



**AGENDA  
REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
JUNE 1, 2020  
5:00 PM  
VIRTUAL MEETING**

To mitigate the spread of COVID-19, this meeting will be a virtual meeting closed to in-person attendance. Commissioners and Staff will attend virtually via Zoom Meeting. Members of the public may join the webinar by following this link:

<https://zoom.us/j/98376332791?pwd=SkxraHJjL0xaNGJIUzRadnRIZGFNUT09>

Password: 959556

Or iPhone one-tap:

US: +13462487799,,98376332791#,,1#,959556# or  
+16699006833,,98376332791#,,1#,959556#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 or +1 408 638 0968 or +1  
646 876 9923 or +1 301 715 8592 or +1 312 626 6799

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Password: 959556

International numbers available: <https://zoom.us/j/98376332791?pwd=SkxraHJjL0xaNGJIUzRadnRIZGFNUT09>

The meeting agenda and the packet are posted online at

<https://www.killeentexas.gov/AgendaCenter>.

**WORKSHOP – 4:30 P.M. – ZOOM.US**

- I. Discuss agenda items for the **June 1, 2020** regular Planning and Zoning Commission meeting.
- II. Discuss regulations in the Historic Overlay District (HOD) to disallow certain uses such as storage facilities, to allow mixed use developments, and to implement a Vacant Building Registry

**CALL TO ORDER – 5:00 P.M. – ZOOM.US**

ROLL CALL	
COMMISSION	STAFF
<input type="checkbox"/> Kirk Latham, Chairman	<input type="checkbox"/> Tony D. McIlwain, AICP, CFM, Executive Director of Planning and Development Services
<input type="checkbox"/> Ramon Alvarez, Vice Chairman	<input type="checkbox"/> Wallis Meshier, CNU-A, Senior Planner
<input type="checkbox"/> Sandra O'Brien	<input type="checkbox"/> Jerry Millard Jr., Senior Planner
<input type="checkbox"/> Lawrence Holly	<input type="checkbox"/> Deirdre Kirk, Revitalization Planner
<input type="checkbox"/> Leo Gukeisen	<input type="checkbox"/> Holli Clements, Esq., Deputy City Attorney
<input type="checkbox"/> Randy Ploeckelmann	<input type="checkbox"/> MD Hossain, P.E., CFM, City Engineer
<input type="checkbox"/> Louie Minor	<input type="checkbox"/> Paul Boyer, P.E., Project Engineer
<input type="checkbox"/> Michael Hodges	<input type="checkbox"/> David Hermosillo, Sr. CAD-GIS Technician
	<input type="checkbox"/> Maria Lopez, Assistant Planner

**APPROVAL OF AGENDA**

Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for **June 1, 2020**.

**CONSENT AGENDA**

- CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **May 4, 2020**.
- CA-2** Consider a plat submitted by Mitchell & Associates, Inc. on behalf of Herring Legacy Estates, L.L.C. (**Case #20-026FS: Herring Legacy Estates, Phase One**), being approximately 49.161 acres, being part of the W. E. Hall Survey, Abstract No. 1116. The property is addressed as 740 Money Pit Road, Killeen, Texas.

**COMMISSION AND STAFF ITEMS**

- I.** Attendance Chart.

**ADJOURNMENT**

The next regularly scheduled meeting of the Planning and Zoning Commission is **June 15, 2020** at 5:00 p.m.

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 Planning and Zoning Commission may convene a closed session to discuss any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

AMERICANS WITH DISABILITIES ACT

This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. 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 254-501-7630, Planning and Development Services Department, or TDD 1-800-734-2989.

I certify that the above notice of meeting was posted on the bulletin boards at City Hall, the Police Department and on the website of the City of Killeen, Texas, on or before **May 29, 2020**.

