / Property Owner: WBW Development and WBW Single Land Investment, L.L.C. - Series 110

Property Location: The property is generally located on the east side of Yowell Ranch Phases Two and Three.

Legal Description: Roughly 150 acres out of the J.D. Allcorn Survey, Abstract No. 25, the S.D. Carothers Survey, Abstract No. 177 and the M.J. Pleasant Survey, Abstract No. 652

Zoning/ Plat Case History:

- The property has retained its initial "A" (Agricultural District) zoning. The property is not platted.

Surrounding Land Uses:

Direction	Zoning District	Land Use
North	"A"	Vacant
South	"A"	Vacant
East	"A"	Homestead Properties
West	"P.U.D." w/ "R-1" uses	Single-Family Residential

Existing Land Use(s) on the Property: The property is undeveloped.

Historic Properties: None.

Community Infrastructure and Environmental Assessment:

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility services are located within the City of Killeen municipal utility service area and available to the subject tract.

Transportation:

Existing conditions: The property is located east of Yowell Ranch Phases Two and Three and is impacted by a designated north-south collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: The applicant has included the proposed north-south collector within the proposed P.U.D. concept plan.

Traffic generation: An estimated 5,980 daily vehicle trips is projected for this development.

Environmental Assessment:

Portions of the P.U.D. lie within a FEMA regulatory Special Flood Hazard Area (SFHA). While there is not currently a floodway designated in this SFHA, there are wetlands (a mixture of riverine and Freshwater Forested/Shrub) identified within this addition. The SFHA and the reported wetlands both fall within soil classified as Frio silty clay with 0 to 1 percent slopes. This is significant since this type of soil is frequently flooded.

Currently sheet flow runoff exits this parcel in a concentrated manner within the Yowell Creek Tributary prior to its convergence with Yowell Creek. Runoff then flows in an easterly direction to Trimmier Creek prior to leaving the City of Killeen. Trimmier Creek is listed on the TCEQ's 303(d) list for concerns for near-nonattainment for an impaired microbenthic community.

At the time of development the current drainage design manual, post construction requirements, and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

#### Land Use Analysis:

Future Land Use Map: The property is designated as 'Estate' (E) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Estate' (E) designation encourages the following development types:

- Detached residential dwellings
- Public/ institutional
- Parks and public spaces

'Estate' (E) characteristics:

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

Still in Suburban portion of character spectrum, but with larger lots (typically 1 acre minimum), especially where required by public health regulations to allow for both individual water wells and on-site septic systems on properties where centralized water and/or wastewater service is not available or feasible.

One-acre lots are usually adequate in wooded areas to achieve visual screening of homes (from streets and adjacent dwellings). Three- to 5- acre lots may be needed to achieve and maintain Estate character in areas with more open land.

Consistency: The submitted P.U.D. request is not consistent with the FLUM of the Comprehensive Plan. However, the applicant has submitted a concurrent FLUM amendment request.

Public Notification: Staff notified two hundred and twenty (220) surrounding property owners within 400 feet of the subject property regarding this request. Staff has received 62 responses, including 3 responses in support, 59 in opposition, with 34 protests from within the 200' notification boundary. The protests amount to 20.47% opposition, and approval of the applicant's request will require a 3/4 affirmative vote of the City Council.

#### **THE ALTERNATIVES CONSIDERED:**

The City Council may approve or disapprove the applicant's rezone request, approve the request with additional P.U.D. conditions, or approve a more restrictive baseline residential zoning district.

**Which alternative is recommended?**

Staff recommends disapproval of the PUD request.

**Why?**

- The PUD proposal illustrates 598 lots, which will generate 5,980 vehicle trips per day at full build-out. The PUD concept plan proposes no connectivity to an arterial street (e.g. Stagecoach Road and Chaparral Road), but attempts to facilitate this traffic through Malmaison Road, which is classified as a collector street, and Addison Street, a local neighborhood street. This will greatly reduce the acceptable levels of service standards for these two roadways.
- The PUD standards do not provide information regarding required front, side and rear yard required setbacks.
- The proposed linear trailheads located outside of the open space areas appear to be located adjacent to rear and side residential property lines and not completely within easily accessible locations such as adjacent rights-of-ways.
- The PUD concept plan does not graphically account for the north-south roadway extension leading south from the development as recommended by the Planning and Zoning Commission.
- The R-O-W dedication of land assumes that the City will be responsible for the construction (if necessary) of the tie-in with the future realignment of Chaparral Road.

**CONFORMITY TO CITY POLICY:**

The applicant has submitted the zoning request in accordance with city guidelines.

**FINANCIAL IMPACT:****What is the amount of the expenditure in the current fiscal year? For future years?**

This zoning request does not involve the expenditure of City funds and no open space areas or amenities will be maintained by the City.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

The Planning and Zoning Commission recommended approval of the P.U.D. request (by a vote of 6 to 0) with the following conditions:

- the applicant shall provide an additional 2.5 acres of open space to satisfy the minimum 15% PUD requirement;
- the applicant shall provide a PUD concept plan that graphically illustrates a tie into Chaparral Road; and
- the applicant shall provide the City Council with the PUD concept plan exhibit that was presented to the Planning and Zoning Commission.

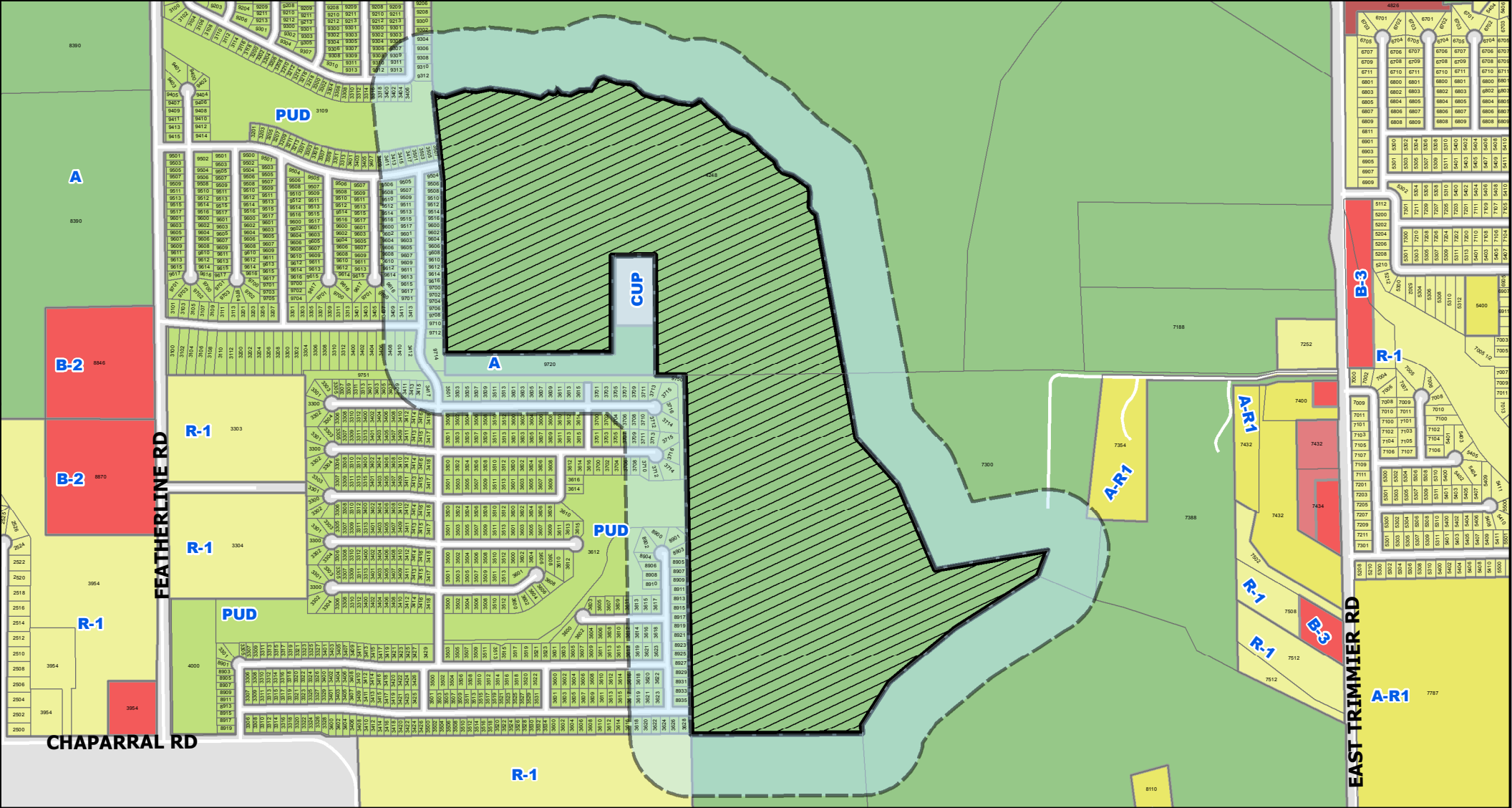
**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Zoning and Notification Area Map  
Location map  
Minutes  
Ordinance  
P.U.D. Standards  
Concept Plan  
Considerations  
Responses  
Protest Map





**Zoning Notification Plan**  
**Case: Z2019-04**  
 Council District: 3  
 FROM: AGRICULTURAL TO PUD  
 1 inch = 895 feet

Subject Property Legal Description: 77.92 acres out of the J. D. Allcorn Survey, Abstract No. 25 and approximately 91.08 acres out of the S D Carothers Survey, Abstract No. 177 and the M. J. Pleasant Survey, Abstract No. 652

## ZONING CHANGE MAP

**Legend**

- Killen City Limits
- Bell County Area
- ZONING CASE LOCATION
- 19-04 NOTIFICATION AREA



1 inch = 895 feet



**Zoning Location Map**  
**Case: Z-2019-04**

Council District: 3  
FROM: AGRICULTURAL TO PUD

Subject Property Legal Description: 77.92 acres out of the J. D. Allcorn Survey, Abstract No. 25 and approximately 91.08 acres out of the S D Carothers Survey, Abstract No. 177 and the M. J. Pleasant Survey, Abstract No. 652

**LOCATION MAP**



**Zoning Case Location**



1 inch = 2,083 feet

**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
MAY 6, 2019**

**CASE #Z19-04  
“A” to P.U.D w/ “R-1”**

**HOLD** a public hearing and consider a request submitted by WBW Development and WBW Single Land Investment, L.L.C. - Series 110, on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust, to rezone approximately 169 acres out of the J.D. Allcorn Survey, Abstract No. 25, the S.D. Carothers Survey, Abstract No. 177 and the M.J. Pleasant Survey, Abstract No. 652, from “A” (Agricultural District) to a Planned Unit Development (P.U.D.) with “R-1” (Single-Family Residential District) uses. The property is generally located east of Yowell Ranch Phases Two and Three.

Vice Chairman Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that this item was presented to the Commission at a previous meeting. The applicant is requesting to rezone agricultural zoned property to a Planned Unit Development with underlying single-family uses. The proposed Planned Unit Development would include 597 single-family lots on 150.43 acres of land. The proposed concept plan also includes 12 acres of open space which are in the flood plain and 23.33 acres of open space outside the flood plain. Mr. McIlwain also stated the following are part of the proposed P.U.D. standards:

1. That all residential lots of the subdivision shall be a minimum of 5,000 square feet.
2. That the average residential lot size of the subdivision shall be at least 6,000 square feet, and the lot size calculation shall exclude non-buildable lots and portions thereof.
3. That each residential structure constructed shall contain a minimum of at least 1,325 square feet of enclosed living space.
4. That each residential lot must contain a private garage for not fewer than two (2) automobiles and no garage shall be permanently enclosed.
5. That all fences and sidewalks shall comply with City of Killeen ordinances, and fences that enclose a residential rear yard may not exceed six feet in height, and standard sidewalks shall be provided in front of every residential lot.
6. That the development shall contain approximately 20 acres of open space, to include two play grounds. This shall be increased with the amended PUD from 20 to 40 acres of open space for the entirety of Yowell Ranch. The new phases (Phases 5 and 6) will include a playground, swimming pool, and park area.
7. That all proposed hike and bike trails be clearly delineated on the concept plan and total approximately 3,700 linear feet. Currently there is over 6,000 linear feet of trail built in Yowell Ranch. The Amended PUD would propose to add a minimum of another 2,000 linear feet to these hike and bike trails.
8. New lots in Yowell Ranch Phases 5 and 6 that back up to existing lots shall not have a buildable lot width less than the existing lot.
9. That, except as provided below, the exterior walls of all single family dwellings shall be

constructed of a combination of native stone, brick and/ or cementitious siding products which collectively comprise a 90% masonry veneer, exclusive of roofs, eaves, soffits, windows, doors, gables, garage doors and trim work.

10. That the front exterior wall of all two-story single family dwellings shall be constructed of a combination of native stone, brick and/or cementitious siding products, which collectively, comprise a 90% masonry veneer, exclusive of roofs, eaves, soffits, windows, doors, gables, garage doors, trim and decorative work. The side exterior walls of the first floor of all two story single family dwellings shall be constructed of a combination of native stone, brick and/ or cementitious siding products, which, collectively, comprise a 90% masonry veneer, exclusive of roofs, eaves, soffits, windows, doors, gables, garage doors, trim and decorative work.
11. That the commercial uses specified shall be limited to the area of property depicted on the Plan attached hereto and shall include those uses allowed within the B-3 zoning district, and also the following uses: lodges and fraternal organizations and trade or business schools. I 1. That there shall be no repeat exterior elevation within any group of five homes. "Elevation" shall mean the architectural design, accents, and color of a structure.
12. That at least one tree and at least five bushes shall be planted in the front yard of each residential lot and prior to the issuance of a certificate of occupancy for the residential lot. Trees and shrubs shall be maintained and replaced by the landowner as necessary.

Staff notified two hundred and twenty (220) surrounding property owners within 400 feet of the subject property regarding this request. Staff received responses from some of the surrounding property owners and they were included in the packet.

Mr. Josh Welch, WBW Development, 3000 Illinois, Killeen, Texas, was present to represent this request. Mr. Welch gave a lengthy presentation to the Commission on why they should recommend approval of the request.

Vice Chairman Latham opened the public hearing.

Elizabeth Jagodzinski, 8903 Viewpark Lane and Ms. Brandy Johnson, 9308 Devinshire Court, spoke in support of the request.

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

Commissioner Alvarez motioned to recommend approval of the request contingent to the following: Adding the additional 2.5 acres needed for open space, a conceptual plan that shows the tie-in to Chaparral Road and to include the exhibit that was presented to the Planning & Zoning Commission. Commissioner Cooper seconded the motion. The motion passed by a vote of 6 to 0.

Vice Chair Latham stated that the request will be forwarded to City Council with a recommendation to approve.

## ORDINANCE \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APROXIMATELY 169 ACRES OUT OF THE J.D. ALLCORN SURVEY, ABSTRACT NO. 25, THE S.D. CAROTHERS SURVEY, ABSTRACT NO. 177 AND THE M.J. PLEASANT SURVEY, ABSTRACT NO. 652, FROM “A” (AGRICULTURAL DISTRICT) TO A PLANNED UNIT DEVELOPMENT (P.U.D.) WITH “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, WBW Development and WBW Single Land Investment, L.L.C. - Series 110 on behalf of the Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust, 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 approximately 169 acres out of the J.D. Allcorn Survey, Abstract No. 25, the S.D. Carothers Survey, Abstract No. 177 and the M.J. Pleasant Survey, Abstract No. 652, from “A” (Agricultural District) to a Planned Unit Development (P.U.D.) with “R-1” (Single-Family Residential District) uses, said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6th day of May 2019 with the following conditions:

- the applicant shall add the additional 2.5 acres needed for the minimum 15% open space requirement;
- the PUD conceptual plan shall show the tie-in to Chaparral Road;
- the applicant shall include the Yowell Ranch Phase V and VI exhibit that was presented to the Planning & Zoning Commission, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 28th day of May 2019, 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  $\frac{3}{4}$  majority opinion that the applicant's zoning request (with revised acreage) should be approved as recommended by the Planning and Zoning Commission;

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

**SECTION I.** That the zoning classification of approximately 150 acres out of the J.D. Allcorn Survey, Abstract No. 25, the S.D. Carothers Survey, Abstract No. 177 and the M.J. Pleasant Survey, Abstract No. 652, from "A" (Agricultural District) to a Planned Unit Development (P.U.D.) with "R-1" (Single-Family Residential District) uses, 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 28th day of May 2019, 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:**

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**Jose L. Segarra, MAYOR**

**ATTEST:**

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**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Kathryn H. Davis, City Attorney**

Case #19-04

Ord. #19-\_\_\_\_

## Yowell Ranch PUD

*Items to be amended for the inclusion of additional property into the PUD are below in RED.*

1. That all residential lots of the subdivision shall be a minimum of 5,000 square feet.
2. That the average residential lot size of the subdivision shall be at least 6,000 square feet, and the lot size calculation shall exclude non-buildable lots and portions thereof.
3. That each residential structure constructed shall contain a minimum of at least 1,325 square feet of enclosed living space.
4. That each residential lot must contain a private garage for not fewer than two (2) automobiles and no garage shall be permanently enclosed.
5. That all fences and sidewalks shall comply with City of Killeen ordinances, and fences that enclose a residential rear yard may not exceed six feet in height, and standard sidewalks shall be provided in front of every residential lot.
6. That the development shall contain approximately 20 acres of open space, to include two play grounds. *This shall be increased with the amended PUD from 20 to 40 acres of open space for the entirety of Yowell Ranch. The new phases (Phases 5 and 6) will include a playground, swimming pool, and park area.*
7. That all proposed hike and bike trails be clearly delineated on the concept plan and total approximately 3,700 linear feet. *Currently there is over 6,000 linear feet of trail built in Yowell Ranch. The Amended PUD would propose to add a minimum of another 2,000 linear feet to these hike and bike trails.*
8. *New lots in Yowell Ranch phases 5 and 6 that back up to existing lots shall not have a buildable lot width less than the existing lot.*
9. That, except as provided below, the exterior walls of all single family dwellings shall be constructed of a combination of native stone, brick and/ or cementitious



siding products which collectively comprise a 90% masonry veneer, exclusive of roofs, eaves, soffits, windows, doors, gables, garage doors and trim work.

10. That the front exterior wall of all two-story single family dwellings shall be constructed of a combination of native stone, brick and/or cementitious siding products, which collectively, comprise a 90% masonry veneer, exclusive of roofs, eaves, soffits, windows, doors, gables, garage doors, trim and decorative work. The side exterior walls of the first floor of all two story single family dwellings shall be constructed of a combination of native stone, brick and/ or cementitious siding products, which, collectively, comprise a 90% masonry veneer, exclusive of roofs, eaves, soffits, windows, doors, gables, garage doors, trim and decorative work.
11. That the commercial uses specified shall be limited to the area of property depicted on the Plan attached hereto and shall include those uses allowed within the B-3 zoning district, and also the following uses: lodges and fraternal organizations and trade or business schools. I l. That there shall be no repeat exterior elevation within any group of five homes. "Elevation" shall mean the architectural design, accents, and color of a structure.
12. That at least one tree and at least five bushes shall be planted in the front yard of each residential lot and prior to the issuance of a certificate of occupancy for the residential lot. Trees and shrubs shall be maintained and replaced by the landowner as necessary.

*Josh Welch*

*V.P. of Development*

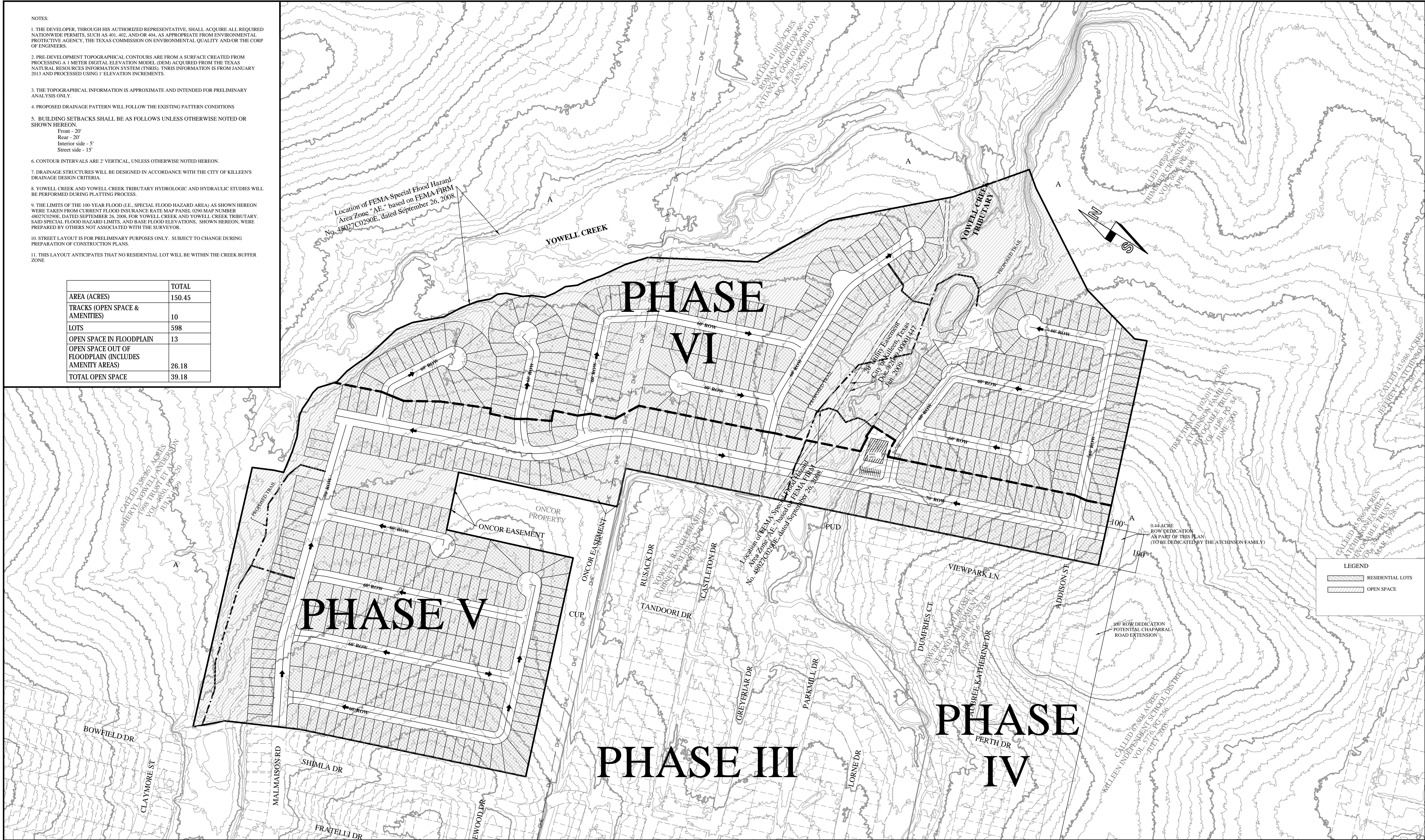




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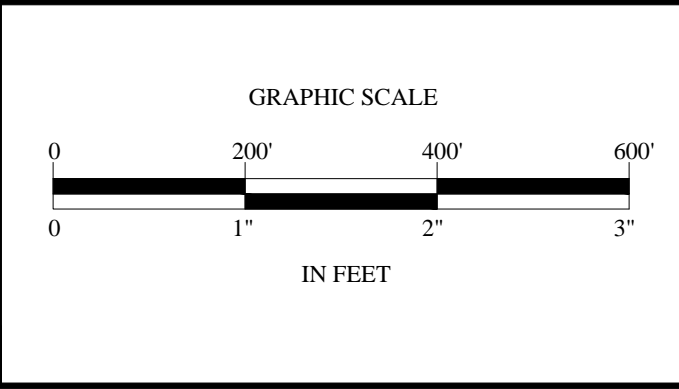
1. THE DEVELOPER, THROUGH HIS AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS 401, 402, AND/OR 404, AS APPROPRIATE FROM ENVIRONMENTAL PROTECTIVE AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE CORP OF ENGINEERS.
2. PRE-DEVELOPMENT TOPOGRAPHICAL CONTOURS ARE FROM A SURFACE CREATED FROM PROCESSING A 1-METER DIGITAL ELEVATION MODEL (DEM) ACQUIRED FROM THE TEXAS NATURAL RESOURCES INFORMATION SYSTEM (TNRIS). TNRIS INFORMATION IS FROM JANUARY 2013 AND PROCESSED USING 1' ELEVATION INCREMENTS.
3. THE TOPOGRAPHICAL INFORMATION IS APPROXIMATE AND INTENDED FOR PRELIMINARY ANALYSIS ONLY.
4. PROPOSED DRAINAGE PATTERN WILL FOLLOW THE EXISTING PATTERN CONDITIONS
5. BUILDING SETBACKS SHALL BE AS FOLLOWS UNLESS OTHERWISE NOTED OR SHOWN HEREON:  
Front - 20'  
Rear - 20'  
Interior side - 5'  
Street side - 15'
6. CONTOUR INTERVALS ARE 2' VERTICAL, UNLESS OTHERWISE NOTED HEREON.
7. DRAINAGE STRUCTURES WILL BE DESIGNED IN ACCORDANCE WITH THE CITY OF KILLEEN'S DRAINAGE DESIGN CRITERIA.
8. YOWELL CREEK AND YOWELL CREEK TRIBUTARY HYDROLOGIC AND HYDRAULIC STUDIES WILL BE PERFORMED DURING PLATTING PROCESS.
9. THE LIMITS OF THE 100-YEAR FLOOD (I.E., SPECIAL FLOOD HAZARD AREA) AS SHOWN HEREON WERE TAKEN FROM CURRENT FLOOD INSURANCE RATE MAP PANEL 0590 MAP NUMBER 48027C0290E, DATED SEPTEMBER 26, 2008, FOR YOWELL CREEK AND YOWELL CREEK TRIBUTARY. SAID SPECIAL FLOOD HAZARD LIMITS, AND BASE FLOOD ELEVATIONS, SHOWN HEREON, WERE PREPARED BY OTHERS NOT ASSOCIATED WITH THE SURVEYOR.
10. STREET LAYOUT IS FOR PRELIMINARY PURPOSES ONLY. SUBJECT TO CHANGE DURING PREPARATION OF CONSTRUCTION PLANS.
11. THIS LAYOUT ANTICIPATES THAT NO RESIDENTIAL LOT WILL BE WITHIN THE CREEK BUFFER ZONE

AREA (ACRES)	TOTAL
TRACKS (OPEN SPACE & AMENITIES)	10
LOTS	598
OPEN SPACE IN FLOODPLAIN	13
OPEN SPACE OUT OF FLOODPLAIN (INCLUDES AMENITY AREAS)	26.18
TOTAL OPEN SPACE	39.18



REV.	DESCRIPTION	DATE	BY
2	2ND RELEASE	5/9/2019	SJT
1	ORIGINAL RELEASE	4/14/2019	SJT
PROJECT NUMBER: PR01		CLIENT NAME: W & B DEVELOPMENT	
		CLIENT LOCATION: KILLEEN, TX	
AUTHORIZED BY: WBW			

PROJECT INFORMATION	
TOTAL SIZE:	150.45 ACRES
TOTAL BLOCKS:	14
TOTAL LOTS:	598
TOTAL TRACTS:	10



SITE CONCEPT PLAN OVERVIEW  
YOWELL RANCH PHASE V & VI  
CITY OF KILLEEN, BELL COUNTY, TEXAS

**Yalgo, LLC**  
3000 Illinois Ave., Suite 100  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-0032  
Texas Registered  
Engineering Firm F-10264  
Texas Registered  
Surveying Firm 10194095



# CONSIDERATIONS

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

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

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## **B. Conditional Use Permit (if applicable)**

Whether the use is in 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.

