



# City of Killeen

## Agenda

### City Council

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Tuesday, May 10, 2022

5:00 PM

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

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#### Call to Order and Roll Call

|                             |                      |
|-----------------------------|----------------------|
| ___ Debbie Nash-King, Mayor | ___ Mellisa Brown    |
| ___ Rick Williams           | ___ Nina Cobb        |
| ___ Riakos Adams            | ___ Jessica Gonzalez |
| ___ Michael Boyd            | ___ Ken Wilkerson    |

#### Invocation

#### Pledge of Allegiance

#### Approval of Agenda

#### Citizen Comments

*This section allows members of the public to address the Council regarding any item(s), other than a public hearing item, on the agenda for Council's consideration. Each person shall sign up in advance, may speak only one time, and such address shall be limited to four (4) minutes. The Presiding Officer may allow a one (1) minute extension, if requested at the end of the original three (3) minute period. A majority vote of the City Council is required for any other time extensions.*

#### Consent Agenda

1. [MN-22-011](#) Consider Minutes of Regular City Council Meeting of April 12, 2022.
2. [RS-22-058](#) Consider a memorandum/resolution approving a professional services agreement with Meeting the Challenge, A CP&Y Company, for consulting services related to Americans with Disabilities Act compliance in the amount of \$197,710.  
**Attachments:** [Agreement](#)  
[Certificate of Interested Parties](#)  
[Presentation](#)
3. [RS-22-059](#) Consider a memorandum/resolution approving an operating authority application for From Ten Til Two Limousine Bus, LLC.  
**Attachments:** [Application](#)  
[Presentation](#)

**Ordinances**

4. [OR-22-007](#) Consider an ordinance amending the Code of Ordinances Chapter 6 Animals, adopting miniature swine regulations.

Attachments: [Ordinance](#)  
[Presentation](#)

**Public Hearings**

5. [PH-22-032](#) HOLD a public hearing and consider an ordinance requested by Killeen Engineering and Surveying, Ltd. on behalf of JOF Developers (Case #FLUM 22-14) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 2.90 acres out of the James Cook Survey, Abstract No. 161. The property is locally addressed as 5601 Clear Creek Road, Killeen, Texas.

Attachments: [Maps](#)  
[Site Photos](#)  
[Minutes](#)  
[TXDOT Letter](#)  
[Ordinance](#)  
[Presentation](#)

6. [PH-22-033](#) HOLD a public hearing and consider an ordinance requested by Eugene Kim on behalf of G3 JS Investments, LLC (Case #FLUM 22-13) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation for approximately 4.289 acres out of the A. Thompson Survey, Abstract No. 813. The property is locally addressed as 905 W. Hallmark Avenue, Killeen, Texas.

Attachments: [Maps](#)  
[Minutes](#)  
[Ordinance](#)  
[Presentation](#)

7. [PH-22-034](#) HOLD a public hearing and consider an ordinance requested by Eugene Kim on behalf of G3 JS Investments, LLC (Case #Z22-18) to rezone approximately 2.94 acres out of the A. Thompson Survey, Abstract No. 813, from "R-3" (Multifamily Residential District) to "B-3" (Local Business District). The property is locally addressed as 905 W. Hallmark Avenue, Killeen, Texas.

Attachments: [Maps](#)  
[Site Photos](#)  
[Minutes](#)

[Ordinance](#)[Considerations](#)[Presentation](#)

8. [PH-22-035](#) HOLD a public hearing and consider an ordinance requested by Mitchell & Associates on behalf of Jerome Gomer (Case #FLUM 22-15) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365. The property is locally addressed as 10225 and 10335 Trimmier Road, Killeen, Texas.

Attachments: [Maps](#)

[Minutes](#)[Ordinance](#)[Response](#)[Presentation](#)

9. [PH-22-036](#) HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Jerome Gomer (Case #Z22-20) to rezone approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365, from "A-R1" (Agricultural Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is locally addressed as 10225 and 10335 Trimmier Road, Killeen, Texas.

Attachments: [Maps](#)

[Site Photos](#)[Minutes](#)[Ordinance](#)[Response](#)[Considerations](#)[Presentation](#)

## Discussion Items

10. [DS-22-060](#) Discuss Scheduling of ARPA Grant Funding for Small Business Review.

## 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 6, 2022.*

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.*

- *Military Relations Luncheon, May 6, 2022, 11:30 a.m., National Mounted Warrior Museum*
- *Bell County Police Memorial Ceremony, May 10, 2022, 10:00 a.m., Killeen Police Headquarters*
- *Opening Day for Baseball Season, May 14, 2022, 12:00 p.m., Lions Club Park - Field 7*
- *Killeen Elementary Time Capsule Ceremony, May 18, 2022, 8:15 a.m., Killeen Elementary School*
- *Killeen Citizen's Academy Graduation, May 19, 2022, 6:00 p.m., Killeen Civic and Conference Center*
- *75th Killeen Rodeo, May 19-21, 2022, 7:30 p.m., Killeen Rodeo Grounds*
- *Harge's Commanders of the Rite for Scottish Rite Masonry Banquet, May 21, 2022, 6:00 p.m., Phantom Warrior Center*
- *Phantom Honors Welcome Ceremony, May 26, 2022, 9:30 a.m., III Corps Headquarters, Fort Hood*
- *Chaparral High School Dedication Ceremony, August 4, 2022, 6:00 p.m., Chaparral High School*
- *Chaparral High School First Day of School, August 15, 2022, 8:45 a.m., Chaparral High School*

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





# City of Killeen

## Staff Report

**File Number: MN-22-011**

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|   |                       |            |                       |              |            |
|---|-----------------------|------------|-----------------------|--------------|------------|
| 1 | City Council Workshop | 05/03/2022 | Reviewed and Referred | City Council | 05/10/2022 |
|---|-----------------------|------------|-----------------------|--------------|------------|

Consider Minutes of Regular City Council Meeting of April 12, 2022.

**City of Killeen**  
City Council Meeting  
Killeen City Hall  
April 12, 2022 at 5:00 p.m.

Presiding: Mayor Debbie Nash-King

Attending: Councilmembers Jessica Gonzalez, Riakos Adams, Nina Cobb, Michael Boyd, Ken Wilkerson, Rick Williams, and Mellisa Brown

Also attending were City Manager Kent Cagle, City Attorney Traci Briggs, City Secretary Lucy Aldrich, and Sergeant-at-Arms Bransom

Councilmember Boyd gave the invocation. Councilmember Williams led everyone in the Pledge of Allegiance.

**Approval of Agenda**

*Motion was made by Councilmember Adams to approve the agenda as written. Motion was seconded by Councilmember Boyd. The motion carried unanimously.*

**Citizen Petitions**

**CP-22-005** Jewelliann Jones - Pot Belly Pig Support Animal  
Ms. Jones and Ms. Pat Carter spoke to city council about pot belly pig support animals and to consider changing city ordinances to allow for them to be kept in the city.

*Motion of direction was made by Councilmember Brown for staff to bring the referenced ordinance before City Council for review and to extend Ms. Jones' grace period to make other arrangements for her pot belly pig support animal until City Council can make a determination on Ms. Jones' request. Motion of direction was seconded by Councilmember Adams. The motion of direction passed 6 to 1 with Councilmember Gonzalez in opposition.*

**Citizen Comments**

Mr. Michael Fornino - spoke on agenda items RQ-22-045 and DS-22-014.  
Mr. James Everard - spoke on agenda items RS-22-047, RS-22-048, RS-22-034, RQ-22-015, and DS-22-041.  
Mr. Dillon Whitis - spoke on agenda item OR-22-004.  
Mr. Leo Gukeisen - spoke on agenda items RS-22-034 and OR-22-004.  
Mr. Ronald Stepp - spoke on agenda item RS-22-034.  
Mr. Travis Whitis - spoke on agenda item OR-22-004.  
Mr. Jose Segarra - spoke on agenda item RS-22-034.

Ms. Anca Neagu - spoke on agenda item OR-22-004.

Mr. Josh Welch - spoke on agenda item OR-22-004.

### **Consent Agenda**

**MN-22-008** Consider Minutes of Regular City Council Meeting of March 8, 2022.

**MN-22-009** Consider Minutes of Regular City Council Meeting of March 22, 2022.

**RS-22-042** Consider a memorandum/resolution authorizing the City Manager to execute an Interlocal Agreement with various entities to develop a Regional Habitat Conservation Plan.

**RS-22-047** Consider a memorandum/resolution awarding Bid No. 22-15, Slurry Seal Services, to Viking Construction in an amount not to exceed \$1,000,000 Citywide for FY22.

**RS-22-048** Consider a memorandum/resolution authorizing a contract for HA5 high density mineral bond road surface treatments to Andale Construction in an amount not to exceed \$1,000,000 citywide in FY22.

**RS-22-050** Consider a memorandum/resolution declaring vacancies on various citizen boards and commissions and appointing members to fill the unexpired terms.

*Motion was made by Councilmember Wilkerson to approve the consent agenda. Motion was seconded by Councilmember Boyd. Amended motion was made by Councilmember Brown to pull agenda item RS-22-048 from consent agenda for separate consideration. Without a second, the motion died. The motion carried 6 to 1 with Councilmember Brown in opposition.*

### **Resolutions**

**RS-22-046** Consider a memorandum/resolution appointing a new Mayor Protem.

Mayor Nash-King recognized City Council's recommendation of appointing Councilmember Rick Williams as Mayor Protem.

*Motion was made by Councilmember Adams to approve RS-22-046. Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.*

*Mayor Protem Williams took his new seat at the dais next to Mayor Nash-King.*

**RS-22-034** Consider a memorandum/resolution authorizing an Interlocal Agreement with Bell County for the relocation of the Bell County Killeen Annex.

**Staff Comments:** Edwin Revell, Executive Director of Development Services

This item was presented to City Council during its April 5, 2022 City Council Workshop Meeting. Mr. Revell was available to provide additional information and answer questions.

*Motion was made by Councilmember Brown to postpone RS-22-034 to the next workshop meeting. Motion was seconded by Councilmember Boyd. Motion failed 3 to 4 with Councilmember Gonzalez, Councilmember Adams, Councilmember Wilkerson and Mayor Protem Williams in opposition. Motion was made by Mayor Protem Williams to approve RS-22-034. Motion was seconded by Councilmember Cobb. Motion carried 6 to 1 with Councilmember Brown in opposition.*

*Mayor Nash-King called for a recess at 6:54 p.m.*

*Mayor Nash-King reconvened the meeting at 7:11 p.m.*

**RS-22-049** Consider a memorandum/resolution to approve a nonprofit application process for American Rescue Plan Act (ARPA) and Public Facility Corporation funding (PFC).

**Staff Comments:** Danielle Singh, Assistant City Manager

This item was presented to City Council during its April 5, 2022 City Council Workshop Meeting. Staff updated the draft applications and FAQs pages to reflect the motions of direction approved by City Council during discussions. Ms. Singh was available to provide additional information and answer questions.

*Motion was made by Councilmember Brown to approve RS-22-049. Motion was seconded by Councilmember Adams. Motion carried unanimously. Motion of direction was made by Councilmember Brown to schedule a special workshop on Saturday, May 21, 2022 at 9:00 a.m. to review submitted applications. Motion of direction was seconded by Councilmember Wilkerson. During discussions, Councilmember Wilkerson rescinded his second. Without a second, the motion of direction died. Motion of direction was made by Councilmember Brown to schedule a special workshop on Saturday, May 21, 2022 at 9:00 a.m. to begin the application review process. Motion of direction was seconded by Councilmember Wilkerson. Motion of direction carried unanimously.*

### Ordinances

**OR-22-004** Consider an ordinance amending the Code of Ordinances Chapter 26, Subdivisions and Other Property Developments, to establish the requirements for a Traffic Impact Analysis.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S SUBDIVISION AND PROPERTY DEVELOPMENT REGULATIONS; ADDING STANDARDS FOR TRAFFIC IMPACT ANALYSES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff Comments:** Andrew Zagars, City Engineer

This item was presented to City Council during its April 5, 2022 City Council Workshop Meeting. Staff updated the draft ordinance to reflect the motions of direction approved by City Council during discussions. Mr. Zagars was available to provide additional information and answer questions.

*Motion was made by Councilmember Brown to approve OR-22-004. Motion was seconded by Councilmember Wilkerson. Motion carried unanimously.*

### **Public Hearings**

**PH-22-021** HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Texas Land and Living, LLC (Case #FLUM22-10) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Rural' (R) designation to a 'General Residential' (GR) designation for approximately 9.147 acres out of the James Cook Survey, Abstract No. 161. The property is generally located east of the intersection of Pinar Trail & Grand Terrace Drive, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 9.147 ACRES OUT OF THE JAMES COOK SURVEY, ABSTRACT NO. 161, FROM A 'RURAL' (R) TO 'GENERAL RESIDENTIAL' (GR) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff Comments:** Edwin Revell, Executive Director of Development Services

If approved, the applicant intends to develop single-family homes on the property. The applicant has submitted a concurrent request to rezone the property from agricultural district to single-family residential district. Staff mailed courtesy notices to one-hundred eleven (111) surrounding property owners. To date, staff has received one (1) written response with eighteen (18) property owners' signatures in opposition to the request. City staff finds that the request for general residential is consistent with the adjacent residential land uses and recommends approval of the request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Ace Reneau, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - spoke in support of request.

Ms. Charlotte Sublett - spoke in opposition of request.

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

*During discussion, Councilmember Cobb called for the vote. Councilmember Wilkerson seconded the call. Call for the vote carried 6 to 1 with Councilmember Brown in opposition.*

*Motion was made by Councilmember Wilkerson to approve PH-22-021. Motion was seconded by Mayor Protem Williams. Motion carried 6 to 1 with Councilmember Brown in opposition.*

**PH-22-022** HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Texas Land and Living, LLC (Case #Z22-11) to rezone approximately 9.147 acres out of the James Cook Survey, Abstract No. 161 from "A" (Agricultural District) to "R-1" (Single-Family Residential District). The property is generally located east of the intersection of Pinar Trail and Grand Terrace Drive, Killeen, Texas. (Requires a  $\frac{3}{4}$  Majority Vote)

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 APPROXIMATELY 9.147 ACRES OUT OF THE JAMES COOK SURVEY, ABSTRACT NO. 161, FROM "A" (AGRICULTURAL DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Comments:** Edwin Revell, Executive Director of Development Services

If approved, the applicant intends to develop single-family homes on the property. This request is inconsistent with the Future Land Use Map (FLUM). However, the applicant has submitted a concurrent FLUM amendment request from rural to general residential. Staff mailed courtesy notices to one-hundred eleven (111) surrounding property owners. To date, staff has received three (3) written responses, including a petition with eighteen (18) signatures in opposition to this request. The property owners in opposition to the request comprise approximately 40.8% of the 200-foot notification boundary. Therefore, approval of this request will require the affirmative vote of three-fourths of the City Council. City staff finds that the request is consistent with the predominantly residential character of the area and recommends approval of the request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Ace Reneau, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - spoke in support of request.

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

*Motion was made by Councilmember Adams to approve PH-22-022. Motion was seconded by Councilmember Boyd. Motion carried unanimously.*

**PH-22-023** HOLD a public hearing and consider an ordinance requested by Franklin Land Associates, LLC. on behalf of D&SC Enterprises, Inc. (Case #Z22-13) to rezone approximately 1.516 acres out of the W. H. Cole, Abstract No. 200, from "R-1" (Single-Family Residential District) to "B-3" (Local Business District). The property is generally located west of Featherline Road and north of Chaparral Road, 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 APPROXIMATELY 1.516 ACRES OUT OF THE W H COLE, ABSTRACT NO. 200, FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "B-3" (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Comments:** Edwin Revell, Executive Director of Development Services

If approved, the owner intends to develop the property as a general retail store. The property is designated as suburban commercial and is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. City staff notified twenty-two (22) surrounding property owners. To date, staff has received one (1) written response in support. Staff finds that a small general retail store would be appropriate in this location, but that B-3 local business district allows several uses that would not be. City staff recommends approval of neighborhood business district with a conditional use permit for a single-tenant general retail store no greater than 10,650 square feet. The Planning and Zoning Commission recommended approval of the applicant's request to rezone the property to B-3 by a vote of 7 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Bob Gage, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - spoke in support of request.

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

*Motion was made by Councilmember Cobb to approve PH-22-023 with staff's recommendation. Motion was seconded by Councilmember Adams. Amended motion was made by Councilmember Brown to approve PH-22-023 neighborhood business district with a conditional use permit for a store no greater than 10,650 square feet. Amended motion was seconded by Councilmember Wilkerson. Upon clarification of the amended motion being the same as staff's recommendation, Councilmember Wilkerson rescinded his second and Councilmember Brown withdrew her motion. Motion carried unanimously.*

**PH-22-024** HOLD a public hearing and consider an ordinance requested by Edward McIntyre on behalf of Gurunath Vadamudala (Case #Z22-14) to rezone Holder Addition, Block 1, Lot 1, from "B-5" (Business District) to "R-1" (Single-Family Residential District). The property is locally addressed as 1118 18th 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 HOLDER ADDITION, BLOCK 1, LOT 1, FROM "B-5" (BUSINESS DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Comments:** Edwin Revell, Executive Director of Development Services

If approved, the owner intends to develop a single-family home on the property. The property is designated as general residential and is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. City staff notified fifty-seven (57) surrounding property owners. To date, staff has received no written responses. City staff recommends approval of the applicant's request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Edward McIntyre, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - spoke in support of request.

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

*Motion was made by Councilmember Gonzalez to approve PH-22-024. Motion was seconded by Councilmember Adams. Motion carried unanimously.*

**PH-22-025** HOLD a public hearing and consider an ordinance requested by Michael Linnemann (Case #Z22-15) to rezone approximately 0.3375 acres out of the Simmons 2nd Subdivision, Block 1, Lot 38, from "R-1" (Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is addressed as 3909 Turner Avenue, 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 APPROXIMATELY 0.3375 ACRES OUT OF THE SIMMONS 2ND SUBDIVISION, BLOCK 1, LOT 38, 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:** Edwin Revell, Executive Director of Development Services

If approved, the owner intends to develop a duplex on the property. The property is designated as residential mix and is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. City staff notified fifty-five (55) surrounding property owners. To date, staff has received four (4) written responses in support and three (3) written responses in opposition. City staff recommends approval of the applicant's request. The Planning and Zoning Commission recommended approval by



a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Michael Linnemann, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - did not speak for or against. She expressed concerns that the citizens that submitted responses in opposition were not in attendance to speak on the matter.

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

*Motion was made by Councilmember Brown to approve PH-22-025. Motion was seconded by Councilmember Gonzalez. Motion carried unanimously.*

**PH-22-026** HOLD a public hearing and consider an ordinance requested by Joe Patterson on behalf of Michael Patterson (Case #Z22-16) to rezone approximately 3.2562 acres out of the Lakeview Park Phase One, Block 9, Lots 1A, 2A, 3 & 4 and Lakeview Park Subdivision Third Replat, Block 1, Lot 31B, from "B-3" (Local Business District) to "SF-2" (Single-Family Residential District). The properties are locally addressed as 5398, 5400, 5450, 5500, & 5550 Rancier Avenue, 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 APPROXIMATELY 3.2562 ACRES OUT OF THE LAKEVIEW PARK PHASE ONE, BLOCK 9, LOTS 1A, 2A, 3, & 4 AND LAKEVIEW PARK SUBDIVISION THIRD REPLAT, BLOCK 1, LOT 31B, FROM "B-3" (LOCAL BUSINESS DISTRICT) TO "SF-2" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**Staff Comments:** Edwin Revell, Executive Director of Development Services

If approved, the owner intends to develop single-family residential lots on the property. The property is designated as general residential and is consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. City staff notified one-hundred twenty-seven (127) surrounding property owners. To date, staff has received no written responses. City staff recommends approval of the applicant's request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant, Mr. Joe Patterson, was available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Ms. Anca Neagu - spoke in support of request.

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

*Motion was made by Councilmember Adams to approve PH-22-026. Motion was seconded by Councilmember Wilkerson. Motion carried 6 to 1 with Councilmember Brown in opposition.*

**PH-22-027** HOLD a public hearing and consider an ordinance requested by Andrea Metz on behalf of Six Westheimer Retail, LTD (Case #FLUM22-11) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Commercial' (GC) designation to a 'Multi-Family Residential' (MFR) designation for a total of approximately 9.62 acres out of the A. Dickson Survey Abstract No. 262, the Killeen Industrial Foundation, Block 1, Lot 18, the Northside Theater Subdivision, Block 1, Lot 10, and the KIXS Addition, Block 1, Lot 1. The property is locally addressed as 3001 Atkinson Avenue, Killeen, Texas.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 9.62 ACRES OUT OF THE A DICKSON SURVEY ABSTRACT NO. 262, THE KILLEEN INDUSTRIAL FOUNDATION, BLOCK 1, LOT 18, THE NORTHSIDE THEATER SUBDIVISION, BLOCK 1, LOT 10, AND THE KIXS ADDITION, BLOCK 1, LOT 1, FROM A 'GENERAL COMMERCIAL' (GC) TO 'MULTI-FAMILY RESIDENTIAL' (MFR) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

**Staff Comments:** Edwin Revell, Executive Director of Development Services

If approved, the applicant intends to develop multifamily apartments on the property. The applicant has submitted a concurrent request to rezone the property from B-5 business district to planned unit development with R-3A multifamily apartment residential district. Staff mailed courtesy notices to twenty-five (25) surrounding property owners. City staff recommends approval of the request. The Planning and Zoning Commission recommended approval by a vote of 8 to 0.

Mayor Nash-King invited the applicant to speak.

The applicant was not available to provide additional information and answer questions.

Mayor Nash-King opened the public hearing.

Mr. James Everard - spoke in opposition.

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

*Motion was made by Councilmember Brown to disapprove PH-22-027. Without a second, the motion died. Motion was made by Councilmember Brown to postpone PH-22-027 until PUD documents are available. Councilmember Brown withdrew the motion. Motion was made by Councilmember Brown to postpone PH-22-027 to the May 17, 2022 workshop meeting. Motion was seconded by Councilmember Adams. Motion carried 6 to 1 with Councilmember Gonzalez in opposition.*

*Mayor Nash-King called for a recess at 9:28 p.m.*

*Mayor Nash-King reconvened the meeting at 9:33 p.m.*

### **Councilmember Requests for Future Agenda Items**

*Motion of direction was made by Councilmember Adams to postpone councilmember requests for future agenda items to the next workshop meeting. Motion of direction was seconded by Councilmember Wilkerson. Motion of direction carried 4 to 3 with Councilmember Gonzalez, Councilmember Boyd and Councilmember Brown in opposition.*

**CP-22-013** Briefing from TEX-21 (Transportation Excellence for the 21st Century) - *Postponed to April 19, 2022 City Council Workshop Meeting.*

**CP-22-014** Discharging Firearms in City Limits - *Postponed to April 19, 2022 City Council Workshop Meeting.*

**CP-22-015** KEDC (Killeen Economic Development Corporation) Structure Review - *Postponed to April 19, 2022 City Council Workshop Meeting.*

**CP-22-016** Request Quarterly Update from KEDC (Killeen Economic Development Corporation) - *Postponed to April 19, 2022 City Council Workshop Meeting.*

### **Discussion Items**

**DS-22-040** Discuss Downtown Property Improvements

**Staff Comments:** Edwin Revell, Executive Director of Development Services

Mr. Revell presented staff's findings and recommendations on improving downtown properties.

At 10:02 p.m., Mayor Nash-King called for City Council to recess the meeting to Executive Session.

Per V.T.C.A., Government Code Section 551.087 the City Council will:

**DS-22-041** Discuss Potential Sale of Cemetery Property for Economic Development Purposes

And, per V.T.C.A., Government Code Section 551.074 the City Council will:

**DS-22-042** Discuss Employment of the Chief of Police.

At 11:28 p.m., Mayor Nash-King reconvened the City Council meeting.

### **Adjournment**

With no further business, upon motion being made by Councilmember Brown, seconded by Councilmember Gonzalez, and unanimously approved, the meeting was adjourned at 11:28 p.m.



# City of Killeen

## Staff Report

**File Number: RS-22-058**

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|   |                       |            |                       |              |            |
|---|-----------------------|------------|-----------------------|--------------|------------|
| 1 | City Council Workshop | 05/03/2022 | Reviewed and Referred | City Council | 05/10/2022 |
|---|-----------------------|------------|-----------------------|--------------|------------|

Consider a memorandum/resolution approving a professional services agreement with Meeting the Challenge, A CP&Y Company, for consulting services related to Americans with Disabilities Act compliance in the amount of \$197,710.

**DATE: May 3, 2022**

**TO: Kent Cagle, City Manager**

**FROM: Leslie Hinkle, Executive Director of Community Development**

**SUBJECT: Professional Services Agreement for Consulting Services with Meeting the Challenge, a CP&Y Company, related to ADA compliance.**

**BACKGROUND AND FINDINGS:**

In June 2020, the City of Killeen entered into a settlement agreement with the Department of Justice that requires the City to complete a self-evaluation plan of all city facilities, develop a transition plan along with an assessment of our public rights of way, and conduct public outreach activities. The goal is to approach these requirements in two phases. Phase I will consist of the self-evaluation and will include a review of all policies and procedures, an audit and analysis of city facilities and parks, and a website review. Phase II will consist of assessment of public rights of way and further public outreach activities that need to be completed.

The City has met with consulting firms over the past year to gauge the required scope of work that needs to be performed to stay in compliance with the terms of the DOJ settlement agreement. Meeting the Challenge, a CP&Y Company, presented the best proposal to meet the City's needs. They have the experience, knowledge, and level of commitment to lead the City through this phase.

**THE ALTERNATIVES CONSIDERED:**

1. Do not enter into an agreement for professional consulting services with Meeting the Challenge, A CP&Y Company.
2. Enter into an agreement for professional consulting services with Meeting the Challenge, a CP&Y Company.

**Which alternative is recommended? Why?**

Alternative #2 is recommended because Meeting the Challenge, A CP&Y Company is an ADA consulting firm that serves state and local governments and has the expertise to ensure that we continue meeting the terms of the settlement agreement and undertake the appropriate actions and not squander City resources on the completion of ADA improvements or services that need not be altered.

**CONFORMITY TO CITY POLICY:**

Yes

**FINANCIAL IMPACT:**

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

The proposed fee for Phase I of this project is \$197,710.00. Going forward into future years, the anticipated costs for Phase II would have to be negotiated separately.

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

Phase I of this project is a one-time cost.

**Is this expenditure budgeted?**

Yes, funding is available in the Governmental CIP fund in account 349-8932-493.47-99.

**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:**

City Council approve the professional services agreement with Meeting the Challenge, A CP&Y Company, providing services relating to the ADA settlement agreement with Department of Justice in the amount of \$197,710.

**DEPARTMENTAL CLEARANCES:**

Legal  
Finance

**ATTACHED SUPPORTING DOCUMENTS:**

Agreement  
Certificate of Interested Parties

## **AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES**

**PROJECT:** American with Disabilities  
Transition Plan and Self-Assessment

This is an agreement by and between the City of Killeen, Texas, a Texas home rule City (hereinafter called **CITY**), acting through its duly authorized agent, Kent Cagle, City Manager, and **CP&Y/Meeting the Challenge**, (hereinafter called **CONSULTANT**).

**WHEREAS** the **CITY** desires to obtain professional consulting services for the ADA Transition Plan and Self-Assessment related to the Americans with Disabilities Act, hereinafter called the **PROJECT**; and

**WHEREAS**, the **CONSULTANT** is qualified and capable of performing the professional consulting services proposed herein, is acceptable to the **CITY**, and is willing to enter into an Agreement with the **CITY** to perform such services.

**NOW, THEREFORE, BE IT RESOLVED**, that in consideration of the mutual agreements contained this Agreement, the parties do mutually agree as follows:

### **ARTICLE 1 PROJECT**

**1.1** The **CITY** agrees to retain the **CONSULTANT**, and the **CONSULTANT** agrees to perform professional consulting services for the **PROJECT** as an independent contractor and professional consultant as set forth in the sections following; and the **CITY** agrees to pay, and the **CONSULTANT** agrees to accept payments as specified in the sections following as full and final compensation for the work accomplished.

### **ARTICLE 2 BASIC SERVICES TO BE PROVIDED BY CONSULTANT**

**2.1** The **CONSULTANT** will render professional services necessary for the **PROJECT**. Upon receipt of the **CITY's** written authorization, the **CONSULTANT** will perform basic services as outlined in the **Proposal dated March 9, 2022**, attached hereto and incorporated herein for all purposes as Exhibit A. In the event of a conflict between the terms and conditions of this Agreement and the Proposal, the term or condition most favorable to the City, in the City's sole discretion, shall control.

### **ARTICLE 3 ADDITIONAL SERVICES TO BE PROVIDED BY CONSULTANT**

**3.1** The services set forth in Article 2 will be considered sufficient to perform the work. The consulting services set forth hereinafter as Additional Services are not included as part of the basic services to be provided by the **CONSULTANT** under Article 2. It is recognized that



the elements of such consulting work cannot be accurately predetermined or controlled entirely by the **CONSULTANT**. Therefore, such consulting work will be performed as Additional Services.

**3.2** The **CONSULTANT** will furnish Additional Services only when agreed between **CITY** and **CONSULTANT** in writing in an amendment to this Agreement.

**3.3** Such services may include: Public Right-of Way Public Outreach and finalization of the complete Transition Plan

**3.3.1** Appearing before State and other regulatory agencies.

**3.3.2** Preparing to serve or serving as an expert witness on behalf of the **CITY** in connection with any public hearing, arbitration or legal proceeding.

**3.3.3** Revising drawings, specifications, or other documents which have been previously approved by **CITY** to accomplish changes not initiated by the **CONSULTANT** which would require substantial change.

## **ARTICLE 4 COMPENSATION**

### **4.1 PAYMENT FOR BASIC SERVICES**

**4.1.1** For basic services, **CONSULTANT** will be paid an amount not to exceed **\$\_197,710.00**.

**4.1.2** Based on the application for payment submitted by the **CONSULTANT** and approved by the **CITY**, the **CITY** will make partial monthly progress payments for basic services. The application for payment shall be computed on the amount of time and progress of the services shown in Exhibit A.

**4.1.3** In no event will the **CONSULTANT** ever be paid more than the total amount of services performed on the date that the **CONSULTANT** is notified that the **CITY** does not wish to proceed with the **PROJECT**, or otherwise terminates this agreement in accordance with the termination clause contained in Article 9.

**4.1.4.** **CONSULTANT** agrees and certifies in accordance with the Texas Professional Services Procurement Act that the professional fees charged under this Agreement may not exceed any maximum provided by law.