María Lopez  
Assistant Planner

**MINUTES  
REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
MAY 4, 2020  
VIRTUAL MEETING**

## ROLL CALL

PRESENT:

Commission: Kirk Latham, Chairman; Ramon Alvarez, Vice Chairman; Lawrence Holly; Leo Gukeisen; Sandra O'Brien; Michael Hodges; Louie Minor; Randy Ploeckelmann

Staff: Tony McIlwain, AICP, CFM, Executive Dir. of Planning & Development; Holli Clements, Esq., Deputy City Attorney; Jerry Millard Jr., Senior Planner; Wallis Meshier, CNU-A, Senior Planner; Maria Lopez, Assistant Planner

ABSENT:

**CALL TO ORDER – 5:00 P.M. – ZOOM.US**

Chairman Latham called the meeting of the Planning and Zoning Commission to order at 5:00 p.m.

**APPROVAL OF AGENDA**

Commissioner Ploeckelmann made a motion to approve the agenda. Commissioner Holly seconded, and the motion passed 7 to 0.

**CONSENT AGENDA**

- CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **April 20, 2020.**
- CA-2** Consider a request for a plat submitted by WBW Development on behalf of WBW Single Development Group, L.L.C. – Series 110 (**Case #19-030FS: Yowell Ranch Phase V**), being a final plat of approximately 77.50 acres, out of the J. D. Allcorn Survey, Abstract No. 25, S.D. Carother Survey, Abstract No. 177 and the M.J. Pleasant Survey, Abstract No. 652. The property is located east of Yowell Ranch Phases Two and Three, Killeen, Texas.
- CA-3** Consider a request for a plat submitted by WBW Single Land Investment, LLC-Series 110 (**Case #20-015FS: Yowell Ranch Phase VI**), being approximately 36.35 acres, out of the J. D. Allcorn Survey, Abstract No. 25. The property is located east of the intersection of Addison Street & Viewpark Lane, Killeen, Texas.
- CA-4** Consider a plat submitted by Clark & Fuller, P.L.L.C. on behalf MH 4 Joint Venture, Ltd. (**Case #20-019FS: Walnut Creek Estates, Phase Thirteen**), being approximately 81.82 acres out of the J.J. Sinnickson Survey, Abstract No. 788 and the W. S. Wilson Survey,

Abstract No. 891. The property is located within Killeen's Extra-Territorial Jurisdiction (ETJ), northwest of the intersection of S.H. 195 and FM 2670 and east of the terminus of Magnolia Road south of Walnut Drive, Killeen, Bell County, Texas.

Vice Chairman Alvarez made a motion to approve the consent agenda. Commissioner Gukeisen seconded the motion. The motion passed 7 to 0.

### COMMISSION AND STAFF ITEMS

I. Attendance Chart.

The Commissioners reviewed their attendance chart.

II. Nominate and select a representative for the ZBOA Board.

Vice Chairman Alvarez nominated Commissioner Gukeisen. Commissioner Gukeisen accepted and Chairman Latham declared Commissioner Gukeisen as nominee to serve as P&Z representative on the ZBOA.

Vice Chairman Alvarez moved to adjourn.

### ADJOURNMENT

Chairman Latham adjourned the Planning and Zoning Commission Meeting at 5:08 p.m. The next scheduled meeting of the Planning and Zoning Commission is May 18, 2020 at 5:00 p.m.

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**Kirk Latham, Chairman**  
**Planning & Zoning Commission**

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**Maria Lopez**  
**Assistant Planner**  
**Planning & Development Services**

**DATE:** May 27, 2020

**TO:** Planning and Zoning Commission

**FROM:** Deirdre Kirk, Revitalization Planner

**SUBJECT:** Discussion item regarding proposed additions into Chapter 31 to include regulations in the Historic Overlay District to disallow certain uses such as storage facilities, to allow mixed use developments, and to implement a Vacant Building Registry.

Changes to Chapter 31 include the additions of prohibiting Historic buildings being utilized solely as a storage unit, to allow mixed use developments, and to implement a Vacant Building Registry within the Historic Overlay District. The purposes of these proposed additions are to address safety, health, and dilapidated properties issues, as well as to improve the viability of the Historic Overlay District of Downtown.