Support

YOUR NAME: Geoffrey Akpablie PHONE NUMBER: 254 813 8433  
CURRENT ADDRESS: 3619 Addison St, Killeen TX 76542  
ADDRESS OF PROPERTY OWNED:  
"A" to PUD w/"R-1"  
COMMENTS: I'm in support of development rezoning area which falls within my property. I still have series of questions during the commencement of the meeting on 1 April 2019 @ 4PM. Thank you  
SIGNATURE: Geoffrey Akpablie 23 Mar 19 SPO #Z19-04/ 003  
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YOUR NAME: Ricky Atchison PHONE NUMBER: 254-289-4406  
CURRENT ADDRESS: 5974 Chaparral Rd, Killeen, TX 76542  
ADDRESS OF PROPERTY OWNED: Same  
"A" to PUD w/"R-1"  
COMMENTS: I support this zoning change  
SIGNATURE: Ricky Atchison SPO #Z19-04/ 202  
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YOUR NAME: Debbie Yowell Farley PHONE NUMBER: 254-634-8535  
CURRENT ADDRESS: 4244 E. Stagecoach Road, Killeen  
ADDRESS OF PROPERTY OWNED: Yowell - above 4244 + 4248  
"A" to PUD w/"R-1"  
COMMENTS: we support the rezone  
SIGNATURE: Debbie Yowell Farley SPO #Z19-04/ 24

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# PROPERTY OWNERS Oppositions

CUT HERE	
YOUR NAME: Jennifer Martinez	PHONE NUMBER: 808762 8868
CURRENT ADDRESS: 8929 Viewpark Ln Killeen Tx 76542	
ADDRESS OF PROPERTY OWNED: 8929 Viewpark Ln Killeen Tx 76542	
"A" to PUD w/"R-1"	
COMMENTS: I oppose this request. Our property was sold to us with the sales pitch that we would never have neighbors behind our house. I would not have purchased this property had this information been divulged	
SIGNATURE: _____ SPO #Z19-04/ 128	
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CUT HERE	
YOUR NAME: Stephen G. Wilson	PHONE NUMBER: (719) 433-8283
CURRENT ADDRESS: 8906 Viewpark Lane, Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED:	
"A" to PUD w/"R-1"	
COMMENTS: I oppose the idea that the vacant lot address 8905 is planned to become a new street within our subdivision. This lot is part of Yowell Ranch addition 4 just because no one has bought the lot and built a house on it no way deserves to become a through street. I live on the west side of Viewpark facing the empty lot.	
SIGNATURE: Stephen G. Wilson SPO #Z19-04/60	

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Just imagine the amount of traffic & headlights that will shine into my BEDROOM at night. You wouldn't want that!!! The reason I chose this house & lot is because its at the end of a cul-de-sac.

YOUR NAME: Caren Cate-Wilson	PHONE NUMBER: (719) 4669231
CURRENT ADDRESS: 8906 Viewpark Lane	
ADDRESS OF PROPERTY OWNED: me (Caren Cate-Wilson)	
"A" to PUD w/"R-1"	
COMMENTS: I am opposed to the lot that is vacant becoming a road (8905 Viewpark Lane) This will increase traffic in a cul-de-sac, with a new high school being built near by many teenagers will be racing down the road I chose the house because it was at the end of a cul-de-sac because of decreased traffic	
SIGNATURE: Caren M. Cate-Wilson	SPO #Z19-04/ 215

See other side for addition concern

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Our neighbors at 8907 Viewpark Lane requested to buy the lot so they could make it into parking when they have Bible study but they were told the lot "Had to have a house on it" and they could not buy it. I would not have bought the house with a front bedroom if I knew a road was going to be built across

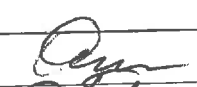
the street from my house. We have many small children ~~in~~ that live in the cul-de-sac and play near the road. Those of us that live in the cul-de-sac are vigilant to watch for them when moving vehicles. People that do not live in the cul-de-sac will not be as vigilant and a child could be injured or killed.

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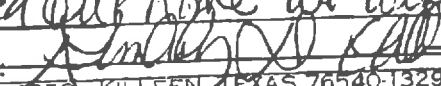
YOUR NAME: Roman GORLOV	PHONE NUMBER: 254 300 8008
CURRENT ADDRESS: 7300 E Trimmer RD Killeen TX 76542	
ADDRESS OF PROPERTY OWNED: 7300 E Trimmer Rd Killeen TX 76542	
"A" to PUD w/"R-1"	
COMMENTS: I am protesting this rezonning. We barely have any green arias; too many houses are built last few years no parks. E Trimmer Rd has too much traffic and is all beaten up. I have concerns about pollution, noise and crime.	
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SIGNATURE: 	APR 01 2019 SPO #Z19-04/ 25

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YOUR NAME: Lauren Fettingner	PHONE NUMBER: 203 240 7084
CURRENT ADDRESS: 9607 Shinnik Drive	
ADDRESS OF PROPERTY OWNED: 9607 Shinnik Drive	
"A" to PUD w/"R-1" Opposed	
COMMENTS: Concerned about further spread of urban crime to this area of Killeen. Concerned about increased traffic in family neighborhoods. Emergency Personnel will not have proper access to homes. New development will obscure the current view. Property value will plummet. This will again lead to increased crime in what is generally a safe area of Killeen. Terrible idea for the city!! Strongly opposed!	
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SIGNATURE: Lauren Fettingner	SPO #Z19-04/ 057

-----CUT HERE-----

YOUR NAME: Kimberly Rodney Chiles	PHONE NUMBER: 808 443-1572
CURRENT ADDRESS: 8910 Viewpark Lane, Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 8910 Viewpark Lane, Killeen TX 76542	
"A" to PUD w/"R-1"	
COMMENTS: We don't want an additional 500 homes built. We live at the very end of Viewpark and traffic coming in and out of Yarnall Ranch is difficult. They will be adding school construction and then school students and faculty. When we purchased our home we were told there would be no other construction behind us. I really don't appreciate being lied to!!!	
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SIGNATURE: 	SPO #Z19-04/ 028

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YOUR NAME: <u>L samary and James Banks</u>	PHONE NUMBER: <u>(254) 383-5428</u>
CURRENT ADDRESS:	
ADDRESS OF PROPERTY OWNED:	
I <u>AM</u> to PUD w/ "R-1"	
COMMENTS: <u>My husband and I oppose this request.</u>	
<u>We believe that adding this many homes to the</u>	
<u>chaparral area, at this time, will be detrimental</u>	
<u>to the current residents quality of life.</u>	
<u>We need adequate infrastructure in place before" -&gt;</u>	
SIGNATURE: <u>L samary Banks</u>	SPO #Z19-04/ <u>61</u>

We should even consider 500 new homes in this area, on top of the 1,000 homes proposed for Turnbow (sp) Ranch.

Not to mention, more first responders will be needed to support a community this size. We hope you do the right thing for your citizens!

Respectfully  
L samary Banks

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YOUR NAME: DOM + JULIA STATUTO	PHONE NUMBER: 254-392-3818
CURRENT ADDRESS: 8900 VIEWPARK LN KILLEEN TX	
ADDRESS OF PROPERTY OWNED:	
"A" to PUD w/"R-1"	
COMMENTS: We purchased the home in a cul-de-sac as we begin our family. We were told the lot that is now slotted to be a street would be a single family home. We are concerned about the traffic and safety of our future children and the multiple children already in our cul-de-sac. The addition of the street would eliminate our cul-de-sac and funnel high traffic directed from the new homes and high school up the street.	
SIGNATURE: <i>Julia Statuto</i>	SPO #Z19-04/ 63

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YOUR NAME: Terence Hill	PHONE NUMBER: 706-755-4096
CURRENT ADDRESS: 8923 Viewpark Ln Killeen, TX 76542	
ADDRESS OF PROPERTY OWNED: 8923 Viewpark Ln Killeen, TX 76542	
"A" to PUD w/"R-1"	
COMMENTS: I oppose	
SIGNATURE: <i>Terence Hill</i>	SPO #Z19-04/ 75

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YOUR NAME: MARVIN MARK	PHONE NUMBER:
CURRENT ADDRESS: 8915 Viewpark Lane, Killeen TX 76542	
ADDRESS OF PROPERTY OWNED: 8915 Viewpark Lane Killeen TX 76542	
"A" to PUD w/"R-1"	
COMMENTS: I Am in opposition to the rezoning of the identified 77.92 Acres of the J.D. Allcorn Survey where a significant portion of that land resides directly behind my current Residence. My decision to purchase and build my home in this area at this current location was due to the fact the land behind my property was categorized as an agricultural district.	
SIGNATURE: <i>Marvin Mark</i>	SPO #Z19-04/ 126

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YOUR NAME: Johnny Perkins / mfla Perkins	PHONE NUMBER: 254-289-3958
CURRENT ADDRESS: 3502 Rusack Dr. Killeen TX 76542	
ADDRESS OF PROPERTY OWNED: 3502 Rusack Dr. Killeen TX 76542	
"A" to PUD w/"R-1" PUD	
COMMENTS: I oppose this proposal	RECEIVED
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SIGNATURE: [Signature]	SPO #Z19-04/164

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YOUR NAME: Lealynn B. Flores	PHONE NUMBER: (810) 410-6165
CURRENT ADDRESS: 5049 Yorkchester Dr. Fayetteville, NC 28314	
ADDRESS OF PROPERTY OWNED: 9308 Bonfield Dr. Killeen, TX 76542	
"A" to PUD w/"R-1"	
COMMENTS: I OPPOSE THIS PROPOSAL	RECEIVED
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SIGNATURE: [Signature]	SPO #Z19-04/159

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YOUR NAME: Melanie Foster	PHONE NUMBER: (253) 2722330
CURRENT ADDRESS: 3712 Castleton Dr	
ADDRESS OF PROPERTY OWNED: 3712 Castleton Dr	
"A" to PUD w/"R-1"	
COMMENTS: Opposition of "A" to PUD w/"R-1" Some reasons include but are not limited to: city infrastructure (roadways, utilities, emergency services), Killeen ISD overcrowding, Pain Points (noise, traffic congestion), and views. A smaller community w/ agricultural setting is	
SIGNATURE: [Signature] you reason be brought into Yowell Ranch..	SPO #Z19-04/04

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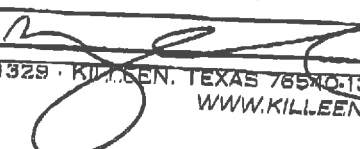
YOUR NAME: Mahnaz Patterson PHONE NUMBER: 254 247 9997

CURRENT ADDRESS: 9714 Shirla Dr. Killeen, TX 76542

ADDRESS OF PROPERTY OWNED: 9714 Shirla Dr. Killeen, TX 76542

"A" to PUD w/"R-1"

COMMENTS: I oppose this request strongly. It will deteriorate our community with overcrowding, increase traffic, decrease the quality of living with overrun amenities, and destroy the exact reason we bought this property!! The beautiful view and wildlife!

SIGNATURE: 

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YOUR NAME: Beverly Ledbetter PHONE NUMBER: 254 423 1822

CURRENT ADDRESS: 9609 Shirla Dr. Killeen TX 76542

ADDRESS OF PROPERTY OWNED: 9609 Shirla Dr.

"A" to PUD w/"R-1"

COMMENTS: I oppose this planning + development. The roads will not support the extra traffic/population increase. The current amenities such as pool/splash pad/basketball courts can not serve the population increase of 500 more homes. Please do not approve this development.

SIGNATURE: 

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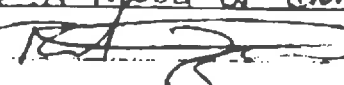
YOUR NAME: Richard Ziedenburg PHONE NUMBER: 254 280 8388

CURRENT ADDRESS: 3623 Aubree Katherine dr.

ADDRESS OF PROPERTY OWNED: 3623 Aubree Katherine dr.

"A" to PUD w/"R-1"

COMMENTS: The development of New Properties would impact traffic, pollution, waste management, kids school systems, over crowded schools, not enough teachers or buses. New generation will be impacted by loss of learning. Streets already pose risk to rescue services, this could prove trouble if there's a house fire or someone in trouble or dying.

SIGNATURE: 

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YOUR NAME: Christopher Gole PHONE NUMBER: 719-219-1696  
 CURRENT ADDRESS: 3507 Mulmiston Rd Killeen, TX 76542  
 ADDRESS OF PROPERTY OWNED: 3507 Mulmiston Rd Killeen TX 76542  
 "A" to PUD w/"R-1"  
 COMMENTS: **OBJECTION**  
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 SIGNATURE: Christopher Gole #038 SPO #Z19-04/100  
 OFFICE: 1500 KILLEEN TEXAS 76541-1520 254 501 7630 765 501 7628 FAX

CUT HERE

YOUR NAME: Melissa Grando PHONE NUMBER: 254-452-1051  
 CURRENT ADDRESS: 3513 Rusch D.  
 ADDRESS OF PROPERTY OWNED: Melissa Grando / Juan C. Grando  
 "A" to PUD w/"R-1"  
 COMMENTS: Oppose  
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 SIGNATURE: [Signature] #075 SPO #Z19-04/69

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YOUR NAME: Newton, Angelo PHONE NUMBER: 254 203 8805  
 CURRENT ADDRESS:  
 ADDRESS OF PROPERTY OWNED:  
 "A" to PUD w/"R-1"  
 COMMENTS: I oppose this!  
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 SIGNATURE: [Signature] #05 SPO #Z19-04/69

YOUR NAME:	Micheal & Pamela Sanders	PHONE NUMBER:	254-761-0163
CURRENT ADDRESS:	3409 Castleton M.		
ADDRESS OF PROPERTY OWNED:	Same.		
"A" to PUD w/"R-1"			
COMMENTS:	I oppose this!!		
SIGNATURE:	Pamela Sanders	#179	SPO #Z19-04/69

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YOUR NAME:	Joey R. Sancedo	PHONE NUMBER:	210-834-0721
CURRENT ADDRESS:	3019 Lamey Blossom CT Richmond, TX 77406		
ADDRESS OF PROPERTY OWNED:	8901 Viewpark Lane Killeen, TX 76542		
"A" to PUD w/"R-1"			
COMMENTS:	I oppose this proposal.		
SIGNATURE:		#184	SPO #Z19-04/100

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YOUR NAME:	Sherlynn Burkett	PHONE NUMBER:	(254) 276-1008
CURRENT ADDRESS:	8908 Viewpark Killeen, TX 76542		
ADDRESS OF PROPERTY OWNED:	8908 Viewpark Killeen		
"A" to PUD w/"R-1"			
COMMENTS:	I oppose we have children that play outside daily. We built because this is not accessible to traffic and we believe in kids playing outside.		
SIGNATURE:	Sherlynn Burkett	#019	SPO #Z19-04/100

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YOUR NAME: Christie Plemons PHONE NUMBER: 2543343781  
 CURRENT ADDRESS: 3505 Rusack Dr.  
 ADDRESS OF PROPERTY OWNED: 3505 Rusack Dr.  
 "A" to PUD w/"R-1"  
 COMMENTS: I oppose this request.  
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 SIGNATURE: [Signature] SPO #Z19-04: 100  
 PO BOX 1329 KILLEEN TEXAS 76540-1329 254 501 7050 254 501 7026 FAX

YOUR NAME: Russ Howard PHONE NUMBER: 254-742-0750  
 CURRENT ADDRESS: 8927 View Park Dr  
 ADDRESS OF PROPERTY OWNED: 8927 View Park Dr  
 "A" to PUD w/"R-1"  
 COMMENTS: I oppose this proposal  
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 SIGNATURE: [Signature] SPO #Z19-04: 100  
 PO BOX 1329 KILLEEN TEXAS 76540-1329 254 501 7050 254 501 7026 FAX

YOUR NAME: Susan Howard PHONE NUMBER: 254-423-8157  
 CURRENT ADDRESS: 8927 Viewpark Ln Killeen 76542  
 ADDRESS OF PROPERTY OWNED: 8927 Viewpark Ln Killeen 76542  
 "A" to PUD w/"R-1"  
 COMMENTS: I oppose this proposal due to lack of adequate access to those homes for emergency services, the added traffic through residential homes to access outside roads. There is a proposed street on a current vacant residential lot that will destroy the culdesac and value on Viewpark.  
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 SIGNATURE: [Signature] SPO #Z19-04: 100  
 PO BOX 1329 KILLEEN TEXAS 76540-1329 254 501 7050 254 501 7026 FAX



Please see attached opposition to rezoning the land next to Yowell Ranch in Killeen Texas.

Thank you  
Adam Hebert

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YOUR NAME: Adam Hebert	PHONE NUMBER: 774 292 9808
CURRENT ADDRESS: 17 Holbrook St, Norfolk, MA 02050	
ADDRESS OF PROPERTY OWNED: 1617 Shinnick Dr, Killeen, TX 76542	
"A" to PUD w/"R-1"	
COMMENTS: I strongly oppose to re-zone the land. As a owner of a home in Yowell Ranch, the re-zone will hinder the quality of the neighborhood and the current residents who reside there. It will cause unnecessary traffic and congestion causing more issues with roads and traffic violation.	
SIGNATURE: Adam Hebert	SPO #Z19-04/089

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CUT HERE

YOUR NAME: Amanda Rahimian	PHONE NUMBER: 541-556-6555
CURRENT ADDRESS: 8913 Viewpark Lane, Killeen TX 76542	
ADDRESS OF PROPERTY OWNED: 8913 Viewpark Lane, Killeen TX 76542	
"A" to PUD w/"R-1"	
COMMENTS: I oppose this proposal!	
SIGNATURE: Amanda Rahimian	SPO #Z19-04/ 70

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CUT HERE 254.501.7630 - 254.501.7628 FAX

YOUR NAME: Cameron Rahimian	PHONE NUMBER: 541-556-4464
CURRENT ADDRESS: 8913 Viewpark Ln, Killeen TX 76542	
ADDRESS OF PROPERTY OWNED: 8913 Viewpark Ln, Killeen TX 76542	
"A" to PUD w/"R-1"	
COMMENTS: I oppose this proposal	
SIGNATURE: Cameron Rahimian	SPO #Z19-04/ 170

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YOUR NAME: Alfred Humphrey PHONE NUMBER: 576 4912840

CURRENT ADDRESS: 3617 Dunbar Ct

ADDRESS OF PROPERTY OWNED:

"A" to FUD w/"R-1"

COMMENTS:

I oppose this request.

#094

SIGNATURE: \_\_\_\_\_

SPD #Z19-04/100

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YOUR NAME: HOLLY E. CROW PHONE NUMBER: 813-774-0573


CURRENT ADDRESS: 8935 VIEW PARK DR, KILLEEN, TX 76542

ADDRESS OF PROPERTY OWNED: 8935 VIEW PARK DR, KILLEEN, TX 76542


"A" to PUD w/"R-1"

COMMENTS: "I OPPOSE THIS PROPOSAL."

1. INFRASTRUCTURE IN CITY OF KILLEEN DOES NOT SUPPORT THIS GROWTH; LACK OF ROAD ACCESS, ROAD MAINTENANCE, EMERGENCY SERVICES POSE A SAFETY RISK TO EXISTING RESIDENCE. IN THE IMMEDIATE SCHOOL ZONE CAN NOT SUPPORT THE GROWTH DUE TO SHORTAGE IN COMMUNITY SERVICES AND BUS DRIVERS WHICH CURRENTLY HAVE MAINTAIN A BUS DRIVER SHORTAGE ALL SCHOOL YEAR CAUSING SECONDARY ROUTES TO BE RUN. IN TURN DELAYING STUDENTS RETURN AND PICK-UP TO BE UP TO AN HOUR LATE IMPEDING THE LIFE AND DEVELOPMENT OF OUR YOUTH AS WELL AS PARTICIPATION IN OTHER EXTRA CURRICULAR EVENTS, A NEGATIVE IMPACT ON THE STUDENTS, FAMILY AND COMMUNITY

SIGNATURE:  SPO #Z19-04/ 81

CURRENT ACCESS ROADS AND CITY INFRASTRUCTURE DO NOT ALLOW FOR MINIMAL SAFETY STANDARD OF LIVING TO BE MET. GROWTH OF MORE RESIDENTIAL AREA IS NOT NEEDED AT THIS TIME AND CAN NOT BE SAFELY MANAGED OR MAINTAINED. COMMUNITY PARKS AND RECREATION OVER CROWDED PUT IN A PARK OR ATHLETIC PARK, SOCCER FIELD BASEBALL PLAY GROUND, HOUSES ARENT IN DEMAND THERE ARE CURRENTLY ~ 538 HOMES OLD & 152 NEW HOME CONSTRUCTIONS IN THE IMMEDIATE AREA OF SITE 10 MILE RADIUS CITY GROWTH ~~TO~~ LEVELS DO NOT REQUIRE MORE.