**4.1.5** **CONSULTANT** will allow **CITY** or its representative to perform audits, if necessary, to verify the hours worked and the expenses incurred contained in applications for payment.

### **4.2 PAYMENT FOR ADDITIONAL SERVICES**

**4.2.1** Payment for additional services will be determined by needs requested and defined by the CITY and additional scope of services to be performed. For any additional services provided, the **CONSULTANT** will be compensated in accordance with fees established and agreed upon between CITY and **CONSULTANT** in writing as an amendment to this agreement pursuant to Article 3.

**4.2.2** Payment for Additional Services authorized by amendment to this agreement will be made monthly, based upon presentation of an application for payment to the CITY sufficient to show the work accomplished.

## **ARTICLE 5 CITY OBLIGATIONS**

**5.1** In general, the CITY agrees to:

**5.1.1** Provide available criteria and full information as to the CITY'S requirements for the **PROJECT**.

**5.1.2** Assist the **CONSULTANT** by placing at his/her disposal all available written data pertinent to previous operations, reports, and any other data affecting the consulting services for the **PROJECT**.

**5.1.3** Respond promptly in writing to requests by the **CONSULTANT** for authorization to proceed with specific activities deemed desirable.

**5.1.4** Examine documents submitted by the **CONSULTANT** and render decisions pertaining thereto, promptly, to avoid unreasonable delay in the progress of the **CONSULTANT'S** services.

**5.1.5** Furnish required information as expeditiously as necessary for the orderly progress of the work.

**5.2** The **CONSULTANT** will be entitled to rely upon the information provided by the CITY regarding decisions made by CITY; further, all notices or information will be deemed made when conveyed in writing to Leslie Hinkle Executive Director of Community Development.

## **ARTICLE 6 PROJECT DOCUMENTS**

**6.1** All documents, including but not limited to, tracings, drawings, estimates, specifications, investigations, and studies completed or partially completed, will be the property of the CITY.

**6.2** **CONSULTANT**, its subcontractors, agents and employees will be liable to **CITY** for any loss or damage to any such documents while they are in the possession of or while being worked upon by the **CONSULTANT** or **CONSULTANT'S** agents, employees, or officers. All documents so lost or damaged will be replaced or restored by **CONSULTANT** without cost to the **CITY**.

## **ARTICLE 7 NOTICE TO PROCEED; SCHEDULING OF WORK**

**7.1** It is understood and agreed that the **CONSULTANT** will work as an Independent Contractor but the **CITY** will have ultimate control of the services to be rendered, and that no work will be done under this Agreement until the **CONSULTANT** is instructed in writing to proceed with the work, and he shall complete his work within 120 days from notice from City to proceed. \_ \_\_\_\_\_

## **ARTICLE 8 ASSIGNMENT**

**8.1** The parties each hereby bind themselves, their successors, assigns and legal representatives to each other with respect to the terms of this Agreement. Neither party will assign, sublet nor transfer any interest in this Agreement without the written authorization of the other.

## **ARTICLE 9 TERMINATION**

**9.1** In connection with the work outlined in this Agreement, it is agreed and fully understood by the **CONSULTANT** that the **CITY** may cancel or indefinitely suspend further work hereunder or terminate this Agreement for convenience or cause upon thirty (30) days written notice to the **CONSULTANT** with the understanding that immediately upon receipt of said notice all work and labor being performed under this Agreement will cease. Before the end of such thirty (30) day period **CONSULTANT** will invoice **CITY** for all work satisfactorily completed and will be compensated in accordance with the terms of this Agreement. All drawings, field surveys, maps, estimates, investigation, studies, and other data work related to the **PROJECT** will become the property of the **CITY** upon termination of this Agreement.

**9.2** Nothing contained in paragraph 9.1 above will require the **CITY** to pay for any work which is unsatisfactory as determined by the **CITY** or which is not submitted in compliance with the terms of the Agreement. The **CITY** will not be required to make any payments to the **CONSULTANT** when the **CONSULTANT** is in default under this Agreement, nor will this article constitute a waiver of any rights, at law or at equity, which the **CITY** may have if the **CONSULTANT** is in default, including the right to bring legal action for damages or to force specific performance of this Agreement.

**9.3** **CONSULTANT** understands and agrees that time is of the essence and that any failure of the **CONSULTANT** to complete his services within the time limit established herein will constitute a material breach of this Agreement; provided however **CONSULTANT** will not be in breach if the delay is due to causes not within **CONSULTANT'S** control. The **CONSULTANT** will be fully responsible for any delays or for failures in developing contractual documents in accordance with the terms of this Agreement. Where damage is caused to the **CITY** due to the **CONSULTANT'S** failure to perform in this manner, the **CITY** may withhold all or any portion of the **CONSULTANT'S** payments hereunder without waiver of any of the **CITY'S** additional legal rights or remedies.

**9.4** The **CONSULTANT** will have the right to terminate this Agreement for cause, on thirty (30) days written notice to the **CITY** should the **CITY** fail to satisfactorily perform its obligations herein. In the event of termination, the **CONSULTANT** will be paid for all services rendered to date of termination. In the event of termination hereunder, **CONSULTANT** will invoice **CITY** for all work satisfactorily completed up to the date of this notice of termination and will be compensated in accordance with the terms of Agreement.

**9.5** Notwithstanding anything contained herein to the contrary, the **CITY** will have the right to withdraw from this Agreement on the last day of **CITY'S** current fiscal year in the event of non-appropriation of funds by its governing body.

## **ARTICLE 10**

### **VENUE**

**10.1** Venue and jurisdiction of any suit or right or cause of action arising under or in connection with this Agreement will be exclusively in Bell County, Texas, and any court of competent jurisdiction will interpret this Agreement in accordance with the laws of the State of Texas. The prevailing party in an action brought under or concerning this Agreement may recover costs of court, reasonable attorney's fees, and reasonable expert witnesses' and consultants' fees.

## **ARTICLE 11**

### **ENTIRE AGREEMENT**

**11.1** This instrument represents the entire understanding between the **CITY** and the **CONSULTANT** in respect to the **PROJECT** and may only be modified in writing signed by both parties.

## **ARTICLE 12**

### **UNLAWFUL PROVISIONS DEEMED STRICKEN**

**12.1** If this Agreement contains any unlawful provisions not an essential part of the Agreement, and which shall do not appear to have been a controlling or material inducement to the making thereof, such unlawful provisions shall be of no effect. Upon the ruling of a

court of competent jurisdiction, the unlawful provision shall be considered stricken from the Agreement without affecting the remainder of the Agreement.

### **ARTICLE 13 RESPONSIBILITIES FOR CLAIMS AND LIABILITIES**

**13.1** Approval by the **CITY** will not constitute nor be deemed a release of the responsibility and liability of the **CONSULTANT**, his employees, subcontractors, agents and consultants for the accuracy and competency of their designs, drawings, or other documents and work, nor will such approval be deemed to be an assumption of such responsibility by the **CITY** for any defect in the designs, drawings, or other documents prepared by the **CONSULTANT**, his employees, subcontractors, agents and consultants.

### **ARTICLE 14 STANDARD OF CARE**

**14.1** Services performed under this agreement shall be by a licensed **CONSULTANT**, if a license is required by the **CONSULTANT'S** profession, and shall be executed with the professional skill and care ordinarily provided by competent **CONSULTANTS** in the same or similar locality under the same or similar circumstances and professional license, and shall be performed as expeditiously as is prudent considering the ordinary professional skill and care of a competent **CONSULTANT**.

### **ARTICLE 15 INDEMNIFICATION**

**15.1 THE CONSULTANT WILL INDEMNIFY, DEFEND, AND HOLD THE CITY AND ALL OF ITS OFFICERS, AGENTS, SERVANTS, AND EMPLOYEES HARMLESS FROM ANY LOSS, DAMAGE, LIABILITY OR EXPENSE, INCLUDING COSTS OF COURT, REASONABLE ATTORNEYS' FEES, EXPERT WITNESSES' AND CONSULTANTS' FEES, ON ACCOUNT OF DAMAGE TO PROPERTY AND/OR INJURIES, INCLUDING DEATH, TO ALL PERSONS, DUE TO ANY ACT OF NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT, BREACH OF ANY OBLIGATION UNDER THIS AGREEMENT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER UNDER THIS AGREEMENT, CAUSED BY CONSULTANT OR ITS OFFICERS, AGENTS, EMPLOYEES, SUBCONTRACTORS, LICENSEES, INVITEES, OR OTHER PERSONS ACTIONS FOR WHOM CONSULTANT IS LIABLE, AND SHALL PAY ALL EXPENSES AND SATISFY ALL JUDGMENTS WHICH MAY BE INCURRED BY OR RENDERED AGAINST THEM, OR ANY OF THEM IN CONNECTION WITH THIS AGREEMENT.**

**15.2 THE INDEMNITY OBLIGATIONS HEREIN SHALL SURVIVE THE TERMINATION OF THE AGREEMENT FOR ANY REASON AND SHALL SURVIVE THE COMPLETION OF THE WORK.**

## **ARTICLE 16 CONFIDENTIALITY**

**16.1** All information obtained during the execution of this Agreement by **CONSULTANT** is deemed confidential. Disclosure of information by **CONSULTANT** not authorized by **CITY** in writing will constitute a material breach of this Agreement.

## **ARTICLE 17 INSURANCE**

**17.1** The **CONSULTANT** will maintain at all times professional liability or errors and omissions insurance covering any claim hereunder occasioned by **CONSULTANT's** negligent act, or error or omission in an amount of not less than \$1,000,000 general aggregate. **CONSULTANT** agrees to maintain professional liability insurance during the term of this agreement and, if the policy is on a claims made basis, for a period of not less than five (5) years after the Project is complete and provide proof of such continuing coverage. **CONSULTANT** further agrees to provide proof of coverage as needed for prior acts back to the date of execution of this agreement if **CONSULTANT** changes insurance carriers during this extended indemnity period.

**17.2** **CONSULTANT** will further maintain general commercial liability coverage \$1,000,000 per occurrence ( Bodily injury and property damage). **CONSULTANT** will maintain Automobile Liability coverage in an amount of \$500,000 Combined single limit for each accident (Bodily injury and property damage). **CONSULTANT** will maintain Professional Liability Insurance \$1,000,000 general aggregate.

**17.3** **CONSULTANT** further agrees that with respect to the above required liability insurances, the **CITY** will:

- 1. *Be named as additional insured for general liability insurance.***
- 2. *Be provided with a waiver of subrogation, in favor of CITY.***
- 3. *Be provided with 30 days advance written notice of cancellation, nonrenewal, or reduction in coverage (all 'endeavor to' and similar language of reservation stricken from cancellation section of certificate).***
- 4. Prior to execution of this Agreement, be provided with either their original Certificate of Insurance or insurance policy evidencing the above limits and requirements, subject to approval by the CITY.**

**17.4** The insurance requirements set out in this section are independent from all other obligations of **CONSULTANT** under this Agreement and apply whether or not required by any other provision of this Agreement.

## **ARTICLE 18 COMPLIANCE WITH LAWS**

**18.1** The **CONSULTANT**, his consultants, agents and employees and subcontractors, will comply with all applicable Federal and State laws, the Charter and Code or Ordinances of the City of Killeen, and all other applicable rules and regulations promoted by all local, State and National boards, bureaus and agencies.

## **ARTICLE 19 CONSULTANT'S CERTIFICATION**

**19.1** **CONSULTANT** certifies that neither it, nor any of its agents or employees, have or will offer or accept gifts or anything of value, or enter into any business arrangement, with any employee, official, or agent of the City.

**19.2** **CONSULTANT** certifies, pursuant to Texas Government Code Chapter 2270, that it does not boycott Israel and will not boycott Israel during the term of this Agreement. **CONSULTANT** further certifies, pursuant to Texas Government Code Chapter 2252, Subchapter F, that it does not engage in business with Iran, Sudan, or a foreign terrorist organization as may be designated by the United States Secretary of State pursuant to his authorization in 8 U.S.C. Section 1189. Texas Government Code, Chapter 2274 – the **CONSULTANT** verifies that it does not boycott energy companies and will not boycott energy companies during the term of the contract. *Boycott energy company is defined in Government Code Chapter 809.* Texas Government Code, Chapter 2274 – the **CONSULTANT** verifies that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association. *Discriminate, firearm entity and firearm trade association are defined in Government Code Chapter 2274.*

## **ARTICLE 20 NOTICES**

**20.1** This Agreement will be administered on the **CITY'S** behalf by Leslie Hinkle Executive Director of Community Development. All notices, documentation, or questions arising under this Agreement should be addressed to:

Leslie Hinkle Executive Director of Community Development  
P.O. Box 1329  
Killeen, TX 76540

All written notices from **CITY** to **CONSULTANT** will be addressed to the **CONSULTANT** as follows:

Dana Barton, Director

Meeting the Challenge, Inc. A CP&Y Company  
3630 Sinton Road, Suite 103  
Colorado Springs, CO 80907

## **ARTICLE 21 CAPTIONS**

**21.1** The captions of this Agreement are for information purposes only and will not in any way affect the substantive terms and conditions of this Agreement.

## **ARTICLE 22 NON-WAIVER**

**22.1** 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.

## **ARTICLE 23 EXECUTION OF AGREEMENT**

**23.1 SIGNED, ACCEPTED AND AGREED TO** this \_\_\_\_ day of \_\_\_\_\_, 2022, 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.

**THE CITY OF KILLEEN, TEXAS**

**CONSULTANT**

\_\_\_\_\_  
Kent Cagle, City Manager

\_\_\_\_\_  
Marisa Trevino Vegara, P.E., CP&Y  
Company/Meeting the Challenge



Exhibit A



March 9, 2022 (Updated 3/23/22)

Leslie Hinkle  
Director of Community Services  
City of Killeen, Texas

**Re: MTC Services to City of Killeen**

Dear Leslie,

I would like to thank Danielle Singh, Pat Martin, and you for taking the time to meet with Jennifer Boen and me to further discuss ways that Meeting the Challenge and CP&Y could provide value to City of Killeen and help you achieve your goals. Per our conversation, I am including a scope, fee, and schedule for MTC/CP&Y to work with the City of Killeen to complete a Self-evaluation and Transition Plan.

From our conversation, I understand that the City would like to move forward with this project in phases, beginning with a review of policy and procedure, an audit and analysis of City facilities and Parks, and a website review. The City will consider an assessment of the public right-of-way in a future contract, as well as the public outreach activities required to be completed. This proposal details an overview of MTC, the scope of services we will provide to you, associated fees, and a schedule for MTC to complete these services.

We thank you again for taking the time to meet with us and re excited about the prospect of working with you on this important project.

Sincerely,

A handwritten signature in blue ink that reads 'Dana Barton'.

Dana Barton  
Director  
Meeting the Challenge, Inc., A CP&Y Company

## Firm History

Meeting the Challenge, Inc. (MTC), a CP&Y Company, is an ADA accessibility consulting firm that serves state and local governments, and private entities. Our earliest projects were developed to improve quality of life for individuals with disabilities through innovative technology. Just over a year after the Americans with Disabilities Act (ADA) was signed into law by President George H.W. Bush, we began operating the Region 8, Rocky Mountain ADA Center (RMADAC).

The Rocky Mountain ADA Center is one of ten ADA centers across the country, which provides technical assistance and training across six states. Over the years, our expertise has been developed through providing thousands of ADA trainings and responding to thousands of requests for technical assistance. By leveraging this expertise, MTC can serve the needs of our clients far beyond the scope of the regional ADA center.



***MTC is a wholly owned subsidiary of CP&Y, Inc., a full-service engineering, architectural, and construction consulting firm. The unique combination of MTC's ADA experts and CP&Y's multi-disciplined engineering professionals allows us to provide a broader suite of turnkey services for our clients.***

### Our Services

- > ADA Accessibility
  - ADA Self-Evaluation and Transition Plan Databases
  - Facility Audits
  - Public Right-of-Way Audits
  - Parks and Recreation Audits
  - ADA Inspections for Property Acquisitions
  - Fair Housing Authority Facility Audits
  - Architectural Plan Reviews
  - Website Accessibility Audits
  - ADA Lawsuit Audits
  - ADA Training and Consulting
- > Architecture
- > Aviation
- > Construction Services
- > Electrical/SCADA
- > Environmental
- > Land Development
- > Solid Waste
- > Structural
- > Survey/SUE
- > Transit
- > Transportation
- > Water Resources
- > Water/Wastewater

## Meeting City of Killeen's Needs

We understand that City of Killeen needs a Self-Evaluation and Transition Plan. Based on our cursory conversation, MTC recommends the following:

- Complete a Self-evaluation of City of Killeen's programs, activities, and services
- Complete an evaluation of services, programs, and activities provided via the website
- Complete data collection for facilities and parks
- Develop a draft Transition Plan for the City for facilities and parks

These services and MTC's approach to providing them are included in the following pages, along with examples of where we have performed these services for other clients, the team that will guide you through this process, and examples of our deliverables to you.

## Our Services for City of Killeen

MTC has a culture of understanding that the ADA is not merely a building code regulating physical access issues, but rather a comprehensive civil rights law meant to ensure equal opportunities and inclusion for qualified people with disabilities. MTC staff is extremely knowledgeable regarding the scoping and technical provisions of the 2010 ADA Standards and other accessibility guidelines, such as the Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), federal standards for Outdoor Developed Areas and the Web Content Accessibility Guidelines (WCAG). We also fully understand title II program access requirements, which do not necessarily require state and local governments to make each of their existing facilities accessible to and usable by individuals with disabilities.

MTC has conducted Self-evaluations for over 25 title II entities across the United States. As such, we have developed internal procedures for the completion a Self-evaluation. These procedures are evaluated on an on-going basis for continuous improvement, focusing on regular feedback and measuring our outcomes to make necessary changes to our process.

Without this understanding of the focus of title II, communities may squander their resources on the completion of architectural remediation of facilities that need not be altered to provide access to a public entity's services, programs, and activities. With MTC's comprehensive, in-depth understanding of the ADA, we help our clients to understand the actions that must be taken to ensure program access, whether those actions are revisions to policies and procedures or removing architectural barriers. When evaluating facility access, it is critical to understand how the public uses facilities and spaces within those facilities. State and local governments are not required to make structural changes, in existing facilities, where other methods are effective in achieving compliance with title II of the ADA.

## Project Scope

We know that each client with whom we work is unique, and our procedures allow us to tailor development of a Self-evaluation to the specific needs of the client. For the City of Killeen, MTC recommends a phased approach to the Self-evaluation and Transition Plan process. First, we will engage in Self-evaluation tasks including but not limited to review of existing policies, recommendation of revised/supplemental policies, interviews regarding programs and services with department heads, an ADA-knowledge survey of (public-facing) City staff, and an ADA compliance assessment of the City's website and other means of electronic communications, are completed through in-person or virtual meetings. We will use forms and surveys to collect and analyze information from the City of Killeen staff and leadership. MTC has draft forms and will engage with the City to ensure the desired information is collected.

MTC/CP&Y uses proprietary, electronic, tablet-based data collection technology to gather as-is conditions of facilities, including

The Self-evaluation and Transition Plan processes are not mutually exclusive. Knowledge of where the public may access the City's programs, activities, and services, you must first complete the Self-evaluation and program inventory. Developing a Transition Plan with program access at the forefront allows the City to judiciously allocate time and resources to barrier removal that will impact the greatest number of people.

buildings, parks, and pedestrian facilities in public rights-of-way. MTC/CP&Y also uses proprietary software to analyze collected data for consistency with applicable accessibility standards and guidelines. Data collected in outdoor locations, such as parks and public rights-of-way, include GPS coordinates, to provide an interface with the City's GIS.

As contemporary delivery of many public services, programs, and activities is accomplished through online public applications and websites, the assessment of digital accessibility is a critical component of the Self-evaluation process. As prescribed by the U.S. Department of Justice, MTC/CP&Y assigns webpages and interactive processes on the website to a group of testers (including one who is blind, one who has low-vision, one who has limited manual mobility, and one who is deaf) to test the functional accessibility and usability of the City's website. The results of the users' reports will assist to identify conditions which cause both technical and usability failures and conditions that present accessibility and usability barriers for testers.

MTC/CP&Y apply the above processes to differentiate those barriers to program access (viewed in its entirety) which can be resolved through policy, procedure, or practice from those which will entail structural/architectural actions to achieve programmatic access. The latter are barriers to be listed in the transition plan.

MTC/CP&Y begins our evaluation of transition plan priorities in advance of on-the-ground data collection. Interaction with City staff, to evaluate the programmatic demand/public traffic at each City building, park, or other facility, is key to understanding the primary requirement of title II of the ADA: to ensure that all public services, programs, and activities, when viewed in their entirety, are accessible to qualified individuals of all abilities.

Title II requires this comprehensive program access. Title II does not necessarily require public entities to make each of their facilities accessible. That said, MTC/CP&Y are fully cognizant of the specific degrees of accessibility required by different accessibility guidance and standards. Local building codes and TAS will sometimes require higher levels of accessibility than the ADA Standards. For example, DOJ believes that crew quarters at fire stations "used exclusively as a residence by emergency response personnel and the kitchens and bathrooms exclusively serving those quarters are more like residential dwelling units and are therefore covered by the residential dwelling standards in the 2010 Standards, not the transient lodging standards." Conversely, the IBC A117.1 standards (i.e., building code) make no such exception and require the higher standard of accessibility.

In assessing compliance, MTC /CP&Y will apply the criteria of the most appropriate guidelines and standards among Texas/local building code, Texas Accessibility Standards (TAS), the U.S. Department of Justice 2010 ADA Standards for Accessible Design (ADA Standards), and the U.S. Access Board's Public Rights-of-Way Guidelines (PROWAG). The Texas Elimination of Architectural Barriers Act (16 Texas Administrative Code, Chapter 68, 68.102(a)) specifically recognizes, "compliance with the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way [PROWAG], published by the Architectural and Transportation Compliance Board (Access Board) on July 26, 2011, 36 CFR Part 1190 or its final adopted guidelines" for public-right-of-way projects in addition to TAS.

MTC/CP&Y has reviewed hundreds of public ADA policy documents for consistency with Part 35, title II regulations. As a result of the need identified in those reviews, MTC/CP&Y have developed templates for more than a dozen policies and documents to inform and ensure compliance with the many requirements and prohibitions of those regulations. Where available, we have patterned those templates on DOJ recommendations and guidance language to afford the greatest possible consistency with federal enforcement of the ADA. These templates cover a range of guidance needs from a compliant complaint procedure to a policy to ensure accessible information and communication technology (i.e., websites and other forms of digital communication). MTC/CP&Y has conducted ADA compliance reviews for the Federal Transit Administration covering programs ranging from accessible stop announcements in fixed-route transit to comprehensive review of paratransit service policies and practices. Through MTC/CP&Y's Rocky Mountain ADA Center, we have delivered thousands of trainings and presentations on all aspects of ADA compliance.

## Self-Evaluation

With extensive experience in assisting hundreds of state, county, and city governments comply with the ADA and managing projects, MTC is skilled in project management. We will begin this project with a kick-off meeting between MTC project staff and key stakeholders from the City. During this meeting, we will gather information and finalize the schedule for data collection, data analysis, as well as deliverables. MTC staff will establish a process for bi-weekly status update reports/meetings. Consistent project status meetings are critical for keeping projects on-schedule and on-budget, and allow for feedback in real time. The MTC Project Manager and Deputy Project Manager will establish a communications schedule with the City of Killeen.

## Policy Inventory and Review

MTC will require access to the City's policy documents. Initially, MTC inventories all policies received to determine whether policies are present to cover each requirement or prohibition found in regulations. MTC will also mine the City's website for policies that may be published, but not provided by the City. MTC then evaluates content of policies for compliance with regulations. Exclusions or criteria in policies that might exclude or limit the opportunity of qualified individuals with disabilities to access a public entity's services, programs, or activities, are identified. Policies without content sufficient to ensure compliance with regulations are also identified.

For example, service animal policies usually include the definition of a service animal and often refer to the two questions that can be asked to determine whether an animal meets the definition. Few policies provide any content regarding the circumstances when a service animal can be excluded. In practice, informing public employees of these service animal exclusions provides far more practical guidance than an ambiguous definition.

Ultimately, many entities will decide to use MTC-provided templates as the basis for robust, new policies.

MTC also assesses the processes to apply or register for public programs. This assessment includes reviewing eligibility criteria to determine whether such criteria discriminate or might discriminate against qualified individuals with disabilities. MTC evaluates whether digital accessibility is compliant when such processes are provided on-line.

## **Stakeholder Interviews**

MTC will conduct interviews with key members of management and other stakeholders to determine their understanding of the ADA and identify potential risk of discrimination. Managers provide MTC with an overview of their department's services and the facilities where those services are provided. Interviews are intended to open dialogue and answer management questions and concerns, as well as providing valuable information to MTC. Understanding the nature of a public entity's programs and how those programs are delivered to the public requires more interaction with a public entity than merely reading a list of programs. Interviews address facility access, program access, and employment topics, such as reasonable accommodation. MTC anticipates conducting approximately 15 Stakeholder Interviews with a city of Killeen's size.

## **Staff Surveys**

MTC will coordinate with the City to conduct an on-line staff survey. Surveys are generally not more than 25 questions and should take less than 10 minutes to complete. The surveys deliver a snapshot of employee knowledge of the ADA and how employees accommodate qualified individuals with disabilities. Gaps in knowledge will be targeted for training. It is desirable to have every employee complete a survey, if a statistically significant number of responses are received, the information is useful. Provided with the Survey Report, MTC will recommend targeted training for City staff.

## **Website Audit/Accessibility Assessment**

Today, more than ever, people rely on local government websites to access information and services of public entities. Whether attending virtual public meetings, paying a parking ticket, or applying for a job, most of us now expect to be able to accomplish interaction with local governments online. In the past two years, while COVID-19 has closed the doors of many public buildings, virtual access has made it possible for local governments to maintain communication and services with their residents. Unfortunately, for some residents, such as those who have vision, hearing, or manual mobility limitations, the content of many public websites is not readily accessible or usable.

MTC will provide user testing services to complete an assessment of services, programs, and activities delivered via the website, as part of the Self-evaluation Process. This task will evaluate real-world accessibility and usability of virtual facilities, environments, and information. Title II of the ADA requires public entities to provide equally accessible communication for people with disabilities. Many technical advances make such communication readily achievable, however, when technological barriers exist access to effective communication with people who have disabilities may not be possible.

MTC will select a random cross-section of webpages/URLs to be assessed by a group of individuals with disabilities, who will be tasked with accessing a specific set of URLs provided by City. The testers are not seeking specific technical issues, though they do discover some, but rather, they are tasked with evaluating the navigability, accessibility, and ease of use of the content on the City's websites. MTC will deliver a user report.

In many instances, where online services are fully accessible, it may be possible to achieve programmatic accessibility without removing structural barriers. In addition to facilitating access to public programs and meetings for people of all abilities, virtually accessible programs may eliminate the need to accomplish otherwise required costly architectural barrier removal.

## **Evaluation of Programmatic Priorities Per Facility**

As program accessibility is the primary requirement of title II, the evaluation of priorities for structural actions that will be necessary to achieve program accessibility is dependent on understanding the relative amount of public/programmatic access associated with each of the City of Killeen's buildings and facilities. MTC will begin the process of evaluating priorities in a workshop with the City's ADA Team immediately following the project kick-off meeting. Identifying the priority of all facilities (from the most important to the least important) when providing program access is an essential piece of data that must be factored into the Transition Plan schedule. Subsidiary priorities can be applied to spaces and elements within facilities, but the importance of those priorities is secondary. For example, parking accessibility is intrinsically a high priority, however, accessible parking spaces at a public recreation facility have much higher priority than parking spaces at a maintenance facility that is only used by employees.

## **City Facilities & Parks**

Applying the 2010 ADA Standards for Accessible Design (ADA Standards) to public buildings requires knowledge of the current and previous scoping and technical provisions, as well as a specific understanding of the navigation and use of those facilities by people with diverse abilities. While the regulations and ADA Standards provide exceptions, the regulations require all services, programs, and activities, when viewed in their entirety, to be accessible. For example, barrier removal in historic buildings, where alterations might threaten or destroy the historic significance of the property, it is not required. However, when barriers cannot be removed for historic reasons, alternative venues or methods must be provided to ensure an equal opportunity for qualified individuals to access those programs.

## **Data Collection**

To initiate this phase, MTC will conduct a kick-off meeting with the City. MTC will coordinate and meet with designated City staff to discuss project expectations and survey methodology. This meeting may be in-person or virtual depending on staff availability and scheduling needs. MTC will review and evaluate all City facilities listed in ATTACHMENT A to identify barriers which may impede access for people with disabilities.

MTC will use tablet-based Accessibility Compliance Technology (ACT) software for the City's facilities data collection, to organize and analyze data from all identified City's facilities, which will include accessible routes, general site elements, built-in elements, plumbing elements, accessibility elements, and special rooms and spaces.

## **Opinions of Probable Construction Costs**

MTC will supply opinions of probable construction costs for identified deficiencies (cost estimates) leveraging industry experience, current construction estimating technologies and databases, and internal subject matter experts. Due to the nature of and scope of this project, there are limitations to the accuracy of the cost estimates. The cost estimates will be budgetary and act as a to guide the City and MTC while developing a schedule for the final Transition Plan.

## **Reports**

MTC will produce an Executive Summary Report for the City, describing an overview of the process used for data collection, analysis, and the procedure for assigning priorities and milestones. The Summary Report will summarize the findings and the recommendations in a manner which allows the City's personnel to understand the scope and extent of the accessibility issues.

## **Transition Plan Development**

Our technical teams will collect and analyze comprehensive, accurate data to identify a prioritized list of physical barriers that might limit or prevent access to public programs, services, and activities, when viewed in their entirety. Our team is continuously improving the technology that we use to collect and analyze parks and facility. We also work to improve our approach to assessing program access issues and evaluating priorities.

MTC will consolidate accessibility compliance findings, within the first draft of the facilities Transition Plan Database (TPD), in a format that is easy to use for continued compliance efforts. The TPD will include: general recommendations, priorities (considering program access), suggested milestones for barrier mitigation (a schedule), and a tracking method for the resolution status of barrier mitigation.