The Heritage Preservation Board has made a recommendation for these changes to be presented to the Planning and Zoning Commission. Per City ordinance, the Commission is to be presented with changes to Chapter 31 and give further guidance and recommendations concerning these items being taken to Council for implementation.

**AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; INSTITUTING REGISTRATION AND STANDARD OF CARE REQUIREMENTS FOR VACANT STRUCTURES WITHIN AND SURROUNDING THE HISTORIC OVERLAY DISTRICT AND TIRZ BOUNDARIES; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR 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;

**WHEREAS**, the City of Killeen has designated an area within the City of Killeen as a Historic Overlay District (HOD); and,

**WHEREAS**, the City Council finds that registration and standard of care requirements for vacant buildings in the HOD will help preserve the historic character of the HOD and will help conserve the value of the buildings and community as a whole; and,

**WHEREAS**, the City Council finds that such amendments are necessary and will provide consistent and even application of regulations to all applicants;

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

**SECTION I.** That Chapter 31 of the City of Killeen Code of Ordinances is hereby amended to read as follows:

~~CHAPTER 31—ZONING~~

~~ARTICLE IV.—DISTRICT REGULATIONS~~

~~DIVISION 17.—DISTRICT “HOD” HISTORIC OVERLAY DISTRICT~~

**Sec. 31-391. - Definitions.**

For the purposes of this division, the following definitions shall apply:

*Awning* shall mean a shelter projecting from and supported by the exterior wall of a building constructed of rigid and non-rigid materials on a supporting framework.

*Auxiliary sign* shall mean a sign indicating general information such as credit cards, pricing official notices required by law, directions, shop hours, community services, occupant and profession, and realty information.

*Banner* shall mean a sign made of cloth, plastic, or light fabric with no enclosing framework. Pennants are considered banners.

*Department shall means the Planning and Development Services Department for the City of Killeen, Bell County, Texas.*

*Director shall mean the Executive Director of Development Services.*

*Downtown action agenda* shall mean the document adopted by city council per resolution 07-023R.

*Façade* shall mean the entire building front including the parapet.

*Ground sign* shall mean a billboard or similar type of sign which is supported by one or more uprights, poles or braces in or upon the ground.

*Hanging sign* shall mean any sign affixed to either an awning or the building.

*Historic* shall mean properties older than fifty years.

*Historic Overlay District shall means all property located within the historic district as identified in the 2008 historic resources survey and described as:*

Point of beginning intersection of Santa Fe Plaza Drive & 8<sup>th</sup> Street; thence north 14 deg. 30' 0.60" east 537.46 feet; thence south 76 deg. 9' 7" east 198.66 feet; thence north 13 deg. 56' 53" east 424.30 feet; thence north 76 deg. 3' 17" west 764.08 feet; thence south 15 deg. 7' 45" west 248.06 feet; thence north 75 deg. 43' 33" west 196.48 feet; thence south 14 deg. 10' 31" west 736.10 feet; thence south 75 deg. 30' 5" east 384.33 feet; thence north 13 deg. 13' 32" east 31.89 feet; thence south 75 deg. 43' 59" east 378.61 feet to the point of the beginning.

A map of the area described is available in the city planning office.

*Internally lit sign* shall mean a sign with an artificial light source incorporated internally for the purpose of illuminating the sign.

*Live/Work Unit shall mean a building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of business.*

*Mixed-Use that contains a mixture of commercial and residential uses.*

*Off-premises sign* shall mean a sign visible from any public traveled road or street displaying advertising or other copy that pertains to any business, person, organization, activity, event, place, service, or product not manufactured, sold, or provided on the same premises on which the sign is located. This definition for off-premises signs shall include any sign that does not qualify as an approved on-premises sign.

*Owner shall means any person, agent, firm, partnership or corporation having a legal interest in the property.*

*Parapet* shall mean a low protective wall along the edge of the roof.

*Poster* shall be a sign made of paper or any non-rigid material with no enclosing framework.

*Projecting sign* shall mean a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

*Reflective tinting* shall mean any window tinting which demonstrates a reflective quality and impedes clear visibility into a building.