SIGNATURE:  SPO #310.0 **DECK**

P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX  
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YOUR NAME: <u>Merio Bournigal</u>	PHONE NUMBER: <u>9122201166</u>
CURRENT ADDRESS: <u>8909 Viewpark Lane Killeen TX 76542</u>	
ADDRESS OF PROPERTY OWNED: <u>8809 Viewpark Lane</u>	
"A" to PUD w/"R-1"	
COMMENTS:	
<u>I oppose this proposal</u>	
<b>RECEIVED</b>	
<b>MAR 28 2019</b>	
<b>PLANNING</b>	
SIGNATURE:	SPO #Z19-04/ <u>lob</u>

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-----CUT HERE-----

YOUR NAME: <u>Carsney Bournigal</u>	PHONE NUMBER: <u>8048521639</u>
CURRENT ADDRESS: <u>8909 Viewpark Lane Killeen TX 76542</u>	
ADDRESS OF PROPERTY OWNED: <u>8809 Viewpark Lane</u>	
"A" to PUD w/"R-1"	
COMMENTS:	
<u>I oppose this proposal</u>	
<b>RECEIVED</b>	
<b>MAR 28 2019</b>	
SIGNATURE:	SPO #Z19-04/ <u>lob</u>
<b>PLANNING</b>	

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CUT HERE

YOUR NAME: <u>Jeffery Broski</u>	PHONE NUMBER: <u>254-368-5792</u>
CURRENT ADDRESS: <u>3715 Castleton Dr.</u>	
ADDRESS OF PROPERTY OWNED: <u>3715 Castleton Dr.</u>	
"A" to PUD w/"R-1"	
COMMENTS: <u>Oppose. Insufficient infrastructure. Lack of exits/entrances. Traffic. Poor water pressure. Destruction of nature &amp; views. Crowding, noise. Lack of amenities in neighborhood to support larger population.</u>	
SIGNATURE: <u>[Signature]</u>	MAR 29 2019 SPO #Z19-04/ 07

PLANNING

YOUR NAME: <u>Christina Pockat</u>	PHONE NUMBER: <u>254-338-0584</u>
CURRENT ADDRESS: <u>8911 Viewpark Ln. Killeen, Tx. 76542</u>	
ADDRESS OF PROPERTY OWNED: <u>8911 Viewpark Ln. Killeen, Tx. 76542</u>	
"A" to PUD w/"R-1"	
COMMENTS: <u>I oppose the rezoning due to the inability for emergency service to safely and quickly access 400 to 500 additional homes via one access point which is not even a main roadway.</u>	
SIGNATURE: <u>Christina Pockat</u>	MAR 29 2019 SPO #Z19-04/ 69

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MAR 29 2019

PLANNING

YOUR NAME: <u>Michael Pockat</u>	PHONE NUMBER: <u>254-338-0584</u>
CURRENT ADDRESS: <u>8911 Viewpark Ln. Killeen, Tx 76542</u>	
ADDRESS OF PROPERTY OWNED: <u>8911 Viewpark Ln. Killeen, Tx 76542</u>	
"A" to PUD w/"R-1"	
COMMENTS: <u>I oppose the rezoning. Construction of these agricultural/flood plains leaves current homes and flood areas subject to further and increasing floods. Once the high school and homes go in, where will this water go?</u>	
SIGNATURE: <u>[Signature]</u>	MAR 29 2019 SPO #Z19-04/ 69

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MAR 29 2019

PLANNING

CUT HERE

YOUR NAME: <b>Brian + Samantha Zascov</b>	PHONE NUMBER:
CURRENT ADDRESS: <b>3622 AUDREE KATHERINE</b>	
ADDRESS OF PROPERTY OWNED: <b>SAME</b>	
"A" to PUD w/"R-1"	
COMMENTS: <b>OBJECTION</b> roadways, emergency services, schools cannot support growth at this time. I do NOT support	

SIGNATURE: *[Signature]* SPO #219-04/103  
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APR 01 2019

PLANNING

CUT HERE

YOUR NAME: <b>Denise Zavala</b>	PHONE NUMBER: <b>(512) 909.8234</b>
CURRENT ADDRESS: <b>3501 Malmaison Rd Killeen, Tx 76542</b>	
ADDRESS OF PROPERTY OWNED: <b>Same as current</b>	
"A" to PUD w/"R-1"	
COMMENTS: <b>I oppose</b>	

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 PLANNING

SIGNATURE: *[Signature]* SPO #219-04/103  
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CUT HERE

YOUR NAME: Victor J. Gomez PHONE NUMBER: (254) 251-6129

CURRENT ADDRESS: 3614 Rusack Drive, Killeen, TX

ADDRESS OF PROPERTY OWNED: "A" to PUD w/"R-1"

COMMENTS: As a home owner at Yowell Ranch I strongly  
oppose the request for more property. This area is  
hindered with the quality of life of more  
owners and increase the traffic and congestion the community  
of increase homes to this area will damage the  
of life we enjoy now.

SIGNATURE: [Signature] SPO #219-04

PO BOX 1329 KILLEEN, TEXAS 76541-1329 254-501-7631 254-501-7628 FAX  
 WWW.KILLEENTEXAS.GOV

CUT HERE

YOUR NAME: Desmond & Cherwon Matthews PHONE NUMBER: 504 756 6148

CURRENT ADDRESS: 9700 Shimb Dr

ADDRESS OF PROPERTY OWNED: 9700 Shimb Dr

"A" to PUD w/"R-1"

COMMENTS: I strongly oppose this request as the owner  
of this property. The additional units will greatly disrupt  
the quality of living in Yowell Ranch with increased traffic /  
congestion and insufficient roads.

SIGNATURE: [Signature] SPO #219-04

PO BOX 1329 KILLEEN, TEXAS 76541-1329 254-501-7631 254-501-7628 FAX  
 WWW.KILLEENTEXAS.GOV

CUT HERE

YOUR NAME: Wesley Rivera PHONE NUMBER: (781) 242-1723

CURRENT ADDRESS: 9004 SHIMLA DR. KILLEEN TX, 76542

ADDRESS OF PROPERTY OWNED: 9004 SHIMLA DR. KILLEEN TX, 76542

"A" to PUD w/"R-1"

COMMENTS: I WANT TO EXPRESS MY OPPOSITION TO THE NEW  
CONSTRUCTION BEHIND MY HOUSE BECAUSE WE  
DECIDED TO ACQUIRE THIS PROPERTY THE BIGGEST REASON WAS  
THE GREEN AREA AND THE SECURITY THAT WE FEEL OF  
NOT HAVING HOUSES BEHIND US.

SIGNATURE: [Signature] SPO #219-04

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 WWW.KILLEENTEXAS.GOV

CUT HERE

YOUR NAME: Chelsea DeMontigny PHONE NUMBER: 254 247 1816  
CURRENT ADDRESS: 3709 Rusack Dr. Killeen, TX 76542  
ADDRESS OF PROPERTY OWNED: 3709 Rusack Dr. Killeen, TX 76542  
"A" to PUD w/"R-1"

COMMENTS:

objection

SIGNATURE:

Chelsea DeMontigny

SPO #Z19-04/120

CUT HERE

YOUR NAME: Kimberly Smith PHONE NUMBER: 870 718 5372  
CURRENT ADDRESS: 3710 Castleton Dr.  
ADDRESS OF PROPERTY OWNED: 3710 Castleton Dr.  
"A" to PUD w/"R-1"

COMMENTS:

I oppose this proposal

SIGNATURE:

SPO #Z19-04/68

Renters and/or  
not within the 400'  
buffer

YOUR NAME:	Destynae Morris	PHONE NUMBER:	254-466-6123
CURRENT ADDRESS:	08911 Viewpark Lane		
ADDRESS OF PROPERTY OWNED:			
"A" to PUD w/"R-1"			
COMMENTS:	I oppose the rezoning due to the inability for emergency service to safely and quickly access 400-500 additional homes via one access point which is not even a main roadway.		
SIGNATURE:	Destynae L Morris		SPO #Z19-0411-9

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PLANNING

-----CITY HERE-----

YOUR NAME:	Jose Soto	PHONE NUMBER:	409-585-5201
CURRENT ADDRESS:	3513 CASTLETON DR. Killeen, Texas 76542		
ADDRESS OF PROPERTY OWNED:	3513 CASTLETON Dr. Killeen, Texas 76542		
"A" to PUD w/"R-1"			
COMMENTS:	I oppose the expansion of Phase 5 in Yowell Ranch. There are not enough resources to handle the increase traffic (2 lanes 1 each way); there is a lack of emergency personnel to cover development expansions as it stands (staffing of police/fire/ems). Developer already has a 3700 home development going up and seems to want to saturate the area with homes thus causing overcrowding. What we need are side walks, lighting in our area, more police (and pay them well so they stay), better roads that can handle all weather and vehicle traffic.		
SIGNATURE:	Jose Soto		01/1/2019

SPO #Z19-0411-9

YOUR NAME:	CRISTINA D. LEWIS JR	PHONE NUMBER:	164-224-1201
CURRENT ADDRESS:	3306 CASTLETON DR KILLEEN, TX 76542		
ADDRESS OF PROPERTY OWNED:	3306 CASTLETON DR Killeen, TX 76542		

I am in protest of this new housing development due to inadequate notification. If this development is to be considered a 5<sup>th</sup> phase of Yowell Ranch then all current residents should have been notified and allowed to voice an opinion or pose questions. I personally question whether additional amenities will be built to better accommodate the increase of population or will our currently strained amenities be further stressed? Will HOA fees increase or decrease with this new housing addition? These are all issues that would affect all current residence of Yowell Ranch not merely the properties bordering the addition.

SIGNATURE:	Cristina D. Lewis Jr		SPO #Z19-0411-9
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P.O. BOX 1329 KILLEEN, TEXAS 76542-1329 • 254-891-7930 • 254-891-7625 FAX  
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CUT HERE

YOUR NAME: Dusti Bradford

PHONE NUMBER: 817 374 9041

CURRENT ADDRESS: 3517 Addison St. Killeen

ADDRESS OF PROPERTY OWNED: 3517 Addison St. Killeen TX 76923

"A" to PLD w/ R-1"

COMMENTS:

**OBJECTION** to case #219-04 expressed (many)

SIGNATURE: 

SPD 1512-01

P.O. BOX 1329 KILLEEN TEXAS 76541-1329 254 501 7630 254 501 7628 FAX

WWW.ANTITEXAS.GOV

LET HERE.....

YOUR NAME: JEANETTE BLANCO PHONE NUMBER: 254 423 1857

CURRENT ADDRESS: 9004 DUNBLANE DR

ADDRESS OF PROPERTY OWNED: 9004 DUNBLANE DR


"A" to PUD w/"R-1"

COMMENTS: I OPPOSE!

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APR 01 2019

PLANNING

SIGNATURE:  SPO #219-04/ 100

PO BOX 1329 KILLEEN, TEXAS 76540-1329 254 501 7630 254 501 7628 FAX

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YOUR NAME: Jocathan Smith PHONE NUMBER: 254-319-1857

CURRENT ADDRESS: 3519 Addison Street

ADDRESS OF PROPERTY OWNED: 3519 Addison Street

"A" to PUD w/"R-1"

COMMENTS: I oppose this zoning as an owner of a property in Yowell Ranch. This will affect my families safety due to the increased traffic in and out of the neighborhood. It will also affect the use of the already limited facilities.

SIGNATURE:  SPO #219-04/ 100

PO BOX 1329 KILLEEN, TEXAS 76540-1329 254 501 7630 254 501 7628 FAX

WWW.LIFETEXAS.GOV


YOUR NAME: Briana Smith PHONE NUMBER: 585-440-3971

CURRENT ADDRESS: 3524 Addison St

ADDRESS OF PROPERTY OWNED: 3524 Addison St

"A" to PUD w/"R-1"

COMMENTS: I oppose this zoning as an owner of Yowell Ranch. This will affect my family living here by the increase of traffic, use of pool and park and schooling.

SIGNATURE:  SPO #219-04/ 100

PO BOX 1329 KILLEEN, TEXAS 76540-1329 254 501 7630 254 501 7628 FAX



YOUR NAME: Shannon Camp  
CURRENT ADDRESS: 3301 Aubree Katherine Dr, Killeen, TX, 76542  
ADDRESS OF PROPERTY OWNED: TIME IS ABOVE  
"A" to PUD w/ "R-1"

COMMENTS: I oppose this proposal.

*Shannon Camp*

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APR 01 2019

PLANNING

YOUR NAME: C. TIERINE CAMP  
CURRENT ADDRESS: 3301 AUBREE KATHERINE DR  
ADDRESS OF PROPERTY OWNED: 3301 AUBREE KATHERINE DR  
"A" to PUD w/ "R-1"

COMMENTS: I OPPOSE THIS PROPOSAL.

*Catherine Camp*

YOUR NAME: Christina Childs  
CURRENT ADDRESS: 3711 Castleton Dr, Killeen, TX 76542  
ADDRESS OF PROPERTY OWNED: 3711 Castleton Dr, Killeen, TX 76542  
"A" to PUD w/ "R-1"

COMMENTS: **OBJECTION**

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PLANNING

*Christina Childs*

CITY NAME: KILLEEN  
YOUR NAME: Dustin + Meghan Blea PHONE NUMBER: 843-441-7149  
CURRENT ADDRESS: 5013 Andrew Street Lacey, WA 98503  
ADDRESS OF PROPERTY OWNED: 3415 Freymier Dr.  
"A" to PUB w/"R-1"

COMMENTS:

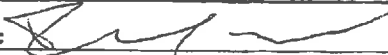
We oppose the proposed new homes due to increase traffic and the amount of ways to get in and out of the neighborhood has already been an ongoing issue.

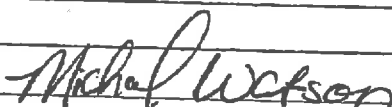
SIGNATURE: DB & C Blea SPO #219-04/100  
P.O. BOX 1326 KILLEEN, TEXAS 76540-1326 254.501.7630 254.501.7626 FAX  
WWW.KILLEENTEXAS.GOV

CITY NAME: KILLEEN  
YOUR NAME: Jody & Samantha Price PHONE NUMBER: 360-789-3126  
CURRENT ADDRESS: 3609 Addison St  
ADDRESS OF PROPERTY OWNED: 3609 Addison St  
"A" to PUB w/"R-1"

COMMENTS: We are opposed to the request.

SIGNATURE: Jody & Samantha Price SPO #219-04/100  
P.O. BOX 1326 KILLEEN, TEXAS 76540-1326 254.501.7630 254.501.7626 FAX  
WWW.KILLEENTEXAS.GOV

CUT HERE	
YOUR NAME: RAYMOND JONES	PHONE NUMBER: 951-446-5744
CURRENT ADDRESS: 3710 RUSACK DR	
ADDRESS OF PROPERTY OWNED:	
"A" to PUD w/"R-1"	
COMMENTS: I OPPOSE THE REZONING OF THE AREA	
THAT WILL CREATE 400 ADDITIONAL PROPERTIES.	
SIGNATURE: 	SPO #Z19-04/69

CUT HERE	
YOUR NAME: Michael Watson	PHONE NUMBER:
CURRENT ADDRESS: 3714 RUSACK DR	
ADDRESS OF PROPERTY OWNED:	
"A" to PUD w/"R-1"	
COMMENTS: I oppose New development	
SIGNATURE: 	SPO #Z19-04/69

CUT HERE.....

YOUR NAME: Marlon Coley PHONE NUMBER: 954 801 5633

CURRENT ADDRESS: 3506 addison ST Killeen TX 76542

ADDRESS OF PROPERTY OWNED: \_\_\_\_\_

"A" to PUD w/"R-1"

COMMENTS: **Objection** I object  
To Phase 5

SIGNATURE: \_\_\_\_\_ SPO #219-04/

CUT HERE.....

YOUR NAME: Michael Lora PHONE NUMBER: 491 522 4401/109

CURRENT ADDRESS: CMR 454 Box 2793 APO AE 09250

ADDRESS OF PROPERTY OWNED: 3202 Cricklewood Dr

"A" to PUD w/"R-1"

COMMENTS: I oppose this proposition

SIGNATURE: \_\_\_\_\_ SPO #219-04/109

PO BOX 1328 KILLEEN, TEXAS 76542-1328

CUT HERE.....

YOUR NAME: Mary Ellen Bond PHONE NUMBER: 254 226 8263

CURRENT ADDRESS: 3608 Castleton Dr Killeen, TX 76542

ADDRESS OF PROPERTY OWNED: 3608 Castleton Dr. Killeen, TX 76542

"A" to PUD w/"R-1"

COMMENTS: **Objection**

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PLANNING

SIGNATURE: Mary Ellen Bond SPO #219-04/109

PO BOX 1328 KILLEEN, TEXAS 76542-1328 254 501 030 254 501 7628 FAX

CUT HERE

YOUR NAME: RASHID RAUF

PHONE NUMBER: 9122245974

CURRENT ADDRESS: 9702 RAEBURN CT., KILLEEN, TX 76542

ADDRESS OF PROPERTY OWNED: SAME

"A" to PUD w/"R-1"

COMMENTS: I oppose the construction of 500 new homes without adding more facilities for the existing and new homes to include another swimming pool and a basket ball court and a gym. Access roads needs traffic lights and be widened also need side walks and a children play area.

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SIGNATURE: Rashid Rauf

26 MAR 2019

SPO #Z19-04

PO BOX 1320 KILLEEN TEXAS 76540-1320 TEL 501 7035 FAX 501 7038 FAX

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MAR 29 2019

PLANNING

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YOUR NAME: Kenneth Dillard PHONE NUMBER: 254 217-5259

CURRENT ADDRESS: 8911 Viewpark Lane Killen TX 76542

ADDRESS OF PROPERTY OWNED: W/A

"A" to PUD w/"R-1"

COMMENTS: I oppose these plans because construction of these agricultural/flood plains leaves current homes/flood areas subject to more flooding. emergency personnel cannot service 400-500 more homes through 1-3 residential access points alone. Not efficiently.

SIGNATURE: Kenneth Dillard by POA Kimbelle A Morris SPO #Z19-04/6.9

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MAR 29 2019  
PLANNING

CUT HERE

YOUR NAME: Kimberli Morris PHONE NUMBER: 254 338-8765

CURRENT ADDRESS: 8911 Viewpark Lane Killen TX 76542

ADDRESS OF PROPERTY OWNED: Same

"A" to PUD w/"R-1"

COMMENTS: I oppose these plans due to the fact that emergency personnel cannot service another 400-500 homes efficiently. Inability for Killen infrastructure, to include water/water pressure, to sustain 400-500 more homes. construction of these agricultural/flood ~~areas~~ leaves current homes/flood areas subject to more flooding. once the High School/Homes are up, where will this water go?

SIGNATURE: Kimberli Morris SPO #Z19-04/6.9

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CUT HERE

YOUR NAME: Christopher Morris PHONE NUMBER: 254-338-6860

CURRENT ADDRESS: 8911 ViewPark Lane Killen TX 76542

ADDRESS OF PROPERTY OWNED: Same

"A" to PUD w/"R-1"

COMMENTS: I oppose the rezoning plan for many reasons. There will be an increase in traffic w/for from adequate access to the new residential area as well as increased traffic on ~~Chaparral~~ Chaparral Rd due to the new high school. I expect that accidents will increase as well as the higher concern for public safety for children & pedestrians.

SIGNATURE: Christopher J Morris SPO #Z19-04/6.9

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MAR 29 2019  
PLANNING

plains

## Tony McIlwain

**From:** Elizabeth Jagodzinski <lizzyprescott81@hotmail.com>  
**Sent:** Friday, March 29, 2019 10:33 AM  
**To:** Tony McIlwain  
**Subject:** Re: Yowell Ranch

Thank you, Tony!

After looking at this plan, I see that the developer was not 100% truthful in his intentions with this new phase when we met on Wednesday. He told me that the lot next to me would not be a roadway unless requested by the City of Killeen. According to this image, it is already in the proposal.

Another big issue that I have with this proposal is that there is no safe walking path to and from the high school. If an addition were to be added prior to the expansion of Chaparral rd with sidewalks, we need a walking path so that parents and students will be encouraged to safely walk to school on a designated path to avoid students on the streets and an increase in car traffic because of the lack of pedestrian safety. Without walking paths, imagine the car traffic on Chaparral rd with the increase in homes!

I have attached a layout of my ideas on a walking path that should be added in between phase 4 and 5 if this proposal were to pass. Most of this walking path is already there, we just need to add to it so that it connects to the future school. I would prefer the lot next to me to be a home, but I would be okay with a walking path in that lot).

Let me know what you think!

Elizabeth

CUT HERE	
<b>YOUR NAME:</b> Elizabeth Jagodzinski	<b>PHONE NUMBER:</b> (410) 903-0982
<b>CURRENT ADDRESS:</b> 8903 Viewpark Lane	
<b>ADDRESS OF PROPERTY OWNED:</b> 9301 Devonshire Ct (Yowell Ranch)	
<b>"A" to PUD w/"R-1"</b>	
<b>COMMENTS:</b> I strongly oppose this request as the owner of this rental property in Yowell Ranch. This will hinder the quality of living in Yowell Ranch for my renters who would have to deal with increased traffic/congestion and damaged/insufficient roads.	
<b>RECEIVED</b>	
<b>SIGNATURE:</b> Elizabeth Jagodzinski	<b>MAR 30 2019</b>
	<b>SPO #Z19-04/ 65</b>

PLANNING	
<b>"A" to PUD w/"R-1"</b>	
<b>COMMENTS:</b> I strongly oppose this request! We need to build the schools planned, expand Chaparral Road, and fund Emergency Services first! We already have Turnbo Ranch and Heritage Oaks going up soon, that is more than enough! Please do not add more at this time.	
<b>SIGNATURE:</b> Elizabeth Jagodzinski	<b>SPO #Z19-04/ 65</b>





**From:** Tony McIlwain <[tmcilwain@killeentexas.gov](mailto:tmcilwain@killeentexas.gov)>

**Sent:** Friday, March 29, 2019 9:44 AM

**To:** [lizzyprescott81@hotmail.com](mailto:lizzyprescott81@hotmail.com)

**Subject:** Yowell Ranch

Hello Ms. Prescott,



Thank you for your call. I am providing you with the information that you requested. You may contact me at your convenience for any questions that you may have.

Thanks,

Tony D. McIlwain, AICP, CFM

Assistant Director

Planning and Development Services Department

200 E. Ave. D, Killeen, Texas 7640

Ph: 254-501-7633

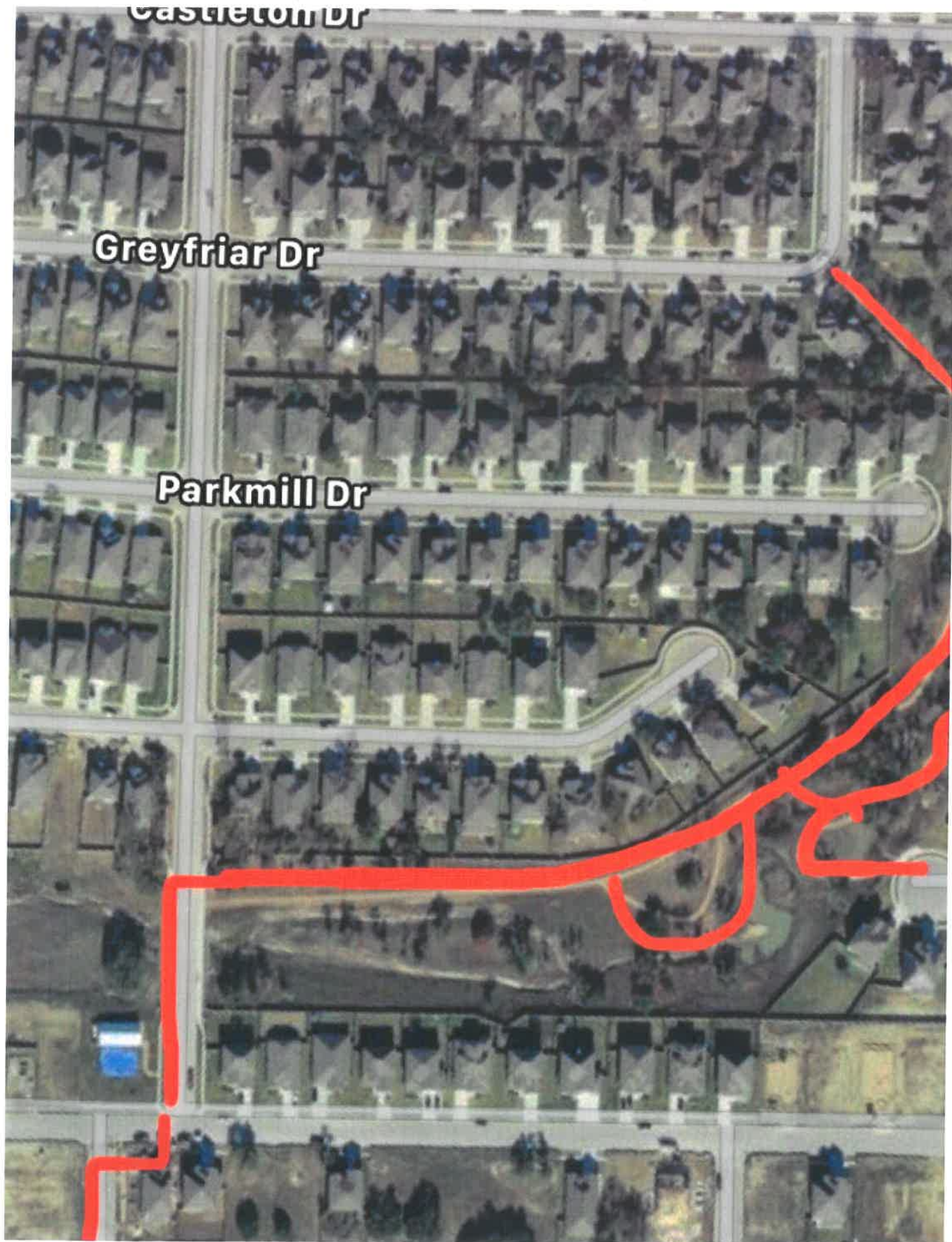
Fax: 254-501-7628

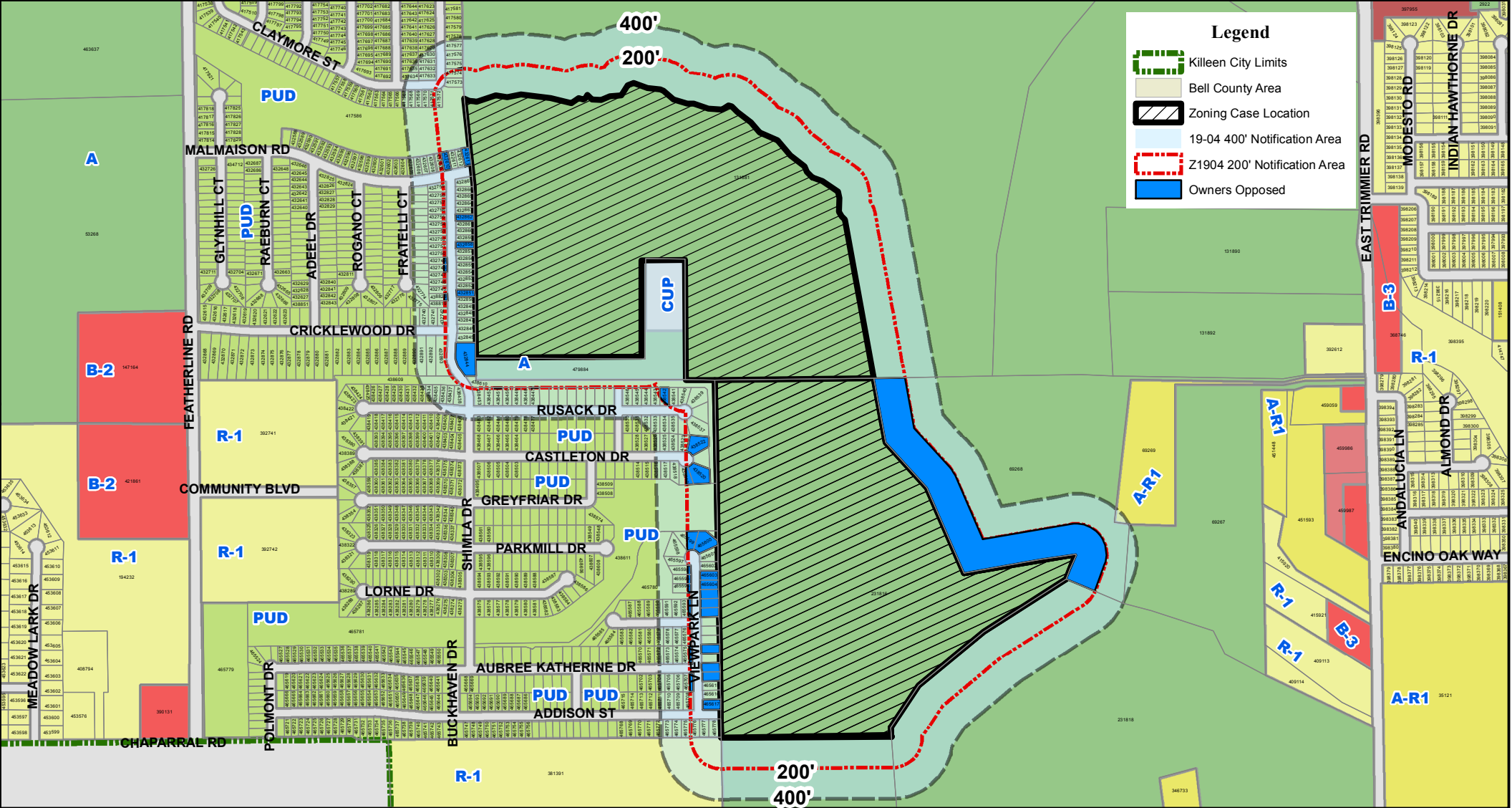
Cell: 254-290-9277

E-mail: [tmcilwain@killeentexas.gov](mailto:tmcilwain@killeentexas.gov)