## Fees

The table below outlines the fees associated with the Scope of Services provided above. These fees are based on our review of available information, to include the inventory of facilities and parks within the City of Killeen, as well as experience on past similar projects for similarly sized entities. Pricing includes associated travel fees.

|   |                     |
|---|---------------------|
| <b>Self-Evaluation Assessment</b>               |                     |
| Policies and Practices                          | \$16,175.00         |
| Interviews and Surveys                          | \$20,400.00         |
| Digital Assessment (Website)                    | \$5,00.00           |
| Facilities                                      | \$78,785.00         |
| Prioritize Barriers for Removal                 | \$5,100.00          |
| Self-Evaluation Assessment Report               | \$8,750.00          |
| <b>Facility and Parks DRAFT Transition Plan</b> |                     |
| Draft Transition Plan**                         | \$29,450.00         |
| <b>Management/Administration</b>                |                     |
| Project Management/Quality/Admin                | \$23,300.00         |
| <b>TOTAL</b>                                    | <b>\$197,710.00</b> |

\*\* This phase of the ADA Self-evaluation and Transition Plan project includes a draft Transition Plan only. A finalized Transition Plan includes a public outreach period and the opportunity for interested person, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the Transition Plan by submitting comments. MTC's recommendation is to share the DRAFT Transition Plan to include Facilities and Parks AND the Public-Right-of-Way (PROW). PROW is not included in this phase of the project. We recommend adding Public Outreach and the finalization of a complete Transition Plan into the second phase of this project.

## Schedule

| Task  | Month 1 |  |  |  | Month 2 |  |  |  | Month 3 |  |  |  |
|---|---------|--|--|--|---------|--|--|--|---------|--|--|--|
| Kick Off Meeting  |         |  |  |  |         |  |  |  |         |  |  |  |
| Bi-weekly Update Meetings                                   |         |  |  |  |         |  |  |  |         |  |  |  |
| Review policies, procedures, and practices                  |         |  |  |  |         |  |  |  |         |  |  |  |
| Recommend revisions and recommendations for policy adoption |         |  |  |  |         |  |  |  |         |  |  |  |
| Management Interviews                                       |         |  |  |  |         |  |  |  |         |  |  |  |
| Staff Survey  |         |  |  |  |         |  |  |  |         |  |  |  |
| Website Audit   |         |  |  |  |         |  |  |  |         |  |  |  |
| Self-evaluation Draft                                       |         |  |  |  |         |  |  |  |         |  |  |  |
| Opinions of Probable Construction Costs                     |         |  |  |  |         |  |  |  |         |  |  |  |
| Meet with Public Outreach Team                              |         |  |  |  |         |  |  |  |         |  |  |  |
| Finalize Public Outreach Plan                               |         |  |  |  |         |  |  |  |         |  |  |  |
| Public Comment Period                                       |         |  |  |  |         |  |  |  |         |  |  |  |
| Facilitate Public Meetings                                  |         |  |  |  |         |  |  |  |         |  |  |  |
| Deliver Final Self-evaluation and Transition Plan           |         |  |  |  |         |  |  |  |         |  |  |  |
| Quality Control   |         |  |  |  |         |  |  |  |         |  |  |  |
| Project Close Meeting                                       |         |  |  |  |         |  |  |  |         |  |  |  |

Meeting the Challenge proposes a schedule of three months to complete the scope of this project, as outlined in this document. Actual project start and end dates are contingent on an executed contract.

## Proven Experience

### City of Arvada, Colorado

Our team partnered with the City to complete a comprehensive Self-evaluation and Transition Plan of 25 facilities, 113 outdoor recreation facilities and 796 miles of public sidewalk (including 10,847 curb ramps). Our team's duties included the administration of an ArcGIS Online environment including the configuration and performance monitoring of ArcGIS Collector and Survey123 mobile data collection and ADA inspection applications. We provided the client with bi-weekly progress maps that communicated the number of total inspections, miles of sidewalk inspected and overall project status.

Kim Vagher, the City's Facilities Manager said the following of our services: ***"With exceptional ADA knowledge and expertise, MTC conducted a full audit of our parks, golf, website, city facilities, public ROW and ADA policies."***

### City of Littleton, Colorado

We partnered with the City of Littleton to complete three phases for their ADA Self-Evaluation and Transition Plan. Phase one was a comprehensive inventory and review of all policies and facilities. For phase two, we conducted a survey and analysis of pedestrian facilities in the public right-of-way. The final phase included a website accessibility assessment, trainings, and a final report including planning-level construction costs for our findings in the public ROW.

Keith Reester, the City's Public Works Director, said the following of our services: ***MTC and their engineering staff "were outstanding partners to the City of Littleton as we created our first-ever ADA Transition Plan. Their knowledge and experience paired with a collaborative problem-solving approach were essential in us developing a plan that outlines our community needs and a strategy to back that up."***

### Larimer County, Colorado

MTC and Larimer County completed a comprehensive ADA Self-Evaluation and Transition Plan Database in early 2018. To determine if program accessibility barriers exist, we analyzed existing ADA policies to determine if policies were complete and ADA compliant. We conducted management interviews and staff surveys to determine County staff knowledge of the ADA and to facilitate the development of ADA training sessions for County management and employees. The project included an ADA audit of 16 facilities, 14 parks, 207 intersections, and 150 miles of sidewalk. The audit resulted in a Transition Plan Database that guides the County in its ADA implementation efforts and tracks the progress of the removal of barriers to accessibility.

## Meet Your Project Team

Our team of ADA experts will work efficiently and produce cost-effective solutions for City of Killeen. Our project team is supported by our administrative and support staff and can be supplemented by a pool of over 400 in-house talented professionals in other disciplines, as needed. MTC will performs nearly 100% of this work for projects in-house, with the exception of the technical website audit, providing simplified project management and communication.

### **Dana Barton | Project Director**



Dana is the Director of Meeting the Challenge. She brings 16 years of experience, specializing in planning, directing, and leading activities around the implementation of the ADA. Dana excels in program development, improving complex work processes, and effectively prioritizing tasks. Dana will advise the project team and allocate the staff and resources necessary for successful delivery of the project. Dana will also assist in facilitating the development of the Transition Plan. She is able to assist in grant writing, if needed.

### **Geoff Ames, RAS | Senior Project Manager**



Geoff is our accessibility implementation specialist and brings 29 years of experience. He is responsible for managing consulting projects for physical accessibility surveys under the ADA, PROWAG, and other disability laws. He specializes in helping state and local governments with implementing the regulatory requirements of Self-evaluation and Transition Plans. He is a Registered Accessibility Specialist in Texas.

### **Matt Lucier | Project Manager**



Matt is a certified project management professional with 20 years of experience leading Information Technology and Facilities Engineering projects utilizing CMMI, ITIL and PMP methodologies. He has extensive management experience in analysis, requirements, design, development, integration, testing, training, fielding, quality, risk management, and change management for small and large-scale projects. Matt will serve as the quality assurance lead on this project.

### **Nick Kelley | Support Services**



Nick brings six years of experience in developing ADA Transition Plans for facilities and public right-of-way. He specializes in the 2010 ADA Standards for Accessible Design and PROWAG. Nick is skilled in providing guidance and interpreting rights and responsibilities related to all disability rights laws for government agencies, architects, engineer, attorneys, and business owners. He leverages his technical background to produce projects that are accurate and compliant.

# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

## OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

Meeting the Challenge, Inc., a CP&Y Company

2 ☐ Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

N/A

\_\_\_\_\_  
Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

N/A

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

☐

Yes

☒

No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

☐

Yes

☒

No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

N/A

6 ☐ Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

3/23/2022

\_\_\_\_\_  
Date



## Contract Verification

Texas law provides that a governmental entity may not enter into certain contracts for goods and services with a company unless the company provides written verification regarding aspects of the company's business dealings.

- Texas Government Code, Chapter 2271 – the company must verify that it does not boycott Israel and will not boycott Israel during the term of the contract. *Boycott Israel is defined in Government Code Chapter 808.*
- Texas Government Code, Chapter 2274 – the company must verify that it does not boycott energy companies and will not boycott energy companies during the term of the contract. *Boycott energy company is defined in Government Code Chapter 809.*
- Texas Government Code, Chapter 2274 – the company must verify that it does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association and will not discriminate during the term of the contract against a firearm entity or firearm trade association. Verification is not required from a sole source provider. *Discriminate, firearm entity and firearm trade association are defined in Government Code Chapter 2274.*

Affected by the above statutes are contracts 1) with a company with ten (10) or more full-time employees, and 2) valued at \$100,000 or more to be paid wholly or partly from public funds. A contract with a sole proprietorship is not included.

By signing below, I verify that the company listed below does not boycott Israel, does not boycott energy companies and does not discriminate against firearms entities or firearm trade associations and will not do so during the term of the contract entered into with the City of Killeen. I further certify that I am authorized by the company listed below to make this verification.

\_\_\_\_\_  
Signature

R. Shane Wade, PE, ASQ CMQ/OE  
\_\_\_\_\_  
Printed Name

March 23, 2022  
\_\_\_\_\_  
Date

Meeting the Challenge, Inc., a CP&Y company  
\_\_\_\_\_  
Company Name

Director of Operations/Senior Vice President  
\_\_\_\_\_  
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:  
2022-862228

Date Filed:  
03/17/2022

Date Acknowledged:

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

CP&Y Inc.  
San Antonio, TX 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

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.

ADA Self-evaluation Plan  
Professional Services

| 4 | Name of Interested Party | City, State, Country (place of business) | Nature of interest<br>(check applicable) |              |
|---|--------------------------|--|--|--------------|
|   |                          |  | Controlling                              | Intermediary |
|   | Kohler, Chuck            | New York City, NY United States          | X  |              |
|   | Kelly, Greg              | New York City, NY United States          | X  |              |
|   | Roohms, J.J.             | Dallas, TX United States                 | X  |              |
|   |                          |  |  |              |
|   |                          |  |  |              |
|   |                          |  |  |              |
|   |                          |  |  |              |
|   |                          |  |  |              |
|   |                          |  |  |              |

5 Check only if there is NO Interested Party. ☐

### 6 UNSWORN DECLARATION

My name is David Hays, and my date of birth is 10/26/1955.

My address is 1820 Regal Row, Suite 200, Dallas, TX, 75235, USA.  
(street) (city) (state) (zip code) (country)

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

Executed in Dallas County, State of Texas, on the 17th day of March, 20 22.  
(month) (year)



Signature of authorized agent of contracting business entity  
(Declarant)





# CONSULTING SERVICES FOR ADA COMPLIANCE REQUIREMENTS



# Background

2

- June 2020, City entered into settlement agreement with Department of Justice
- Agreement relates to Americans with Disabilities Act violations in public facilities, programs and other services provided by the City
- City is required to come into compliance with terms of agreement by June 2023

# DOJ Requirements

3

- ❑ A self evaluation of all city facilities, programs, policies, and services must be completed
- ❑ Assessment of all public rights of way
- ❑ Assessment of all City policies
- ❑ Assessment of public programs and activities
- ❑ A Transition Plan must be developed

# Approach to Compliance

4

- Hiring a professional company that is experienced in ADA and DOJ requirements is necessary to meet terms of said agreement
- Dividing the ADA program into two phases due to costs associated with all components needed
- City staff met with consulting companies that conduct ADA compliance and related services
- CP&Y, Meeting the Challenge met the requirements to manage this project and CP&Y is a pre-qualified firm and is in the Central Texas area

# Plan Moving Forward -Phase I

5

- ❑ Concentrate on the timeline sensitive issues that can be addressed for phase 1
- ❑ Complete self evaluation of all city facilities & parks
- ❑ Review of City policies and procedures to ensure compliance and inclusiveness
- ❑ Website review for accessibility
- ❑ Phase I estimated timeline is 3 months

# Phase II

6

- Assessment of all public rights of way (streets, roads, highways, intersections, curbs, ramps, sidewalks)
- Assess additional public outreach activities (redesign of equipment, reassignment of services, communication methods, home visits)
- Finalize Transition Plan
- Continue work on public rights of way and outreach activities
- Submit Transition Plan to DOJ

# Alternatives

7

- Do not enter into a professional services agreement with CP&Y, Meeting the Challenge
- Enter into an agreement with CP&Y, Meeting the Challenge to provide consulting services for Phase I & funding is available in the CIP fund

# Recommendation

8

- City Council approve the professional services agreement with CP&Y, Meeting the Challenge in the amount of \$197,710 providing services for Phase I related to the settlement agreement with Department of Justice.



# City of Killeen

## Staff Report

**File Number: RS-22-059**

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|   |                       |            |                       |              |            |
|---|-----------------------|------------|-----------------------|--------------|------------|
| 1 | City Council Workshop | 05/03/2022 | Reviewed and Referred | City Council | 05/10/2022 |
|---|-----------------------|------------|-----------------------|--------------|------------|



Consider a memorandum/resolution approving an operating authority application for From Ten Til Two Limousine Bus, LLC.

**DATE:** May 3, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Traci Briggs, City Attorney

**SUBJECT:** Operating Authority Application from, From Ten Til Two Limousine Bus, LLC

**BACKGROUND AND FINDINGS:**

Chapter 29, City of Killeen Code of Ordinances, provides the manner by which an operating authority permit is granted. An operating authority is for ground transportation and taxicab services. An applicant must file an application, fee, and supporting documents.

From Ten Til Two Limousine Bus, LLC has applied for an operating authority permit. Staff has determined that the application is complete. As indicated on the application, the company owns and will operate one vehicle, a 2002 Freightliner bus with a seating capacity for 30 people. Operating authorities are good for five years. Vehicle window sticker permits expire on December 31st of each year.

**THE ALTERNATIVES CONSIDERED:**

Grant the operating authority to the applicant to provide limousine services in the city, or do not grant the operating authority.

**Which alternative is recommended? Why?**

Staff recommends granting the operating authority to From Ten Til Two Limousine Bus, LLC. The submitted application is complete and does conform to the city's code of ordinances.

**CONFORMITY TO CITY POLICY:**

The request conforms with Chapter 29, Transportation, of the city's code of ordinances.

**FINANCIAL IMPACT:**

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

There are no expenditures associated with a ground transportation operating authority.

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

N/A

**Is this expenditure budgeted?**

N/A

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

N/A

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

N/A

**RECOMMENDATION:**

Staff recommends that the City Council approve an operating authority to From Ten Til Two Limousine Bus, LLC.

**DEPARTMENTAL CLEARANCES:**

N/A

**ATTACHED SUPPORTING DOCUMENTS:**

Application



## APPLICATION FOR OPERATING AUTHORITY FOR TAXI CABS AND GROUND TRANSPORTATION SERVICES

*Chapter 29, Article 2 of the City of Killeen Code of Ordinances*

An operating authority is valid for five (5) years from date of approval. Vehicle permits are renewed annually.

1. Business/Trade Name: FROM TEN TIL TWO LIMOUSINE BUS LLC  
 Business Address: 402 N 8<sup>th</sup> STREET SUITE 122, KILLEEN TX 76541  
 Mailing Address: 402 N 8<sup>th</sup> STREET SUITE 122, KILLEEN TX 76541  
 E-mail: TYRELLBRERETON0824@gmail.com Telephone #: (737) 968 9701

2. Please check the type(s) of Operating Authority requested:

☒ Limousine Service      ☐ Airport Shuttle Service      ☐ Other \_\_\_\_\_  
☐ Shuttle Service      ☐ Charter Service      ☐ Taxi Cab

3. Business Owner(s) Information:

Name: Tyrell L. Brereton Driver's License # [REDACTED]  
 Name: Latretha N. Jackson Driver's License # [REDACTED]  
 Name: \_\_\_\_\_ Driver's License # \_\_\_\_\_

4. Number of permits requested for each service vehicle:

Limousine 1      Airport Shuttle \_\_\_\_\_      Shuttle \_\_\_\_\_  
 Charter \_\_\_\_\_      Other \_\_\_\_\_      Taxi Cab \_\_\_\_\_

5. Provide the following information for each vehicle to be used to provide the service (if additional space is needed include on a separate page):

| Yr.     | Make | Model | Body Style | Seating Capacity* | Service Type** | License Number | Vehicle Identification No. |
|---------|------|-------|------------|-------------------|----------------|----------------|----------------------------|
| 1) 2002 | ERHT | BUS   | Body BU    | 30                | L              |                |                            |
| 2)      |      |       |            |                   |                |                |                            |
| 3)      |      |       |            |                   |                |                |                            |
| 4)      |      |       |            |                   |                |                |                            |
| 5)      |      |       |            |                   |                |                |                            |
| 6)      |      |       |            |                   |                |                |                            |
| 7)      |      |       |            |                   |                |                |                            |
| 8)      |      |       |            |                   |                |                |                            |
| 9)      |      |       |            |                   |                |                |                            |
| 10)     |      |       |            |                   |                |                |                            |

\* Manufacturer's rated seating capacity

\*\* (L) Limousine (A) Airport Shuttle (S) Shuttle (C) Charter (O) Other

6. Name of Insurance Co.: VAUGHT INSURANCE SERVICES  
 Agent Name: MAYRA JIMENEZ  
 Agent Phone #: (281) 647-9100 Agent Insurance License #: 15060

7. The applicant must provide the following information and attach as part of the application:

- ✓ > Current State of Texas registration on each service vehicle;
- ✓ > The proposed rate of fare.
- ✓ > A certificate of insurance as proof of insurance coverage listing the City of Killeen as additional insured.

**For Taxi Cab services only:**

Color scheme of vehicles: \_\_\_\_\_

Attach a description of the taximeter proposed to be used and a current rate card.

8. ✓ A \$300.00 non-refundable operating authority application fee must be submitted with this application.

8. A \$300.00 non-refundable operating authority application fee must be submitted with this application.

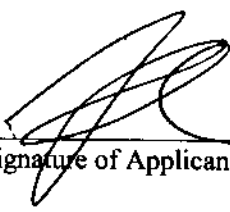
**Fees submitted upon approval of operating authority:**

Vehicle permit - \$50.00/vehicle  
 Airport permit - \$40.00/vehicle (if applicable)  
 Driver permit - \$25.00/driver (this fee is collected by the Killeen Police Department)

All drivers must go to the Killeen Police Department headquarters, *Records department*, located at 3304 Community Boulevard in Killeen to obtain a Driver Permit. The police department will require a letter of sponsorship from the company, a valid current Texas Driver's License, and a \$25.00 fee (cash only).

See Section 29-22, Driver Qualifications, for regulations/requirements on service vehicle drivers.

I, Tyrell L. Breerton, applicant, do swear or affirm that all of the information included within this application is accurate, and I understand that any omitted information or information found to be inaccurate will result in the denial of this application for operating authority or the revocation of an operating authority that is granted based on the information provided in this application. I also swear or affirm that I have read and understand Chapter 29 of the Killeen City Code relating to Transportation and agree to comply with the terms as written and as may be amended.

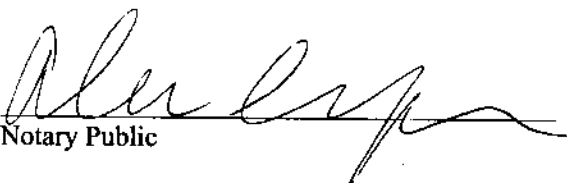
|  |              |                      |
|--|--------------|----------------------|
|  | <u>Owner</u> | <u>11 April 2022</u> |
| Signature of Applicant   | Title        | Date                 |

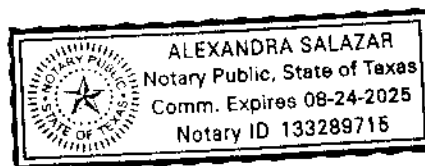
THE STATE OF TEXAS

COUNTY OF BELL

BEFORE ME, the undersigned authority, on this day appeared Tyrell Breerton, known to me to be the person whose name is signed to the foregoing application and duly sworn by me states under oath that he/she has read the said application and that all of the facts therein set forth are true and correct.

Sworn to before me, this, 11<sup>th</sup> day of April, 2022

  
 Notary Public



*Application must go to the city council for approval after City Manager approval.*



## TITLE APPLICATION RECEIPT

PROCESSING COUNTY: BELL TAC NAME: SHAY LUEDEKE  
 RESIDENT COUNTY: BELL DATE: 04/08/2022 EFFECTIVE DATE: 04/08/2022  
 PLATE NO: [REDACTED] TIME: 04:43PM EXPIRATION DATE: 3/2023  
 DOCUMENT NO: 01425244657164342 EMPLOYEE ID: KILN007 TRANSACTION ID: 01425244657164342  
 PREV DOC NO: 22042040469102216 P

## RENEWAL RECIPIENT NAME AND ADDRESS

TYRELL LESLIE BRERETON  
 402 N 8TH STREET SUITE 122  
 KILLEEN, TX 76541

## OWNER NAME AND ADDRESS

FROM TEN TILL TWO LIMOUSINE  
 BUS LLC  
 402 N 8TH STREET SUITE 122  
 KILLEEN, TX 76541

VEHICLE LOCATION ADDRESS  
 305 VIOLA DR  
 KILLEEN, TX 76542

REGISTRATION CLASS: PRIVATEBUS-MORETHAN6000  
 PLATE TYPE: PRIVATE BUS PLT  
 ORGANIZATION:  
 STICKER TYPE: WS

VEHICLE IDENTIFICATION NO: [REDACTED] 0190 VEHICLE CLASSIFICATION: BUS  
 YR/MAKE: 2002/FRHT MODEL: BUS BODY STYLE: BU UNIT NO:  
 EMPTY WT: 16140 CARRYING CAPACITY: 8000 GROSS WT: 24140 TRAILER TYPE:  
 BODY VEHICLE IDENTIFICATION NO: TVL TRLR L/W/SQFT: 0'0"  
 PREV OWNER NAME: CITY CHAPEL PREV CITY/STATE: ARLINGTON, TX

INVENTORY ITEM(S) YR  
 WINDSHIELD STICKER 2023

VEHICLE RECORD NOTATIONS  
 DIESEL  
 PAPER TITLE  
 MAJOR COLOR: BLACK

| FEES ASSESSED               |                  |
|-----------------------------|------------------|
| TITLE APPLICATION FEE       | \$ 13.00         |
| TERP TITLE FEE              | \$ 15.00         |
| DELO TRANS PENALTY 2008     | \$ 250.00        |
| SALES TAX FEE               | \$ 312.50        |
| SALES TAX EMISSION FEE 14   | \$ 50.00         |
| SALES TAX PENALTY FEE       | \$ 31.25         |
| WINDSHIELD STICKER          | \$ 205.00        |
| REG FEE-DPS                 | \$ 1.00          |
| CNTY ROAD BRIDGE ADD-ON FEE | \$ 10.00         |
| CHILD SAFETY FUND           | \$ 1.50          |
| INSPECTION FEE-CW           | \$ 22.00         |
| PROCESSING AND HANDLING FEE | \$ 4.75          |
| <b>TOTAL</b>                | <b>\$ 916.00</b> |

ODOMETER READING: EXEMPT BRAND:  
 OWNERSHIP EVIDENCE: TEXAS TITLE  
 1ST LIEN

2ND LIEN

3RD LIEN

## SALES TAX CATEGORY: SALES/USE

|                                    |                  |
|------------------------------------|------------------|
| Date of Assignment/Sales Tax Date: | 01/28/2019       |
| Sales Price                        | \$ 5,000.00      |
| Less Trade In Allowance            | \$ 0.00          |
| Taxable Amount                     | \$ 5,000.00      |
| Sales Tax Paid                     | \$ 312.50        |
| Less Other State Tax Paid          | \$ 0.00          |
| Tax Penalty                        | \$ 31.25         |
| <b>TOTAL TAX PAID</b>              | <b>\$ 343.75</b> |
| Batch No: 2524465701               | Batch Count: 16  |

THIS RECEIPT IS YOUR PROOF OF APPLICATION FOR CERTIFICATE OF TITLE AND REGISTRATION.

DUPLICATE



03 23

BELL

**VOID**  
 DO NOT USE/  
 NO USE



402 N 8<sup>TH</sup> STREET, SUITE 122  
KILLEEN, TEXAS 76541

April 10, 2022

Subject: Proposed Rates

Dear Mayor and Council Members of the City of Killeen:

I, Tyrell L. Brereton, propose rates of service as follows: Per Person rates starting at \$100, Friday and Saturday from 8 pm-3 am; Hourly rates starting at \$200 per hour, Sunday through Thursday rates may change dependent upon the circumstances of requested services as well as the day of the week.

If you have any further questions or comments regarding this letter, please feel free to discuss it with me personally at 757.968.9701.

Sincerely,

Tyrell L. Brereton  
Manager



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
4/11/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|  |   |
|--|---|
| <b>PRODUCER</b><br>AssuredPartners of Texas/ Vaught Insurance Services<br>840 Gessner<br>Suite 700<br>Houston TX 77024 | <b>CONTACT NAME:</b> Mayra Jimenez<br><b>PHONE (A/C, No, Ext):</b> 281-647-9100<br><b>FAX (A/C, No):</b> 281-647-6633<br><b>E-MAIL ADDRESS:</b> mayra@vaughtinsurance.com |
| <b>INSURED</b><br>From Ten Till Two Limousine Bus LLC<br>402 N 8th Street<br>Suite 122<br>Killeen TX 76541             | <b>INSURER(S) AFFORDING COVERAGE</b><br>INSURER A: National Liability & Fire Insurance Company<br>INSURER B:<br>INSURER C:<br>INSURER D:<br>INSURER E:<br>INSURER F:      |
| <b>License#:</b> 1435292<br><b>FROMTEN-01</b>  | <b>NAIC #</b>   |

## COVERAGES

**CERTIFICATE NUMBER:** 1819306924

**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE  | ADOL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS   |
|----------|--|-----------|----------|---------------|-------------------------|-------------------------|--|
|          | <b>COMMERCIAL GENERAL LIABILITY</b><br><input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR<br><br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br>OTHER: |           |          |               |                         |                         | EACH OCCURRENCE \$<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$<br>MED EXP (Any one person) \$<br>PERSONAL & ADV INJURY \$<br>GENERAL AGGREGATE \$<br>PRODUCTS - COMP/OP AGG \$<br>\$ |
| A        | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS<br><input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY     | Y         |          |               | 2/2/2022                | 2/2/2023                | COMBINED SINGLE LIMIT (Ea accident) \$ 500,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>\$                            |
|          | <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE<br>DED <input type="checkbox"/> RETENTION \$  |           |          |               |                         |                         | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$   |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/><br>If yes, describe under DESCRIPTION OF OPERATIONS below   | Y/N       | N/A      |               |                         |                         | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/><br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$                         |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

2002 Freightliner Bus 0190

Certificate holder is listed as Additional Insured with a 30-Day Notice of Cancellation.

## CERTIFICATE HOLDER

## CANCELLATION

City of Killeen  
101 N College St  
Killeen TX 76541

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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# FROM TEN TIL TWO LIMOUSINE BUS OPERATING AUTHORITY

RS-22-059

May 3, 2022

# Ordinance Requirements

2

- ❑ Must obtain an operating authority from the City Council by submitting an application
- ❑ Once approved
  - ▣ Operating authority is valid for 5 years and is not transferable
  - ▣ Each vehicle must display a vehicle permit obtained from the city
  - ▣ Drivers must obtain a driver's permit from PD

# Specifics and Findings

3

- ❑ Application received by From Ten Til Two Limousine Bus, LLC
- ❑ Will operate one vehicle: a 2002 Freightliner Bus for up to 30 passengers
- ❑ Application is complete and complies with Chapter 29, Transportation, City of Killeen Code of Ordinances

# Financial Impact

4

- ❑ \$300.00 new operating authority application fee
- ❑ \$50.00 window sticker (per vehicle), renewed annually to operate in city limits
- ❑ \$40.00 window sticker (per vehicle), renewed annually to operate at city airport
- ❑ \$25.00 driver permit (per driver), renewed annually
- ❑ There are no expenses to the City of Killeen

# Alternatives

5

- ❑ Deny the request
- ❑ Approve the application and allow the limousine bus service to operate for a five-year period

# Recommendation

6

Approve the operating authority application by  
From Ten Til Two Limousine Bus, LLC.



# City of Killeen

## Staff Report

File Number: OR-22-007

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Consider an ordinance amending the Code of Ordinances Chapter 6 Animals, adopting miniature swine regulations.

**DATE:** May 10, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Danielle Singh, Assistant City Manager

**SUBJECT:** Consider an ordinance amending the Code of Ordinances Chapter 6 Animals, adopting miniature swine regulations

### **BACKGROUND AND FINDINGS:**

Chapter 6 of the Code of Ordinances prohibits pigs in the City limits, unless on property zoned agricultural-open space or agricultural-residential. At the April 12, 2022 City Council meeting a citizen's petition was made requesting an amendment of the Chapter 6 Ordinance to allow miniature swine within the City limits.

Miniature pigs are bred specifically to attain a maximum height of 20 inches at the shoulder and a maximum weight of 150 pounds. They are very intelligent and can be housetrained, trained to walk on a leash, and respond to basic commands much like a dog. Their average life span is 15-18 years.

In order to amend the Chapter 6 Ordinance to allow miniature swine within the City limits for properties zoned other than agricultural-open space or agricultural-residential, the following changes would be added:

1. Maximum weight of 150 pounds and maximum height of 20 inches at the shoulder
2. Maximum of two miniature swine allowed per household or business
3. All miniature swine must be either spayed or neutered; no propagation or breeding of miniature swine
4. Must be vaccinated and microchipped
5. Excrement cleared daily to meet sanitary requirements
6. Miniature swine are permitted outdoors in a secure area for exercise and elimination only, not to exceed one hour per occurrence

If the ordinance amendment is approved, specialized equipment will be needed to ensure the safety of personnel and the animal(s) when handling/transportation of miniature swine is required. One truck will need to be outfitted with a mechanical lift and a steel cage specifically to be used for swine.

**THE ALTERNATIVES CONSIDERED:**

1. Do not approve the amendment to Chapter 6 of the Code of Ordinances.
2. Approve the amendment to Chapter 6 of the Code of Ordinances, with revisions.
3. Approve the amendment to Chapter 6 of the Code of Ordinances as drafted.

**Which alternative is recommended? Why?**

Staff recommends that the City Council consider the ordinance request.

**CONFORMITY TO CITY POLICY:**

This item complies with all applicable policies.

**FINANCIAL IMPACT:**

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

This action does not authorize any expenditure of funds. Specialized equipment will need to be considered during upcoming fleet purchases.

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

N/A

**Is this expenditure budgeted?**

N/A

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

N/A

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

N/A

**RECOMMENDATION:**

Staff recommends that City Council consider the amendment to Chapter 6 of the Code of Ordinances.