*Roof sign* shall mean a sign erected upon or above a roof or parapet of a building or structure.

*Secured shall means that all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are locked so as to prevent unauthorized entry by vagrants and criminals. Temporarily secured shall means that all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows are covered with plywood which has been nailed or bolted in place so as to prevent unauthorized entry by vagrants and criminals.*

*Sign* shall mean any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, whatsoever, which is displayed in any manner outdoors.

*Sign area* shall mean that area being the total square footage of the combined message or display surface. This area does not include structural supports for a sign, whether they be columns, pylons, or a building, or part thereof.

*Sign structure* shall mean any structure which supports or is capable of supporting a sign.

*Temporary sign* shall mean any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, metal, or other light materials, not intended for long term use. Banners and posters are temporary signs.

*Vacant structure shall means a structure in which all activity for which the structure was built for or intended to be used for has ceased, or reasonably appears to have ceased for thirty (30) days or more.*

*Wall sign* shall mean any sign attached to or erected against the wall of a building or structure, with the exposed face in a plane parallel to the plane of the wall as defined in appendix H of the city's adopted building code.

*Window covering* shall mean any material including, but not limited to, curtains, wood, fabric, cardboard, or paper which impedes visibility and is not intended to be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever, which is affixed in any manner to the window or area surrounding the window.

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**Sec. 31-393. - ~~Overlay district boundary.~~ Vacant Structures in the Historic Overlay District.**

A. Applicability and administration.

1. This section shall apply to all vacant structures, as defined in this Article, which are now in existence or which may hereafter be constructed or converted from other uses and which are located within the boundary of the Historic Overlay District (HOD).
2. The director or designee is authorized to administer and enforce the provisions of this section.
3. The director or designee shall have the authority to render interpretations of this section and to adopt policies and procedures in order to clarify the application of its provisions.

B. Registration required.

1. The owner of a vacant structure shall have ninety (90) days from the date that written notice is issued to the property owner in which to register a vacant structure with the City of Killeen Development Services Department. Written notice shall be issued to the owner of a vacant structure by means of personal service, or by first class mail to their last known address according to Bell County Appraisal District records, and by posting notice on the property. The Director may consider evidence provided that the property is listed for sale or lease for fair market value and for a reasonable length of time for purposes of extending the length of time before the property must be registered.
2. Upon the issuance of a notice to register a vacant structure, a property owner shall register with the Department and provide the following information:
  - a. The address and legal description of the property;
  - b. The name, physical address, mailing address, telephone number, and email information for any property owner(s) with an interest in the property. Corporations or corporate entities shall submit the same information pertaining to their registered agent.
  - c. The contact information for a local property manager or real estate agent for the property.
  - d. Proof of property insurance in an amount not less than the appraised value of the structure, as determined by the Bell County Appraisal District, or a surety bond for the value of structure if insurance cannot be obtained. This subsection is not applicable to single family residential structures.
  - e. A completed comprehensive plan of action form, provided by the department, detailing a timeline for correcting code enforcement violations, conducting

rehabilitation and maintenance of the structure, and a plan for future use of the structure. The plan of action form must be updated every six (6) months.

f. A complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event.

g. Confirmation of criminal trespass affidavit, which shall be filed by the property owner with the Killeen Police Department. Said property owner shall post "No Trespass" placards on the premises. Additional employment of security services for the property for a specified number of hours every day may be required by the director on the basis of the property's history of code and/or criminal violations.

3. The owner of a vacant structure shall provide written notice to the director, including a copy of the deed, of a change in:

i) Ownership of the property;

ii) Contact information for either the owner or the designated manager.

iii) Written notice must be provided to the department no later than thirty (30) days after said changes have occurred.

4. Continued annual registration of the property by the owner of a vacant structure is required until said structure is deemed occupied and in compliance with all relevant code requirements by the director.