ZONING CASE #Z19-04: “AG” TO “PUD W/R-1”

PH-19-013B

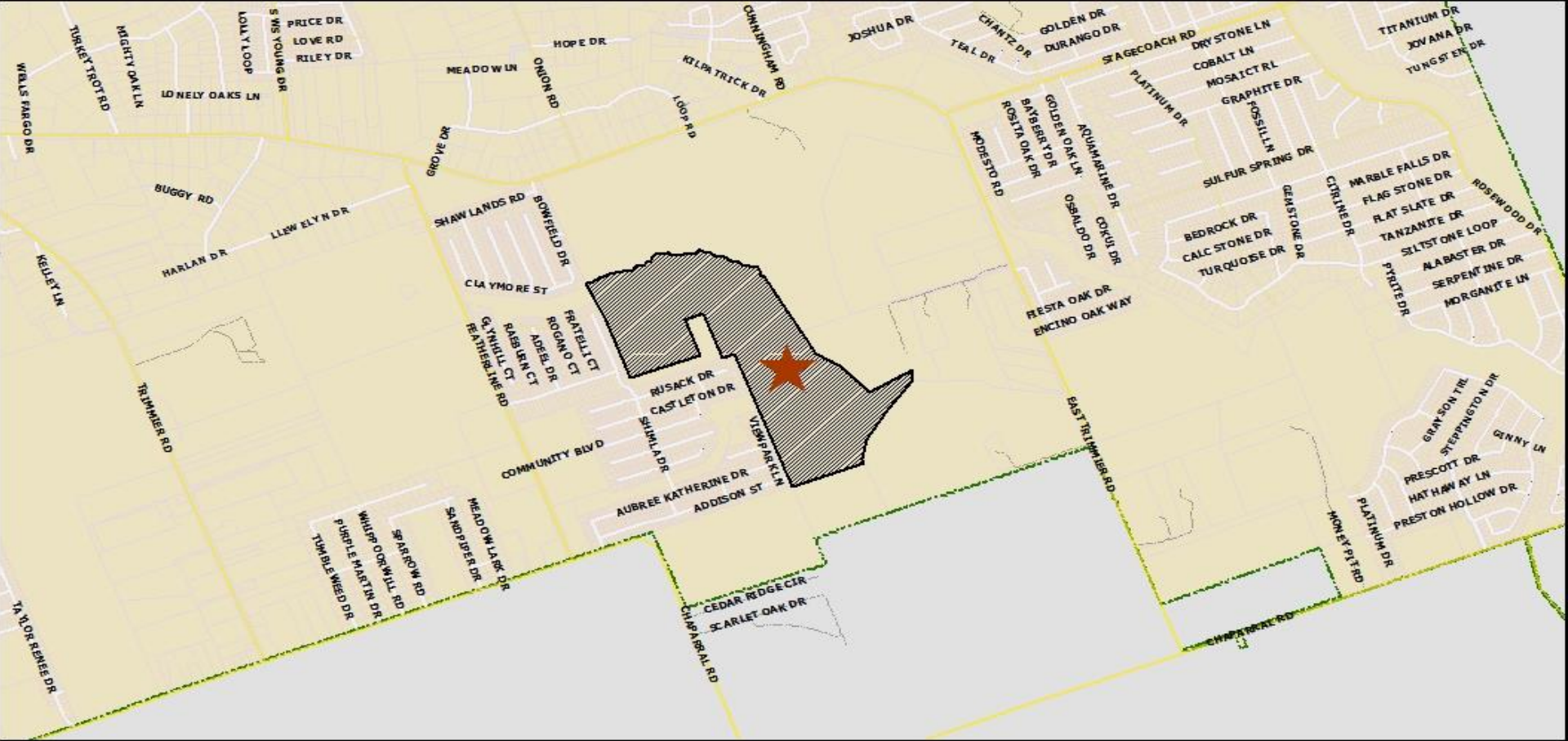
May 21, 2019

# CASE #Z19-04: “AG” to “PUD w/R-1”

2

- The Atchison Family Revocable Trust and the Sheryl Anderson Yowell 1998 Trust have submitted a request to rezone approximately 169 acres from “A” (Agricultural District) to a Planned Unit Development (P.U.D.) with “R-1” (Single-Family Residential District).
- The property is generally located on the east side of Yowell Ranch Phases Two and Three.





**Zoning Location Map**  
**Case: Z-2019-04**

Council District: 3  
 FROM: AGRICULTURAL TO PUD

Subject Property Legal Description: 77.92 acres out of the J. D. Alcorn Survey, Abstract No. 25 and approximately 91.08 acres out of the S D Carothers Survey, Abstract No. 177 and the M. J. Pleasant Survey, Abstract No. 652

**LOCATION MAP**



**Zoning Case Location**



1 inch = 2,083 feet

# CASE #Z19-04: “AG” to “PUD w/R-1”

4

- ❑ The property is designated as ‘Estate’ (E) on the City’s Future Land Use Map (FLUM).
- ❑ The ‘E’ designation encourages detached residential dwellings, public & institutional uses, and parks and public spaces.
- ❑ The applicant has submitted a concurrent FLUM amendment request for the property.



# CASE #Z19-04: “AG” to “PUD w/R-1”

5

- ❑ The applicant has reduced the land area of the initial zoning request by approximately twenty (21) acres to 148.42 acres.
- ❑ PUD proposal consists of 598 residential lots, with a minimum lot size of 5,000 sq. feet and an average lot size of 6,000 sq. feet.
- ❑ The net residential density (exclusive of rights-of-way) of the development is 4.83 dwelling units per acre.
- ❑ The PUD concept plan incorporates over 26 acres of open space, with an additional 13 acres of open space within the floodplain.

# CASE #Z19-04: “AG” to “PUD w/R-1”

6

- The PUD illustrates one park, one pool and associated parking, one playground, proposed linear trails, one pond and open space.
- Additionally, a .44 acre right-of-way dedication of land is being offered as part of the PUD concept plan to facilitate connectivity to the future realignment of Chaparral Road.

1. THE DEVELOPER, THROUGH HIS AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS 401, 402, AND/OR 404, AS APPROPRIATE FROM ENVIRONMENTAL PROTECTIVE AGENCY, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND/OR THE CORP OF ENGINEERS.

2. PRE-DEVELOPMENT TOPOGRAPHICAL CONTOURS ARE FROM A SURFACE CREATED FROM PROCESSING A 1 METER DIGITAL ELEVATION MODEL (DEM) ACQUIRED FROM THE TEXAS NATURAL RESOURCES INFORMATION SYSTEM (TNRS). TNRS INFORMATION IS FROM JANUARY 2013 AND PROCESSED USING 1' ELEVATION INCREMENTS.

3. THE TOPOGRAPHICAL INFORMATION IS APPROXIMATE AND INTENDED FOR PRELIMINARY ANALYSIS ONLY.

#### 4. PROPOSED DRAINAGE PATTERN WILL FOLLOW THE EXISTING PATTERN CONDITIONS

5. BUILDING SETBACKS SHALL BE AS FOLLOWS UNLESS OTHERWISE NOTED OR SHOWN THEREON.

Rear - 20'  
Interior side - 9'  
Street side - 15'

6. CONTOUR INTERVALS ARE 2' VERTICAL, UNLESS OTHERWISE NOTED HEREON.

7. DRAINAGE STRUCTURES WILL BE DESIGNED IN ACCORDANCE WITH THE CITY OF KILLEEN DRAINAGE DESIGN CRITERIA.

8. YOWELL-CREEK AND YOWELL CREEK TRIBUTARY HYDROLOGIC AND HYDRAULIC STUDIES WILL BE PERFORMED DURING PLATTING PROCESS.

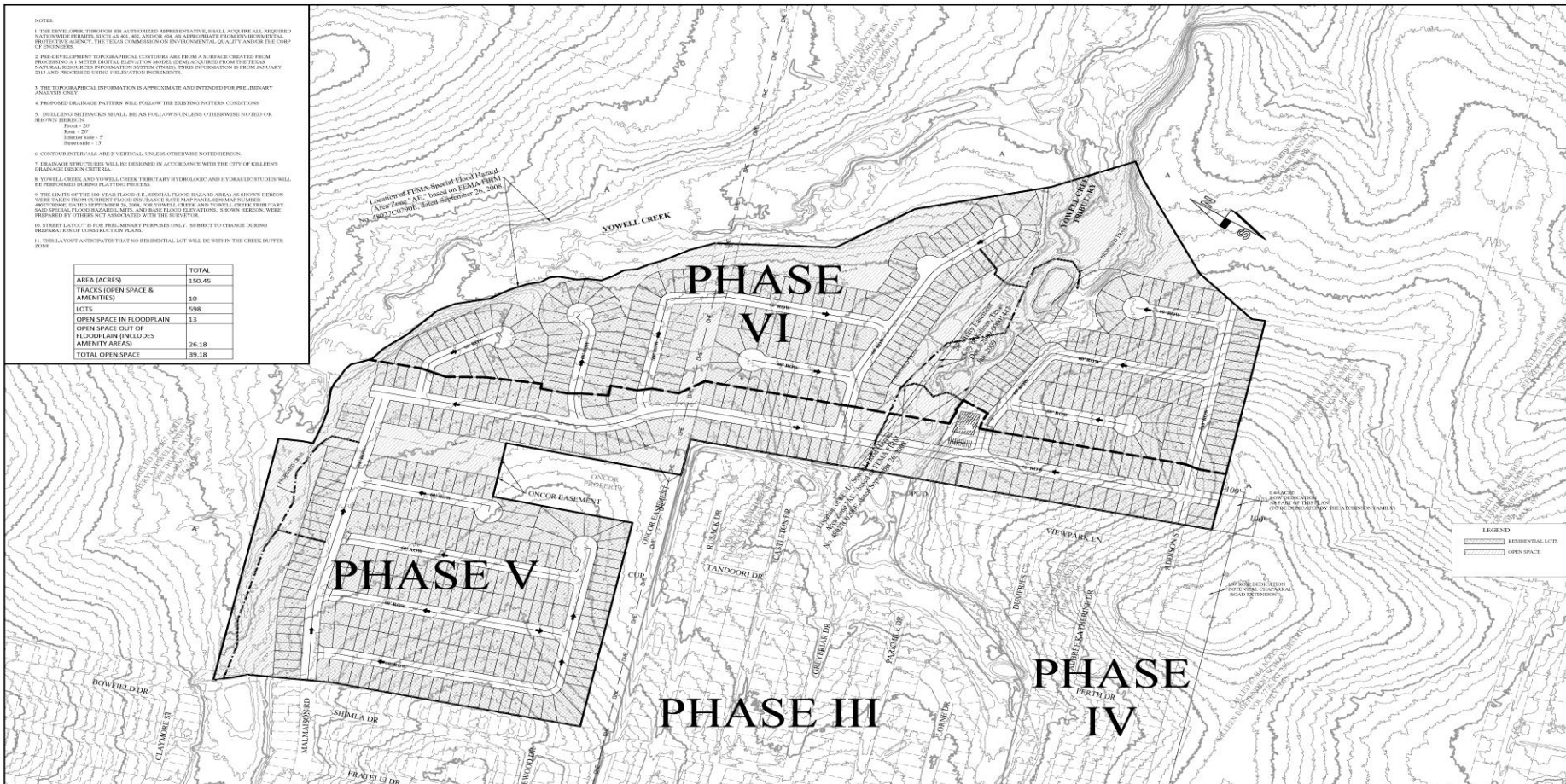
4. THE LIMITS OF THE (50-YEAR FLOOD (I.E., SPECIAL FLOOD HAZARD AREA) AS SHOWN HEREON WERE TAKEN FROM CURRENT FLOOD INSURANCE RATE MAP PANEL 0296 MAP NUMBER 49027-0296D, DATED SEPTEMBER 26, 2008, FOR YOWELL CREEK AND YOWELL CREEK TRIM/TARY

SAID SPECIAL FLOOD HAZARD LIMITS, AND BASE FLOOD ELEVATIONS, SHOWN HEREON, WERE PREPARED BY OTHERS NOT ASSOCIATED WITH THE SURVEYOR.

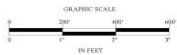
16. STREET LAYOUT IS FOR PRELIMINARY PURPOSES ONLY. SUBJECT TO CHANGE DURING PREPARATION OF CONSTRUCTION PLANS.

11. THIS LAYOUT ANTICIPATES THAT NO RESIDENTIAL LOT WILL BE WITHIN THE CREEK BUFFER ZONE.

	TOTAL
AREA (ACRES)	150.45
TRACKS (OPEN SPACE & AMENITIES)	10
LOTS	598
OPEN SPACE IN FLOODPLAIN	13
OPEN SPACE OUT OF FLOODPLAIN (INCLUDES AMENITY AREAS)	26.18
TOTAL OPEN SPACE	39.18



REV.	DESCRIPTION	DATE	BY	PROJECT INFORMATION
				TOTAL SIZE: 150.45 ACRES
2	2ND RELEASE	5/6/2009	STP	TOTAL BLOCKS: 14
1	ORIGINAL RELEASE	6/16/2008	STP	TOTAL LOTS: 308
				TOTAL TRACTS: 10
PROJECT NUMBER: PR01		CLIENT NAME: W & R DEVELOPMENT		
		CLIENT LOCATION: KILLEEN, TX		
AUTHORIZED BY: WWW				



SITE CONCEPT PLAN OVERVIEW  
YOWELL RANCH PHASE V & VI  
CITY OF KILLEEN, BELL COUNTY, TEXAS

**Yalgo, LLC**  
3000 Illinois Ave., Suite 101  
Killeen, TX 76543  
PH (254) 953-5353  
FX (254) 953-0032

Texas Registered  
Engineering Firm F-10264955

Texas Registered  
Surveying Firm 101940955

SHEET  
**1**  
OF  
**1**

# CASE #Z19-04: “AG” to “PUD w/R-1”

8

- Staff notified two hundred and twenty (220) surrounding property owners within a four hundred feet (400') notification boundary.
- Staff received sixty-two (62) total responses, with 3 property owners in support, and 59 property owners in opposition to the request.
- 34 property owners within the 200' notification boundary are protesting the request. The protests amount to 20.47% of the land area within of the 200' from the subject property.





# CASE #Z19-04: “AG” to “PUD w/R-1”

10

- The Planning and Zoning Commission recommended approval of the applicant’s request (by a vote of 6 to 0) with the following conditions:
  - The applicant shall add the additional 2.5 acres needed for the minimum 15% open space requirement;
  - The PUD conceptual plan shall show the tie-in to Chaparral Road;
  - The applicant shall include the Yowell Ranch Phase V and VI exhibit that was presented to the Planning & Zoning Commission.

# CASE #Z19-04: “AG” to “PUD w/R-1”

11

- Staff recommends disapproval based on the following:
- ‘Suburban Residential’ character, which staff supports, is 4 dwelling units per net acre; this project is 4.83 dwelling units net acre. This .83 differential amounts to an additional 102 residential lots for this project.
- The PUD standards do not provide information regarding required front, side and rear yard setbacks.

# CASE #Z19-04: “AG” to “PUD w/R-1”

12

- The PUD proposal illustrates 598 lots, which will generate 5,980 vehicle trips per day at full build-out. The PUD concept plan proposes to no connectivity to an arterial street (i.e. Stagecoach Road and Chaparral Road), but attempts to facilitate take this traffic through Malmaison Road, a collector street, and Addison Street, a local street.



# CASE #Z19-04: “AG” to “PUD w/R-1”

13

- The PUD concept plan does not graphically account for the north-south collector road extending south beyond the development as recommended by the Planning and Zoning Commission.
- The R-O-W dedication of land assumes that the City will be responsible for the construction (if necessary) of the tie-in with the future realignment of Chaparral Road.
- The proposed linear trails appear to be located adjacent to rear and side residential property lines and not completely within easily accessible areas such as rights-of-ways.

# CASE #Z19-04: “AG” to “PUD w/R-1”

14

- If approved, the applicant will be under no obligation to provide additional information to city staff, alter any components of the PUD standards, nor make any revisions the concept plan.



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-19-014	<b>Version:</b>	1	<b>Name:</b>	Zoning 19-07
<b>Type:</b>	Ordinance/Public Hearing	<b>Status:</b>		<b>Status:</b>	Public Hearings
<b>File created:</b>	4/15/2019	<b>In control:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	5/28/2019	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by Turley Associates, Inc. on behalf of Central Christian Church of Killeen (Case #Z19-07) to rezone approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of Trimmier Road, Killeen, Texas.				
<b>Sponsors:</b>	Planning & Development Dept				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Zoning and Notification Area Map</a> <a href="#">Location Map</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">Site Plan</a> <a href="#">Considerations</a> <a href="#">Responses</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		



## STAFF REPORT

**DATE:** May 21, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Dr. Ray Shanaa, Exec. Dir. Of Planning and Development Services

**SUBJECT:** ZONING CASE #Z19-07 "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District)

### **BACKGROUND AND FINDINGS:**

Turley Associates, Inc. on behalf of Central Christian Church of Killeen, has made a request to rezone approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of Trimmier Road, Killeen, Texas.

### **Property Specifics:**

Applicant/Property Owner: Central Christian Church of Killeen

Property Location: The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of Trimmier Road, Killeen, Texas.

Legal Description: Approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389.

### **Zoning/ Plat Case History:**

- There is no recent zoning activity for the property.
- The property is part of the Nathan Halbert Survey, Abstract No. 389. The property has not been platted.

### **Character of the Area:**

Existing Land Use(s) on the Property: This parcel is a vacant lot consisting of 4.72 acres.

Historic Properties: There are no historic structures on this property.

### **INFRASTRUCTURE AND COMMUNITY FACILITIES:**

#### **Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Upon construction, the applicant shall be required to extend the necessary municipal infrastructure to the site.

**Transportation:**

Existing conditions: Ingress and Egress to the property are via E. Mary Jane Drive to the south and Prather Drive to the north. Both ingress and egress streets are classified as 60' wide local streets on the City's adopted Thoroughfare Plan. Primary access to this potential development is from Trimmier Road, which is classified as a 110' wide Minor Arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: If approved, a minimum of a local street will need to be constructed and tie into an adjacent right-of-way.

Projected Traffic Generation: One duplex or two-family residential unit typically generates 20 daily trips [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

**Environmental Assessment:**

The property does not lie within a FEMA regulatory Special Flood Hazard Area (SFHA). However, there is a FEMA recognized watercourse, locally known as Mary Jane Ditch, which runs from the southeastern property boundary through the parcel to the northern property boundary. Current City Codes require the establishment of a creek buffer zone (CBZ) that spans a distance of 25' beyond the top of each bank for the designated watercourse. Any proposed re-routing of the existing watercourse will require an additional 0.5 BMP credits to cover the disturbance of the CBZ. Sheet flow runoff from this development flows directly into an unnamed tributary to Fowler Ditch within the property. Runoff then flows north through Fowler Ditch into South Nolan Creek prior to leaving the City. South Nolan Creek is currently listed on the TCEQ's 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients. There are no known wetlands on this parcel.

The property will need to be platted prior to further development. As a result, the current drainage design manual (DDM) and post construction requirements will apply to future development on these parcels. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

**LAND USE ANALYSIS:**

**Land Use Plan:** The property is designated as 'General Residential' (GR) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

**Plan Recommendation:** The 'General Residential' designation encourages a mix of single-family types, public and institutional uses, parks and public spaces.

**Consistency:** The zoning request is consistent with the FLUM.

**Public Notification:** The staff notified seventy-nine (79) surrounding property owners within a 400' notification boundary regarding this request. Staff received eight (8) responses in opposition to the "R-2" zoning request. Additionally, a petition was submitted to city staff containing the names of 98 different individuals who are opposed to the "R-2" zoning request.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may approve or disapprove the applicant's request, or approve a more restrictive zoning than requested by the applicant.

**Which alternative is recommended?** Staff recommends that the City Council approve the more restrictive "SF-2" (Single-Family Residential District) zoning district.

**Why?** Staff is of the determination that the current request for "R-2" zoning is not consistent with the historic development pattern of the adjacent Rolling Acres community. While the proposal will ultimately lead to infill development, the proposal is at odds with the current (and long-standing) character of single-family housing in the immediate area.