**DEPARTMENTAL CLEARANCES:**

Legal

**ATTACHED SUPPORTING DOCUMENTS:**



Ordinance

**AN ORDINANCE AMENDING CHAPTER 6, ANIMALS, OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, ADDING PROVISIONS RELATED TO MINIATURE SWINE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

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

**SECTION I.** That Chapter 6, Articles I and VI of the City of Killeen Code of Ordinances are hereby amended to read as follows:

**Chapter 6 Animals**

\*\*\*\*\*

**ARTICLE I. IN GENERAL**

\*\*\*\*\*

**Sec. 6-4. Definitions.**

\*\*\*\*\*

*Livestock means or includes, but [is] not limited to, domesticated animals raised for typically kept to provide food or fiber or perform work, whether or not they actually provide these functions, including, but not limited to, regardless of age, sex, or breed: horses, consisting of all equine species including ponies, mules, donkeys, jackasses, and burros; cattle, consisting of all bovine species; sheep, consisting of all ovine species; llamas and alpacas; goats, consisting of all caprine species; rabbits kept primarily outdoors or raised as a food or fiber source; chickens, ducks, ostriches, emus, and other fowl; and pigs or hogs, consisting of all swine species, excluding miniature swine.*

*Miniature swine means any member of the swine family which has, through selective breeding, been genetically manipulated to attain a maximum height of 20 inches, from the feet to the shoulders, and a maximum weight of 150 pounds.*

Swine means any of the ungulate mammals of the family Suidae, including the pig, hog, and boar, ~~and excluding the Vietnamese pot-bellied pig~~ miniature swine.

\*\*\*\*\*

## ARTICLE VI. TRAPPING, WILD ANIMALS, AND LIVESTOCK

\*\*\*\*\*

### *DIVISION 3 LIVESTOCK, FOWL AND SWINE*

\*\*\*\*\*

#### **Sec. 6-158. Miniature Swine.**

Miniature swine may be kept as pets in the City of Killeen. The following requirements shall apply to the keeping of miniature swine.

- (a) There shall be a maximum of two (2) miniature swine per household or business. The swine may be of any age.
- (b) All miniature swine must be either spayed/neutered in compliance with section 6-63. The owner of such animal must retain documentation of the spay/neuter of their animal. Under no circumstances may a person engage in the propagation or breeding of miniature swine within the Killeen city limits.
- (c) It shall be unlawful for any person to keep or maintain miniature swine outdoors. A person may permit miniature swine outdoors for brief periods (but not to exceed one (1) hour per occurrence) as necessary for exercise or for the elimination of waste. The outdoor area used for exercise and waste elimination must be a secure area from which the miniature swine may not escape.
- (d) It shall be unlawful for any person to keep or maintain miniature swine unless the swine have received annual vaccinations against erysipelas, parvo virus, and Leptospirosis. The first inoculations for such diseases must be received before the animal is four (4) months of age.
- (e) It shall be unlawful to allow the miniature swine to drink water from, or have access to, or enter into any public body of water, including a creek, stream, or lake, within the Killeen city limits.
- (f) All miniature swine kept within the corporate city limits must be microchipped in compliance with section 6-62.
- (g) All areas where miniature swine are located shall be kept in a clean and sanitary condition. Exercise areas shall be cleaned of swine excrement on a daily basis.

\*\*\*\*\*

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

**SECTION III.** That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

**SECTION IV.** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION V.** That this ordinance shall be effective on May 11, 2022, after its passages and publication according to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 10th day of May 2022, 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**

\_\_\_\_\_  
Debbie Nash-King  
Mayor

**ATTEST:**

**APPROVED AS TO FORM**

\_\_\_\_\_  
Lucy C. Aldrich  
City Secretary

\_\_\_\_\_  
Traci S. Briggs  
City Attorney



# MINIATURE SWINE ORDINANCE

OR-22-007

May 10, 2022

# Background

2

- ❑ Chapter 6 of the Code of Ordinances prohibits pigs in the City Limits, unless property is zoned agricultural-open space or agricultural-residential
- ❑ Miniature pigs are bred specifically to attain a maximum height of 20 inches (at the shoulder) and a maximum weight of 150 lbs
  - ▣ Very intelligent and can be housetrained, trained to walk on a leash, and respond to basic commands much like a dog
  - ▣ Average life span is 15-18 years
- ❑ Americans with Disabilities Act (ADA) protects the use of service animals
  - ▣ Only dogs are recognized as service animals; under certain circumstances miniature horses may be protected under the ADA
  - ▣ Support animals are not protected by ADA

# Draft Ordinance

3

- ❑ Allows miniature swine in the City Limits
  - ▣ Maximum weight of 150 pounds; maximum height of 20-inches
- ❑ Maximum of two miniature swine allowed per household or business
- ❑ All swine must be either spayed or neutered
  - ▣ No propagation or breeding of miniature swine
- ❑ Vaccination and microchip requirements
- ❑ Sanitary requirements; excrement cleared on daily basis
- ❑ Swine permitted outdoors, in a secure area, for exercise and elimination only; shall not exceed one hour per occurrence

# Required Equipment

4

- Appropriate and specialized equipment required to ensure the safety of both Animal Services personnel and the animal(s) when handling/transportation of swine is required
  - ▣ Mechanical lift will be required on truck(s)
  - ▣ Steel cage specifically for the use of swine







# City of Killeen

## Staff Report

**File Number: PH-22-032**

---

|   |                       |            |                       |              |            |
|---|-----------------------|------------|-----------------------|--------------|------------|
| 1 | City Council Workshop | 05/03/2022 | Reviewed and Referred | City Council | 05/10/2022 |
|---|-----------------------|------------|-----------------------|--------------|------------|

HOLD a public hearing and consider an ordinance requested by Killeen Engineering and Surveying, Ltd. on behalf of JOF Developers (Case #FLUM 22-14) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 2.90 acres out of the James Cook Survey, Abstract No. 161. The property is locally addressed as 5601 Clear Creek Road, Killeen, Texas.

**DATE:** May 3, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** FLUM CASE # 22-14: 'SUBURBAN COMMERCIAL' (SC) TO 'GENERAL RESIDENTIAL'

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** JOF Developers

**Agent:** Killeen Engineering

**Current FLUM Designation:** 'Suburban Commercial' (SC)

**Requested FLUM Designation:** 'General Residential' (GR)

**Summary of Request:**

Killeen Engineering, on behalf of JOF Developers, has submitted a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (GC) designation to a 'General Residential' (GR) designation for approximately 2.90 acres out of the James Cook Survey, Abstract No. 161. If approved, the applicant intends to replat this area and extend a cul-de-sac from McGregor Loop to create approximately nine (9) additional residential lots.

**Zoning/Plat Case History:**

The applicant previously submitted a FLUM amendment request to change the designation of this property from 'Suburban Commercial' (SC) to 'General Residential' (GR), which was disapproved by City Council by a unanimous vote on December 17, 2019.

The applicant recently submitted the same request, which was recommended for disapproval by the Planning and Zoning Commission on February 7, 2022 and was subsequently withdrawn.

The subject property was annexed into the city limits on March 16, 1999 via Ordinance No. 99-16. The property was subsequently zoned "B-3" (Local Business District) on January 25, 2000 via Ordinance No. 00-5. The property is currently unplatted.

**Character of the Area:**

**North:** Existing commercial property (Texas Humane Heroes animal shelter) zoned "A" (Agricultural District), "B-3" (Local Business District), and "B-4" (Business District);

**South:** Undeveloped commercial property zoned "B-3" (Local Business District);

**East:** Undeveloped commercial properties zoned "B-3" (Local Business District);

**West:** Undeveloped two-family residential lots zoned "R-2" (Two-Family Residential District) (McGregor Estates Phase Three subdivision).

### **Future Land Use Map Analysis:**

This property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Suburban Commercial' (SC) designation encourages the following development types:

- Range of commercial retail and service uses, at varying scales and intensities depending on the site;
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
- Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting;
- 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.

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

Provider: City of Killeen

Within Service Area: Yes

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

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is currently from Clear Creek Road, which is classified as a 120' wide Principal Arterial on the City of Killeen Thoroughfare Plan. If approved, the applicant intends to extend a cul-de-sac from McGregor Loop into the subject property.

### **Environmental Assessment:**

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no

other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

**Public Notification:**

Staff mailed courtesy notices to thirty-two (32) surrounding property owners regarding this request. Of those property owners notified, six (6) reside outside of Killeen.

**Staff Findings:**

The 'Suburban Commercial' (SC) land use category is characterized by reduced site coverage relative to most commercial development.

The 'General Residential' (GR) land use category is characterized by auto-oriented character (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) GR areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

The current zoning of the subject property is "B-3" (Local Business District). The surrounding area includes an existing commercial property and undeveloped properties. The area to the north is existing commercial property (Texas Humane Heroes animal shelter). To the west are undeveloped residential lots and to the south and east are undeveloped commercial properties.

**THE ALTERNATIVES CONSIDERED:**

The City Council has two (2) alternatives. The Council may:

- Disapprove the applicant's FLUM amendment request; or
- Approve the applicant's FLUM amendment request.

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant's FLUM amendment request.

Following the Planning and Zoning Commission meeting in February, staff was provided with additional information by the applicant indicating that TxDOT had denied the applicant's request for a driveway permit for this property. Therefore, access to the property from Clear Creek Rd. is prohibited. In addition, there is an existing drainage ditch between the subject property and the adjacent commercial property to the south, which would make accessing the property from the south cost prohibitive.

Based on these constraints, staff finds that developing this site for commercial use is impracticable. Therefore, staff recommends approval of the applicant's request as presented.

**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? 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:**

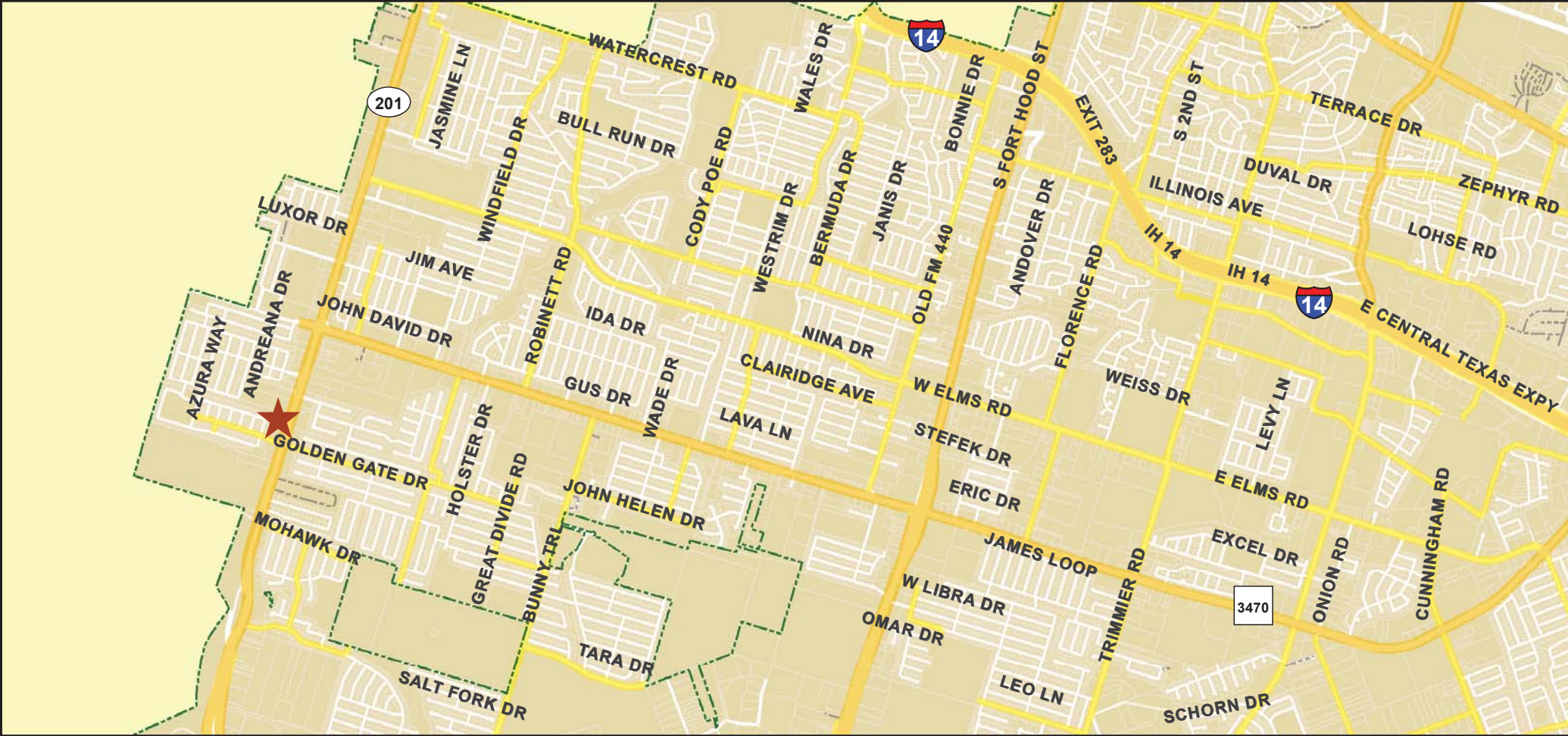
At their regular meeting on April 4, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 1 with Commissioner Minor in opposition.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
TXDOT Letter  
Ordinance



**LOCATION MAP**

**Case: FLUM AMENDMENT 2022-14**

Council District: 4

FROM SC TO GR

Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508



FLUM LOCATION

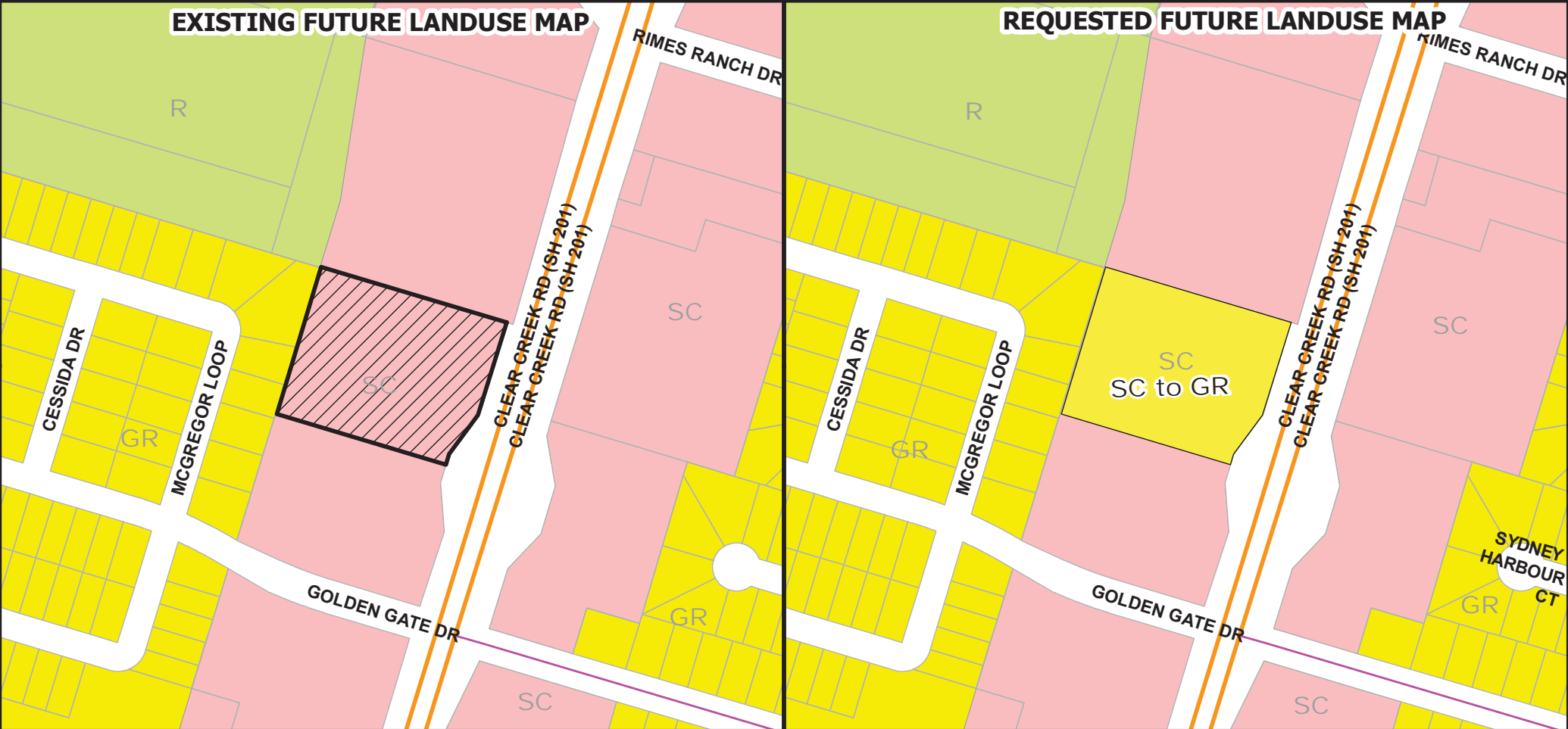


1 inch = 4,167 feet

Date: 3/8/2022

### EXISTING FUTURE LANDUSE MAP

### REQUESTED FUTURE LANDUSE MAP



### FUTURE LAND USE MAP





#### Case: FLUM AMENDMENT 2022-14

Council District: 4

FROM SC TO GR

Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508

#### Future Land Use Legend

-  FLUM Case Location selection
-  General Residential (GR)
-  Suburban Commercial (SC)
-  Rural (R)



1 inch = 333 feet

Date: 3/8/2022



# SITE PHOTOS

Case #FLUM22-14: 'SC' TO 'GR'



View of the subject property looking north:



View of the surrounding property looking south:





# SITE PHOTOS

Case #FLUM22-14: 'SC' TO 'GR'



View of the surrounding property to the west:



View of Clear Creek to the east of the subject property:



**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**April 04, 2022**

**CASE #FLUM 22-14**  
**'SC' to 'GR'**

**HOLD** a public hearing and consider a request submitted by Killeen Engineering and Surveying, Ltd. on behalf of JOF Developers (**Case #FLUM 22-14**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 2.90 acres out of the James Cook Survey, Abstract No. 161. The property is locally addressed as 5601 Clear Creek Road, Killeen, Texas.

Commissioner O'Brien stepped down from the Dais.

Ms. Larsen briefed the Commission regarding the applicant's request. She stated that, based on site constraints, staff finds that developing this site for commercial use is impracticable. Therefore, staff recommends approval of the applicant's request as presented.

The agent, Mr. Gary Purser, 2701 E. Stan Schlueter, was present to represent the case. Commissioner Minor asked if anything had changed since the last time the Commission reviewed the request. Mr. Purser stated that TXDOT had confirmed that they would not allow driveway access to Clear Creek Road from the subject property.

Chairman Latham opened the public hearing.

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

Commissioner Alvarez made a motion to recommend approval the request as presented. Commissioner Gukeisen seconded, and the motion passed by a vote of 5 to 1 with commissioner Minor in opposition.

Commissioner O'Brien returned to the Dais.

**From:** Richard Rangel Jr <[Richard.Rangel@txdot.gov](mailto:Richard.Rangel@txdot.gov)>  
**Sent:** Friday, February 18, 2022 8:18 AM  
**To:** Cyndi Murphy <[cmohr@purserco.com](mailto:cmohr@purserco.com)>  
**Cc:** Richard Rangel Jr <[Richard.Rangel@txdot.gov](mailto:Richard.Rangel@txdot.gov)>  
**Subject:** SH 201 & Golden Gate Driveway

Bubba, after reviewing the request for a driveway on SH 201 just before Golden Gate Dr., TxDOT will deny a driveway permit for SH201. The requested driveway does not meet TxDOT spacing criteria, and would be located in a right turn deceleration lane. If you have any question please feel free to contact me.



*Richard Rangel*  
**Bell County Area Office**  
Permit Coordinator  
410 West Loop 121  
Belton, TX 76513  
Office: 254-939-3778  
Cell: 254-346-7783  
[Richard.Rangel@txdot.gov](mailto:Richard.Rangel@txdot.gov)

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

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 2.90 ACRES OUT OF THE JAMES COOK SURVEY, ABSTRACT NO. 161, FROM A 'SUBURBAN COMMERCIAL' (SC) DESIGNATION TO 'GENERAL RESIDENTIAL' (GR) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; 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 Killen Engineering, on behalf of JOF Developers, for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan to change the 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation, said property being legally described as being approximately 2.90 acres out of the James Cook Survey, Abstract No. 161; said revision having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of April 2022, 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 10<sup>th</sup> day of May 2022, 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 2.90 acres out of the James Cook Survey, Abstract No. 161, be amended from a ‘Suburban Commercial’ (SC) designation to a ‘General Residential’ (GR) designation. The property is locally addressed as 5601 Clear Creek 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 10<sup>th</sup> day of May 2022, 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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**Debbie Nash-King, MAYOR**

**ATTEST:**

---

**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Traci S. Briggs, City Attorney**

Case #: FLUM 22-14

Ord#: 22-\_\_\_\_



CASE #FLUM22-14: 'SC' TO 'GR'

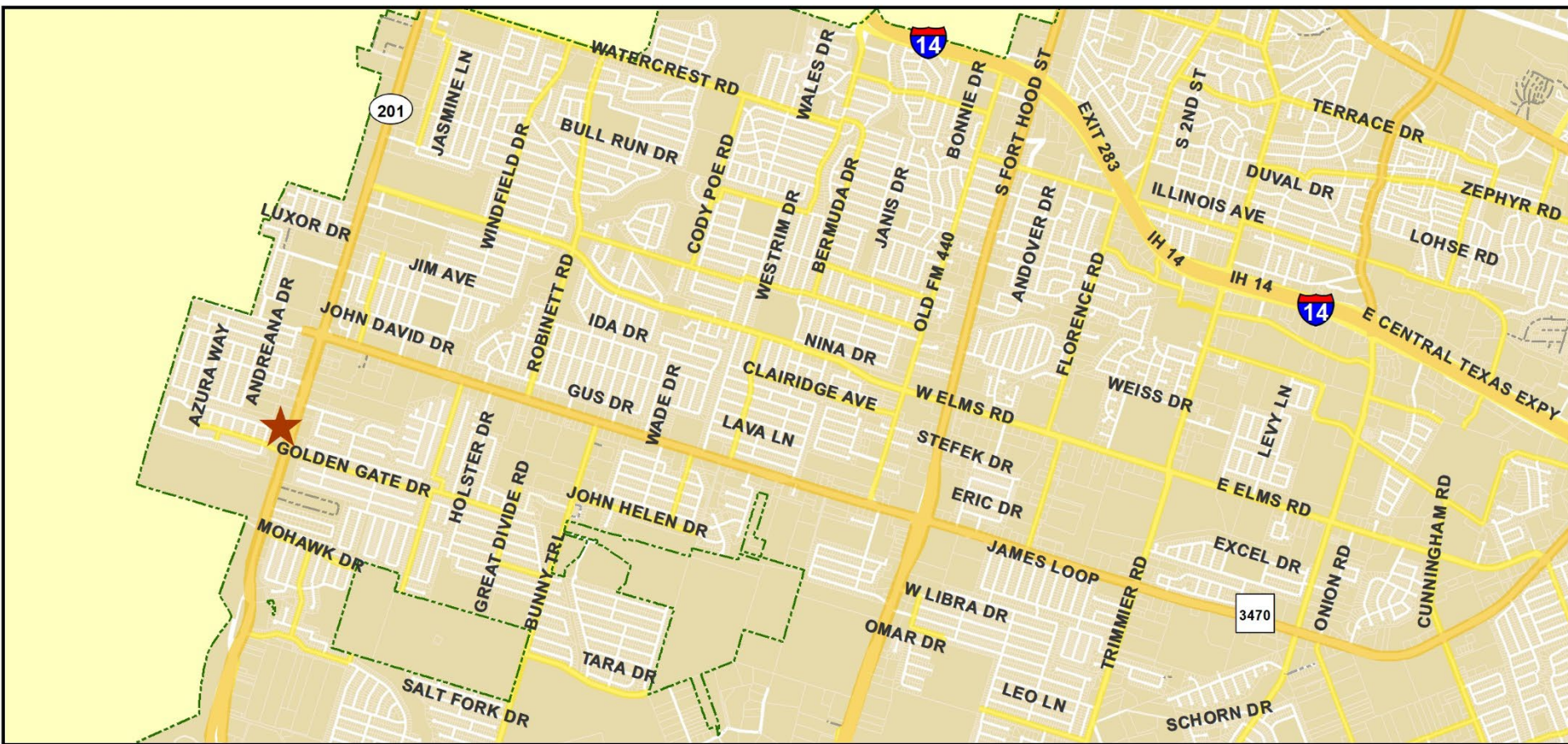
PH-22-032

May 3, 2022

## Case #FLUM 22-14: 'SC' to 'GR'

- ❑ **HOLD** a public hearing and consider an ordinance requested by Killeen Engineering and Surveying, Ltd. on behalf of JOF Developers (**Case #FLUM 22-14**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 2.90 acres out of the James Cook Survey, Abstract No. 161.
- ❑ The property is locally addressed as 5601 Clear Creek Road, Killeen, Texas.





## LOCATION MAP

### Case: FLUM AMENDMENT 2022-14

Council District: 4

FROM SC TO GR

Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508



FLUM LOCATION

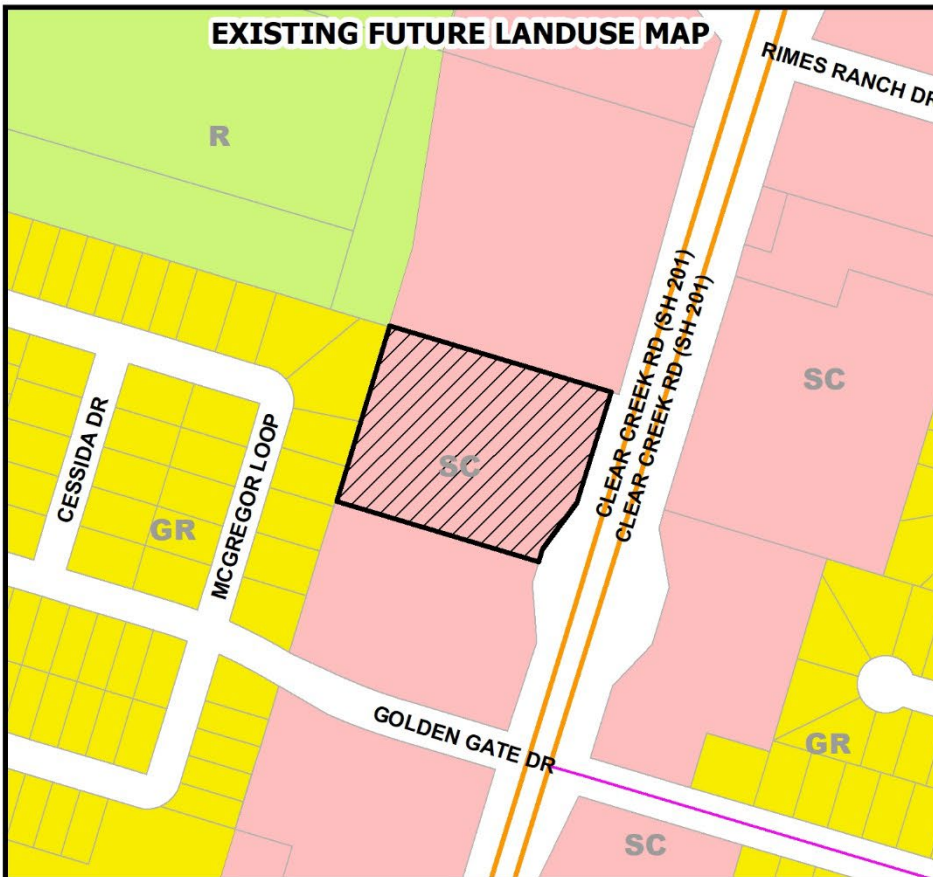


1 inch = 4,167 feet

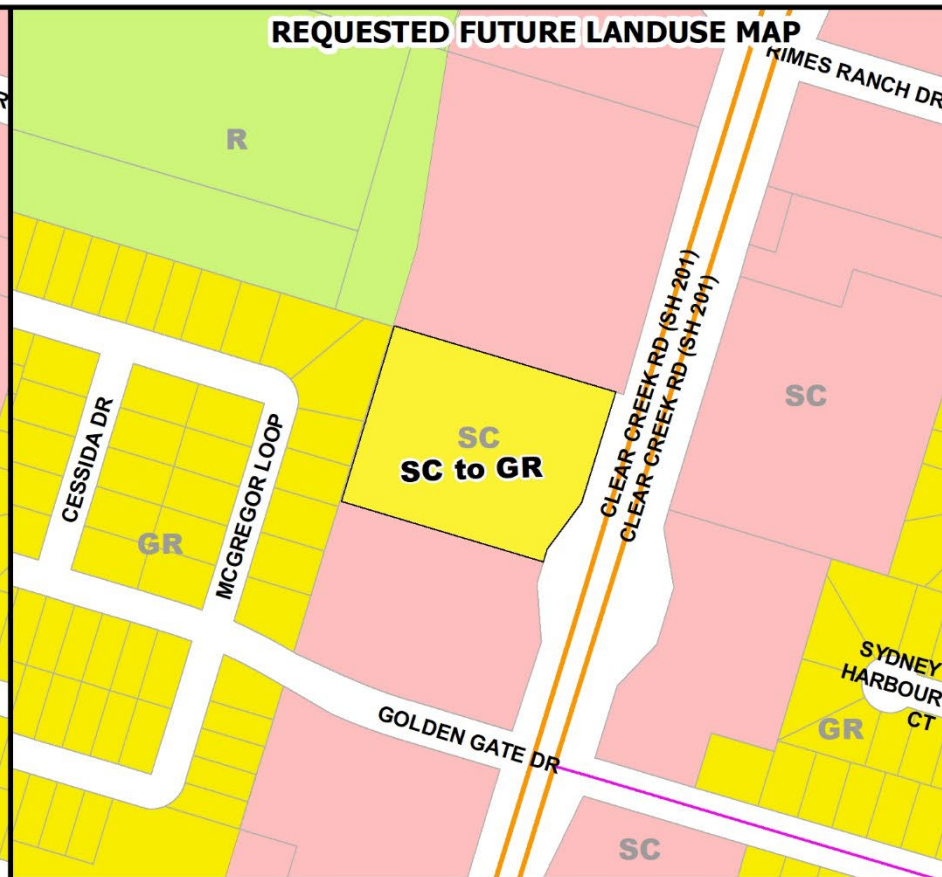
Date: 3/8/2022



## EXISTING FUTURE LANDUSE MAP



## REQUESTED FUTURE LANDUSE MAP



### FUTURE LAND USE MAP





#### **Case: FLUM AMENDMENT 2022-14**

Council District: 4

FROM SC TO GR

Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508

#### Future Land Use Legend

-  FLUM Case Location selection
-  General Residential (GR)
-  Suburban Commercial (SC)
-  Rural (R)



1 inch = 33' **93**  
Date: 3/8/2022

# Case #FLUM 22-14: 'SC' to 'GR'

5

- If approved, the applicant intends to extend a cul-de-sac into this subject area and plat approximately nine (9) additional residential lots within the McGregor Estates subdivision.
- If the FLUM amendment request is approved, the applicant would then request to rezone the property to “R-1” (Single Family Residential District).
- If the zoning request is approved, the property would then need to be platted.