#### C. Property manager or agent.

1. The owner of a vacant structure must designate a local manager for said properties and include the relevant contact information for the designated manager upon registering the property with the department. Property managers shall act as agents for the property owner for purposes of accepting legal service, however the vacant property owner remains personally liable in criminal prosecutions for code violations.

2. The property manager or agent must be available at the number listed at all times in the event of an emergency or catastrophe. For all vacant properties except for single-family residential structures, the name and telephone number of the property manager or agent must be posted at the front of the building in large, legible print.

#### D. Standard of care for vacant property.

1. The standard of care, subject to approval by the director, shall include, but is not limited to:

a. *Protective treatment:* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition, weather tight, and in such condition so as to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay resistant woods or surfaces designed for stabilization by oxidation, shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or

similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.

- b. *Premises identification:* The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of one-half (1/2) inch. All buildings shall display a vacant building identification placard as required by the director.
- c. *Structure:* All structural members and foundation shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.
- d. *Exterior walls:* All exterior walls shall be kept in good condition and shall be free from holes, breaks, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface coated where necessary to prevent deterioration.
- e. *Roof and drainage:* The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair, free from obstructions and operational.
- f. *Decorative features:* All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- g. *Overhang extensions and awnings:* All overhang extensions including, but not limited to canopies, marquees, signs, awnings, and fire escapes shall be maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.
- h. *Stairways, decks, porches and balconies:* All exterior stairways, decks, porches, and balconies, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- i. *Chimneys and towers:* All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
- j. *Handrails and guards:* All exterior handrails and guards shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

k. *Window, skylight and door:* All windows, storefronts, skylights, and exterior door parts, including but not limited to the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner so as to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, and the same shall be removed within a period of time designated by the director.

l. *Basement hatchways and windows:* All basement hatchways shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against entry of rodents.

2. All repairs shall be subject to approval by the director. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and rules. Historic properties and properties within the designated Historic Overlay District are additionally subject to all applicable rules and regulations as codified in chapter 31 of the Code.

3. Failure to maintain a vacant structure to the standard of care specified by the department is a violation of this section.

E. *Jurisdiction, enforcement and penalties.*

1. Written notice of violation will precede the issuance of a criminal citation, in which the vacant property owner will be given a reasonable length of time, as determined by the director, to remedy the violation. Written notice shall be issued to the owner of a vacant structure by means of personal service, or by first class mail to their last known address according to Bell County Appraisal District records, and by posting on the property.

2. Failure to register with the department after written notice to owner of a vacant structure, as is hereinafter specified, is a violation of this Chapter pursuant to Section 31-7.

**Sec. 31-394 – ~~Conditional use Permit. Permitted Uses~~ Use Regulations.**

A. A building or premises in the Historic Overlay District shall allow all uses within the "B-5" Business District with the following exclusions:

1. Mini/ self-storage facilities.

2. Storage warehouses.

3. Tire recapping or retreading.

4. Impound yards.
  5. Auto upholstery or muffler shop.
  6. Auto repair.
  7. Appliance (household) sales and service.
  8. Electric utility substation.
- B. A building or premises in the Historic Overlay District may be used for mixed-use development or live/work purposes, provided that the following conditions are met:
1. The ground floor of all mixed-use buildings shall be designed, constructed, and used only for commercial uses. Residential uses shall be permitted only on the second floor and above.
  2. Any structure or portion of a structure that is mixed-use or live/work shall comply with all applicable City of Killeen ordinances, including all building and residential codes.

—Conditional use permit

- C. The eCity Ceouncil by an affirmative majority vote may by ordinance grant a conditional use permit as provided in section 31-456 of this chapter for any ~~business-land use or any use identified in the "full list" of the Killeen downtown action agenda for a specific parcel in the district~~ and may impose appropriate conditions and safe guards to assure that these land uses are compatible with the character of the district setting and buildings. Conditional use permits granted shall be considered permanent provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

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**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 after its passage and publication according to law.