### **CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

### **FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This zoning request does not involve the expenditure of city funds.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

### **RECOMMENDATION:**

The Planning and Zoning Commission recommended approval of "SF-2" (Single-Family Residential District), instead of the applicant's initial "R-2" request, by a vote of 5 to 1. The applicant is amenable to the more restrictive zoning district and intends to develop the site for garden home use.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Zoning and Notification Area Map

Location Map

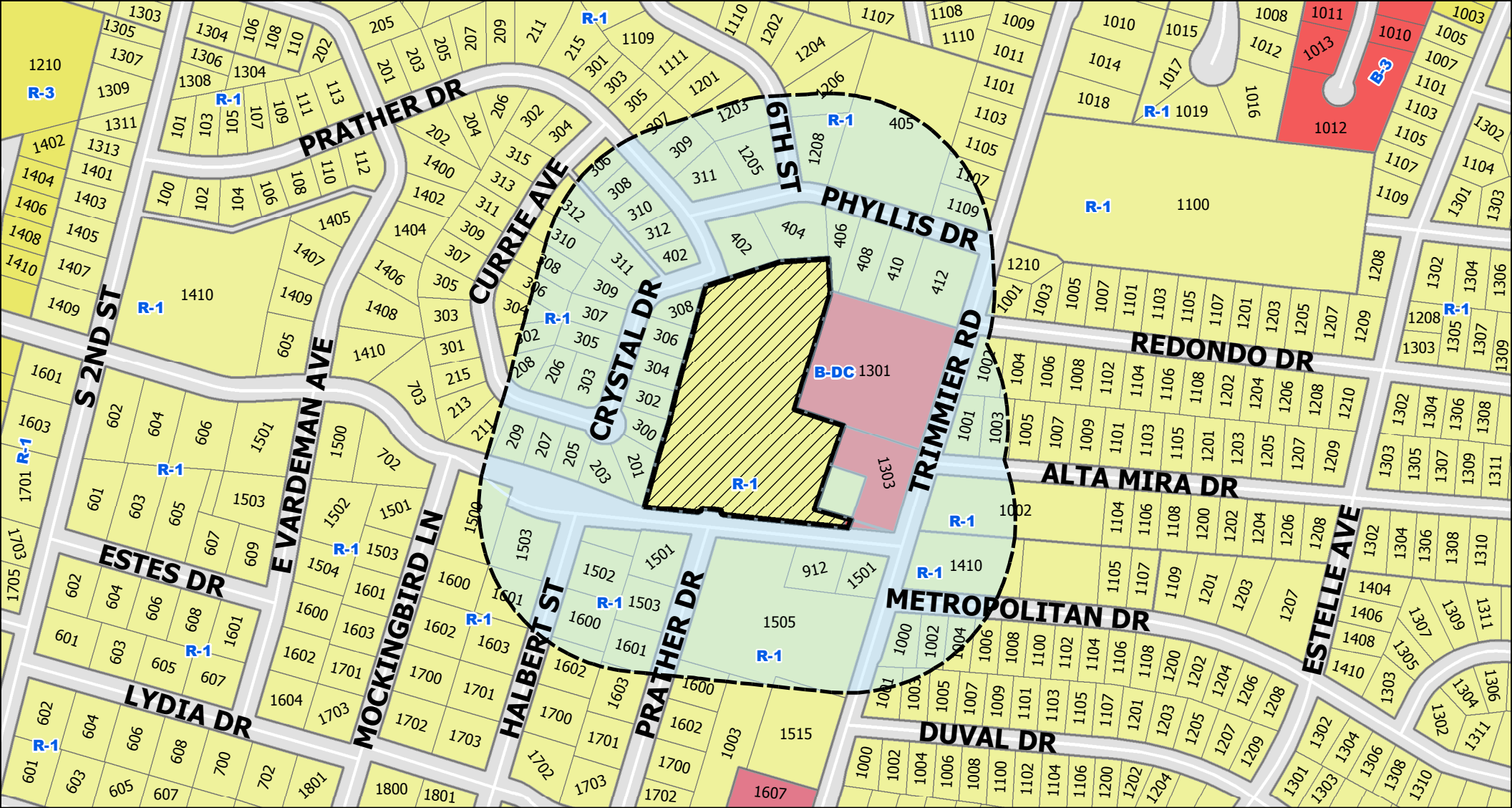
Minutes

Ordinance

Site Plan

Considerations

Responses



## Zoning Notification Plan

**Case: Z2019-07**

Council District: 3

FROM: R-1 TO R-2

1 inch = 333 feet

Subject Property Legal Description: A0389BC NATHAN HALBERT, 730-21-2, ACRES 4.72

## ZONING CHANGE MAP

### Legend

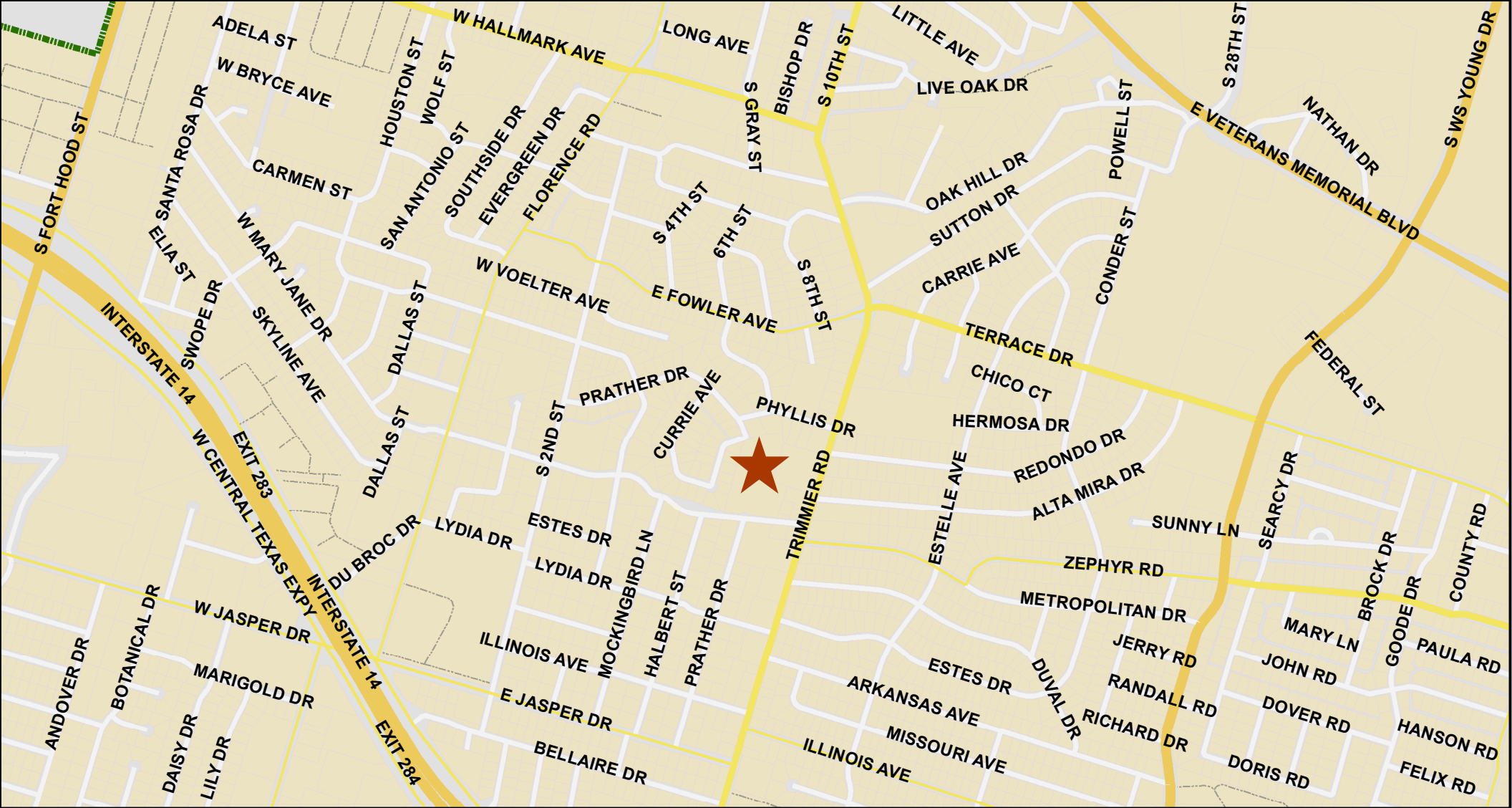


ZONING CASE LOCATION

400' NOTIFICATION AREA







## Zoning Location Map

**Case: Z2019-07**

Council District: 3  
FROM: R-1 TO R-2  
1 inch = 1,042 feet

Subject Property Legal Description: A0389BC NATHAN HALBERT, 730-21-2, ACRES 4.72

## LOCATION MAP



**Zoning Case Location**



**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
MAY 6, 2019**

**CASE #Z19-07  
“R-1” to “R-2”**

**HOLD** a public hearing and consider a request submitted by Turley Associates, Inc. on behalf of Central Christian Church of Killeen to rezone approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) for duplex development. The property is located on the north right-of-way of E. Mary Jane Drive and approximately 300 feet west of Trimmier Road, Killeen, Texas.

Vice Chair Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that at the last meeting this item was tabled to allow the applicant to consider other options and to meet with the surrounding property owners. At that meeting Staff recommended that the Commission recommend approval of a more restrictive residential zoning district. Since the last meeting, the applicant has presented a new proposal for “SF-2” (Single-Family Residential District)

The staff notified seventy-nine (79) surrounding property owners within a 400’ notification boundary regarding this request and received responses in opposition to the “R-2” request. Staff recommended that the Planning & Zoning Commission recommend approval of the “SF-2” request.

Ms. Jennifer Ryken, 301 N. 3<sup>rd</sup> Street, Temple, Texas, was present to represent this request.

Vice Chair opened the public hearing.

Ms. Daphne Kidd, 302 Crystal Drive and Mr. Tad Dorroh, 1503 E. Vardeman Avenue stated they were in support of the “SF-2” request.

Mr. Gene Hunter, 19011 Stillman Valley, Florence, spoke in support of the zoning request.

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

Commissioner Payton motioned to recommend approval for “SF-2” request. Commissioner Cooper seconded. The motion passed 5 to 1, with Commissioner O’Brien in opposition.

Vice Chair Latham stated that the request will be forwarded to City Council with a recommendation to approve.

## **ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APROXIMATELY 4.72 ACRES OUT OF THE NATHAN HALBERT SURVEY, ABSTRACT NO. 389, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “R-2” (TWO FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Turley Associates, Inc., on behalf of Central Christian Church of Killeen, 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 approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from “R-1” (Single-Family Residential District) to “R-2” (Two Family Residential District), said request having been duly recommended for approval of “SF-2” (Single- Family Residential District) by the Planning and Zoning Commission of the City of Killeen on the 6th day of May 2019, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 28th day of May 2019, 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 majority opinion that the applicant’s zoning request should be approved as recommended by the Planning and Zoning Commission;

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

**SECTION I.** That the zoning classification of approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, be changed from “R-1” (Single-Family Residential District) to “R-2” (Two Family Residential District) for the property located on the north right-of-way of E. Mary Jane Drive, approximately 300 feet west of Trimmier 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 28th day of May 2019, 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:**

---

**Jose L. Segarra, MAYOR**

**ATTEST:**

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**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

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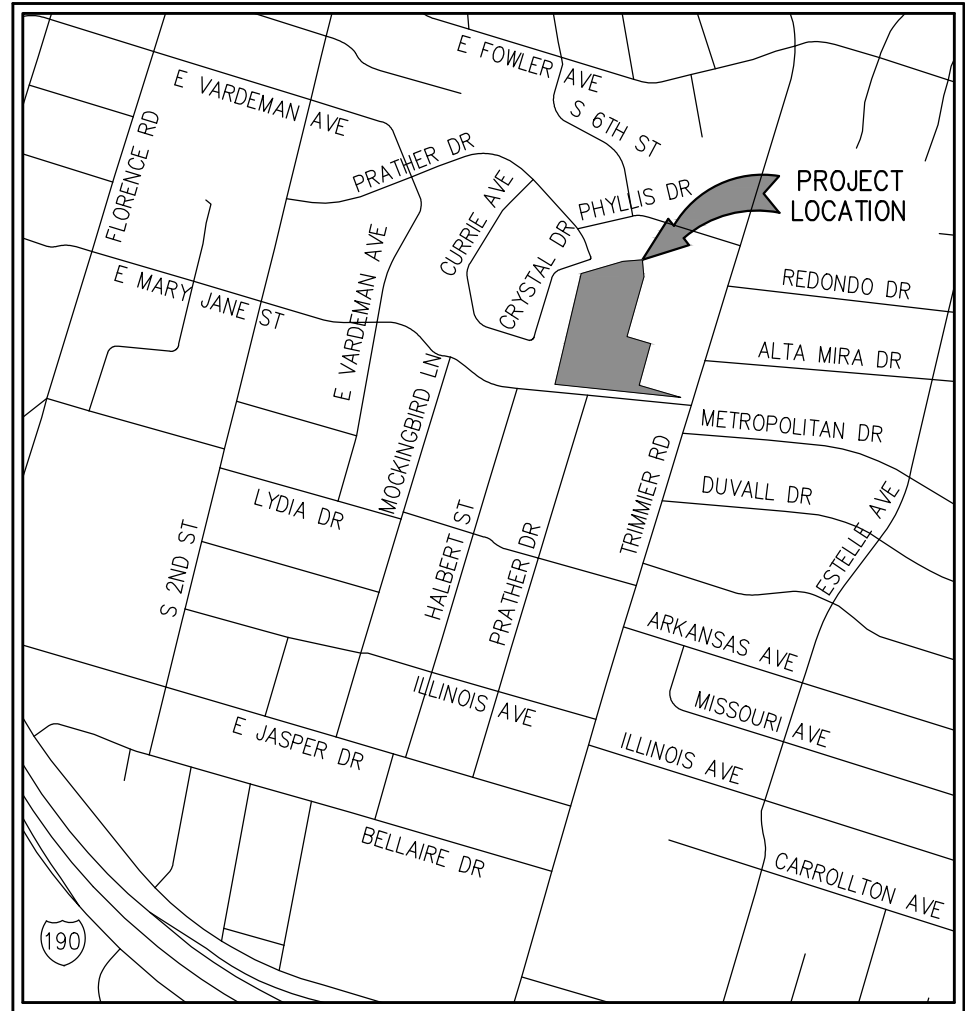
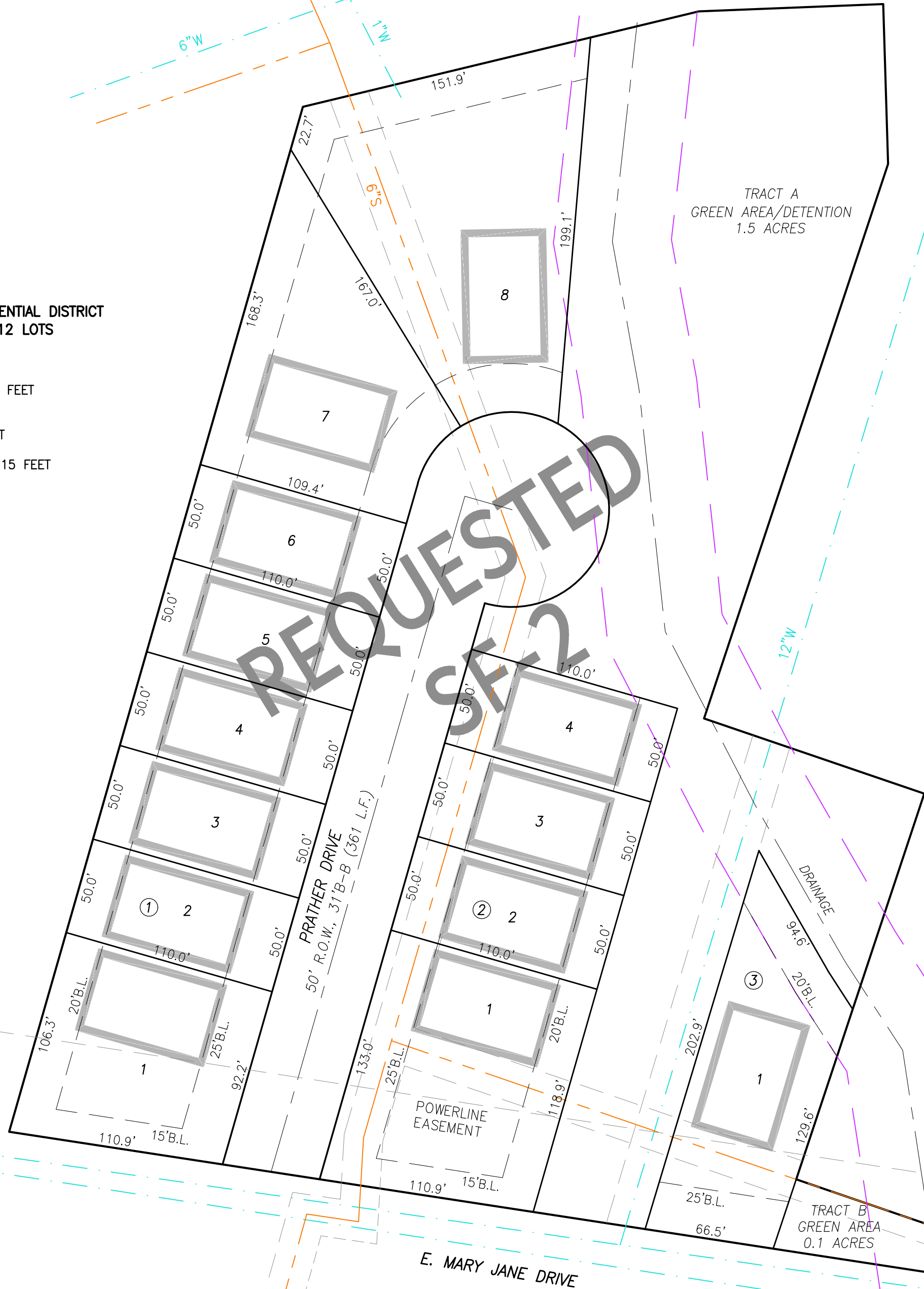
**Kathryn H. Davis, City Attorney**

Case #19-07

Ord. #19-\_\_\_\_

SF-2 SINGLE-FAMILY RESIDENTIAL DISTRICT  
(GARDEN HOME) - 12 LOTS

MINIMUM LOT AREA: 5,000 SQ.FT.  
MINIMUM LOT WIDTH: 50 FEET  
MINIMUM WIDTH CORNER LOTS: 60 FEET  
MINIMUM LOT DEPTH: 100 FEET  
  
MINIMUM FRONT SETBACK: 25 FEET  
MINIMUM SIDE YARD: 5 FEET  
SIDE YARD ADJACENT TO STREET: 15 FEET  
MINIMUM REAR YARD: 20 FEET



VICINITY MAP: Not To Scale

SCALE: 1"=50'

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THE INFORMATION THEREON MAY NOT  
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WRITTEN PERMISSION OF TURLEY  
ASSOCIATES, INC.

SITE LAYOUT FOR:  
4.75 ACRES  
E. MARY JANE DRIVE AND PRATHER DRIVE  
KILLEEN, TEXAS  
  
NATHAN HALBERT SURVEY, ABST. NO. 389  
  
DEVELOPED BY:  
SANDOR CONSTRUCTION



REVISIONS		
DATE	DESCRIPTION	DFTR
DRAFTSMAN: AMJ		
DATE: 4/26/19		
COMPUTER FILE NAME: SITE PLAN 8 GARDEN HOME CULDESAC		
REFERENCE DRAWING NUMBERS:		
JOB NUMBER: 19-592	PAGE# 01	
DRAWING NUMBER: 19592-D		

# CONSIDERATIONS

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

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

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## **B. Conditional Use Permit (if applicable)**

Whether the use is in 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.



CUT HERE

YOUR NAME: Roger Segal PHONE NUMBER: 634-2992

CURRENT ADDRESS: 300 + 309 Crysta POS 2361 H.H.

ADDRESS OF PROPERTY OWNED: 11 15

"R-1" to "R-2"

COMMENTS: Opposed - Create too much  
TRAFFIC AND NOISE levels.

RECEIVED

APR 10 2019

PLANNING

SIGNATURE: [Signature] SPO #Z19-07/ 20, 60

CUT HERE

YOUR NAME: PATRICIA Powell PHONE NUMBER: 254-781-2112

CURRENT ADDRESS: 1500 HALBERT ST

ADDRESS OF PROPERTY OWNED: 1500 HALBERT / 1501 PRATHER

"R-1" to "R-2"

COMMENTS: Strongly oppose rezoning of  
Nathan Halbert Survey Abs. 389  
from R1 to R2 (duplex development)

RECEIVED

SPO #Z19-07/ 78

SIGNATURE: Patricia M Powell APR 10 2019

P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX  
WWW.KILLEENTEXAS.GOV

CUT HERE

YOUR NAME: PATRICIA Powell PHONE NUMBER: 254-781-2112

CURRENT ADDRESS: 1500 HALBERT ST

ADDRESS OF PROPERTY OWNED: 1501 PRATHER / 1500 HALBERT

"R-1" to "R-2"

COMMENTS: Strongly opposed to rezoning of  
Property in the Nathan Halbert Survey  
from R1 to R2 (duplex development)

RECEIVED

APR 10 2019

PLANNING

SIGNATURE: Patricia M Powell SPO #Z19-07/ 53

P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX  
WWW.KILLEENTEXAS.GOV

CUT HERE	
YOUR NAME: <u>Jonathan Yankey</u>	PHONE NUMBER: <u>512-468-8173</u>
CURRENT ADDRESS: <u>305 Crystal Dr. Killeen TX 76541</u>	
ADDRESS OF PROPERTY OWNED: <u>305 Crystal Dr. Killeen TX 76541</u>	
"R-1" to "R-2"	
COMMENTS: <u>We <u>do not</u> approve of this change.</u>	
RECEIVED	
APR 15 2019	
4:00 PM	
PLANNING	
SIGNATURE: <u>[Signature]</u>	SPO #Z19-07/ <u>40</u>
P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX WWW.KILLEENTEXAS.GOV	

NAME: HENRY & DAPHNE Kidd  
 CURRENT ADDRESS: 302 CRYSTAL DRIVE  
 Address of Property Owned: 302 CRYSTAL DRIVE  
 "R-1" to "R-2" NO!

RECEIVED  
 APR 15 2019  
 PLANNING

COMMENTS: WE Oppose this zone change!  
We enjoy the greenery, trees and nature with views of Texas.  
We purchase this property with the knowledge of  
surrounding single family homes. Not zoned nor  
coded for multi-dwelling units. THANKS  
Daphne Kidd  
Henry Kidd

CUT HERE	
YOUR NAME: <u>Adelheid Mitts</u>	PHONE NUMBER: <u>254-628-0198</u>
CURRENT ADDRESS: <u>303 Crystal Dr. Killeen, TX 76541</u>	
ADDRESS OF PROPERTY OWNED:	
"R-1" to "R-2"	
COMMENTS:	
<u>I Mrs. Mitts opposed to this</u>	
RECEIVED	
APR 15 2019	
4:05 PM	
PLANNING	
SIGNATURE: <u>Adelheid Mitts</u>	SPO #Z19-07/ <u>46</u>
P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX WWW.KILLEENTEXAS.GOV	



CUT HERE	
YOUR NAME: Keith + Teresa Cormier	PHONE NUMBER: 254.634.8400
CURRENT ADDRESS: 1600 Prather Dr	
ADDRESS OF PROPERTY OWNED: 1600 Prather Dr	
"R-1" to "R-2"	
COMMENTS: We are opposed to the zoning change. The increased traffic through our neighborhood would greatly impact our safety and the characteristics of the neighborhood. We already have to deal with the high volume of traffic and noise from Trimmier	
SIGNATURE: _____	
SPQ # 219-07/2005	

RECEIVED

P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX  
WWW.KILLEENTEXAS.GOV

PLANNING

I oppose this request, this new development will be directly in my backyard. My house sits higher than that land so there will be a view straight into my house by any future occupant. There is beautiful vegetation and wildlife in that area. There is a beautiful gray hawk that lives there and other amazing birds. I bought this house because of the area it is in, there are no apartments or duplexes in view, just other residential houses. I love the view I have in my backyard, it makes me feel like I'm out in the country and it is so peaceful and quiet. I also don't want this new development to drive and rodents + critters from the ditch into my area.