# Case #FLUM 22-14: 'SC' to 'GR'

6

- The 'Suburban Commercial' (SC) designation encourages the following development types:
  - ▣ Range of commercial retail and service uses, at varying scales and intensities depending on the site;
  - ▣ Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
  - ▣ Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting;
  - ▣ Public/institutional; and
  - ▣ Parks and public spaces.

# Case #FLUM 22-14: 'SC' to 'GR'

7

- 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.

# Case #FLUM 22-14: 'SC' to 'GR'

8

- The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA).
- There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

# Case #FLUM 22-14: 'SC' to 'GR'

9

View of the subject property looking north:



# Case #FLUM 22-14: 'SC' to 'GR'

10

View of the surrounding property looking south:





# Case #FLUM 22-14: 'SC' to 'GR'

11

View of the surrounding property to the west:





# Case #FLUM 22-14: 'SC' to 'GR'

12

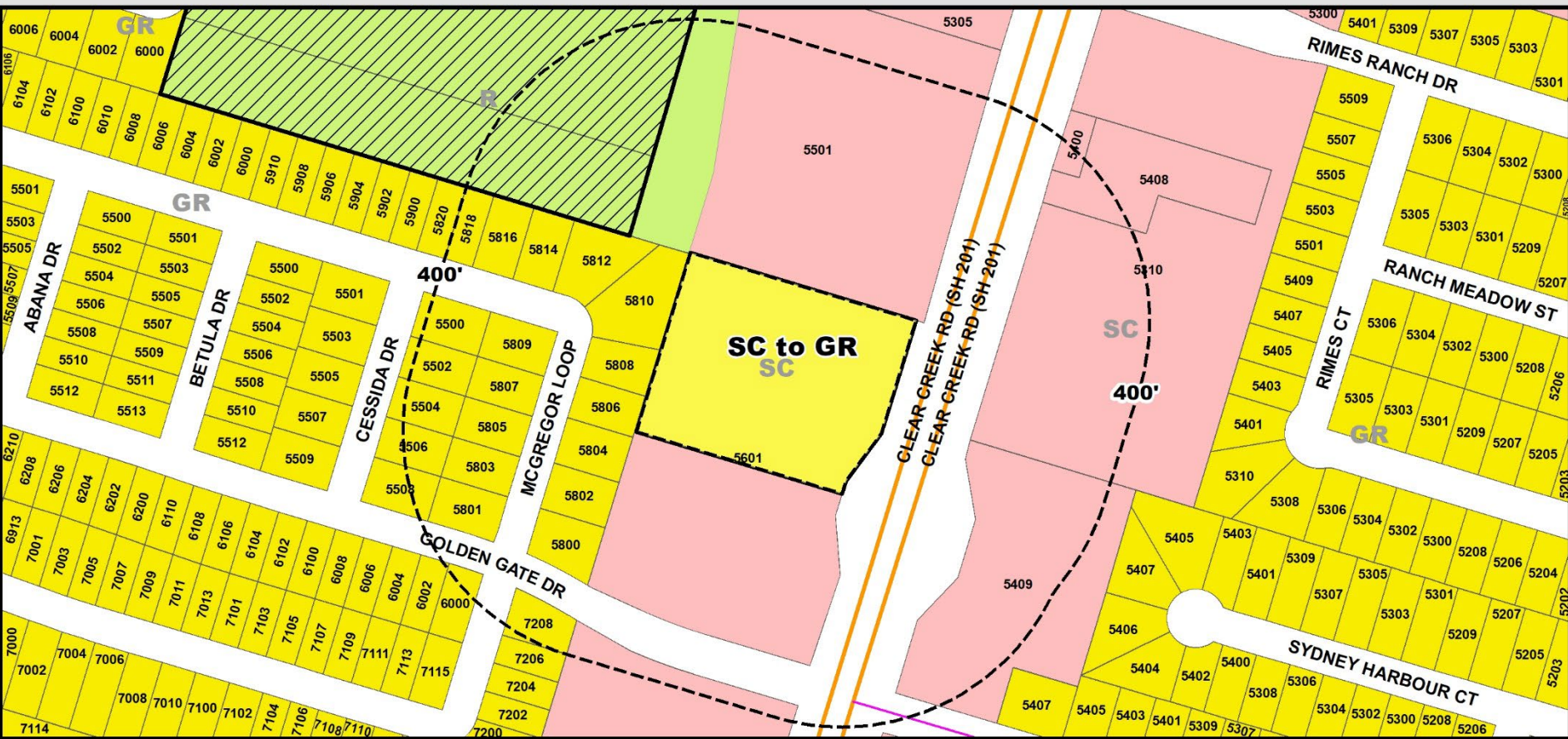
View of Clear Creek Rd. located east of the subject property:



# Public Notification

13

- Staff mailed courtesy notices to thirty-two (32) surrounding property owners regarding this request.
- Of those notified, six (6) property owners reside outside of Killeen.



**NOTIFICATION MAP**

**Case: FLUM AMENDMENT 2022-14**

Council District: 4

FROM SC TO GR

Subject Property Legal Description: PART OF A0161BC J COOK, 2, (PT REMAINDER OF 87.996C TRACT), ACRES 5.508

- Legend**
- Killen City Limits
  - Principal Arterial, Existing
  - Rural (R)
  - Bell County Area
  - General Residential (GR)
  - Suburban Commercial (SC)
  - Collector, Existing



**103**

Date: 3/8/2022

# Alternatives

15

- ❑ The City Council has three (3) alternatives. The Council may:
  - ▣ Disapprove the applicant's FLUM amendment request;
  - ▣ Approve a more restrictive FLUM designation than requested; or
  - ▣ Approve the applicant's FLUM amendment request as presented.

# Staff Findings

16

- Following the Planning and Zoning Commission meeting in February, staff was provided with additional information by the applicant indicating that TxDOT had denied the applicant's request for a driveway permit for this property. Therefore, access to the property from Clear Creek Rd. is prohibited.
- In addition, there is an existing drainage ditch between the subject property and the adjacent commercial property to the south, which would make accessing the property from the south cost prohibitive.

# Staff Recommendation

17

- Based on these constraints, staff finds that developing this site for commercial use is impracticable.
- Therefore, staff recommends approval of the applicant's request as presented.

# Commission Recommendation

18

- ❑ At their regular meeting on April 4, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 1 with Commissioner Minor in opposition.



# City of Killeen

## Staff Report

**File Number: PH-22-033**

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|   |                       |            |                       |              |            |
|---|-----------------------|------------|-----------------------|--------------|------------|
| 1 | City Council Workshop | 05/03/2022 | Reviewed and Referred | City Council | 05/10/2022 |
|---|-----------------------|------------|-----------------------|--------------|------------|



HOLD a public hearing and consider an ordinance requested by Eugene Kim on behalf of G3 JS Investments, LLC (Case #FLUM 22-13) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation for approximately 4.289 acres out of the A. Thompson Survey, Abstract No. 813. The property is locally addressed as 905 W. Hallmark Avenue, Killeen, Texas.

**DATE:** May 3, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** FLUM CASE #22-13: 'GENERAL RESIDENTIAL' (GR) TO 'GENERAL COMMERCIAL' (GC)

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** G3 JS Investments, LLC

**Agent:** Eugene Kim

**Current FLUM Designation:** 'General Residential' (GR)

**Requested FLUM Designation:** 'General Commercial' (GC)

**Current Zoning:** "R-3" (Multifamily Residential District)

**Proposed Zoning:** "B-3" (Local Business District)

**Summary of Request:**

Eugene Kim, on behalf of G3 JS Investments, LLC, has submitted a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation for approximately 4.289 acres out of the A. Thompson Survey, Abstract No. 813. If approved, the applicant intends to develop the property as a shopping plaza for small to medium size stores, offices, restaurants, and cultural event spaces.

**Zoning/Plat Case History:**

The subject property was rezoned from "R-MH" (Residential Mobile Home District) and "B-5" (Business District) to R-3 (Multifamily) and B-3 (Local Business) via Ordinance No. 77-63 on November 8, 1977. The property is currently unplatted.

**Character of the Area:**

**North:** Existing Mobile Home Park (Oak Springs Estates Mobile Home Park) zoned "R-MH" (Mobile Home District)

**East:** Existing single-family and two-family homes zoned "R-3" (Multifamily Residential District) and commercial property zoned "B-5" (Business District)

**South:** Existing commercial businesses zoned "B-5" (Business District)

**West:** Vacant commercial property zoned "RC-1" (Restaurant and Alcohol Sales District) and existing commercial business zoned "B-5" (Business District)

**Future Land Use Map Analysis:**

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

If approved, the 'General Commercial' (GC) designation encourages the following development types:

- 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.

The applicant has submitted a concurrent request to rezone the portion of the property that is currently zoned as "R-3" (Multifamily Residential District) to "B-3" (Local Business District).

**Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

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

**Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from W. Hallmark Ave., which is classified as a 110' wide Minor Arterial on the City of Killeen Thoroughfare Plan.

**Environmental Assessment:**

The property is not within a FEMA regulatory Special Flood Hazard Area (SFHA). The property is crossed by Riverine habitat associated with the Hallmark Ditch, as identified on the National Wetlands Inventory.

**Public Notification:**

Staff mailed courtesy notices to thirty (30) surrounding property owners regarding this request. Of those property owners notified, twelve (12) reside outside of Killeen.

**Staff Findings:**

The subject property and its surrounding area are identified on the Future Land Use Map (FLUM) as being intended for 'General Residential' (GR) development and 'General Commercial' (GC) to the south.

The character of the 'General Residential' (GR) land use category is auto-oriented (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'GR' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

The current zoning of the subject property is "B-3" (Local Business District) and "R-3" (Multifamily Residential District). The surrounding area includes residential and commercial uses.

**THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's FLUM amendment request;
- Approve a more restrictive FLUM designation; or
- Approve the applicant's FLUM amendment request.

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request to amend the FLUM as presented.

Staff finds that the requested FLUM amendment is consistent with the existing commercial land uses adjacent to the subject property. Further, staff finds that the proposed commercial use is compatible with the prevailing community character of the area. The surrounding area includes a mix of commercial and residential land uses at varying scales and intensities. Staff is of the determination that the proposed 'General Commercial' (GC) land use designation of the subject property would have no adverse impact on the surrounding area.

**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? For future years?**

The proposed FLUM amendment 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:**

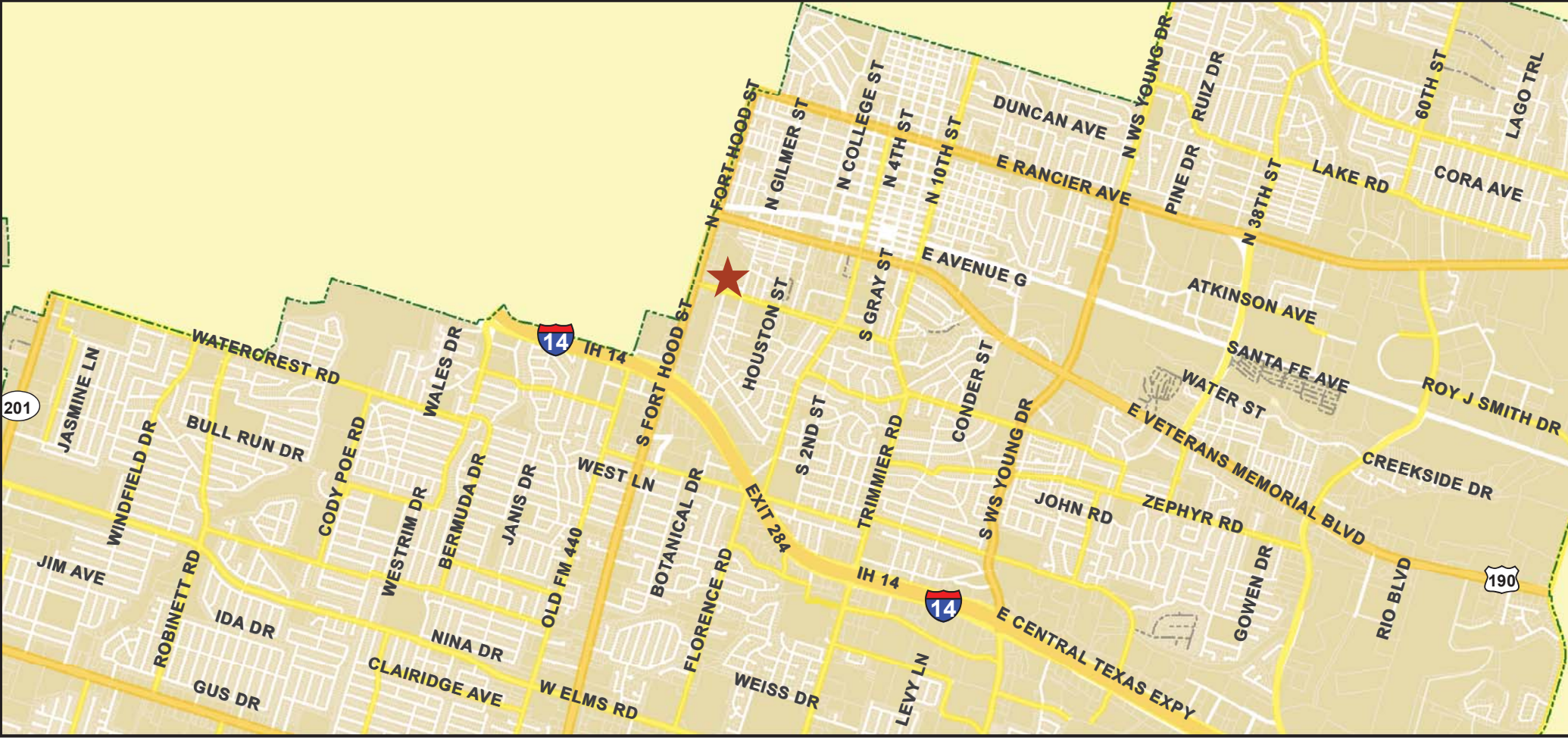
At their regular meeting on April 4, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance



**LOCATION MAP**

**Case: FLUM AMENDMENT 2022-13**

Council District: 3

FROM GR TO GC

Subject Property Legal Description: A0813BC A THOMPSON, 770-52, ACRES 4.289



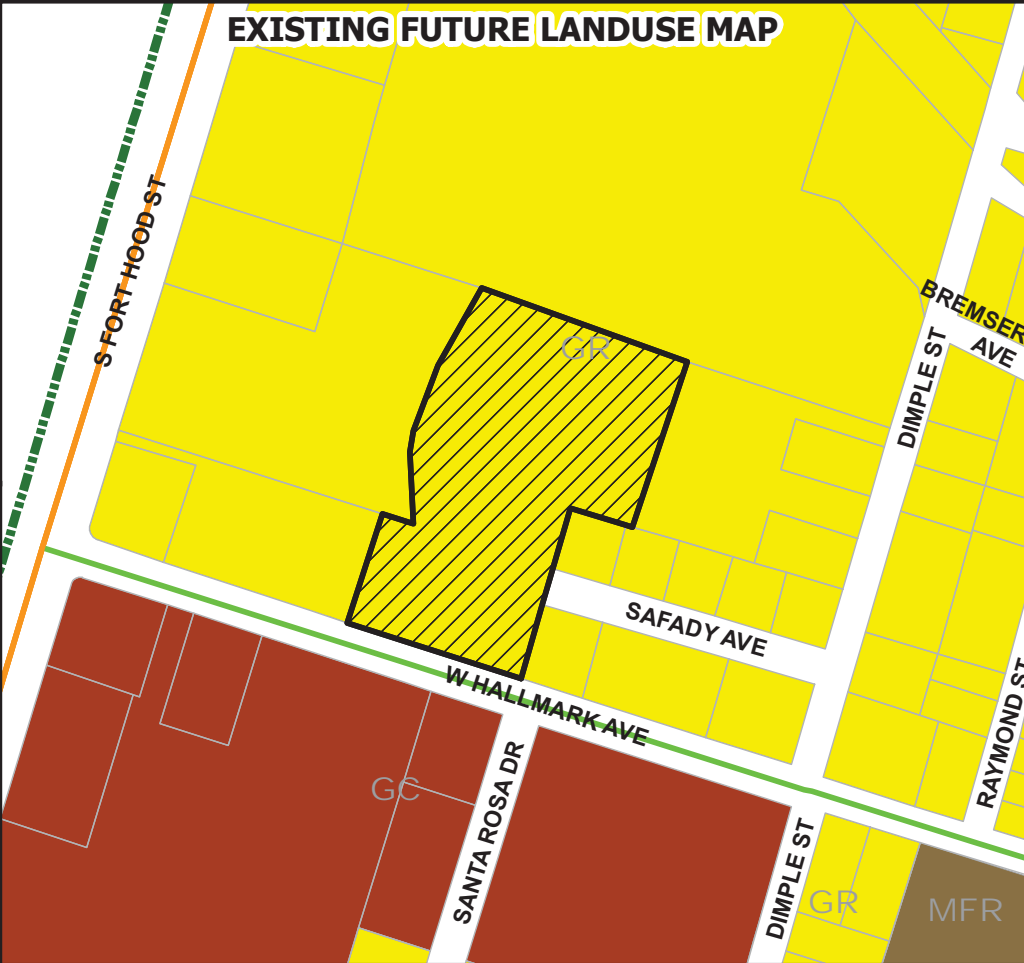
FLUM LOCATION



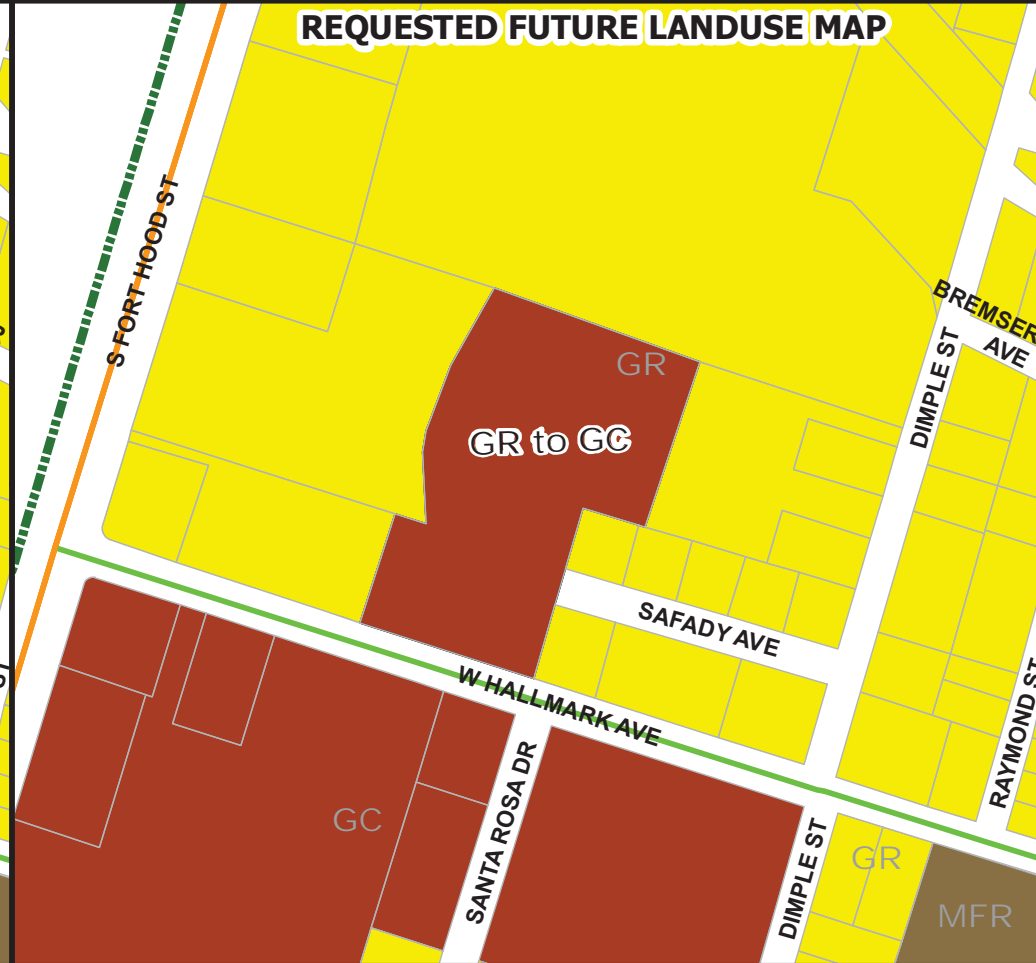
1 inch = 4,167 feet

Date: 3/8/2022

### EXISTING FUTURE LANDUSE MAP



### REQUESTED FUTURE LANDUSE MAP



### FUTURE LAND USE MAP





#### Case: FLUM AMENDMENT 2022-13

Council District: 3

FROM GR TO GC

Subject Property Legal Description: A0813BC A THOMPSON, 770-52, ACRES 4.289

#### Future Land Use Legend

-  FLUM Case Location
-  Multi-Family Residential (MFR)
-  General Residential (GR)
-  General Commercial (GC)



1 inch = 333 feet

Date: 3/8/2022

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**April 04, 2022**

**CASE #FLUM 22-13**  
**'GR' to 'GC'**

**HOLD** a public hearing and consider a request submitted by Eugene Kim on behalf of G3 JS Investments, LLC (Case #FLUM 22-13) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation for approximately 4.289 acres out of the A. Thompson Survey, Abstract No. 813. The property is locally addressed as 905 W. Hallmark Avenue, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant's request. She stated that staff recommends approval of the request, as it is consistent with the character of the area.

The agent, Mr. Eugene Kim, was present to represent this case.

Chairman Latham opened the public hearing.

Mr. James Henderson, 171 Cactus Lane, requested clarification regarding how the requested change would affect his property. Chairman Latham stated that the request would not affect the zoning of his property.

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

Commissioner Ploeckelmann made a motion to recommend approval of the request as presented. Commissioner Sabree seconded, and the motion passed by a vote of 7 to 0.

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

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 4.289 ACRES OUT OF THE A THOMPSON SURVEY, ABSTRACT NO. 813, FROM A 'GENERAL RESIDENTIAL' (GR) DESIGNATION TO A 'GENERAL COMMERCIAL' (GC) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; 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 Eugene Kim, on behalf of G3 JS Investments, LLC, for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan to change the 'General Residential' (GR) designation to a 'General Commercial' (GC) designation, said property being legally described as being approximately 4.289 acres out of the A. Thompson Survey, Abstract No. 813; said revision having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of April 2022, 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 10<sup>th</sup> day of May, 2022, 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 4.289 acres out of the A. Thompson Survey, Abstract No. 813, be amended from a ‘General Residential’ (GR) designation to a ‘General Commercial’ (GC) designation, for the property locally addressed as 905 W Hallmark Avenue, 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 10<sup>th</sup> day of May 2022, 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:**

---

**Debbie Nash-King, MAYOR**

**ATTEST:**

---

**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

---

**Traci S. Briggs, City Attorney**

Case #: FLUM 22-13

Ord#: 21-\_\_\_\_



CASE #FLUM22-13: 'GR' TO 'GC'

PH-22-033

May 3, 2022

118

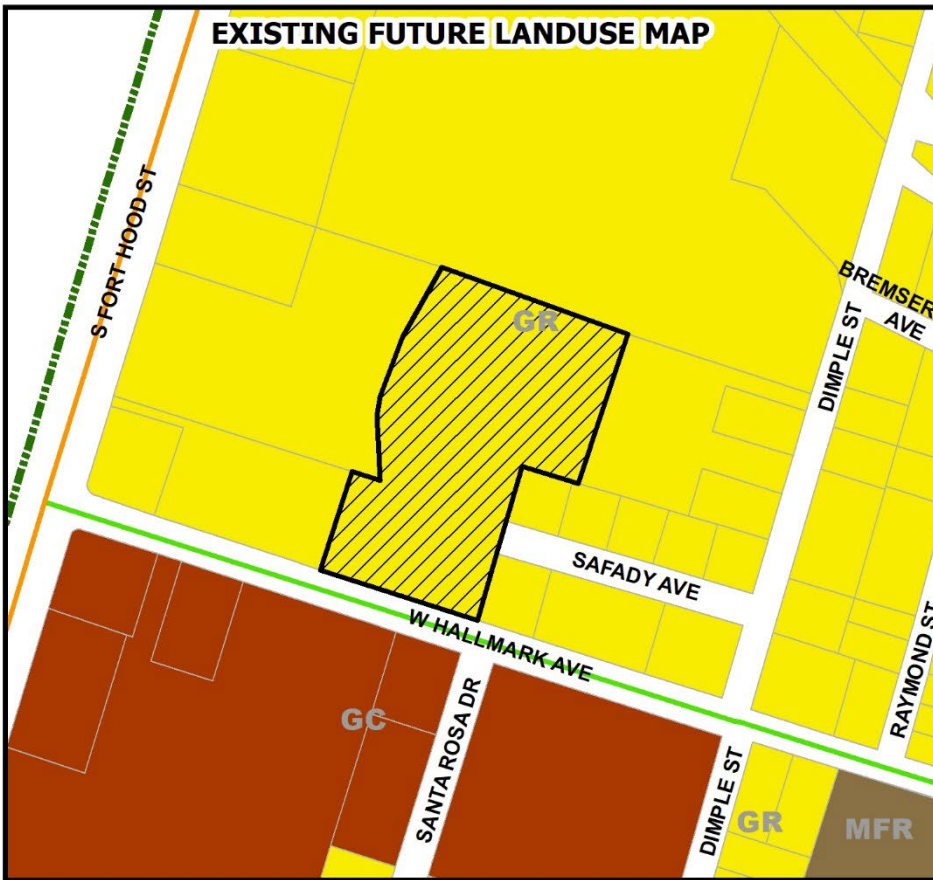
## Case #FLUM 22-13: 'GR' to 'GC'

- ❑ **HOLD** a public hearing and consider an ordinance requested by Eugene Kim on behalf of G3 JS Investments, LLC (**Case #FLUM 22-13**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'General Residential' (GR) designation to a 'General Commercial' (GC) designation for approximately 4.289 acres out of the A. Thompson Survey, Abstract No. 813.
- ❑ The property is locally addressed as 905 W. Hallmark Avenue, Killeen, Texas.

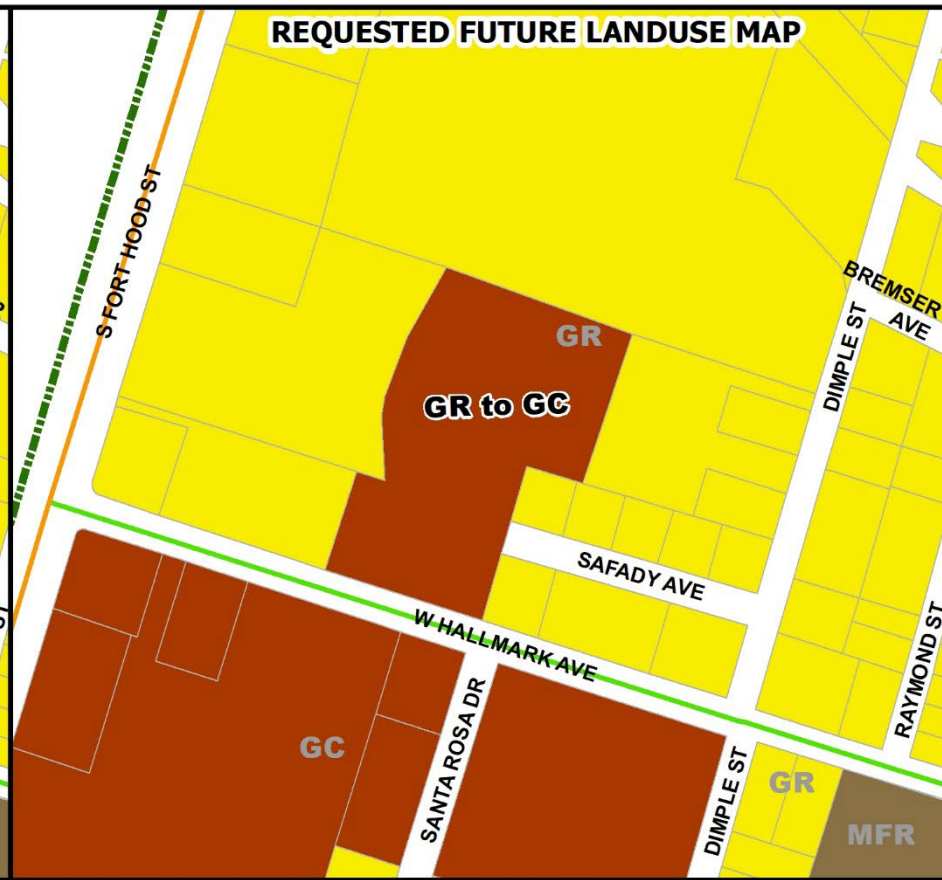




## EXISTING FUTURE LANDUSE MAP



## REQUESTED FUTURE LANDUSE MAP



### FUTURE LAND USE MAP





#### Case: FLUM AMENDMENT 2022-13

Council District: 3

FROM GR TO GC

Subject Property Legal Description: A0813BC A THOMPSON, 770-52, ACRES 4.289

#### Future Land Use Legend

-  FLUM Case Location
-  Multi-Family Residential (MFR)
-  General Residential (GR)
-  General Commercial (GC)



1 inch = **121**

Date: 3/8/2022

## Case #FLUM 22-13: 'GR' to 'GC'

5

- If approved, the applicant intends to develop the property as a shopping plaza for small to medium size stores, offices, restaurants, and cultural event spaces.
- The applicant has submitted a concurrent request to rezone the property from “R-3” (Multifamily Residential District) to “B-3” (Local Business District).

# Case #FLUM 22-13: 'GR' to 'GC'

6

- 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.

# Case #FLUM 22-13: 'GR' to 'GC'

7

- If approved, the 'General Commercial' (GC) designation encourages the following development types:
  - ▣ 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.



## Case #FLUM 22-13: 'GR' to 'GC'

8

- The property is not within a FEMA regulatory Special Flood Hazard Area (SFHA).
- The property is crossed by Riverine habitat associated with the Hallmark Ditch as identified on the National Wetlands Inventory.