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

**APPROVED**

\_\_\_\_\_  
Jose L. Segarra, MAYOR

**ATTEST:**

**APPROVED AS TO FORM:**

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

\_\_\_\_\_  
Traci Briggs, CITY ATTORNEY



**TO: Planning & Zoning Commission**  
**FROM: Jerry L. Millard, Jr., Senior Planner**  
**DATE: May 27, 2020**

**Plat Case # 20-026FS Herring Legacy Estates Phase One**

Consider a plat submitted by Mitchell & Associates, Inc. on behalf of Herring Legacy Estates, L.L.C. (Case #20-026FS: Herring Legacy Estates, Phase One), being approximately 49.161 acres, being part of the W. E. Hall Survey, Abstract No. 1116. The property is addressed as 740 Money Pit Road, Killeen, Texas.

The applicant is proposing 93 suburban residential lots over nine blocks.

The Staff Review Committee met in a correction validation meeting on May 26, 2020 and concurred that the plat meets the requirements of the City's subdivision regulations. Therefore, staff recommends that the Planning and Zoning Commission approve the plat as proposed.



CITY OF KILLEEN - PLAT APPLICATION

0 - 10 acres \$300.00 + \$25.00 per lot
> 10 - 50 acres \$400.00 + \$25.00 per lot
> 50 acres \$500.00 + \$25.00 per lot

Plat Name: Herring Legacy Estates, Phase One

Type: Preliminary Final Replat Minor Amended

Name(s) of Property Owner(s): Herring Legacy Estates, LLC & James Herring

Address: 1507 Stan Schlueter Loop Suite 103

City: Killeen State: TX Zip: 76549

Primary Phone: (254) 535 - 5805 Cell Phone: ( ) -

Email:

Type of Ownership: Sole Ownership Partnership Corporation Other

Recorded Copy of Warranty Deed: Is a copy of the appropriate deed(s) attached? YES NO

Name of Developer: Same As Above

Address: Same as Above

City: Same as Above State: Same as Above Zip: Same as Above

Name of Engineer/Surveyor: Mitchell & Associates, Inc.

Address: 102 N. College/P.O. Box 1088

City: Killeen State: TX Zip: 76540

Primary Phone: (254) 634 - 5541 Cell Phone: ( ) -

Email: jkriegel@mitchellinc.net areneau@mitchellinc.net

Is the Property: Within City Limits Within the ETJ (5.0 miles)

Proposed Land Use: Residential

Total Acreage: 49.161 Number of Lots: 93 Current Zoning: Proposed Zoning: N/A

Is there a simultaneous rezoning of any part of this property? YES NO

Address/ Location of property to be platted: Chapparral Rd. Killeen TX

Legal Description: 49.161 acre tract of land in Bell County, Texas, being part of the W. E. Hall Survey, Abstract No. 1116

Replats and Amendments: During the preceding five (5) years, was the platted property limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot? Yes/No During the preceding five (5) years, was any lot in the preceding plat limited by deed restrictions to residential use for not more than two residential units per lot? Yes/No Attach a copy of applicable deed restrictions or a (notarized) letter from the applicant stating that no deed restrictions apply.

What is the reason for the replat / amendment?

Owner(s) must initial:

I hereby certify that all fees/charges owed by me/us to the City concerning any prior plats and/or subdivisions have been paid in full as of the date of this application.

I understand that attendance at the Development Review Committee meeting is mandatory. My failure to attend or my agent's failure to attend will result in rescheduling the meeting of the Development Review Committee and delay processing of the application.

I understand that I must obtain approval from the Planning and Zoning Commission (except in the case of minor plats) prior to the plat being recorded with the Clerk of Bell County.



APPOINTMENT OF AGENT

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

Name of Agent: Mitchell & Associates, Inc.