Erika Rodriguez  
306 Crystal Dr.  
Killeen, TX 76541  
"R-1" to "R-2"

Erika Rodriguez

284-319-8117

RECEIVED

APR 12 2019

PLANNING

SPO# Z19-07/19

Petition case Z19-07 R-1 to R-2  
Prather & MaryJane  
Killeen TX 76541  
Jasper Heights Subdivision

RECEIVED  
APR 15 2019

PLANNING

Last Name	First Name	Address	For / Against	Signature
Acers	Ante	902 Lydia	Against	Back of car
Acers	Gail	1802 Prather Dr	Against	Back of car
Acers	Gail	1806 Prather Dr	Against	Back of car
Acers	Karen	1806 Prather Dr	Against	Back of car
Acers	Michael & Susan	1808 Prather Dr	Against	Back of car
Acers	Jack	1703 Mockingbird	Against	Back of car
Acers	Brittani	1703 Mockingbird Lane	Against	Back of car
Acers	Carol	904 Elladots	Against	Back of car
Acers	Hank	2002 Mockingbird	Against	Back of car
Acers	Deborah	2002 Mockingbird	Against	Back of car
Acers	Deborah	1791 Mockingbird	Against	Back of car
Acers	Sandra	1701 Mockingbird	Against	Back of car
Acers	Henry	904 Elladots	Against	Back of car
Acers	Yodanis	1603 Mockingbird	Against	Back of car
Acers	Yodanis	1603 Mockingbird	Against	Back of car
Acers	Beverly	1603 Mockingbird	Against	Back of car
Acers	James	1503 Mockingbird	Against	Back of car
Acers	Belora	1503 Mockingbird	Against	Back of car
Acers	Mike	1700 Mockingbird	Against	Back of car
Acers	MARCKY	2004 HUBERT	Against	Back of car
Acers	KEVINETH	2004 HUBERT	Against	Back of car
Acers	BUTCH	1604 S. VANDERMAN AVE	Against	Back of car
Acers	JANA	1604 S. VANDERMAN AVE	Against	Back of car
Acers	NITA	2003 Dell Dr	Against	Back of car
Acers	Teddy	2003 Dell Dr	Against	Back of car

RECEIVED

APR 15 2019

PLANNING

Petition case Z19-07 R-1 to R-2  
Prather & MaryJane  
Killen TX 76541  
Jasper Heights Subdivision

Last Name	First Name	Address	For / Against	Signature
DORRIS	Thomas	1535 E. McCOMB AVE	AGAINST	Zach
DORRIS	Tina	1503 E. Vardeman	AGAINST	Donna
MATKIN	Royce	1602 Prather Dr	AGAINST	Royce Matkin
MATKIN	Beth	1602 Prather	AGAINST	Beth Matkin
Sotahdy	Fred	1602 Prather	AGAINST	Fred Sotahdy
Quendy	Sandra	1705 Prather	AGAINST	Sandra Quendy
Rink <del>Quendy</del>	Shirley	1805 Prather	AGAINST	Shirley Rink
RINK	Charles	1805 Prather	AGAINST	Charles Rink
SWARTZ	MARGARET	3005 PRATHER	AGAINST	Margaret Swartz
SWARTZ	Philip	3005 PRATHER	AGAINST	Philip Swartz
SWARTZ	KASSANDRA	2001 PLATON	AGAINST	Kassandra Swartz
Young	Jetty Grace	908 Illinois Ave	AGAINST	Jetty Grace Young
Young	Billy	908 Illinois Ave	AGAINST	Billy Young
Young	Megan	908 Illinois Ave	AGAINST	Megan Young
YOUNG	LACRAN	905 ILLINOIS AVE	AGAINST	Lacran Young
Oliver	Edna	1806 Halbert St	AGAINST	Edna Oliver
Oliver	Bob	1805 Halbert St	AGAINST	Bob Oliver
Eastland	Barbara	1803 Halbert St	AGAINST	Barbara Eastland
Alvord	Phillip	1802 Halbert St	AGAINST	Phillip Alvord
MALD	Penelope	1802 Halbert St	AGAINST	Penelope Mald
KABURY	REXANA	1801 HALBERT ST	AGAINST	Rexana Kabury
Kelley	REXANA	1801 HALBERT ST	AGAINST	Rexana Kelley
MILLS	EVIN	103 ILLINOIS AVE	AGAINST	Evin Mills
Mills	William Allen	703 Illinois	AGAINST	William Allen Mills
Donahy	Elva	1700 Prather Dr.	AGAINST	Elva Donahy
Donahy	MARZ	1700 Prather Dr.	AGAINST	Marz Donahy
McElvaine	Boren	1806 Prather Dr.	AGAINST	Boren McElvaine
McKelvey	Heleice	11602 Halbert	AGAINST	Heleice McKelvey
Pick	Joe	11603 Halbert	AGAINST	Joe Pick
Pick	Amey	11603 Halbert St.	AGAINST	Amey Pick
Bodkin	Betha	11604 Halbert St	AGAINST	Betha Bodkin





**Jasper Heights Subdivision**

## PLANNING

Last Name	First Name	Address	For / Against	Signature
Steve Johnson	Steve	1609 Vardeman Ave	Against	<i>Steve Johnson</i>
Blanchard, Dina	Dina	404 Estes Dr	Against	<i>Dina E. Blanchard</i>
Blanchard	Brenda	605 Estes Dr	Against	<i>Brenda Blanchard</i>
Ocasio	Ruben	601 Estes Dr	Against	<i>Ruben Ocasio</i>
Frisch	Shane	1001 E. Vardeman Ave	Against	<i>Shane Frisch</i>
Stina, Dana	Crystalia Perry	607 Lydia Dr	Against	<i>Crystalia Perry</i>
Kish, Dana	Bar	601 Lydia Dr	Against	<i>Dana Kish</i>
Forner	Jonathan	603 Lydia Dr	Against	<i>Jonathan Forner</i>
Forner	Sylvia	603 Lydia Dr	Against	<i>Sylvia Forner</i>
Forner	Sue	608 Lydia Dr	Against	<i>Sue Forner</i>
Forner	Forner	607 Lydia Dr	Against	<i>Forner</i>
Forner	Michael	607 Lydia Dr	Against	<i>Michael Forner</i>
Forner	John	609 Estes Dr	Against	<i>John Forner</i>
Forner	Quedwick	603 Estes Dr	Against	<i>Quedwick Forner</i>

Call (254) 501-7630.

CUT HERE-	
YOUR NAME:	Central Christian Church
PHONE NUMBER:	254-681-5668
CURRENT ADDRESS:	1301 Trimmier, Killeen
ADDRESS OF PROPERTY OWNED:	1301 Trimmier, Killeen
"R-1" to "R-2"	
COMMENTS:	Approve - R2 and also approve RT-1 and SF 2
RECEIVED	
APR 25 2019	
PLANNING	
SIGNATURE:	Dore Huntz, Finance Com
SPO #Z19-07/13	

P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7630 FAX



## ZONING CASE #Z19-07: “R-1” TO “R-2”

PH-19-014

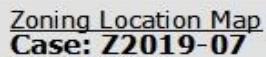
May 21, 2019



# Case #Z19-07: “R-1” to “R-2”

2

- Central Christian Church of Killeen (**Case #Z19-07**) submits a request to rezone approximately 4.72 acres out of the Nathan Halbert Survey, Abstract No. 389, from “R-1” (Single-Family Residential District) to “R-2” (Two-Family Residential District) for duplex development.
- The property is vacant and is located north of East Mary Jane Drive and south of Prather Drive.

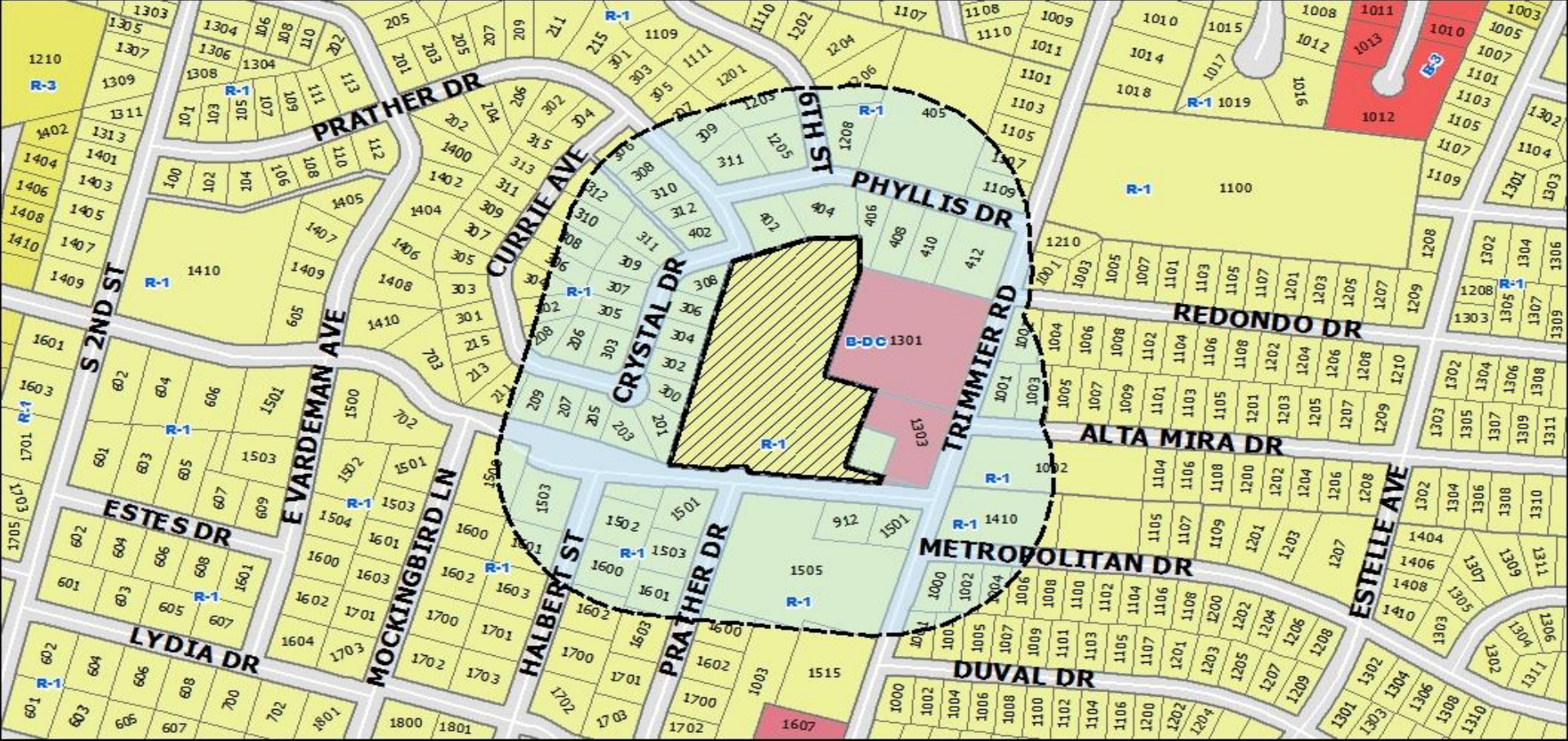


# Case #Z19-07: “R-1” to “R-2”

4

- ❑ The property is designated as ‘General Residential’ (GR) on the City’s Future Land Use Map (FLUM).
- ❑ The ‘General Residential’ designation encourages a mix of single-family types, public and institutional uses, parks and public spaces.
- ❑ The applicant’s request is consistent with the FLUM.





# Zoning Notification Plan

**Case: Z2019-07**

Council District: 3

FROM: R-1 TO R-2

1 inch = 333 feet

Subject Property Legal Description: A0389BC NATHAN HALBERT, 730-21-2, ACRES 4.72

## ZONING CHANGE MAP

### Legend



ZONING CASE LOCATION



400' NOTIFICATION AREA



# Case #Z19-07: “R-1” to “R-2”

6

- Staff notified seventy-nine (79) surrounding property owners within a four hundred feet (400') notification boundary.
- Staff received one (1) response of support and eight (8) responses of opposition from surrounding property owners.
- The Planning and Zoning Commission recommended approval of “SF-2” (Single-Family Residential District) in lieu of the applicant’s request for “R-2” (Two-family Residential) by a vote of 5 to 1. The applicant is amenable to this recommendation.



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-19-015A	<b>Version:</b>	1	<b>Name:</b>	FLUM 19-04
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	5/6/2019		<b>In control:</b>	City Council	
<b>On agenda:</b>	5/28/2019		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (Case #FLUM19-04) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' designation to a 'General Residential' designation for approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794. The property is addressed as 4402 Old FM 440, Killeen, Texas.				
<b>Sponsors:</b>	Planning & Development Dept				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Current FLUM Map</a> <a href="#">Location Map</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">Considerations</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		



## STAFF REPORT

**DATE**           **May 21, 2019**

**TO:**             **Ronald L. Olson, City Manager**

**FROM:**       **Dr. Ray Shanaa, AICP, Exec. Dir. of Planning and Development Services**

**SUBJECT:**   **Comprehensive Plan Future Land Use Map (FLUM) Amendment:  
                  'General Commercial' to 'General Residential'**

### **BACKGROUND AND FINDINGS:**

Quintero Engineering, L.L.C., submits this request on behalf of Andrea Weinstein to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' (GC) designation to a 'General Residential' (GR) designation for approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794. The property is addressed as 4402 Old FM 440, Killeen, Texas.

**Land Use Plan:** The property is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'General Commercial' designation encourages the following development types:

- A wide range of commercial retail and service uses, at varying scales and intensities;
- Office (both large and/ or multi-story buildings and small-scale office uses);
- Public/ institutional; and
- Parks and public spaces

If approved, the 'General Residential' (GR) designation encourages the following development types:

- Detached residential dwellings as a primary focus;
- Attached housing types subject to compatibility and open space standards (e.g. duplexes, townhomes, patio homes);
- Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards;
- Public/ institutional; and
- Parks and public spaces

The items below should be reviewed and addressed when a Future Land Use Map (FLUM) amendment is being considered:

- **Scope of Amendment:** Is the proposed map change limited to one or a few parcels, or would it affect a much larger area? ***The amendment request would affect approximately 5 acres, and is considered a small-scale amendment.***



- **Change in Circumstances:** What specific conditions (e.g., population size and/or characteristics, area character and building form, property/structure conditions, infrastructure or public services, market factors including need for more land in a particular designation, etc.) have changed sufficiently to render the current map designation(s) inappropriate or out-of-date? ***Staff is not aware of any specific conditions that render the current map inappropriate or out-of-date. The 'General Commercial' (GC) designation has been and continues to be appropriate for the Old FM 440 corridor. Therefore, based on historical commercial development, it appears that the current designation is reflective of the market conditions that drive private investment and commercial development in this neighborhood.***
  
- **Consistency with Other Plans:** In addition to the Comprehensive Plan, is the proposed map change consistent with the intent and policy direction of any applicable small area plans, utility or drainage plans, or other City plans? ***The proposed map change is not inconsistent with other City planning efforts (Water and Wastewater Master Plan, Thoroughfare Plan, Parks Master Plan).***
  
- **Adequate Information:** Do City staff, the Planning and Zoning Commission, and/or City Council have enough and appropriate information to move ahead with a decision (e.g., utility capacity, potential traffic impacts, other public service implications, resident/stakeholder concerns and input)? ***Staff has sufficient information regarding existing utility capacity and roadway level of service for this area. All development in this area will meet all applicable city requirements with regard to publically dedicated utility infrastructure and rights-of-way. At the time of development, the current drainage design manual (DDM) and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.***
  
- **Stakeholder Input:** What points, concerns, and insights have been raised by area residents, property owners, business owners, or others? ***With the exception of listing this action as a public hearing item on the Planning and Zoning Commission's agenda, there is no public notice requirement for this amendment action.***

#### **THE ALTERNATIVES CONSIDERED:**

The City Council may approve or disapprove the applicant's request, or the Council approve a more restrictive Future Land Use Map designation.

**Which alternative is recommended? Why?**

Staff recommends that the City Council disapprove the request. The subject area has ample residential dwellings options, but limited local business enterprises. Staff is of the determination that this tract will provide greater community benefit as currently designated.

**CONFORMITY TO CITY POLICY:**

This FLUM amendment request conforms to the City's policy as detailed in the Comprehensive Plan.

**FINANCIAL IMPACT:****What is the amount of the expenditure in the current fiscal year?**

This is not applicable at this time.

**For future years?**

The proposed FLUM amendment does not involve the expenditure of city funds; however, subsequent development and dedication of public infrastructure will involve the expenditure of maintenance funds over the life cycle of future development.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

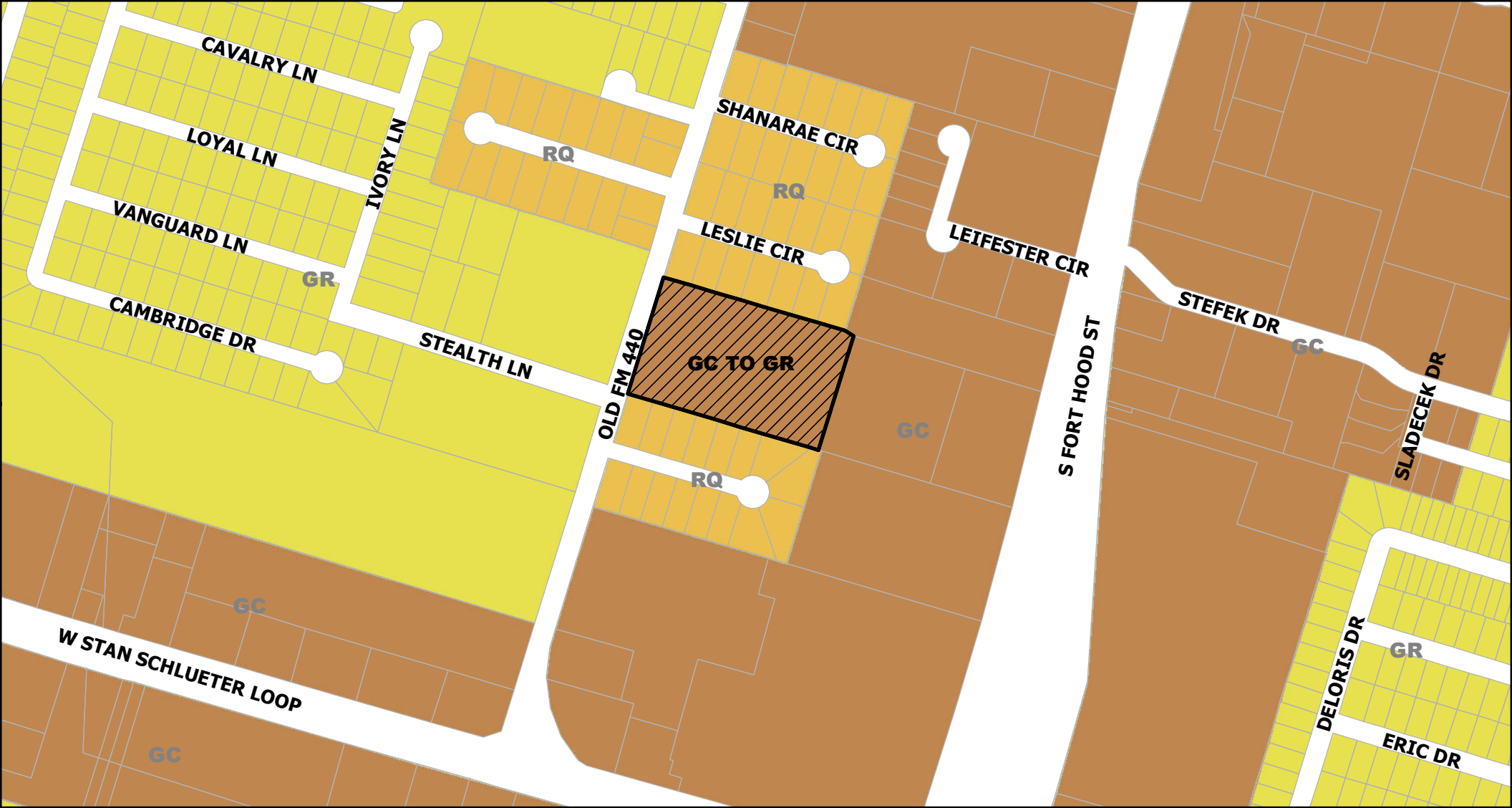
The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 3 to 2 (Commissioner Alvarez recused himself).

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Legal Department.

**ATTACHED SUPPORTING DOCUMENTS:**


Current FLUM  
Location Map  
Minutes  
Ordinance  
Considerations





FLUM Notification Plan  
**Case: FLUM AMENDMENT 2019-04**  
Council District: 3  
FROM: GC TO GR  
1 inch = 417 feet  
Subject Property Legal Description: A0794BC SP RR CO, ACRES 5.0


**FUTURE LANDUSE MAP**

**Legend**

 Killen City Limits

 Bell County Area

 FLUM Case Location



N  
E  
S  
W

1 inch = 417 feet





**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
MAY 6, 2019**

**FLUM #19-04  
'GC' to 'GR'**

**A. HOLD** a public hearing and consider a request submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' designation to a 'General Residential' designation for approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794. The property is addressed as 4402 Old FM 440, Killeen, Texas.

Commissioner Alvarez stepped away from the dais due to a potential conflict of interest.

Vice Chair Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that this is a two part request; the first part involves amending the Future Land Use Map. The Comprehensive Plan calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site. Staff is not aware of any specific conditions that render the current map inappropriate or out-of-date. The 'General Commercial' (GC) designation has been and continues to be appropriate for the Old FM 440 corridor. Therefore, based on historical commercial development, it appears that the current designation is reflective of the market conditions that drive private investment and commercial development in this neighborhood. The applicant's request is not consistent with the FLUM of the Comprehensive Plan. Staff did not support the applicant's request.

Mr. McIlwain stated that Staff recommended that the FLUM designation remains 'General Commercial' (GC) as this area has ample residential dwelling options, but limited local business enterprises. Staff is of the determination that this tract will provide greater community benefit as currently designated.

Mr. Pedro Quintero, 415 E. Avenue D, Killeen, Texas, was present to represent this request.

Vice Chair Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Cooper motioned to recommend approval of the request. Commissioner Gukeisen seconded. The motion passed 3 to 2, with Commissioners Payton and Ploeckelmann in opposition. Commissioner Alvarez abstained.

Vice Chair Latham stated that the request will be forwarded to City Council with a recommendation to approve.



**ORDINANCE\_\_\_\_\_**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP FROM 'GENERAL COMMERCIAL' TO 'GENERAL RESIDENTIAL' FOR APPROXIMATELY 5 ACRES FOR PROPERTY LOCATED AT 4402 OLD FM 440, KILLEEN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen finds that Chapter 213.003 of the Local Government Code enables municipalities to adopt and amend comprehensive plans in the interest of coordinating long-range development of the municipality.

**WHEREAS**, the Planning and Zoning Commission has received a request from Andrea Weinstein for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan, to change a 'General Commercial' designation to a 'General Residential' designation for 5 acres for the property located at 4402 Old FM 440, Killeen, Texas; said revision having been duly presented and recommended for approval of 'General Residential' by the Planning and Zoning Commission of the City of Killeen on the 6th day of May 2019, and due notice of the filing of said revision and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 28th day of May 2019, 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 amendment should be approved;

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

**SECTION I:** That the future land use designation of approximately 5 acres for property located at 4402 Old FM 440, Killeen, Texas, be amended from a 'General Commercial' designation to a 'General Residential' designation.

**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 28th day of May 2019, 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:**

---

**Jose L. Segarra**  
**MAYOR**

**ATTEST:**

---

**Lucy C. Aldrich**  
**CITY SECRETARY**

**APPROVED AS TO FORM**

---

**Kathryn H. Davis**  
**CITY ATTORNEY**

Case #: FLUM #19-04  
Ord#:19-\_\_\_\_

# CONSIDERATIONS

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

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

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## **B. Conditional Use Permit (if applicable)**

Whether the use is in 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.



CASE #FLUM19-04 'GC' TO 'GR'

PH-19-015A

May 21, 2019

## CASE #: FLUM19-04 'GC' TO 'GR'

2

- Andrea Weinstein submits this request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' designation to a 'General Residential' designation for 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794.
- The property is addressed as 4402 Old FM 440, Killeen, Texas.



# **FLUM LOCATION MAP**

**Case: FLUM AMENDMENT 2019-04**

Council District: 3

**GENERAL COMMERCIAL TO GENERAL RESIDENTIAL**

Subject Property Legal Description: A0794BC SP RR CO, ACRES 5.0

## **FUTURE LANDUSE LOCATION MAP**



**FLUM LOCATION**



1 inch = 3,333 feet

## CASE #: FLUM19-04 'GC' TO 'GR'

4

The 'General Commercial' designation encourages the following development types:

- ❑ A wide range of commercial retail and service uses, at varying scales and intensities;
- ❑ Office (both large and/ or multi-story buildings and small-scale office uses);
- ❑ Public/ institutional; and
- ❑ Parks and public spaces.





# FLUM Notification Plan

## Case: FLUM AMENDMENT 2019-04

Council District: 3  
FROM: GC TO GR

1 inch = 417 feet

Subject Property Legal Description: A0794BC SP RR CO, ACRES 5.0

## FUTURE LANDUSE MAP



Killen City Limits

Bell County Area

### Legend



FLUM Case Location



1 inch = 417 feet

## CASE #: FLUM19-04 'GC' TO 'GR'

6

If approved, the 'General Residential' designation encourages the following development types:

- ❑ Detached residential dwellings as a primary focus;
- ❑ Attached housing types subject to compatibility and open space standards;
- ❑ Planned developments; and
- ❑ Public/ institutional and Parks and public spaces.

## CASE #: FLUM19-04 'GC' TO 'GR'

7

- The staff recommended disapproval of the FLUM request, however, the Planning and Zoning Commission recommended approval of amending the FLUM from 'General Commercial' to 'General Residential' by a vote of 3 to 2; Commissioner Alvarez recused himself from the item.



# City of Killeen

## Legislation Details

---

**File #:** PH-19-015B    **Version:** 1    **Name:** Zoning 19-08  
**Type:** Ordinance/Public Hearing    **Status:** Public Hearings  
**File created:** 5/6/2019    **In control:** City Council  
**On agenda:** 5/28/2019    **Final action:**  
**Title:** HOLD a public hearing and consider an ordinance requested by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (Case #Z19-08) to rezone approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.  
**Sponsors:** Planning & Development Dept  
**Indexes:**  
**Code sections:**  
**Attachments:** [Staff Report](#)  
[Zoning and Notification Area Map](#)  
[Location Map](#)  
[Minutes](#)  
[Ordinance](#)  
[Considerations](#)  
[Response](#)  
[Presentation](#)

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		



## STAFF REPORT

**DATE:** May 21, 2019

**TO:** Ronald L. Olson, City Manager

**FROM:** Dr. Ray Shanaa, Exec. Dir. Of Planning and Development Services

**SUBJECT:** ZONING CASE #Z19-08 "B-3" (Local Business District) to "R-2" (Two-Family Residential District)

### **Background and Findings:**

This request is submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein (**Case #Z19-08**) to rezone approximately five (5) acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from "B-3" (Local Business District) to "R-2" (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.

### **"R-2" District Descriptions**

A building or premise in a district "R-2" Two-Family residential district shall be used only for the following purposes:

- (1) Any use permitted in district "R-1"
- (2) Two-Family dwellings.

### **Property Specifics:**

Applicant / Property Owner: Andrea Weinstein

Property Location: 4402 Old FM 440, Killeen, Texas.

Legal Description: Approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794

### **Zoning/ Plat Case History:**

- The property was rezoned from "R-1" (Single-Family Residential District) to "B-3" on May 8, 1990, per ordinance #90-24.
- The property is part of the S.P.R.R. Co. Survey, Abstract No. 794. The property is not platted.

### **Character of the Area:**

Existing Land Use(s) on the Property: The property is undeveloped.

Historic Properties: None

## **Community Infrastructure and Environmental Assessment:**

### **Water, Sewer and Drainage Services**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer and drainage utility services are located within the City of Killeen municipal utility service area and available to the subject tract. However, it will be necessary to extend public utility infrastructure to each lot, prior to the release of the lot(s) for residential construction purposes.