# Case #FLUM 22-13: 'GR' to 'GC'

9

View of the subject property looking north (from W. Hallmark Ave):



# Case #FLUM 22-13: 'GR' to 'GC'

10

View of the subject property looking west (from Safady Ave.):



# Case #FLUM 22-13: 'GR' to 'GC'

11

View of the adjacent property to the east (on Safady Ave.):





# Case #FLUM 22-13: 'GR' to 'GC'

12

View of the adjacent property to the east (from W. Hallmark Ave):



# Case #FLUM 22-13: 'GR' to 'GC'

13

View of the adjacent property to the west:



# Case #FLUM 22-13: 'GR' to 'GC'

14

View of the subject property looking southwest:

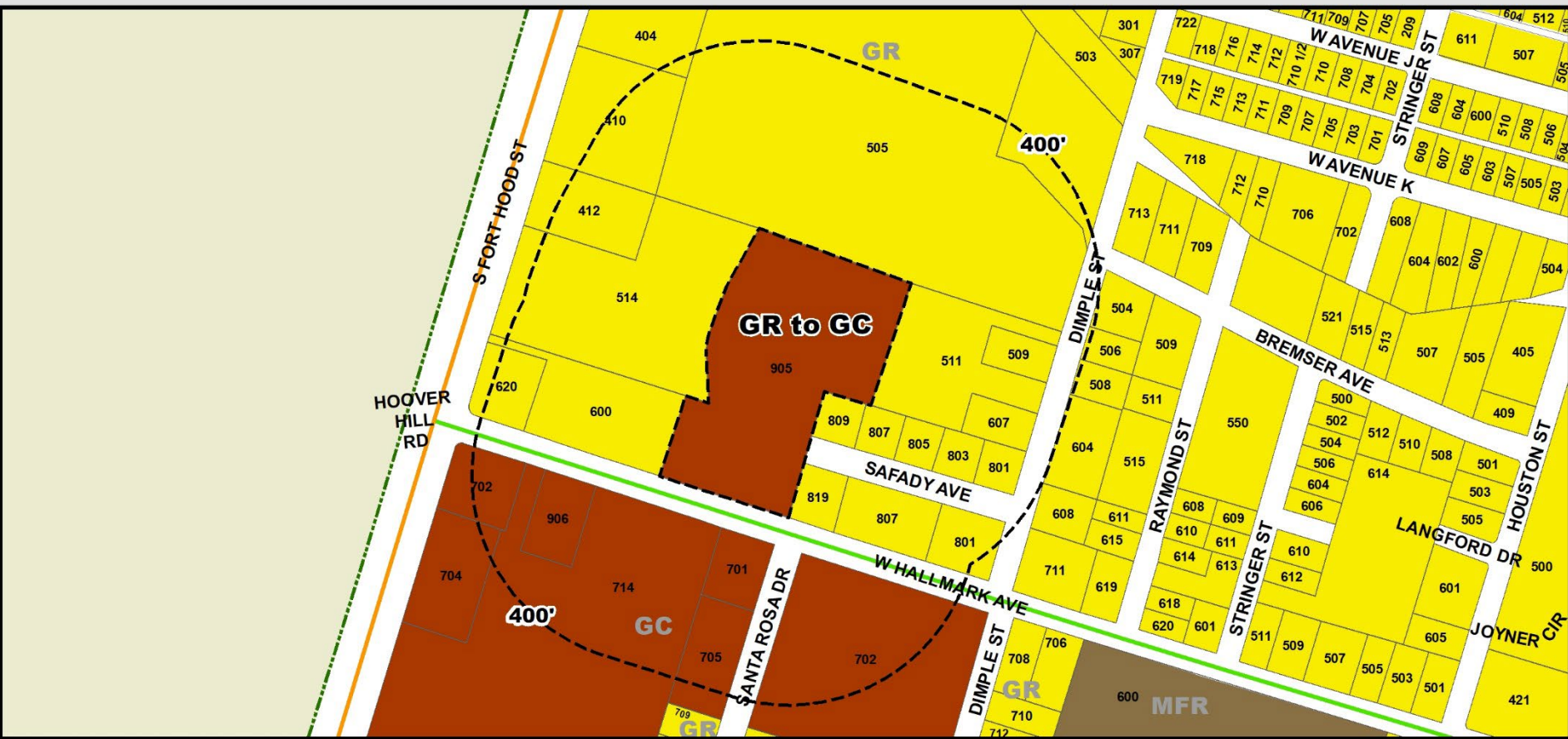


# Public Notification

15

- Staff mailed courtesy notices to thirty (30) surrounding property owners regarding this request.
- Of those notified, twelve (12) property owners reside outside of Killeen.





# NOTIFICATION MAP

## Case: FLUM AMENDMENT 2022-13

Council District: 3

FROM GR TO GC

Subject Property Legal Description: A0813BC A THOMPSON, 770-52, ACRES 4.289

- | Legend |                          |  |                                |
|--------|--------------------------|--|--------------------------------|
|        | Killen City Limits       |  | Principal Arterial, Existing   |
|        | Bell County Area         |  | Multi-Family Residential (MFR) |
|        | Minor Arterial, Existing |  | General Residential (GR)       |
|        |                          |  | General Commercial (GC)        |



133

Date: 3/7/2022

# Alternatives

17

- ❑ The City Council has three (3) alternatives. The Council may:
  - ▣ Disapprove the applicant's FLUM amendment request;
  - ▣ Approve a more restrictive FLUM designation than requested; or
  - ▣ Approve the applicant's FLUM amendment request as presented.

# Staff Findings

18

- ❑ Staff finds that the requested FLUM amendment is consistent with the existing commercial land uses adjacent to the subject property.
- ❑ Further, staff finds that the proposed commercial use is compatible with the prevailing community character of the area. The surrounding area includes a mix of commercial and residential land uses at varying scales and intensities.
- ❑ Staff is of the determination that the proposed 'General Commercial' (GC) land use designation of the subject property would have no adverse impact on the surrounding area.

# Recommendation

19

- Staff recommends approval of the applicant's request to amend the FLUM as presented.
- At their regular meeting on April 4, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.



# City of Killeen

## Staff Report

**File Number: PH-22-034**

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|   |                       |            |                       |              |            |
|---|-----------------------|------------|-----------------------|--------------|------------|
| 1 | City Council Workshop | 05/03/2022 | Reviewed and Referred | City Council | 05/10/2022 |
|---|-----------------------|------------|-----------------------|--------------|------------|

HOLD a public hearing and consider an ordinance requested by Eugene Kim on behalf of G3 JS Investments, LLC (Case #Z22-18) to rezone approximately 2.94 acres out of the A. Thompson Survey, Abstract No. 813, from "R-3" (Multifamily Residential District) to "B-3" (Local Business District). The property is locally addressed as 905 W. Hallmark Avenue, Killeen, Texas.

**DATE:** May 3, 2022.

**TO:** Kent Cagle, City Manager.

**FROM:** Edwin Revell, Executive Director of Development Services.

**SUBJECT:** ZONING CASE #Z22-18: "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT)  
TO "B-3" (LOCAL BUSINESS DISTRICT)

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** G3 JS Investments, LLC

**Agent:** Eugene Kim

**Current Zoning:** "R-3" (Multifamily Residential District)

**Requested Zoning:** "B-3" (Local Business District)

**Future Land Use Designation:** 'General Residential' (GR)

**Requested FLUM Designation:** 'General Commercial' (GC)

**Summary of Request:**

Eugene Kim, on behalf of G3 JS Investments, LLC, has submitted a request to rezone approximately 2.94 acres out of the A. Thompson Survey, Abstract No. 813, from "R-3" (Multifamily Residential District) to "B-3" (Local Business District). If approved, the applicant intends to develop the property as a shopping plaza for small to medium size stores, offices, restaurants, and cultural event spaces.

**Zoning/Plat Case History:**

The subject property was rezoned from "R-MH" (Residential Mobile Home District) and "B-5" (Business District) to "R-3" (Multifamily) and "B-3" (Local Business) via Ordinance No. 77-63 on November 8, 1977. The property is currently unplatted.

**Character of the Area:**

|       | Current Land Use                                       | Zoning District                                | Future Land Use          |
|-------|--|--|--------------------------|
| North | Mobile Home Park                                       | R-MH (Residential Mobile Home)                 | General Residential (GR) |
| East  | Single-family & two-family homes & commercial property | R-3 (Multifamily Residential) & B-5 (Business) | General Residential (GR) |

|              |   |                              |                          |
|--------------|---|------------------------------|--------------------------|
| <b>South</b> | Commercial businesses                                   | B-5 (Business)               | General Commercial (GC)  |
| <b>West</b>  | Vacant & commercial business<br>Sales) & B-5 (Business) | RC-1 (Restaurant and Alcohol | General Residential (GR) |

### **Future Land Use Map Analysis:**

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

If approved, the 'General Commercial' (GC) designation encourages the following development types:

- 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.

The request to rezone the property from "R-3" (Multifamily Residential District) to "B-3" (Local Business District) is not consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent request to amend the Future Land Use Map (FLUM) from 'General Residential' (GR) to 'General Commercial' (GC).

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

Provider: City of Killeen

Within Service Area: Yes

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

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from W. Hallmark Ave. which is classified as a 110' wide Minor Arterial on the City of Killeen Thoroughfare Plan.

### **Environmental Assessment:**

The property is not within a FEMA regulatory Special Flood Hazard Area (SFHA). The property is crossed by Riverine habitat associated with the Hallmark Ditch as identified on the National Wetlands Inventory.

### **Public Notification:**

Staff notified thirty (30) surrounding property owners regarding this request. Of those property owners notified, sixteen (16) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and twelve (12) reside outside the city limits of Killeen. As of the date of this staff report, staff has received no written responses regarding this request.

**Staff Findings:**

The subject property and its surrounding area are identified on the Future Land Use Map (FLUM) as being intended for 'General Residential' (GR) development and 'General Commercial' (GC) to the south.

The character of the 'General Residential' (GR) land use category is auto-oriented (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement. Neighborhood-scale commercial uses are expected to emerge over time and should be encouraged on sites and in locations within (or near the edge of) 'GR' areas that are best suited to accommodate such uses while ensuring compatibility with nearby residential uses.

The current zoning of the subject property is "B-3" (Local Business District) and "R-3" (Multifamily Residential District). The surrounding area includes residential and commercial uses.

**THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's zoning request;
- Approve a more restrictive zoning district than requested by the applicant; or
- Approve the applicant's zoning request as presented.

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request to rezone the property from "R-3" (Multifamily Residential District) to "B-3" (Local Business District) as presented.

Staff finds that the applicant's request is consistent with the existing commercial land uses adjacent to the subject property. Further, staff finds that the proposed commercial use is compatible with the prevailing community character of the area. The character of the surrounding area includes a mix of commercial and residential land uses at varying scales and intensities. Staff is of the determination that the proposed "B-3" (Local Business District) zoning would have no adverse impact on the surrounding 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:**

At their regular meeting on April 4, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinance  
Considerations



AERIAL MAP

Council District: 3

0 150 300  
Feet


Subject Property Legal Description: 2.94 ACRES OUT OF A0813BC A THOMPSON, 770-52, ACRES 4.289

## Zoning Case 2022-18

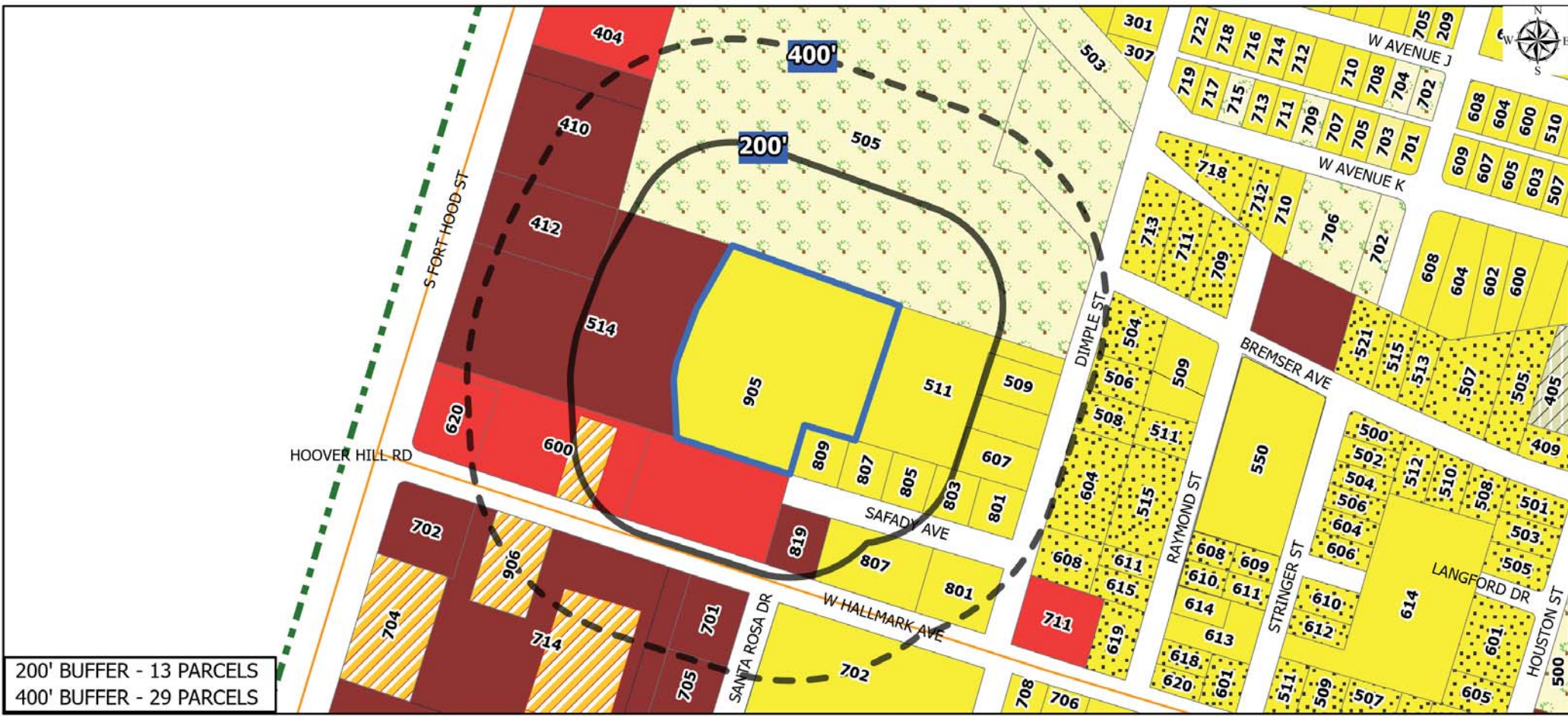
R-3 TO B-3

Legend

 Citylimits

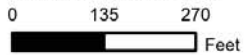
 Zoning Case 2022





# NOTIFICATION MAP

Council District: 3



Subject Property Legal Description: 2.94 ACRES OUT OF A0813BC A THOMPSON, 770-52, ACRES 4.289

## Zoning Case 2022-18 R-3 TO B-3

| Legend | CurrentZoning |     |  |      |
|--------|---------------|-----|--|------|
|        |               | B-3 |  | RC-1 |
|        |               | B-5 |  | CUP  |
|        |               | R-1 |  | R-2  |
|        |               | R-3 |  | RMH  |





# SITE PHOTOS

Case #Z22-18: "R-3" to "B-3"



View of the subject property looking north (from W Hallmark Ave):



View of the subject property looking west:





# SITE PHOTOS

Case #Z22-18: "R-3" to "B-3"



View of the surrounding property to the east (from Safady Ave):



View of the surrounding property to the east (from W Hallmark Ave):



# SITE PHOTOS

Case #Z22-18: "R-3" to "B-3"



View of the surrounding property to the west:



View of the property looking southwest:



**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**April 04, 2022**

**CASE #Z22-18**  
**“R-3” to “B-3”**

**HOLD** a public hearing and consider a request submitted by Eugene Kim on behalf of G3 JS Investments, LLC (**Case #Z22-18**) to rezone approximately 2.94 out of the A. Thompson Survey, Abstract No. 813, from “R-3” (Multifamily Residential District) to “B-3” (Local Business District). The property is locally addressed as 905 W. Hallmark Avenue, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request, as it is consistent with the character of the area.

The agent, Mr. Eugene Kim, was present to represent this case.

Chairman Latham opened the public hearing.

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

Commissioner Alvarez made a motion to recommend approval the request as presented. Commissioner Sabree seconded, and the motion passed by a vote of 7 to 0.



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

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 2.94 ACRES OUT OF THE A. THOMPSON SURVEY, ABSTRACT NO. 813, FROM “R-3” (MULTIFAMILY RESIDENTIAL DISTRICT) TO “B-3” (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Eugene Kim, on behalf of G3 JS Investments, LLC, 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 2.94 acres out of the A. Thompson Survey, Abstract No. 813, from “R-3” (Multifamily Residential District) to “B-3” (Local Business District), said request having been duly recommended for approval of “B-3” (Local Business District) by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of April 2022, 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 10<sup>th</sup> day of May 2022, 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 2.94 acres out of the A. Thompson Survey, Abstract No. 813, be changed from “R-3” (Multifamily Residential District) to “B-3” (Local Business District), said request having been duly recommended for approval of “B-3” (Local Business District), for the property locally addressed as 905 W Hallmark Avenue, 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 10<sup>th</sup> day of May 2022, 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:**

\_\_\_\_\_  
**Debbie Nash-King, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**Traci S. Briggs, CITY ATTORNEY**  
Case #22-18  
Ord. #22-\_\_\_\_

## 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 #Z22-18: “R-3” TO “B-3”

PH-22-034

May 3, 2022

152

## Case #Z22-18: “R-3” to “B-3”

- ❑ **HOLD** a public hearing and consider an ordinance requested by Eugene Kim on behalf of G3 JS Investments, LLC (**Case #Z22-18**) to rezone approximately 2.94 acres out of the A. Thompson Survey, Abstract No. 813, from “R-3” (Multifamily Residential District) to “B-3” (Local Business District).
- ❑ The property is locally addressed as 905 W. Hallmark Avenue, Killeen, Texas.







## AERIAL MAP

Council District: 3

0 150 300  
Feet

Subject Property Legal Description: 2.94 ACRES OUT OF A0813BC A THOMPSON, 770-52, ACRES 4.289

## Zoning Case 2022-18

### R-3 TO B-3

### Legend

 Citylimits

 Zoning Case 2022

# Case #Z22-18: “R-3” to “B-3”

5

- If approved, the applicant intends to develop the property as a shopping plaza for small to medium size stores, offices, restaurants, and cultural event spaces.
- The request to rezone the property is inconsistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant submitted a concurrent request to amend the Future Land Use Map (FLUM) from ‘General Residential’ (GR) to ‘General Commercial’ (GC).



# Case #Z22-18: “R-3” to “B-3”

6

- 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.

# Case #Z22-18: “R-3” to “B-3”

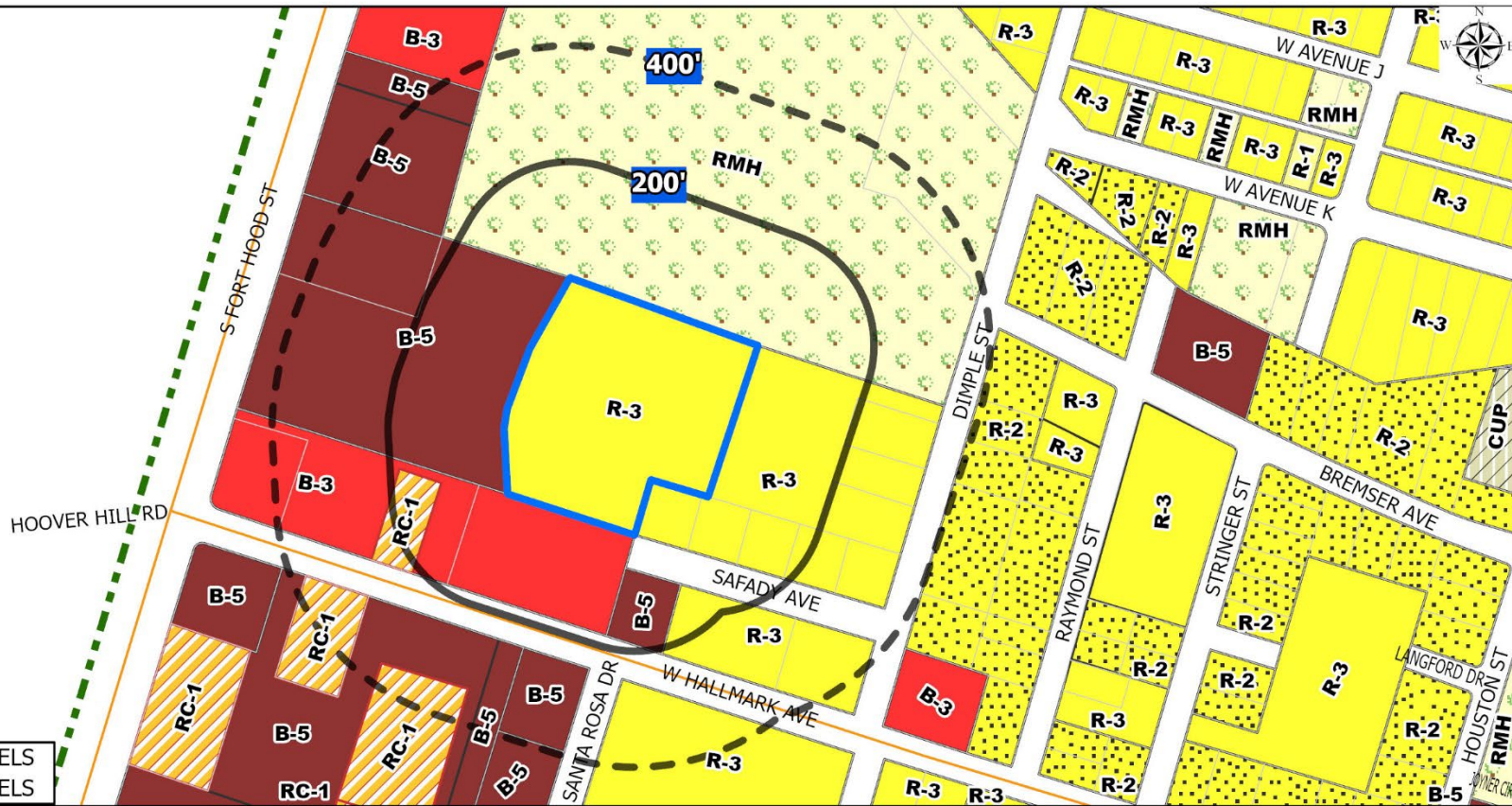
7

- If approved, the ‘Suburban Commercial’ (SC) designation encourages the following development types:
  - ▣ 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.

## Case #Z22-18: “R-3” to “B-3”

8

- The property is not within a FEMA regulatory Special Flood Hazard Area (SFHA).
- The property is crossed by Riverine habitat associated with the Hallmark Ditch as identified on the National Wetlands Inventory.



200' BUFFER - 13 PARCELS  
400' BUFFER - 29 PARCELS

## ZONING MAP

Council District: 3

0 130 260  
Feet

Subject Property Legal Description: 2.94 ACRES OUT OF A0813BC A THOMPSON, 770-52, ACRES 4.289

## Zoning Case 2022-18

R-3 TO B-3

# Case #Z22-18: “R-3” to “B-3”

10

View of the subject property looking north (from W. Hallmark Ave.):





# Case #Z22-18: “R-3” to “B-3”

11

View of the subject property looking west (from Safady Ave.):



# Case #Z22-18: “R-3” to “B-3”

12

View of the adjacent property to the east (on Safady Ave.):



# Case #Z22-18: “R-3” to “B-3”

13

View of the adjacent property to the east (from W. Hallmark Ave):





# Case #Z22-18: “R-3” to “B-3”

14

View of the adjacent property to the west:



# Case #Z22-18: “R-3” to “B-3”

15

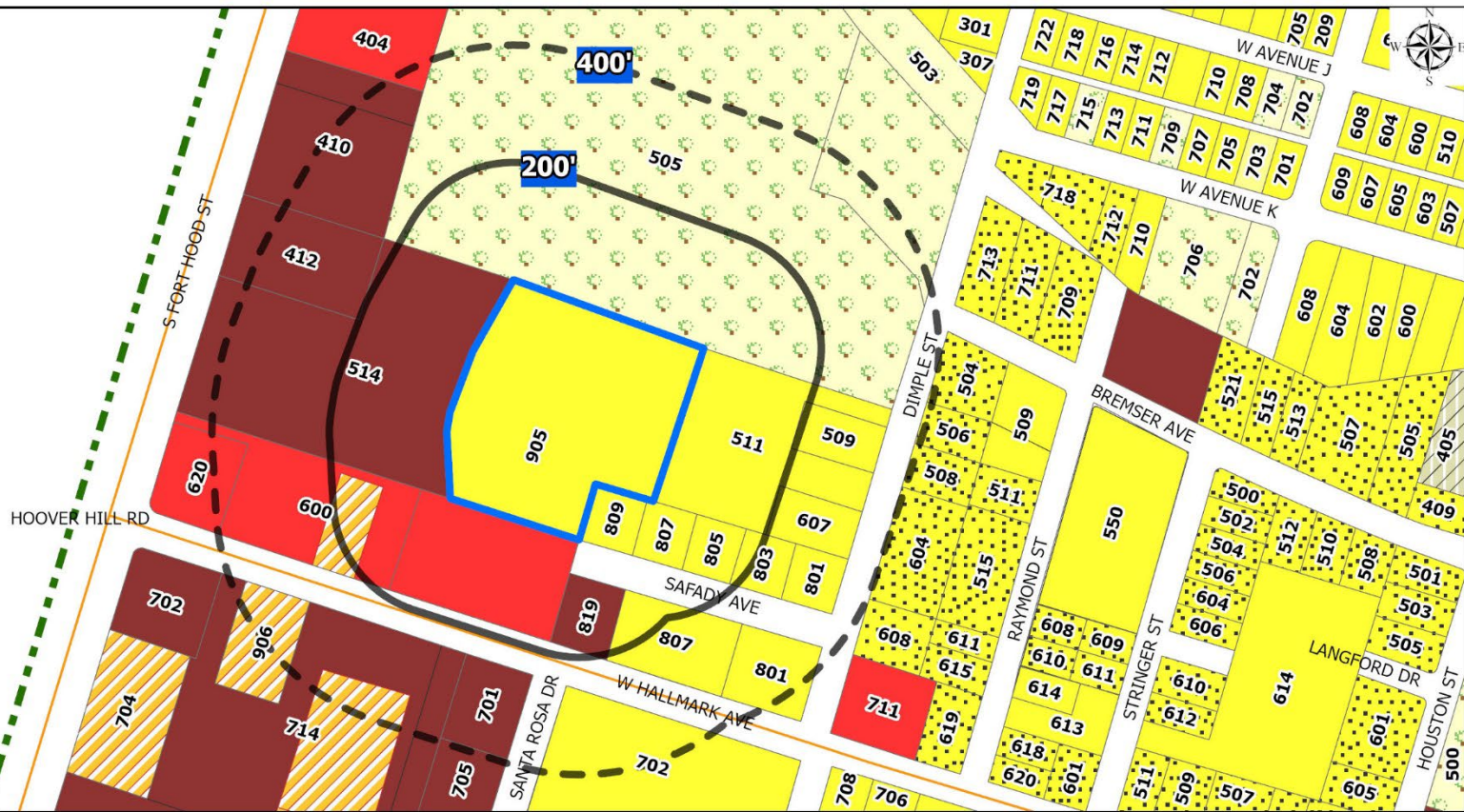
View of the subject property looking southwest:



# Public Notification

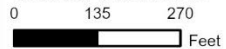
16

- ❑ Staff notified thirty (30) surrounding property owners regarding this request.
- ❑ Of those notified, sixteen (16) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and twelve (12) property owners reside outside of Killeen.
- ❑ To date, staff has received no written responses regarding this request.



NOTIFICATION MAP

Council District: 3



Subject Property Legal Description: 2.94 ACRES OUT OF A0813BC A THOMPSON, 770-52, ACRES 4.289

# Zoning Case 2022-18

## R-3 TO B-3

Legend

CurrentZoning

 RC-1 R-2 CUP

 R-3

 R-1

 RM<sup>LI</sup>



# Alternatives

18

- ❑ The City Council has three (3) alternatives. The Council may:
  - ❑ Disapprove the applicant's zoning request;
  - ❑ Approve a more restrictive zoning district than requested by the applicant; or
  - ❑ Approve the applicant's zoning request as presented.

# Staff Findings

19

- Staff finds that the applicant's request is consistent with the existing commercial land uses adjacent to the subject property.
- Further, staff finds that the proposed commercial use is compatible with the prevailing community character of the area. The character of the surrounding area includes a mix of commercial and residential land uses at varying scales and intensities.
- Staff is of the determination that the proposed "B-3" (Local Business District) zoning would have no adverse impact on the surrounding area.

# Recommendation

20

- Staff recommends approval of the applicant's request to rezone the property from "R-3" (Multifamily Residential District) to "B-3" (Local Business District) as presented.
- At their regular meeting on April 4, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.



# City of Killeen

## Staff Report

**File Number: PH-22-035**

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|   |                       |            |                       |              |            |
|---|-----------------------|------------|-----------------------|--------------|------------|
| 1 | City Council Workshop | 05/03/2022 | Reviewed and Referred | City Council | 05/10/2022 |
|---|-----------------------|------------|-----------------------|--------------|------------|



HOLD a public hearing and consider an ordinance requested by Mitchell & Associates on behalf of Jerome Gomer (Case #FLUM 22-15) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365. The property is locally addressed as 10225 and 10335 Trimmier Road, Killeen, Texas.

**DATE:** May 3, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** FLUM CASE #22-15: 'SUBURBAN COMMERCIAL' (SC) TO 'GENERAL RESIDENTIAL' (GR)

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** Jerome Gomer

**Agent:** Mitchell & Associates, Inc

**Current FLUM Designation:** 'Suburban Commercial' (SC)

**Requested FLUM Designation:** 'General Residential' (GR)

**Current Zoning:** "AR-1" (Agricultural Single-Family Residential District)

**Proposed Zoning:** "R-2" (Two-Family Residential District)

**Summary of Request:**

Mitchell & Associates, Inc., on behalf of Jerome Gomer, has submitted a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365. If approved, the applicant intends to develop duplex housing on the property.

**Zoning/Plat Case History:**

The subject property was annexed into the city limits on March 16, 2004 via Ordinance No. 04-12. The property was subsequently zoned from "A" (Agricultural District) to "AR-1" (Agricultural Single-Family Residential District) on April 26, 2005 via Ordinance No. 05-31. The property was platted as Cosper Creek Addition Block 1, Lots PT 3 and 4.