Mailing Address: 102 N. College/P.O. Box 1088

City: Killeen State: TX Zip: 76540

Home Phone: (254) 634-5541 Business Phone: ( ) -

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

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

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

Signature of Agent: [Signature] Title: Agent

Printed/Typed Name of Agent: Ben Wilson Date: 05/12/2020

Signature of Property Owner: [Signature] Title: Owner

Printed/Typed Name of Property Owner: James Herring Date: 05/12/2020

Signature of Property Owner: [Signature] Title: Member

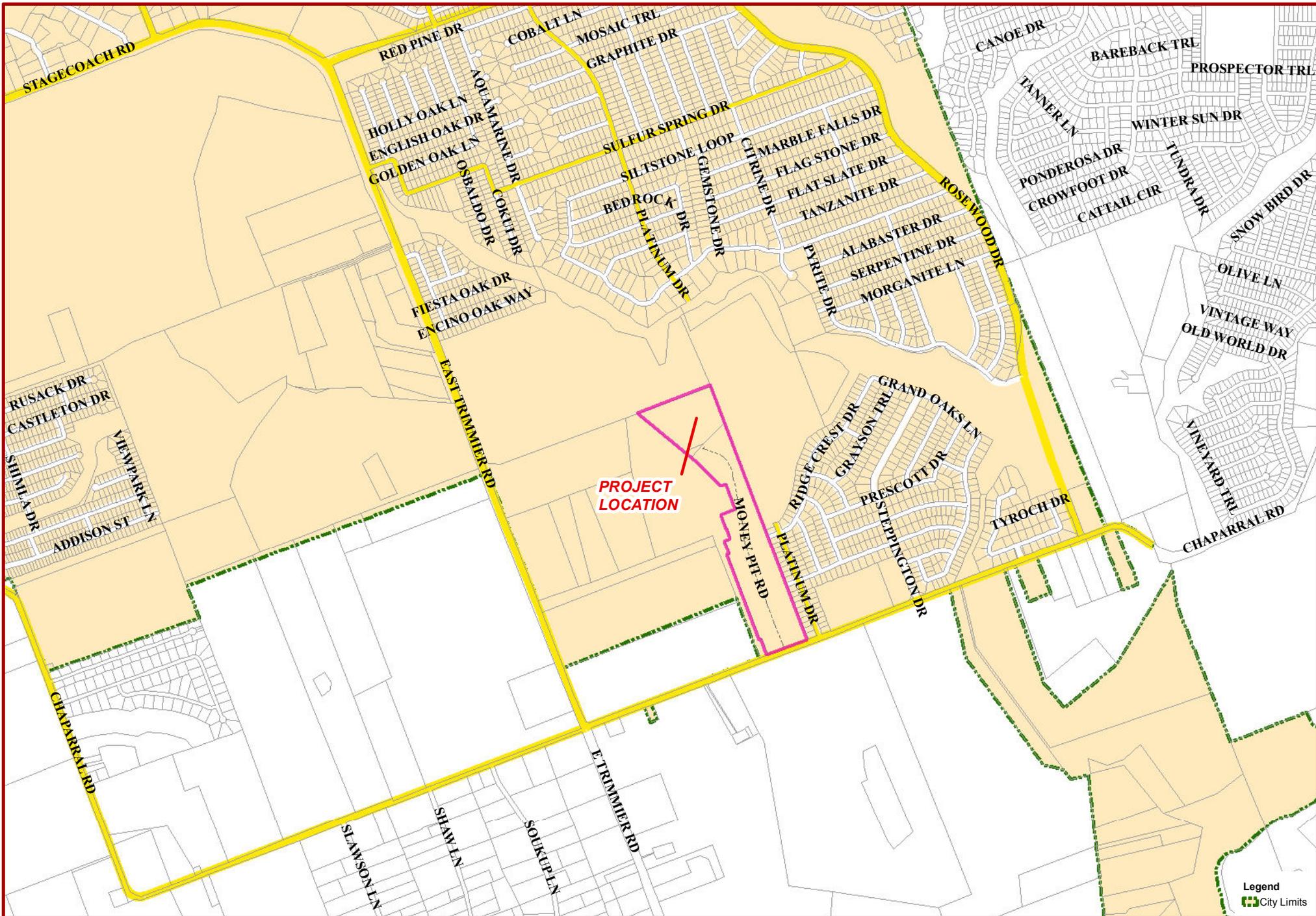
Printed/Typed Name of Property Owner: James Herring Date: 05/12/2020