### **Transportation:**

Existing conditions: The lot is accessed via Old FM 440, which has been constructed as a 70' right-of-way collector.

Proposed Improvements: None

Projected Traffic Generation: A typical single-family home will generate ten (10) vehicle trips per day, so duplex units will effectively double that generation rate. Therefore, each lot, if constructed with a duplex, will generate twenty (20) vehicle trips per day [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

### **Environmental Assessment:**

The tract is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on-or-adjacent to the parcel. The terrain of the property slopes down in a north-eastwardly orientation with an observed elevation change from 990' to 980'.

### **Land Use Analysis:**

Future Land Use Map: This area is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The Comprehensive Plan calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

Consistency: The applicant's request is not consistent with the FLUM of the Comprehensive Plan.

### **Public Notification:**

Staff notified fifty-eight (58) surrounding property owners regarding this request and received one response of opposition from Douglas Aldrich, the owner of 904 Leifester Circle, Killeen, Texas.

## **THE ALTERNATIVES CONSIDERED:**

The City Council may approve or disapprove the applicant's zoning request, or approve a more restrictive zoning district than initially requested.

**Which alternative is recommended?** Staff recommends that the City Council disapprove the applicant's "R-2" zoning request.

**Why?** The request is not consistent with the FLUM of the Comprehensive Plan. Additionally, staff does not see long-term planning value in forgoing future economic (i.e. commercial) development of the site for additional rental housing that is already available within the surrounding community.

**CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This zoning request does not involve the expenditure of city funds.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

The Planning and Zoning Commission recommends approval of the applicant's "R-2" zoning request by a vote of 3 to 2 (Commissioner Alvarez recused himself).

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Zoning and notification area map

Location map

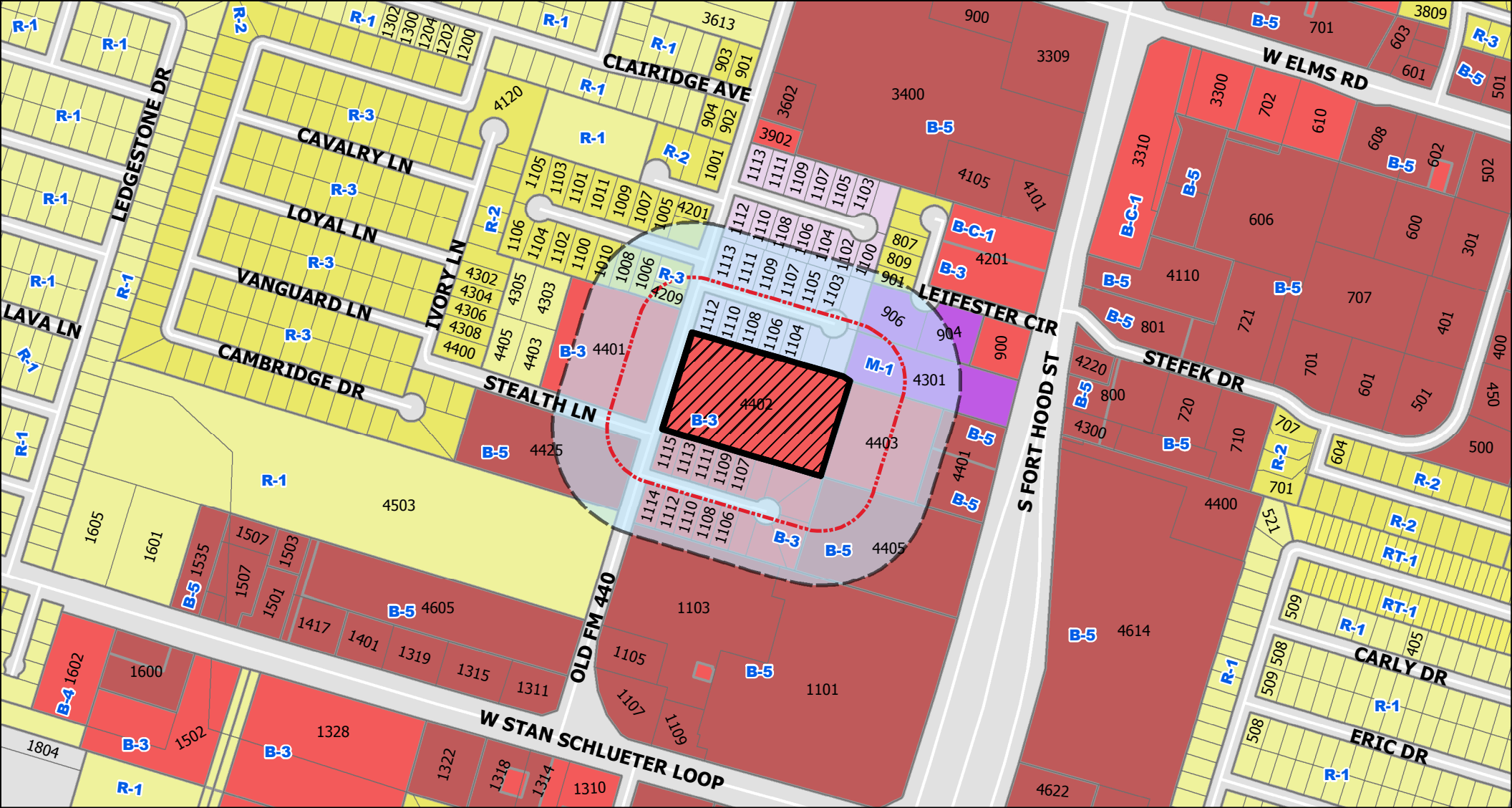
Minutes

Ordinance

Pharr vs. Tippitt

Response

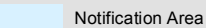







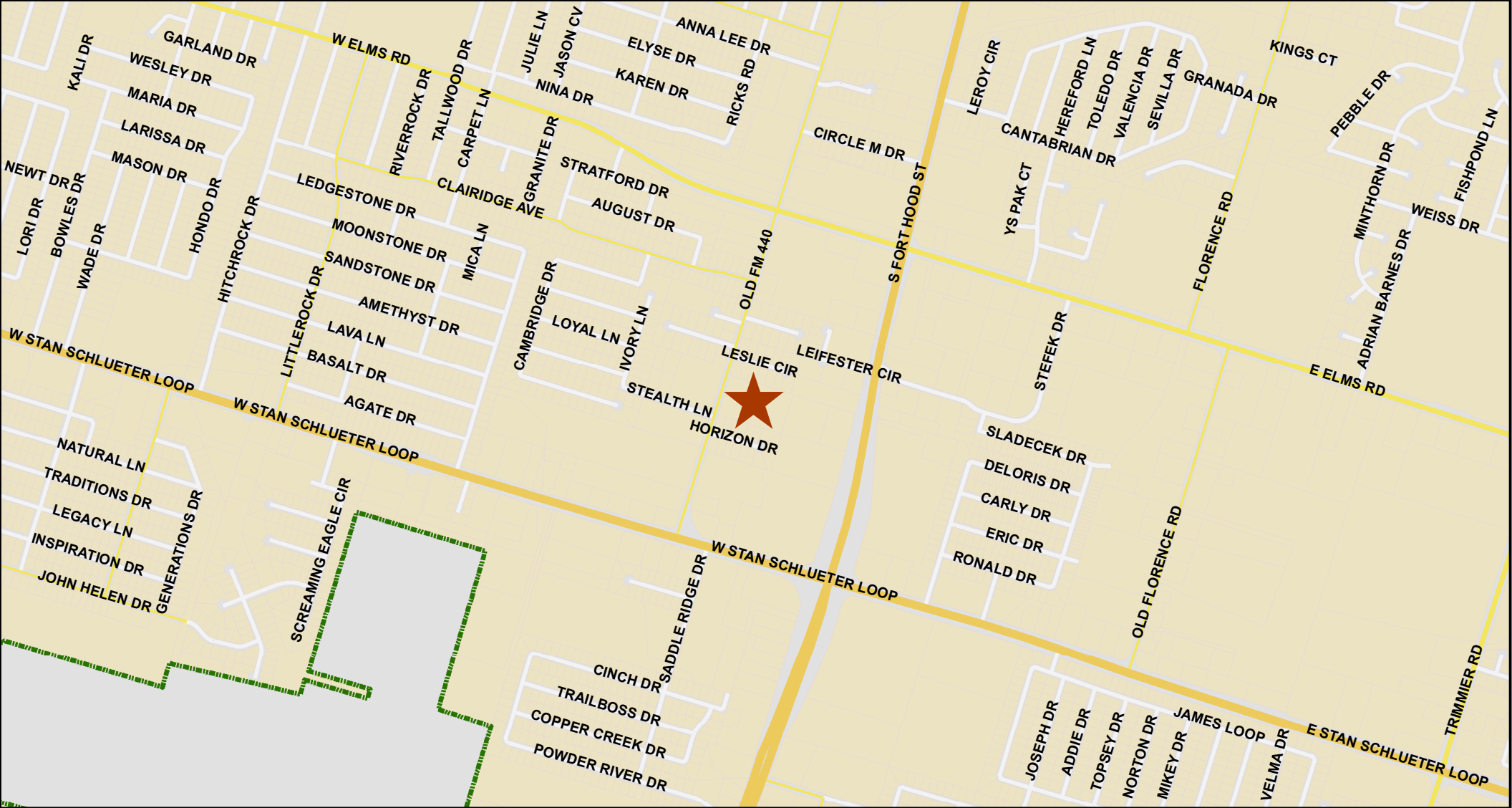
**Zoning Notification Plan**  
**Case: Z2019-08**  
 Council District: 3  
 FROM: B-3 TO R-2  
 1 inch = 500 feet  
 Subject Property Legal Description: A0794BC SP RR CO, ACRES 5.0

**ZONING CHANGE MAP**

**Legend**

 Notification Area
  ZONING CASE LOCATION
  Z19-08 200'





**Zoning Location Map**  
**Case: Z2019-08**

Council District: 3  
FROM: B-3 TO R-2  
1 inch = 1,250 feet  
Subject Property Legal Description: A0794BC SP RR CO, ACRES 5.0

**LOCATION MAP**



**Zoning Case Location**



**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
MAY 6, 2019**

**CASE #Z19-08  
“B-3” to “R-2”**

**B. HOLD** a public hearing and consider a request submitted by Quintero Engineering, L.L.C. on behalf of Andrea Weinstein to rezone approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from “B-3” (Local Business District) to “R-2” (Two-Family Residential District). The property is addressed as 4402 Old FM 440, Killeen, Texas.

Commissioner Alvarez stepped away from the dais due to a potential conflict of interest.

Vice Chair Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that this is the second part of the request. The applicant is requesting to rezone property from “B-3” to “R-2”. Staff is of the determination that this tract of land is zoned appropriately. This area has ample multi-family dwellings, but limited local small-scale commercial establishments. Therefore, the community would better benefit from local business use of this site.

Mr. McIlwain stated that Staff recommended disapproval of the applicant’s “R-2” zoning request as it is not consistent with the FLUM of the Comprehensive Plan. Additionally, staff does not see long-term planning value in forgoing future economic (i.e. commercial) development of the site for additional rental housing that is already available within the surrounding community.

Staff notified fifty-eight (58) surrounding property owners regarding this request. One response in opposition was received from Mr. Douglas W. Aldrich.

Mr. Pedro Quintero, 415 E. Avenue D, Killeen, Texas, was present to represent this request.

Vice Chair Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Cooper motioned to recommend approval of the request. Commissioner Gukeisen seconded. The motion passed 3 to 2, with Commissioners Payton and Ploeckelmann in opposition. Commissioner Alvarez abstained.

Vice Chair Latham stated that the request will be forwarded to City Council with a recommendation to approve.

Commissioner Alvarez returned to the dais.

## **ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APROXIMATELY 5 ACRES OUT OF THE S.P.R.R. Co. SURVEY, ABSTRACT NO. 794, FROM “B-3” (LOCAL BUSINESS DISTRICT) TO “R-2” (TWO FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Quintero Engineering, L.L.C. on behalf of Andrea Weinstein, 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 approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from “B-3” (Local Business District) to “R-2” (Two Family Residential District), said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6th day of May 2019, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 28th day of May 2019, 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 majority opinion that the applicant’s zoning request should be approved as recommended by the Planning and Zoning Commission;

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

**SECTION I.** That the zoning classification of approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794, be changed from “B-3” (Local Business District)

to “R-2” (Two Family Residential District) for the property addressed as 4402 Old FM 440, 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 28th day of May 2019, 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:**

---

**Jose L. Segarra, MAYOR**

**ATTEST:**

---

**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

---

**Kathryn H. Davis, City Attorney**

Case #19-08

Ord. #19-\_\_\_\_

# CONSIDERATIONS

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

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

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## **B. Conditional Use Permit (if applicable)**

Whether the use is in 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.

-----CUT HERE-----

YOUR NAME: Douglas W. Aldrich

PHONE NUMBER: 254-289-5909

CURRENT ADDRESS:

ADDRESS OF PROPERTY OWNED: 904 Leifester Circle

"B-3" to "R-2"

COMMENTS:

I Oppose the Rezone from B-3 to R-2. Crime Rate is bad enough in this Area. This will Also Decrease the value of my Property.

RECEIVED

MAY 03 2019

SIGNATURE:

Douglas W. Aldrich

SPO #Z19108/

PLANNING





## ZONING CASE #Z19-08: “B-3” TO “R-2”

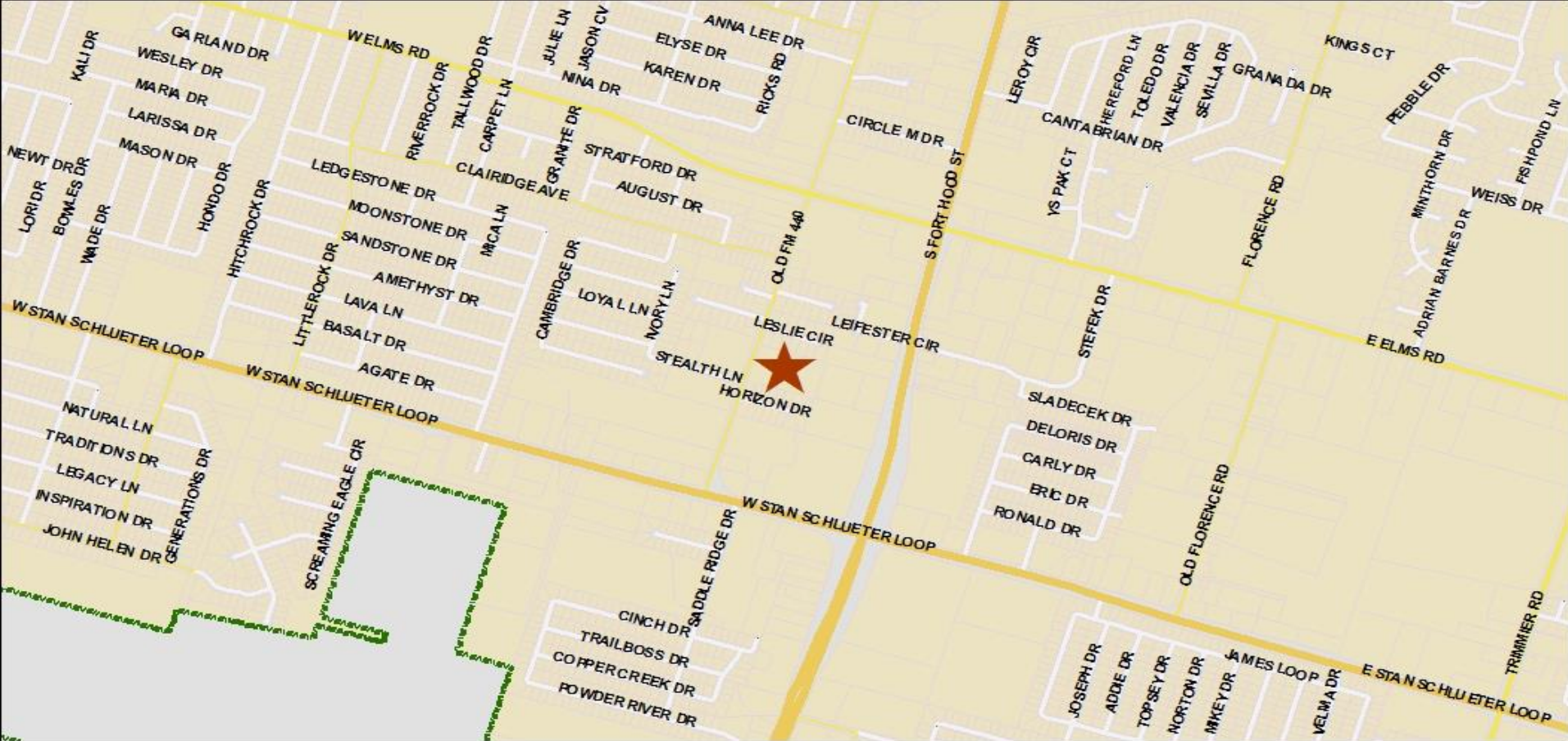
PH-19-015B

May 21, 2019

# Case # Z19-08: “B-3” to “R-2”

2

- Andrea Weinstein (**Case #Z19-08**) has requested to rezone approximately 5 acres out of the S.P.R.R. Co. Survey, Abstract No. 794, from “B-3” (Local Business District) to “R-2” (Two-Family Residential District).for duplex development.
- The property is addressed as 4402 Old FM 440, Killeen, Texas.



## Zoning Location Map

**Case: Z2019-08**

Council District: 3

FROM: B-3 TO R-2

1 inch = 1,250 feet

Subject Property Legal Description: A0794BC SP RR CO, ACRES 5.0

## LOCATION MAP



**Zoning Case Location**

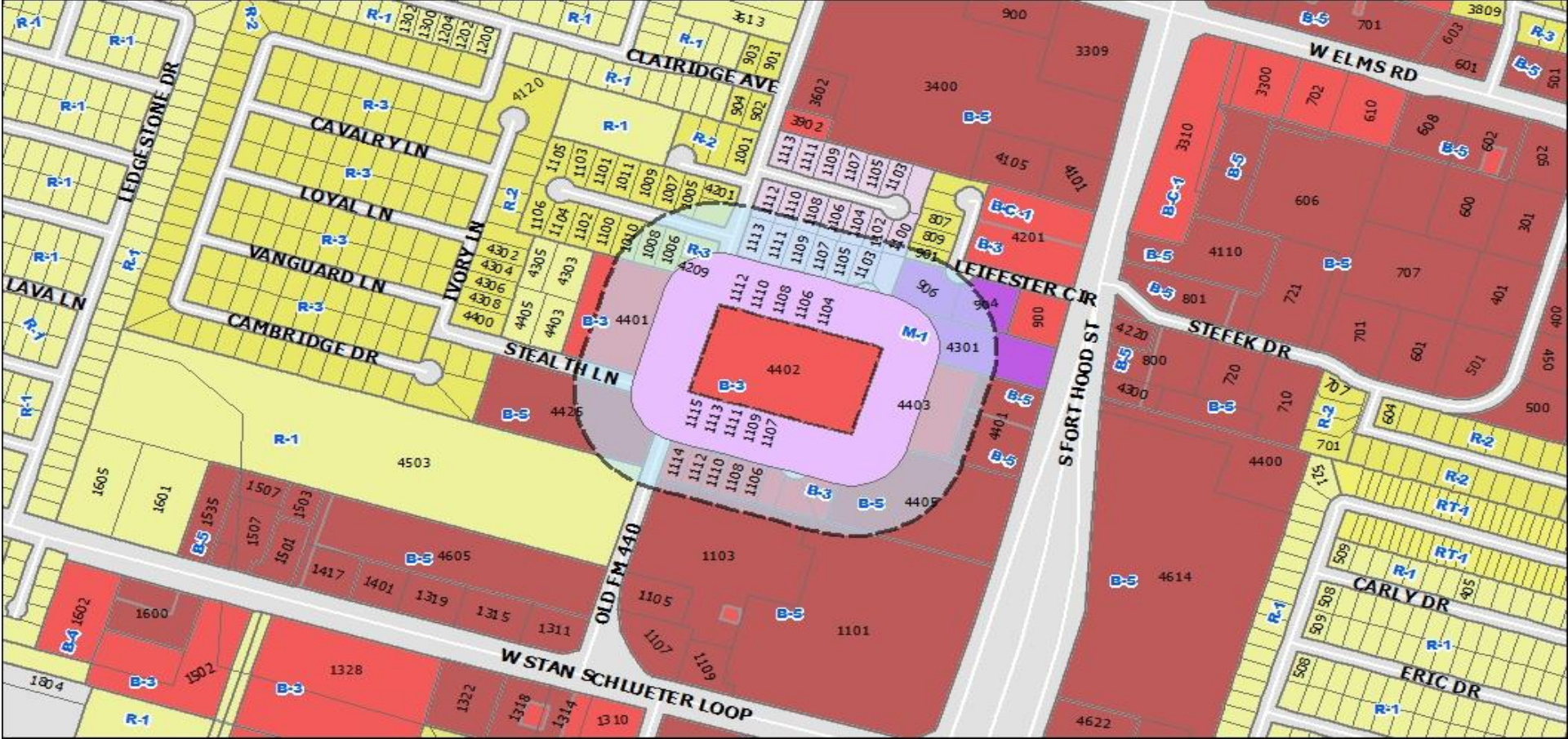


# Case # Z19-08: “B-3” to “R-2”

4

- The property is designated as ‘General Commercial’ (GC) on the City’s Future Land Use Map (FLUM).
- The ‘General Commercial’ designation encourages a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.
- Staff does not recommend any change to the FLUM due to the current land use being appropriate.





## Zoning Notification Plan

**Case: Z2019-08**

Council District: 3

FROM: B-3 TO R-2

1 inch = 500 feet

Subject Property Legal Description: A0794BC SP RR CO, ACRES 5.0

## ZONING CHANGE MAP

### Legend



ZONING CASE LOCATION



Notification Area



# Case # Z19-08: “B-3” to “R-2”

6

- Staff notified fifty-eight (58) surrounding property owners within a four hundred feet (400') notification boundary.
- Staff received one (1) response of opposition from the surrounding property owners.
- Staff recommended disapproval of the applicant's request, however, the Planning and Zoning Commission recommended approval of the applicant's request for “R-2” (Two-family Residential) zoning by a vote of 3 to 2; Commissioner Alvarez recused himself from the item.



# City of Killeen

## Legislation Details

<b>File #:</b>	PH-19-016	<b>Version:</b>	1	<b>Name:</b>	Zoning 19-09
<b>Type:</b>	Ordinance/Public Hearing		<b>Status:</b>	Public Hearings	
<b>File created:</b>	5/6/2019		<b>In control:</b>	City Council	
<b>On agenda:</b>	5/28/2019		<b>Final action:</b>		
<b>Title:</b>	HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Neimac, L.C. (Case #Z19-09) to rezone Lot 1, Block 1, Neimac Addition Phase Four, from “B-3” (Local Business District) to “B-4” (Business District). The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.				
<b>Sponsors:</b>	Planning & Development Dept				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">Staff Report</a> <a href="#">Zoning and Notification Area Map</a> <a href="#">Location Map</a> <a href="#">Minutes</a> <a href="#">Ordinance</a> <a href="#">Considerations</a> <a href="#">Responses</a> <a href="#">Presentation</a>				

Date	Ver.	Action By	Action	Result
5/21/2019	1	City Council Workshop		





## STAFF REPORT

**DATE:** May 21, 2018

**TO:** Ronald L. Olson, City Manager

**FROM:** Dr. Ray Shanaa, Exec. Dir. Of Planning and Development Services

**SUBJECT:** ZONING CASE #Z19-09: "B-3" (Local Business District) to "B-4" (Business District)

### **Background and Findings:**

This request, submitted by Mitchell & Associates, Inc. on behalf of Neimac, L.C. is to rezone Lot 1, Block 1, Neimac Addition Phase Four, from "B-3" (Local Business District) to "B-4" (Business District) for an automotive service center. The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.

### **"B-4" Business District Description**

A building or premises in the district "B-4" Business district shall be used only for the following purposes:

- (1) Any use permitted in the "B-3" district.
- (2) Trailer rental and sales.
- (3) Auto sales. Where the major business is the showroom display and sale of new automobiles by an authorized dealer and used car sales, repair work and storage facilities on the same premises shall be purely incidental; provided, that the area allowed for the repair and storage of cars shall not be nearer than twenty (20) feet from the required front line of the principal building.
- (4) Auto sales. Used cars; no salvage, dismantling or wrecking on premises; no display of vehicles in required front yard; junked vehicles must be placed behind a screening device.
- (5) Commercial parking (public garage or parking lot).
- (6) Auto upholstery or muffler shop.
- (7) Auto repair (garage), with on-site junked vehicles being enclosed within a building.
- (8) Cold storage plant (locker rental).
- (9) Building material or lumber sales (no outside storage).
- (10) Cleaning, pressing and dyeing:
  - a. No direct exterior exhaust from cleaning plant permitted.
  - b. Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.
- (11) Garden shop, greenhouse or nursery (retail).
- (12) Ballpark, stadium, athletic field (private).
- (13) Philanthropic institutions (not elsewhere listed).
- (14) Cabinet, upholstery, woodworking shop.
- (15) Plumbing, electrical, air conditioning service shop (no outside storage).