**Character of the Area:**

**North:** Vacant property zoned "AR-1" (Agricultural Single-Family Residential District) and "R-1" (Single-Family Residential District)

**East:** Existing single-family homes zoned "R-1" (Single-Family Residential District), Vacant property

and existing auto salvage business zoned "B-3" (Local Business District)

**South:** Vacant property zoned "AR-1" (Agricultural Single-Family Residential District)

**West:** Vacant property and existing single-family home zoned "A" (Agricultural District)

### **Future Land Use Map Analysis:**

This property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Suburban Commercial' (SC) designation encourages the following development types:

- Range of commercial retail and service uses, at varying scales and intensities depending on the site;
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
- Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting;
- 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 applicant has submitted a concurrent request to rezone the property from "AR-1" (Agricultural Single-Family Residential District) to "R-2" (Two-Family Residential District).

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

Provider: City of Killeen

Within Service Area: Yes

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

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from Trimmier Rd., which is classified as a 110' wide Minor Arterial on the City of Killeen Thoroughfare Plan.

### **Environmental Assessment:**

A portion of 10225 Trimmier Rd. is within a FEMA regulatory Special Flood Hazard Area (SFHA).

There are no known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

**Public Notification:**

Staff mailed courtesy notices to twenty-four (24) surrounding property owners regarding this request. Of those property owners notified, seven (7) reside outside of Killeen.

**Staff Findings:**

The 'Suburban Commercial' (SC) land use category is characterized by reduced site coverage relative to most commercial development.

The 'General Residential' (GR) land use category is characterized by auto-oriented character (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement.

The current zoning of the subject property is "AR-1" (Agricultural Single-Family Residential District). The surrounding area includes existing single-family homes, existing commercial properties, and undeveloped properties.

**THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's FLUM amendment request;
- Approve a more restrictive FLUM designation; or
- Approve the applicant's FLUM amendment request.

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant's FLUM amendment request as presented.

Staff is of the determination that the request is compatible with the surrounding land uses and consistent with the prevailing community character. There are four (4) existing duplexes located on the northwest corner of Chaparral Rd. and Trimmer Rd., as well as an existing auto salvage business on the east side of Trimmer Rd. Further, staff finds that there is ample undeveloped commercial property to the east across Trimmer Rd. for future commercial development.

**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? For future years?**

The proposed FLUM amendment 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:**

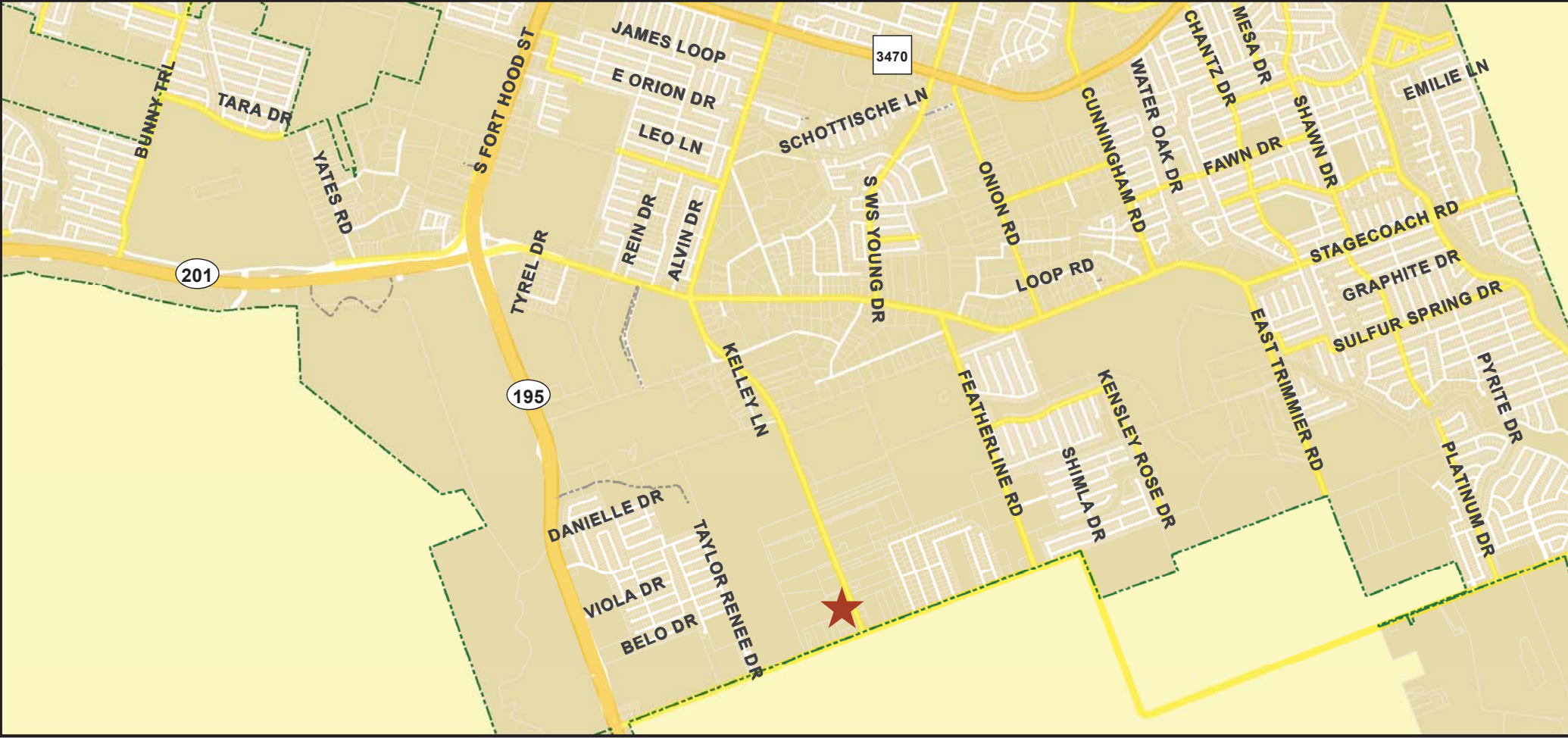
At their regular meeting on April 4, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Response



**LOCATION MAP**

**Case: FLUM AMENDMENT 2022-15**

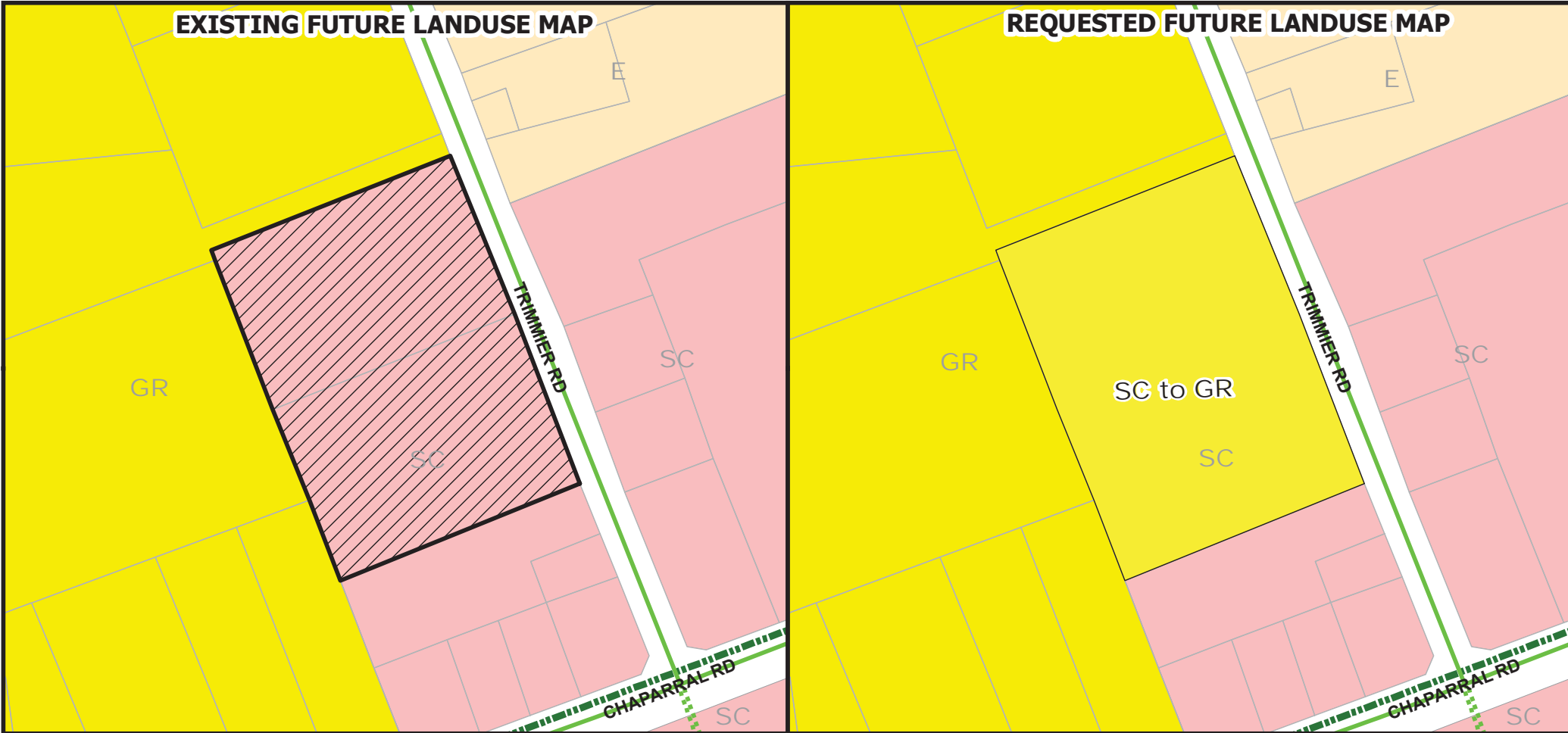
Council District: 3  
FROM SC TO GR  
Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' OF 3),  
ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032



1 inch = 4,167 feet  
Date: 3/8/2022

### EXISTING FUTURE LANDUSE MAP

### REQUESTED FUTURE LANDUSE MAP



### FUTURE LAND USE MAP





#### Case: FLUM AMENDMENT 2022-15

Council District: 3

FROM SC TO GR

Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' OF 3), ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032

#### Future Land Use Legend

-  FLUM Case Location
-  General Residential (GR)
-  Suburban Commercial (SC)
-  Estate (E)



1 inch = 333 feet

Date: 3/8/2022

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**April 04, 2022**

**CASE #FLUM 22-15**  
**'SC' to 'GR'**

**HOLD** a public hearing and consider a request submitted by Mitchell & Associates, Inc on behalf of Jerome Gomer (**Case #FLUM 22-15**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365. The property is locally addressed as 10225 and 10335 Trimmier Road, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant's request. She stated that staff recommends approval of the request, as it is consistent with the character of the area.

The agent, Mr. Ace Reneau of Mitchell & Associates, Inc., was present to represent the case.

Chairman Latham opened the public hearing.

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

Commissioner Gukeisen made a motion to recommend approval of the request as presented. Commissioner Sabree seconded, and the motion passed by a vote of 7 to 0.

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

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE APPROXIMATELY 9.386 ACRES OUT OF THE A.M. BOREN SURVEY, ABSTRACT NO. 1365, FROM A 'SUBURBAN COMMERCIAL' (SC) 'GENERAL RESIDENTIAL' (GR) DESIGNATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; 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 Mitchell & Associates, Inc, on behalf of Jerome Gomer, for a revision to the Future Land Use Map (FLUM) of the Comprehensive Plan to change the 'Suburban Commercial' (SC) designation to 'General Residential' (GR) designation, said property being legally described as being approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365; said revision having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of April 2022, 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 10<sup>th</sup> day of May, 2022, 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 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365, be amended from a ‘Suburban Commercial’ (SC) designation to ‘General Residential’ (GR) designation, for the property locally addressed as 10225 and 10335 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 10<sup>th</sup> day of May 2022, 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:**

\_\_\_\_\_  
**Debbie Nash-King, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**Traci S. Briggs, City Attorney**

Case #: FLUM 22-15

Ord#: 21-\_\_\_\_

Just North D 10417 TK in my 2002  
RECEIVED MAR 25 2022

CITY OF KILLEEN  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING & ECONOMIC DEVELOPMENT DIVISION

March 23, 2022

**Courtesy Notice**

Dear Property Owner:

The Future Land Use Map (FLUM) request (see below) will be heard by the Planning and Zoning Commission on Monday, April 4, 2022, at 5:00 p.m. in the Utility Collections Conference Room, which is located at 210 W. Avenue C, Killeen, Texas. The conference room is located at the northwest corner of the building. This item is scheduled to be heard by the City Council on Tuesday, May 10, 2022 at 5:00 p.m. in the Council Chambers, City Hall, 101 N. College Street, Killeen, Texas.

**RE: Case# FLUM 22-15:**

**HOLD a public hearing and consider a request submitted by Mitchell & Associates on behalf of Jerome Gomer (Case #FLUM 22-15), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Suburban Commercial' (SC) to 'General Residential' (GR) being approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365. The property is locally addressed as 10225 & 10335 Trimmier Road, Killeen, Texas.**

If you have any questions or concerns, please call the City of Killeen Planning Department at 254-501-7631.

Thank you,

Planning & Economic Development Division

NO DISPOSITION!  
50695  
SM Wright



CASE #FLUM22-15: 'SC' TO 'GR'

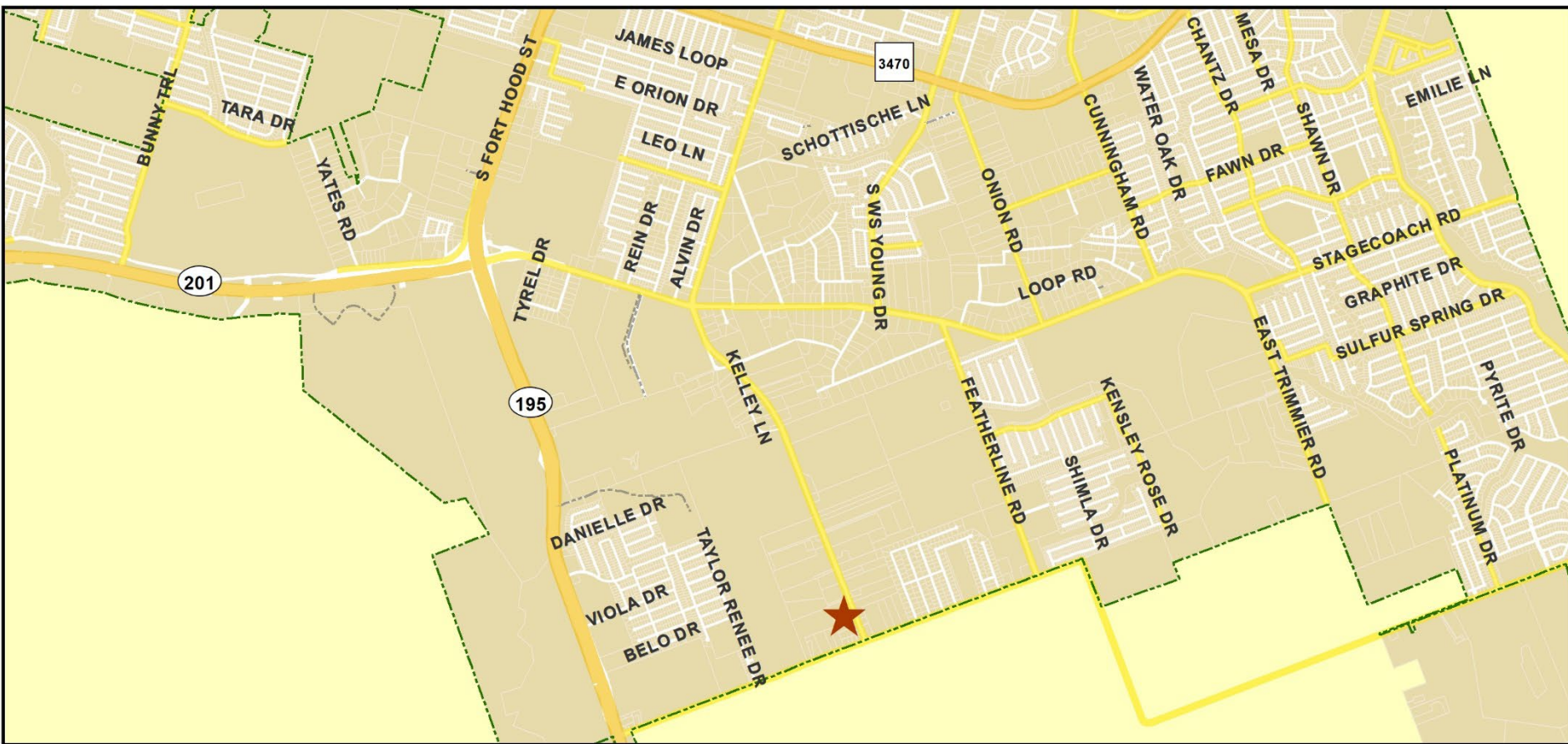
PH-22-035

May 3, 2022

183

## Case #FLUM 22-15: 'SC' to 'GR'

- ❑ **HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Jerome Gomer (**Case #FLUM 22-15**) to amend the Comprehensive Plan's Future Land Use Map (FLUM) from a 'Suburban Commercial' (SC) designation to a 'General Residential' (GR) designation for approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365.
- ❑ The property is locally addressed as 10225 and 10335 Trimmier Road, Killeen, Texas.



## LOCATION MAP

### Case: FLUM AMENDMENT 2022-15

Council District: 3

FROM SC TO GR

Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' OF 3),

ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032



FLUM LOCATION

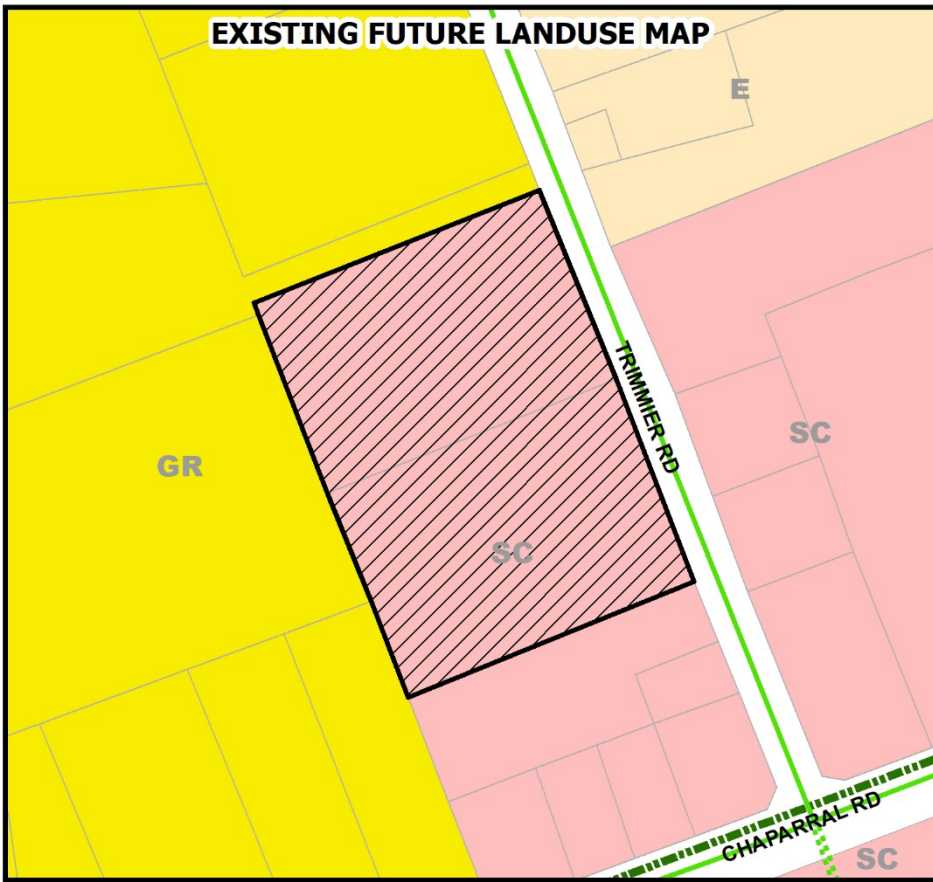


1 inch = 4,167

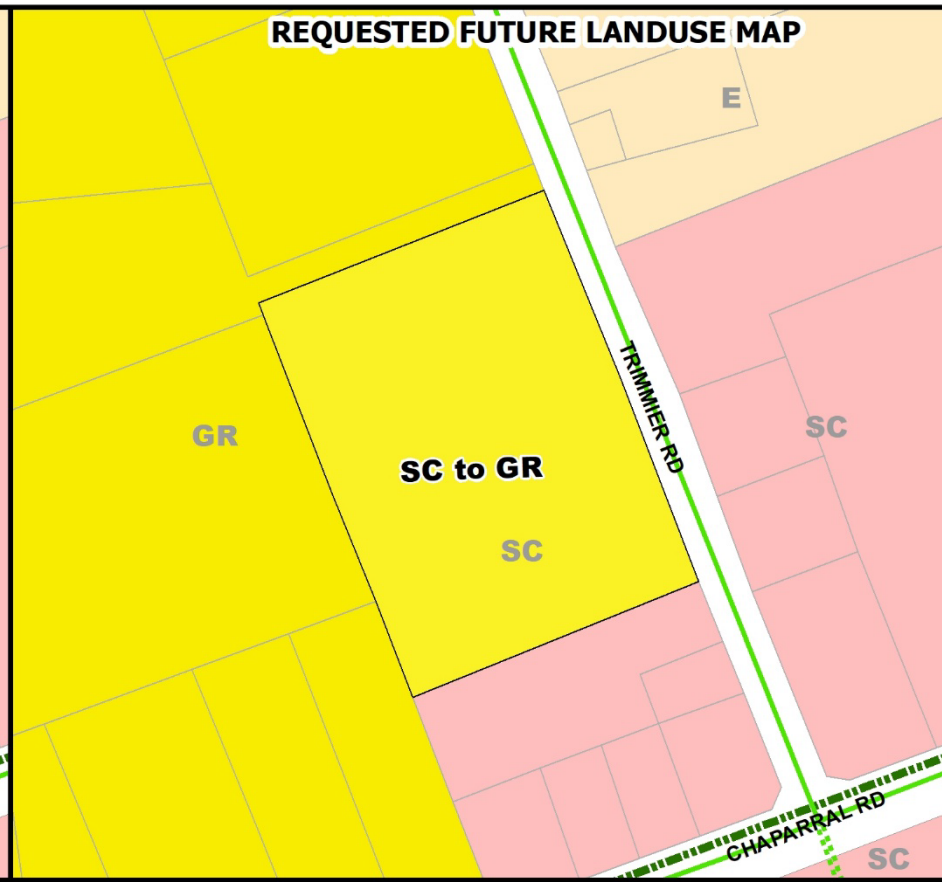
Date: 3/8/2022

185

# EXISTING FUTURE LANDUSE MAP



# REQUESTED FUTURE LANDUSE MAP



## FUTURE LAND USE MAP





### Case: FLUM AMENDMENT 2022-15

Council District: 3

FROM SC TO GR

Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' OF 3), ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032

#### Future Land Use Legend

-  FLUM Case Location
-  General Residential (GR)
-  Suburban Commercial (SC)
-  Estate (E)



1 inch = **186**  
Date: 3/8/2022

## Case #FLUM 22-15: 'SC' to 'GR'

5

- If approved, the applicant the applicant intends to develop duplex housing on the property.
- The applicant has submitted a concurrent request to rezone the property from “AR-1” (Agricultural Single-Family Residential District) to “R-2” (Two-Family Residential District).

# Case #FLUM 22-15: 'SC' to 'GR'

6

- The 'Suburban Commercial' (SC) designation encourages the following development types:
  - ▣ Range of commercial retail and service uses, at varying scales and intensities depending on the site;
  - ▣ Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
  - ▣ Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting;
  - ▣ Public/institutional; and
  - ▣ Parks and public spaces.



# Case #FLUM 22-15: 'SC' to 'GR'

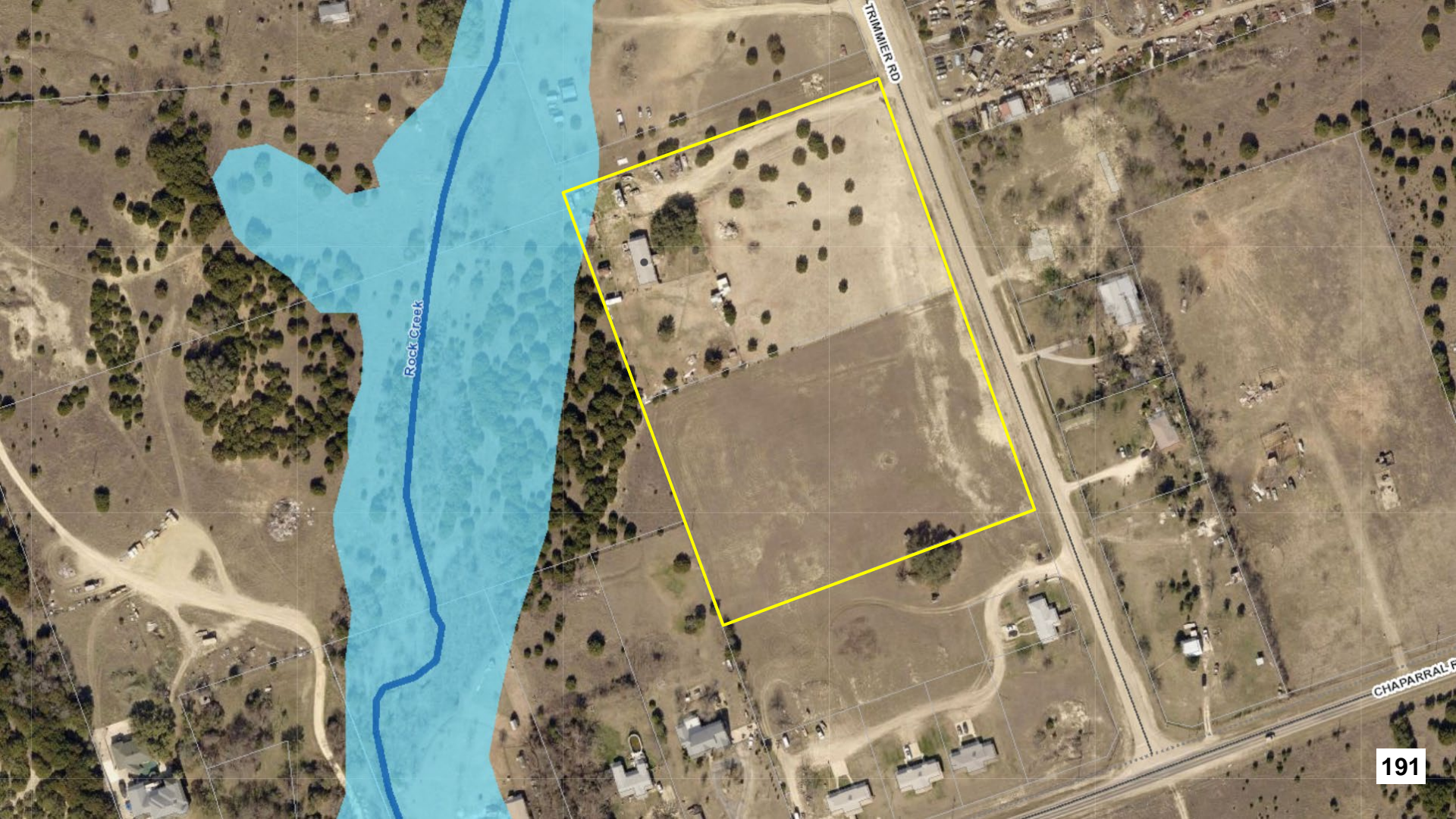
7

- 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.

## Case #FLUM 22-15: 'SC' to 'GR'

8

- A portion of 10225 Trimmier Rd is within a FEMA regulatory Special Flood Hazard Area (SFHA).
- There are no known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.





# Case #FLUM 22-15: 'SC' to 'GR'

10

View of the subject property looking southwest:



# Case #FLUM 22-15: 'SC' to 'GR'

11

View of the adjacent property to the north:



# Case #FLUM 22-15: 'SC' to 'GR'

12

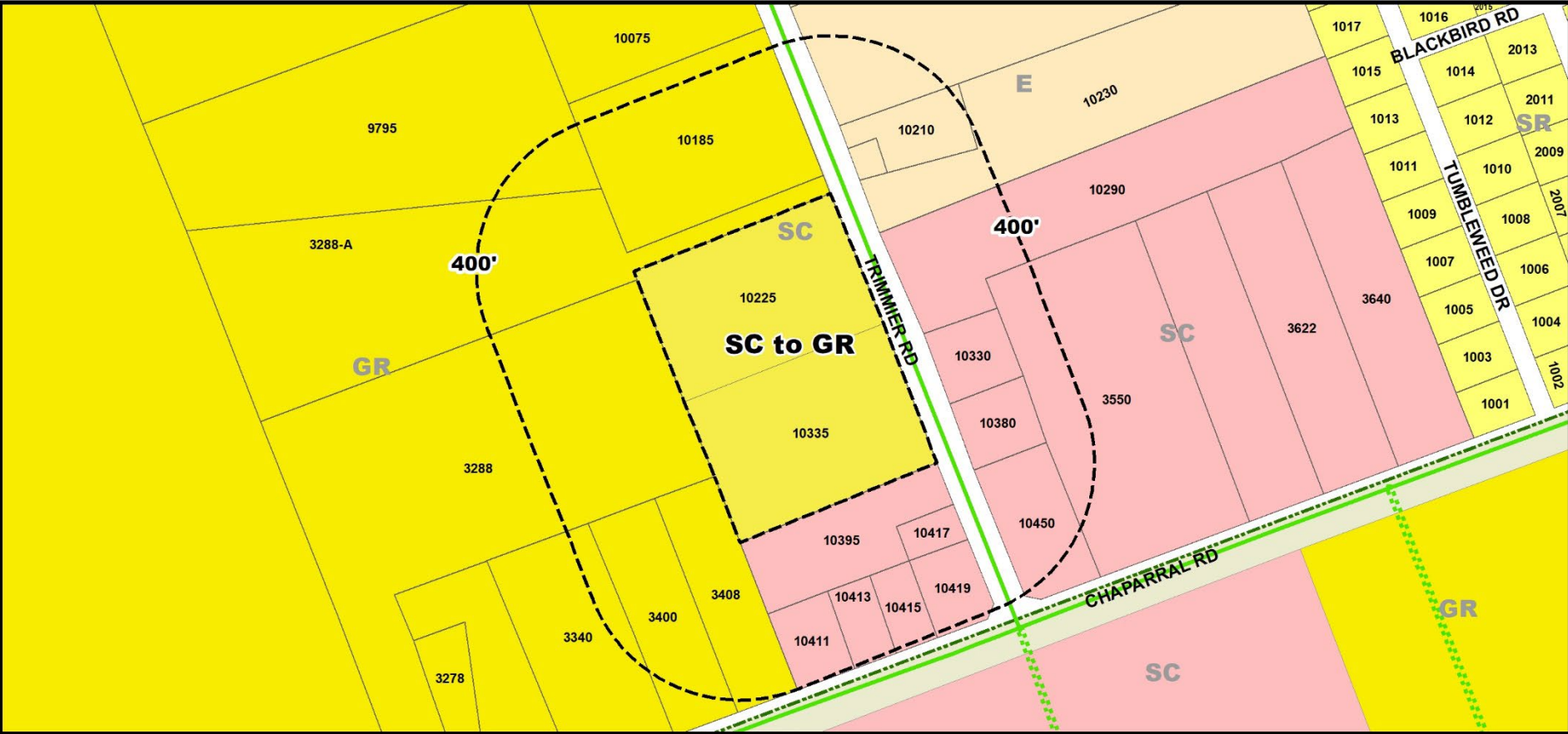
View of the adjacent property to the east (across Trimmier Rd.):



# Public Notification

13

- Staff mailed courtesy notices to twenty-four (24) surrounding property owners regarding this request.
- Of those notified, seven (7) property owners reside outside of Killeen.