(16) Trade or business school.

(17) Garment manufacturing in a space of four thousand (4,000) square feet or less, with all loading and unloading off-street.

### **Property Specifics:**

Applicant / Property Owner: Neimac L.C.

Property Location: The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.

Legal Description: Lot 1, Block 1, Neimac Addition Phase Four

### **Zoning/ Plat Case History:**

- The property was rezoned from its initial annexation, December 23, 1986, zoning of "R-1" (Single-Family Residential District) to "B-3" (Local Business District) on November 10, 2009, per Ordinance #09-073.
- The subject property is platted as Lot 1, Block 1, Neimac Addition Phase Four, which was filed for record on August 21, 2013, Plat #14, Plat Records of Bell County, Texas.

### **Character of the Area:**

Existing Land Use(s) on the Property: Vacant lot.

Historic Properties: None

### **Community Infrastructure and Environmental Assessment:**

#### **Water, Sewer and Drainage Services**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: There is an existing 6" water line and 6" sewer line located along the east property line of this lot. Upon development, it will be necessary to extend water, sanitary sewer and drainage utility services to the property.

#### **Transportation:**

Existing Conditions: The property has approximately 46' of frontage along West Stan Schlueter Loop (FM 3470), which is classified as a 120' principal arterial, and 240' of frontage along Founders Trail, which is classified as a 70' collector on the City's adopted Thoroughfare Plan.

Proposed Improvements: No roadway improvements are being proposed.

Projected Traffic Generation: A standard three thousand square feet (3,000 sq. ft.) automobile care center will generate seventy one (71) total daily trips, with seven (7) A.M. peak hour trips and nine (9) P.M. peak hour trips [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-10th Edition, provided through Spack Consulting].

#### **Environmental Assessment:**

The tract is not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel. The terrain of the property slopes down in a

south western direction and sheet flows into Founders Trail. At the time of development the current drainage design manual (DDM) and infrastructure design and development standards will be applicable to this site. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

### **Land Use Analysis:**

Future Land Use Map: This area is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The Comprehensive Plan calls for a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.

Consistency: The applicants zoning request is consistent with the Comprehensive Plan.

### **Public Notification:**

Staff notified thirty-one (31) surrounding property owners that own land within 400 feet of the subject site regarding this request. Staff received opposition from two (2) property owners regarding the applicant's zoning request.

### **THE ALTERNATIVES CONSIDERED:**

The City Council may approve or disapprove the applicant's zoning request, or approve a more restrictive zoning district than initially requested.

**Which alternative is recommended?** Staff recommends the City Council approve the applicant's zoning request as submitted.

**Why?** The applicant's request is consistent with the FLUM and the "B-4" zoning district is not out of character within the FM 3470 corridor.

### **CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

### **FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This zoning request does not involve the expenditure of city funds.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

The Planning and Zoning Commission recommended approval of the rezone request from "B-3" (Local Business District) to "B-4" (Business District) by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal staff.

**ATTACHED SUPPORTING DOCUMENTS:**

Zoning and notification area map

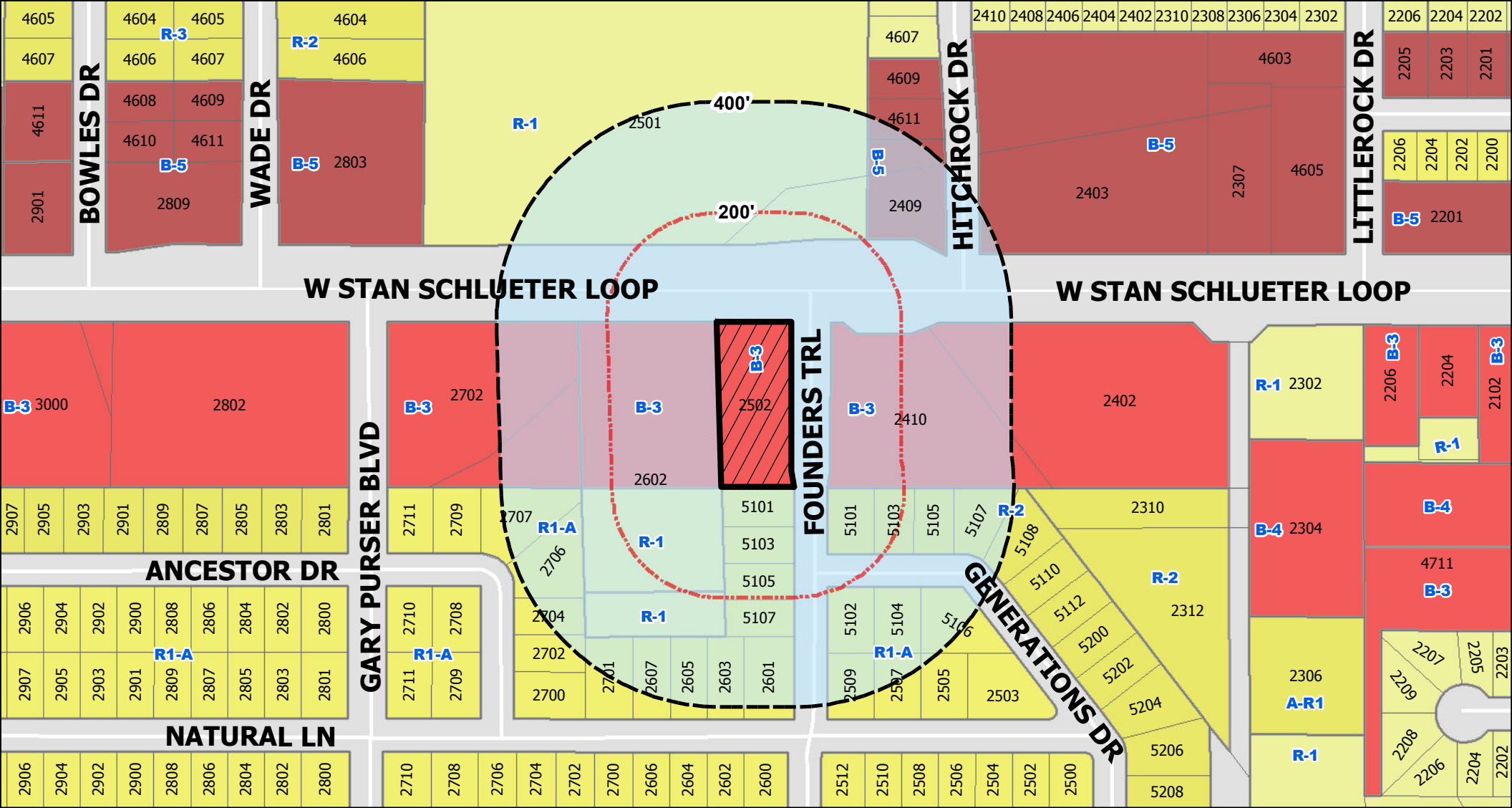
Location map

Minutes

Ordinance

Considerations

Responses



## Zoning Notification Plan

### Case: Z2019-09

Council District: 4




FROM: B-3 TO B-4

1 inch = 250 feet

Subject Property Legal Description: NEIMAC ADDITION PHASE FOUR, BLOCK 001, LOT 0001, ACRES 0.9

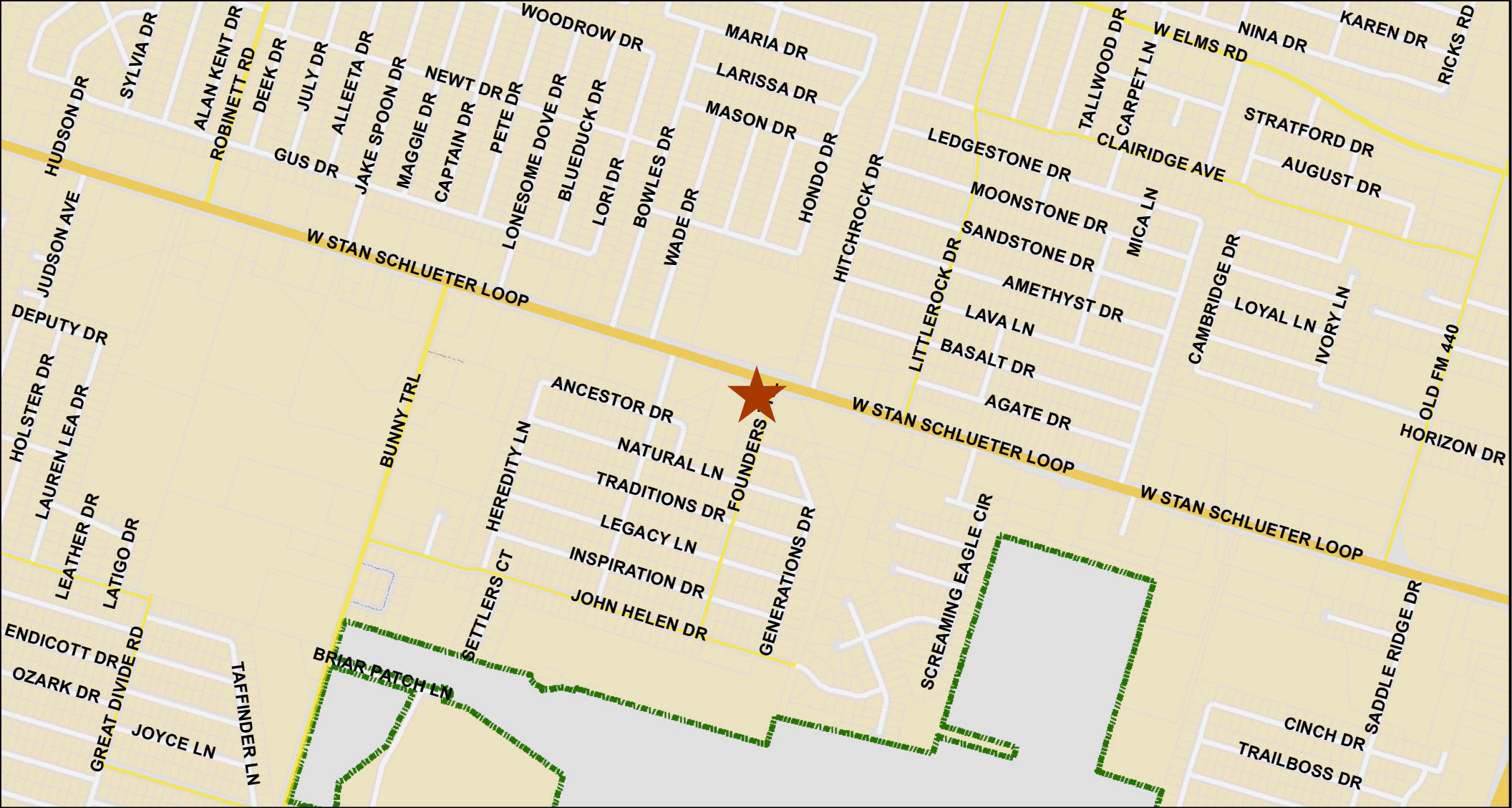
## ZONING CHANGE MAP

### Legend

-  ZONING CASE LOCATION
-  200' NOTIFICATION AREA
-  400' NOTIFICATION AREA







**Zoning Location Map**  
**Case: Z2019-09**

Council District: 4  
FROM: B-3 TO B-4  
1 inch = 1,042 feet

Subject Property Legal Description: NEIMAC ADDITION PHASE FOUR, BLOCK 001, LOT 0001, ACRES 0.9

**LOCATION MAP**



**Zoning Case Location**



**MINUTES  
PLANNING AND ZONING COMMISSION MEETING  
MAY 6, 2019**

**CASE #Z19-09  
“B-3” to “B-4”**

**HOLD** a public hearing and consider a request submitted by Mitchell & Associates, Inc. on behalf of Neimac, L.C. to rezone Lot 1, Block 1, Neimac Addition Phase Four, from “B-3” (Local Business District) to “B-4” (Business District). The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.

Vice Chair Latham requested staff comments.

Assistant Director, Tony McIlwain, stated that the property was rezoned from its initial annexation, December 23, 1986, zoning of “R-1” (Single-Family Residential District) to “B-3” (Local Business District) on November 10, 2009. He also stated that the subject property was platted and was filed for record on August 21, 2013.

Mr. McIlwain also stated that Staff recommended approval of the rezone request from “B-3” (Local Business District) to “B-4” (Business District). The “B-4” zoning district allows the proposed use.

Staff notified thirty-one (31) surrounding property owners that own land within 400 feet of the subject site regarding this request. Two responses in opposition were received by staff from Mr. Juan J. Vazquez Pagan and from Ray and Martha Castorena.

Mr. Ace Reneau, 102 N. College Street, Killeen, Texas, was present to represent this request.

Mr. Giovanni Izary, 2809 Alpine Fir Road, Harker Heights, Texas, was also present to represent this request.

Mr. Jack Smith, 3005 Sun Temple Circle, Copperas Cove, Texas, spoke in support of the request.

Vice Chair Latham opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Payton motioned to recommend approval of the request. Commissioner Cooper seconded. The motion passed 6 to 0.

Vice Chair Latham stated that the request will be forwarded to City Council with a recommendation to approve.



## **ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF LOT 1, BLOCK 1, NEIMAC ADDITION PHASE FOUR, FROM “B-3” (LOCAL BUSINESS DISTRICT) TO “B-4” (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Mitchell & Associates, Inc. on behalf of Neimac L.C., 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 Lot 1, Block 1, Neimac Addition Phase Four, from “B-3” (Local Business District) to “B-4” (Business District), said request having been duly recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 6th day of May 2019, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 28th day of May 2019, 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 majority opinion that the applicant’s zoning request should be approved as recommended by the Planning and Zoning Commission;

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

**SECTION I.** That the zoning classification of Lot 1, Block 1, Neimac Addition Phase Four, be changed from “B-3” (Local Business District) to “B-4” (Business District) for the property addressed as 2502 W. Stan Schlueter Loop, 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 28th day of May 2019, 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:**

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**Jose L. Segarra, MAYOR**

**ATTEST:**

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**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Kathryn H. Davis, City Attorney**

Case #19-09

Ord. #19-\_\_\_\_

# CONSIDERATIONS

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

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

Is the request in accordance with the comprehensive plan?

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

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

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

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

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

Whether there have been substantially changed conditions in the neighborhood.

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

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

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

## **B. Conditional Use Permit (if applicable)**

Whether the use is in 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.

CUT HERE

YOUR NAME:	Juan J. Varquez Pagan	PHONE NUMBER:	(254) 285-4833
CURRENT ADDRESS:	5101 Founders TRAIL Killeen, TX 76549		
ADDRESS OF PROPERTY OWNED:	5101 Founder TRAIL		
"B-3" to "B-4"			
COMMENTS:	I oppose to the construction of the Auto Service Center. This is close to my residence on Founders TRAIL. Even though the road is wide, it will cause more hazard to nearby residents. The Elementary school will be a hazard to the families & students. GPA / oil is a potential hazard to residents.		
SIGNATURE:	Juan J. Pagan	SPO #Z19-09/	MAY 08 2019

PLANNING

P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX

CUT HERE

YOUR NAME:	Ray & MARTHA CASTORENA	PHONE NUMBER:	
CURRENT ADDRESS:	2505 Natural Lane Killeen, TX 76549		
ADDRESS OF PROPERTY OWNED:	Same AS ABOVE		
"B-3" to "B-4"			
COMMENTS:	We oppose of an auto service center in a B3 to B4. This is across from a school / Elementary school / speed limit / 35 mph school zone. Founders trail is a wide road / some residents exceed the speed in a residential area & couple with auto service / cars parked everywhere adjacent to this major highway & Founders Street. Hazard of oil & other contaminants & more unknown people & more possible crime.		
SIGNATURE:	Ray Castorena	SPO #Z19-09/	16

RECEIVED

P.O. BOX 1329 · KILLEEN, TEXAS 76540-1329 · 254.501.7630 · 254.501.7628 FAX  
WWW.KILLEENTEXAS.GOV

PLANNING



## ZONING CASE #Z19-09: “B-3” TO “B-4”

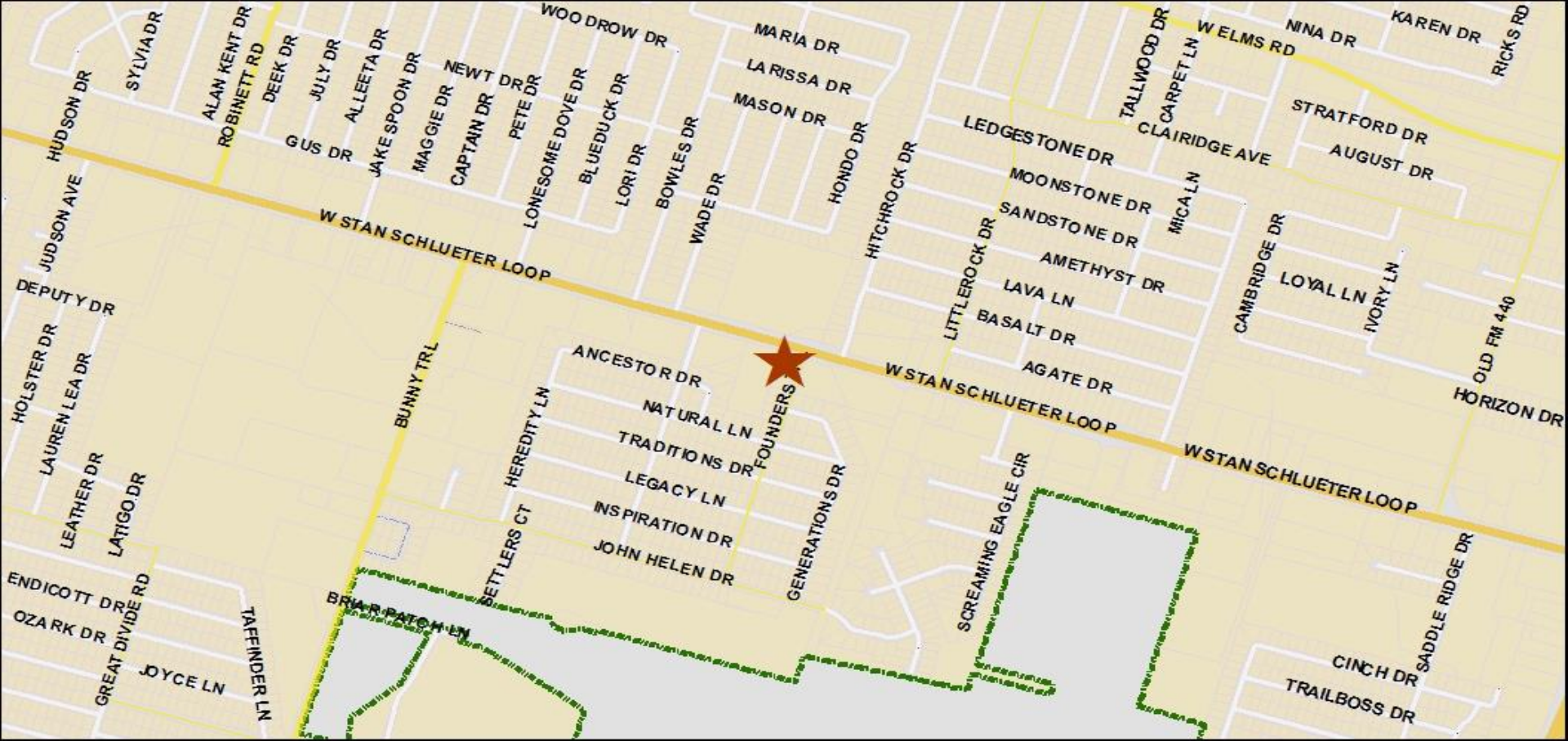
PH-19-016

May 21, 2019

# Case # Z19-09: “B-3” to “B-4”

2

- Neimac, L.C. (**Case #Z19-09**) has requested to rezone Lot 1, Block 1, Neimac Addition Phase Four, from “B-3” (Local Business District) to “B-4” (Business District) for an automotive service center.
- The property is addressed as 2502 W. Stan Schlueter Loop, Killeen, Texas.



**Zoning Location Map**  
**Case: Z2019-09**

Council District: 4  
FROM: B-3 TO B-4  
1 inch = 1,042 feet

Subject Property Legal Description: NEIMAC ADDITION PHASE FOUR, BLOCK 001, LOT 0001, ACRES 0.9

**LOCATION MAP**



**Zoning Case Location**

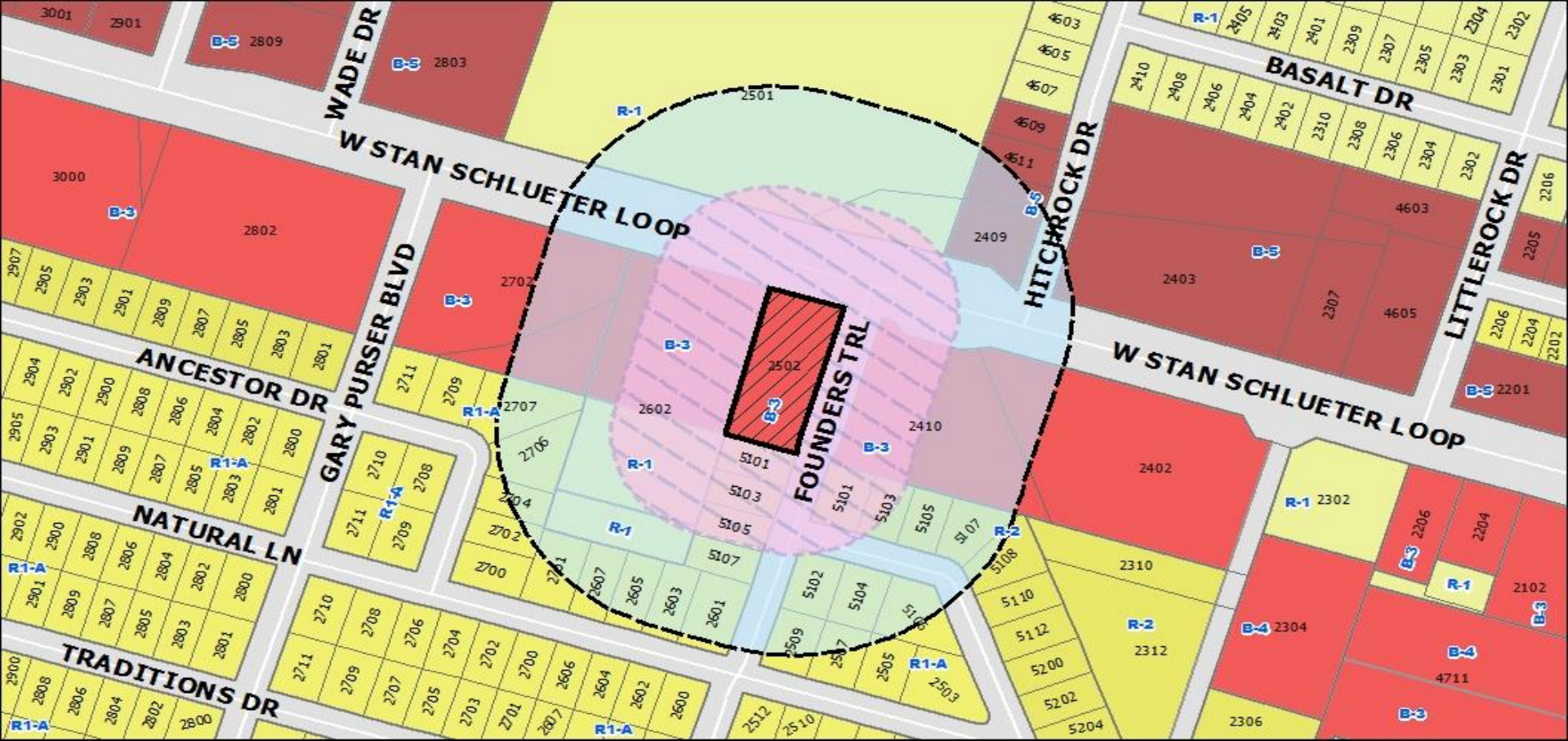




# Case # Z19-09: “B-3” to “B-4”

4

- The property is designated as ‘General Commercial’ (GC) on the City’s Future Land Use Map (FLUM).
- The ‘General Commercial’ designation encourages a wide range of commercial, retail and service uses, at varying scales and intensities depending on the site.



# **Zoning Notification Plan**

**Case: Z2019-09**

Council District: 4




FROM: B-3 TO B-4

1 inch = 250 feet

Subject Property Legal Description: NEIMAC ADDITION PHASE FOUR, BLOCK 001, LOT 0001, ACRES 0.9

## **ZONING CHANGE MAP**

### **Legend**

-  ZONING CASE LOCATION
-  200' NOTIFICATION AREA
-  400' NOTIFICATION AREA



# Case # Z19-09: “B-3” to “B-4”

6

- ❑ Staff notified thirty-one (31) surrounding property owners within a four hundred feet (400') notification boundary.
- ❑ Staff received two (2) responses of opposition from surrounding property owners.
- ❑ The Planning and Zoning Commission recommended approval of the applicant's request for “B-4” (Business District) zoning by a vote of 6 to 0.