**NOTIFICATION MAP**


**Case: FLUM AMENDMENT 2022-15**


Council District: 3


FROM SC TO GR


Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' OF 3), ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032


 Killeen City Limits


 Bell County Area


 Minor Arterial, Existing


 Minor Arterial, Proposed

 General Residential (GR)

 Suburban Residential (SR)

 Suburban Commercial (SC)

 Estate (E)



**196**

Date: 3/8/2022



# Alternatives

15

- ❑ The City Council has three (3) alternatives. The Council may:
  - ▣ Disapprove the applicant's FLUM amendment request;
  - ▣ Approve a more restrictive FLUM designation than requested; or
  - ▣ Approve the applicant's FLUM amendment request as presented.

# Staff Findings

16

- Staff is of the determination that the request is compatible with the surrounding land uses and consistent with the prevailing community character.
- There are four (4) existing duplexes located on the northwest corner of Chaparral Rd. and Trimmer Rd., as well as an existing auto salvage business on the east side of Trimmier Rd.
- Further, staff finds that there is ample undeveloped commercial property to the east across Trimmier Rd. for future commercial development.

# Staff Recommendation

17

- Staff recommends approval of the applicant's FLUM amendment request as presented.

# Commission Recommendation

18

- At their regular meeting on April 4, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.



# City of Killeen

## Staff Report

**File Number: PH-22-036**

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|   |                       |            |                       |              |            |
|---|-----------------------|------------|-----------------------|--------------|------------|
| 1 | City Council Workshop | 05/03/2022 | Reviewed and Referred | City Council | 05/10/2022 |
|---|-----------------------|------------|-----------------------|--------------|------------|

HOLD a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Jerome Gomer (Case #Z22-20) to rezone approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365, from "A-R1" (Agricultural Single-Family Residential District) to "R-2" (Two-Family Residential District). The property is locally addressed as 10225 and 10335 Trimmier Road, Killeen, Texas.

**DATE:** May 3, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Edwin Revell, Executive Director of Development Services

**SUBJECT:** ZONING CASE #Z22-20: "A-R1" (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-2" (TWO-FAMILY RESIDENTIAL DISTRICT)

**BACKGROUND AND FINDINGS:**

**Property Information:**

**Property Owner:** Jerome Gomer

**Agent:** Mitchell & Associates, Inc

**Current Zoning:** "AR-1" (Agricultural Single-Family Residential District)

**Requested Zoning:** "R-2" (Two-Family Residential District)

**Future Land Use Designation:** 'Suburban Commercial' (SC)

**Requested FLUM Designation:** 'General Residential' (GR)

**Summary of Request:**

Mitchell & Associates, Inc., on behalf of G3 JS Investments, LLC, has submitted a request to rezone approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365, from "A-R1" (Agricultural Single-Family Residential District) to "R-2" (Two-Family Residential District). If approved, the applicant intends to develop duplex housing on the property.

**Zoning/Plat Case History:**

The subject property was annexed into the city limits on March 16, 2004 via Ordinance No. 04-12. The property was subsequently zoned from "A" (Agricultural District) to "AR-1" (Agricultural Single-Family Residential District) on April 26, 2005 via Ordinance No. 05-31. The property was platted as Cosper Creek Addition Block 1, Lots PT 3 and 4.

**Character of the Area:**

|              | <b>Current Land Use</b>      | <b>Zoning District*</b>  | <b>Future Land Use</b>   |
|--------------|------------------------------|--------------------------|--------------------------|
| <b>North</b> | Vacant AR-1 & R-1            | General Residential (GR) |                          |
| <b>East</b>  | Vacant, single-family homes, | R-1 & B-3                | General Residential (GR) |

& auto salvage business

**South** Vacant AR-1 General Commercial (GC)

**West** Vacant & single-family home A General Residential (GR)

\*A (Agricultural District), AR-1 (Agricultural Single-Family Residential District), R-1 (Single-Family Residential District), B-3 (Local Business District)

### **Future Land Use Map Analysis:**

The subject property is designated as 'Suburban Commercial' (SC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

The 'Suburban Commercial' (SC) designation encourages the following development types:

- Range of commercial retail and service uses, at varying scales and intensities depending on the site;
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
- Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting;
- 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 request to rezone the property from "AR-1" (Agricultural Single-Family Residential District) to "B-3" (Local Business District) is not consistent with the Future Land Use Map (FLUM) of the Comprehensive Plan. However, the applicant has submitted a concurrent request to amend the Future Land Use Map (FLUM) from 'Suburban Commercial' (SC) to 'General Residential' (GR).

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

Provider: City of Killeen

Within Service Area: Yes

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

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property is from Trimmier Road, which is classified as a 110' wide Minor Arterial on the City of Killeen Thoroughfare Plan.

### **Environmental Assessment:**



A portion of 10225 Trimmier Rd. is within a FEMA regulatory Special Flood Hazard Area (SFHA). There are no known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

**Public Notification:**

Staff notified twenty-four (24) surrounding property owners regarding this request. Of those property owners notified, five (5) reside outside of the 200-foot notification boundary required by the State, but within the 400-foot notification boundary required by Council; and seven (7) reside outside the city limits of Killeen. As of the date of this staff report, staff has received one (1) written response in support regarding this request.

**Staff Findings:**

The 'Suburban Commercial' (SC) land use category is characterized by reduced site coverage relative to most commercial development.

The 'General Residential' (GR) land use category is characterized by auto-oriented character (especially where driveways and front-loading garages dominate the front yard and building facades of homes), which can be offset by "anti-monotony" architectural standards, landscaping, and limitations on "cookie cutter" subdivision layouts characterized by straight streets and uniform lot sizes and arrangement.

The current zoning of the subject property is "AR-1" (Agricultural Single-Family Residential District). The surrounding area includes existing single-family homes, existing commercial properties, and undeveloped properties.

**THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's zoning request;
- Approve a more restrictive zoning district than requested by the applicant; or
- Approve the applicant's zoning request as presented.

**Which alternative is recommended? Why?**

Staff recommends approval of the applicant's request to rezone the property from "AR-1" (Agricultural Single-Family Residential District) to "R-2" (Two-Family Residential District) as presented.

Staff is of the determination that the request is compatible with the surrounding land uses and consistent with the prevailing community character. There are four (4) existing duplexes located on the northwest corner of Chaparral Rd. and Trimmier Rd., as well as an existing auto salvage business on the east side of Trimmier Rd. Further, staff finds that there is ample undeveloped commercial property to the east across Trimmier Rd. for future commercial development.

**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:**

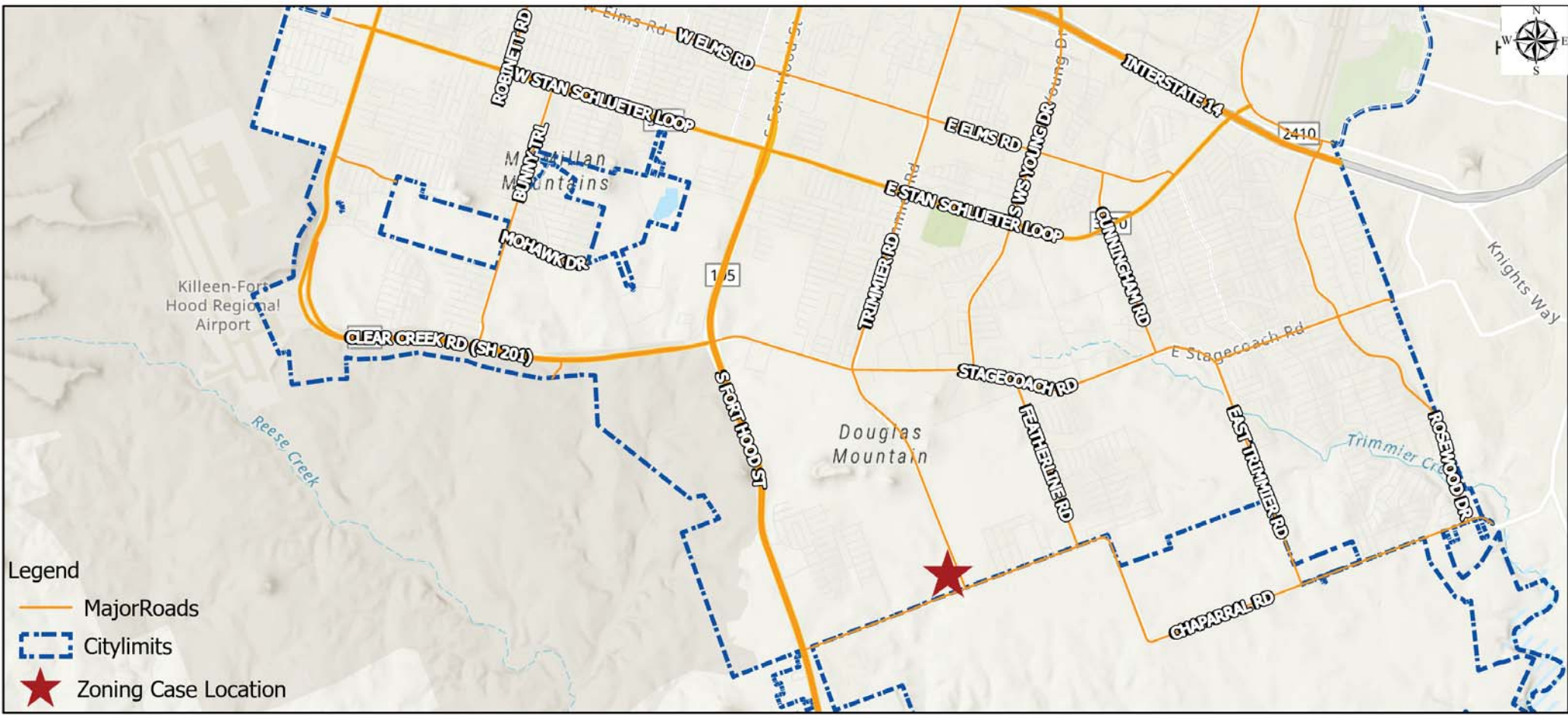
At their regular meeting on April 4, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Site Photos  
Minutes  
Ordinance  
Response  
Considerations



**LOCATION MAP**  
 Council District: 3

**Zoning Case 2022-20**  
 A-R1 TO R-2

Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' OF 3), ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032





# AERIAL MAP


Council District: 3

0 200 400 Feet

## Zoning Case 2022-20 A-R1 TO R-2

### Legend

 Citylimits

 Zoning Case 2022

Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' OF 3), ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032





# SITE PHOTOS

Case #Z22-17: "AR-1" to "R-2"



View of the subject property looking southwest:



View of the surrounding property to the south:





# SITE PHOTOS

Case #Z22-17: "AR-1" to "R-2"



View of the surrounding property to the north:



View of the surrounding property to the east (across Trimmier Rd):



**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**April 04, 2022**

**Case #Z22-20**  
**“A-R1” to “R-2”**

**HOLD** a public hearing and consider a request submitted by Mitchell & Associates, Inc on behalf of Jerome Gomer (**Case #Z22-20**) to rezone approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365, from “A-R1” (Agricultural Single-Family Residential District) to “R-2” (Two-Family Residential District). The property is locally addressed as 10225 and 10335 Trimmier Road, Killeen, Texas.

Ms. Larsen briefed the Commission regarding the applicant’s request. She stated that staff recommends approval of the request, as it is consistent with the character of the area.

The agent, Mr. Ace Reneau of Mitchell & Associates, Inc. was present to represent the case.

Chairman Latham opened the public hearing.

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

Commissioner Gukeisen made a motion to recommend approval of the request as presented. Commissioner Alvarez seconded, and the motion passed by a vote of 7 to 0.



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

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 9.386 ACRES OUT OF THE A.M. BOREN SURVEY, ABSTRACT NO. 1365, FROM “AR-1” (AGRICULTURAL 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**, Mitchell & Associates, Inc, on behalf of Jerome Gomer, 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 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365, from “A-R1” (Agricultural Single-Family Residential District) to “R-2” (Two-Family Residential District), said request having been duly recommended for approval of “R-2” (Two-Family Residential District) by the Planning and Zoning Commission of the City of Killeen on the 4<sup>th</sup> day of April 2022, 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 10<sup>th</sup> day of May 2022, 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 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365, be changed from “A-R1” (Agricultural Single-Family Residential District) to “R-2” (Two-Family Residential District), said request having been duly

recommended for approval of “R-2” (Two-Family Residential District), for the property locally addressed as 10225 and 10335 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 10<sup>th</sup> day of May 2022, 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:**

\_\_\_\_\_  
**Debbie Nash-King, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

\_\_\_\_\_  
**Traci S. Briggs, City Attorney**  
Case #22-20  
Ord. #22-\_\_\_\_

Just North D 10417 TK in my 2002  
RECEIVED MAR 25 2022

CITY OF KILLEEN  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING & ECONOMIC DEVELOPMENT DIVISION

March 23, 2022

**Courtesy Notice**

Dear Property Owner:

The Future Land Use Map (FLUM) request (see below) will be heard by the Planning and Zoning Commission on Monday, April 4, 2022, at 5:00 p.m. in the Utility Collections Conference Room, which is located at 210 W. Avenue C, Killeen, Texas. The conference room is located at the northwest corner of the building. This item is scheduled to be heard by the City Council on Tuesday, May 10, 2022 at 5:00 p.m. in the Council Chambers, City Hall, 101 N. College Street, Killeen, Texas.

**RE: Case# FLUM 22-15:**

**HOLD a public hearing and consider a request submitted by Mitchell & Associates on behalf of Jerome Gomer (Case #FLUM 22-15), to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'Suburban Commercial' (SC) to 'General Residential' (GR) being approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365. The property is locally addressed as 10225 & 10335 Trimmier Road, Killeen, Texas.**

If you have any questions or concerns, please call the City of Killeen Planning Department at 254-501-7631.

Thank you,

Planning & Economic Development Division

NO DISPOSITION!  
SM Wright  
50695

## 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 #Z22-20: “AR-1” TO “R-2”

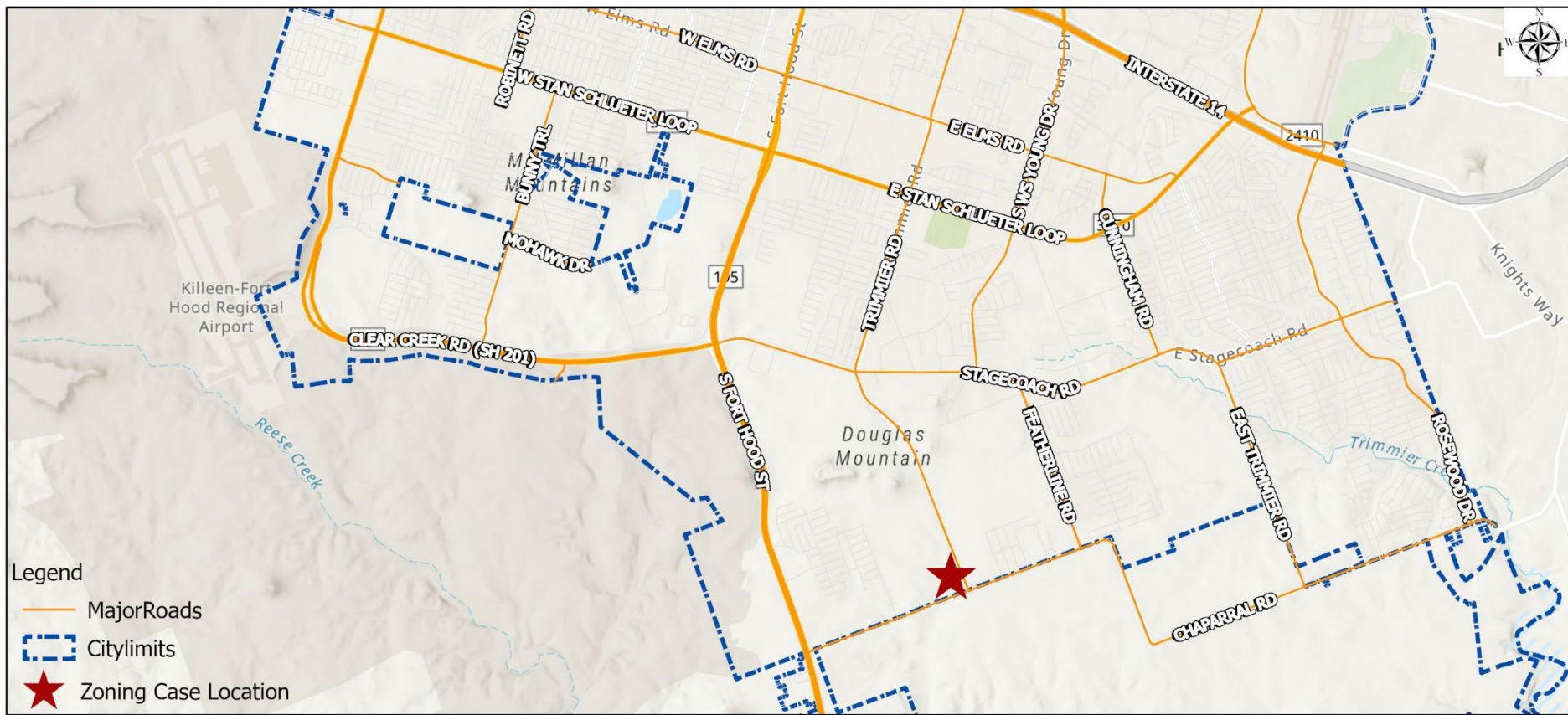
PH-22-036

May 3, 2022

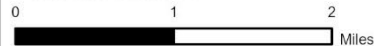
216

## Case #Z22-20: “AR-1” to “R-2”

- ❑ **HOLD** a public hearing and consider an ordinance requested by Mitchell & Associates, Inc. on behalf of Jerome Gomer (**Case #Z22-20**) to rezone approximately 9.386 acres out of the A.M. Boren Survey, Abstract No. 1365, from “A-R1” (Agricultural Single-Family Residential District) to “R-2” (Two-Family Residential District).
- ❑ The property is locally addressed as 10225 and 10335 Trimmier Road, Killeen, Texas.



LOCATION MAP  
Council District: 3



## Zoning Case 2022-20

### A-R1 TO R-2

Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' c 218 ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032





## AERIAL MAP

Council District: 3

0 200 400  
Feet

## Zoning Case 2022-20 A-R1 TO R-2

### Legend

 Citylimits

 Zoning Case 2022

Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' C 219  
ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032

# Case #Z22-20: “AR-1” to “R-2”

5

- The ‘Suburban Commercial’ (SC) designation encourages the following development types:
  - ▣ Range of commercial retail and service uses, at varying scales and intensities depending on the site;
  - ▣ Office (both large and/or multi-story buildings and small-scale office uses depending on the site);
  - ▣ Planned development to accommodate custom site designs or mixing of uses in a Suburban character setting;
  - ▣ Public/institutional; and
  - ▣ Parks and public spaces.

# Case #Z22-20: “AR-1” to “R-2”

6

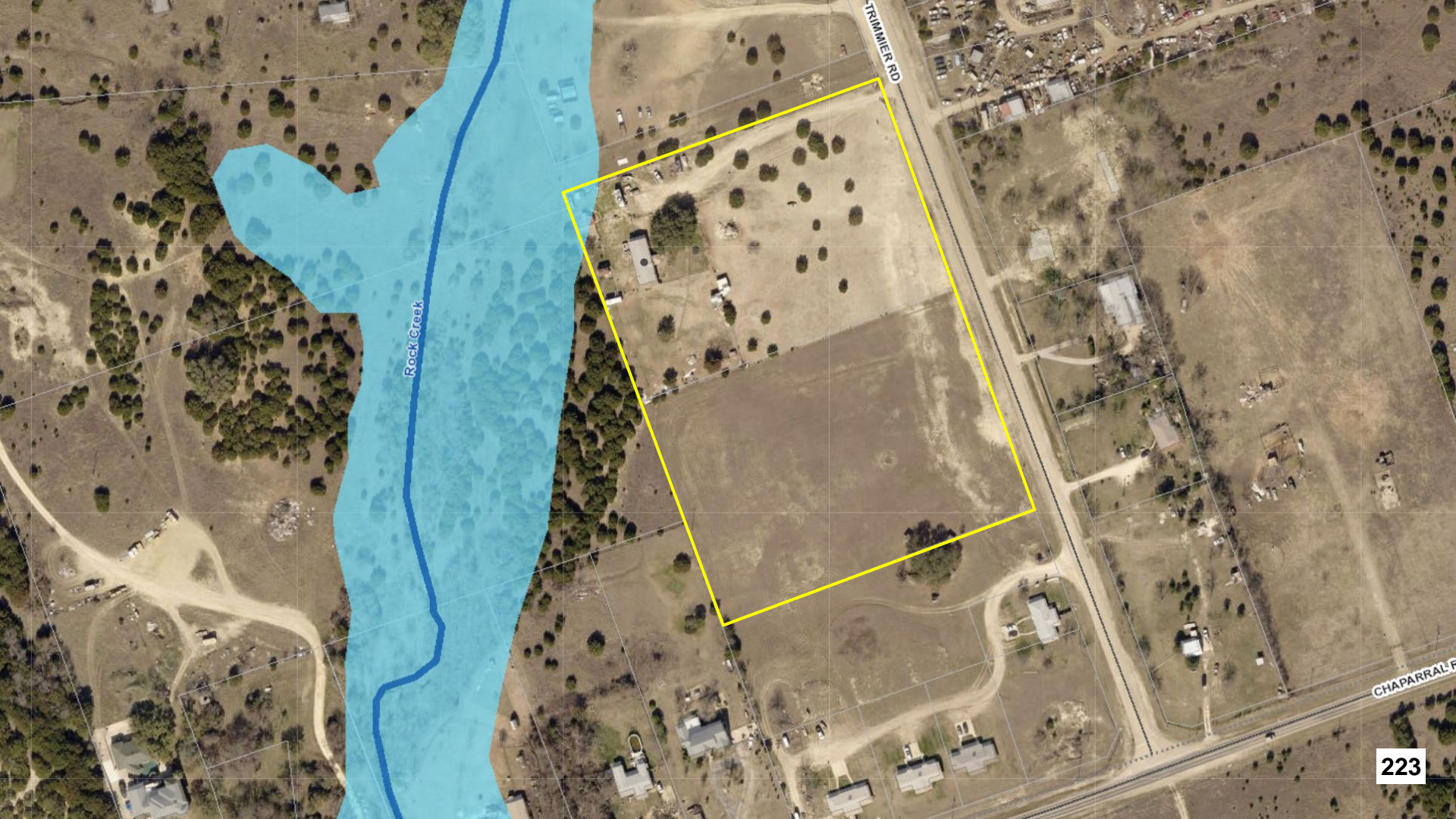
- If approved, the ‘General Residential’ (GR) designation encourages the following development types:
  - ▣ Detached residential dwellings as a primary focus;
  - ▣ Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes);
  - ▣ Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards;
  - ▣ Public/ institutional; and
  - ▣ Parks and public spaces.

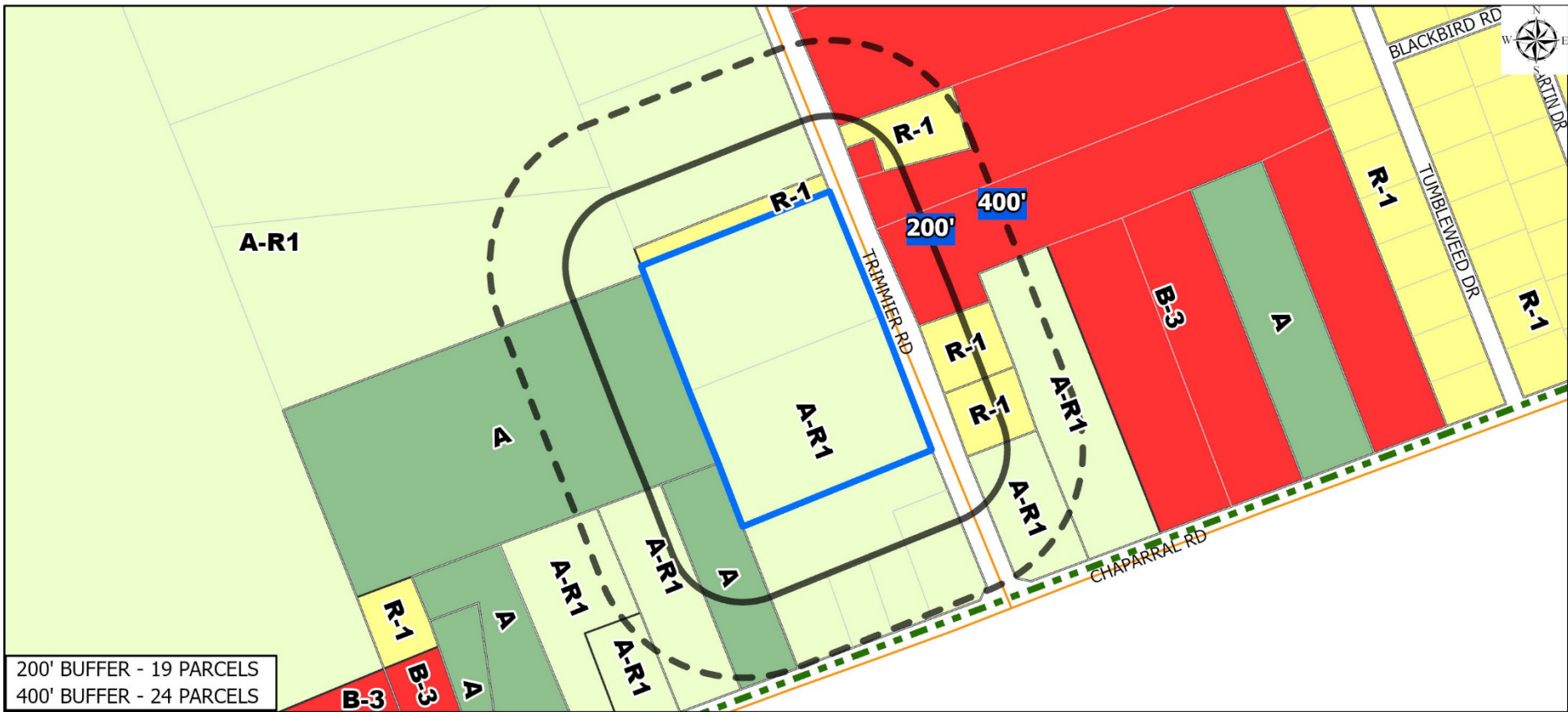
## Case #Z22-20: “AR-1” to “R-2”

7

- A portion of 10225 Trimmier Rd. is within a FEMA regulatory Special Flood Hazard Area (SFHA).
- There are no known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

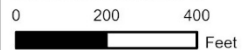






## ZONING MAP

Council District: 3



Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' C 224 ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032

## Zoning Case 2022-20

A-R1 to R-2



# Case #Z22-20: “AR-1” to “R-2”

10

View of the subject property looking southwest:





# Case #Z22-20: “AR-1” to “R-2”

11

View of the adjacent property to the south:



# Case #Z22-20: “AR-1” to “R-2”

12

View of the adjacent property to the north:



# Case #Z22-20: “AR-1” to “R-2”

13

View of the adjacent property to the east (across Trimmier Rd.):



# Public Notification

14

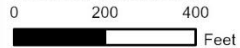
- Staff notified twenty-four (24) surrounding property owners regarding this request.
- Of those notified, five (5) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and seven (7) property owners reside outside of Killeen.
- To date, staff has received one (1) written response in support of this request.





# NOTIFICATION MAP

Council District: 3



Subject Property Legal Description: COSPER CREEK ADDITION, BLOCK 001, LOT 0004, ACRES 5.0 AND COSPER CREEK ADDITION, BLOCK 001, LOT PT 3, (S 355.61' C **230** ACRES 4.386, MH LABEL# TEX0502280 SN1 12521292A; TITLE # CN009032

## Zoning Case 2022-20 A-R1 TO R-2

Legend

CurrentZoning

A

A-R1

B-3

R-1

# Alternatives

16

- ❑ The City Council has three (3) alternatives. The Council may:
  - ▣ Disapprove the applicant's zoning request;
  - ▣ Approve a more restrictive zoning district than requested by the applicant; or
  - ▣ Approve the applicant's zoning request as presented.

# Staff Findings

17

- Staff is of the determination that the request is compatible with the surrounding land uses and consistent with the prevailing community character.
- There are four (4) existing duplexes located on the northwest corner of Chaparral Rd. and Trimmier Rd., as well as an existing auto salvage business on the east side of Trimmier Rd.
- Further, staff finds that there is ample undeveloped commercial property to the east across Trimmier Rd. for future commercial development.



# Staff Recommendation

18

- Staff recommends approval of the applicant's request to rezone the property from "AR-1" (Agricultural Single-Family Residential District) to "R-2" (Two-Family Residential District) as presented.

# Commission Recommendation

19

- ❑ At their regular meeting on April 4, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0.



# City of Killeen

## Staff Report

File Number: DS-22-060

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Discuss Scheduling of ARPA Grant Funding for Small Business Review.