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

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

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

Application Revised: September 28, 2017



PLANNING AND  
DEVELOPMENT SERVICES

PLAT CASE:  
20-026FS

SUBDIVISION NAME:  
HERRING LEGACY ESTATES, PHASE ONE

Legend  
City Limits



Date: 5/18/2020

# HERRING LEGACY PHASE ONE KILLEEN, BELL COUNTY, TEXAS

LOT AREAS		
Lot	Block	Area
1	Block 1	16324 Sq. Ft.
2	Block 1	13703 Sq. Ft.
3	Block 1	16224 Sq. Ft.
4	Block 1	22026 Sq. Ft.
5	Block 1	9972 Sq. Ft.
6	Block 1	10619 Sq. Ft.
7	Block 1	10622 Sq. Ft.
8	Block 1	10626 Sq. Ft.
9	Block 1	10629 Sq. Ft.
10	Block 1	12667 Sq. Ft.

LOT AREAS		
Lot	Block	Area
1	Block 2	11741 Sq. Ft.
2	Block 2	10766 Sq. Ft.
3	Block 2	10770 Sq. Ft.
4	Block 2	10774 Sq. Ft.
5	Block 2	10777 Sq. Ft.
6	Block 2	10781 Sq. Ft.
7	Block 2	11766 Sq. Ft.

LOT AREAS		
Lot	Block	Area
1	Block 3	10254 Sq. Ft.
2	Block 3	10250 Sq. Ft.
3	Block 3	10250 Sq. Ft.
4	Block 3	10250 Sq. Ft.
5	Block 3	11493 Sq. Ft.
6	Block 3	13770 Sq. Ft.
7	Block 3	12825 Sq. Ft.
8	Block 3	13825 Sq. Ft.
9	Block 3	20119 Sq. Ft.
10	Block 3	12464 Sq. Ft.
11	Block 3	12756 Sq. Ft.
12	Block 3	12761 Sq. Ft.
13	Block 3	12765 Sq. Ft.
14	Block 3	12770 Sq. Ft.
15	Block 3	12775 Sq. Ft.
16	Block 3	14416 Sq. Ft.
17	Block 3	18638 Sq. Ft.
18	Block 3	20209 Sq. Ft.
19	Block 3	27921 Sq. Ft.
20	Block 3	34604 Sq. Ft.
21	Block 3	40034 Sq. Ft.
22	Block 3	58253 Sq. Ft.

LOT AREAS		
Lot	Block	Area
1	Block 4	10800 Sq. Ft.
2	Block 4	10440 Sq. Ft.
3	Block 4	10440 Sq. Ft.
4	Block 4	10440 Sq. Ft.
5	Block 4	10440 Sq. Ft.
6	Block 4	10440 Sq. Ft.
7	Block 4	10440 Sq. Ft.
8	Block 4	10440 Sq. Ft.
9	Block 4	10440 Sq. Ft.
10	Block 4	10440 Sq. Ft.
11	Block 4	10440 Sq. Ft.
12	Block 4	10440 Sq. Ft.
13	Block 4	10440 Sq. Ft.
14	Block 4	10800 Sq. Ft.
15	Block 4	10800 Sq. Ft.
16	Block 4	10440 Sq. Ft.
17	Block 4	10440 Sq. Ft.
18	Block 4	10440 Sq. Ft.
19	Block 4	10440 Sq. Ft.
20	Block 4	10440 Sq. Ft.

LOT AREAS		
Lot	Block	Area
21	Block 4	10440 Sq. Ft.
22	Block 4	10440 Sq. Ft.
23	Block 4	10440 Sq. Ft.
24	Block 4	10440 Sq. Ft.
25	Block 4	10440 Sq. Ft.
26	Block 4	10440 Sq. Ft.
27	Block 4	10440 Sq. Ft.
28	Block 4	10800 Sq. Ft.

LOT AREAS		
Lot	Block	Area
1	Block 6	10080 Sq. Ft.

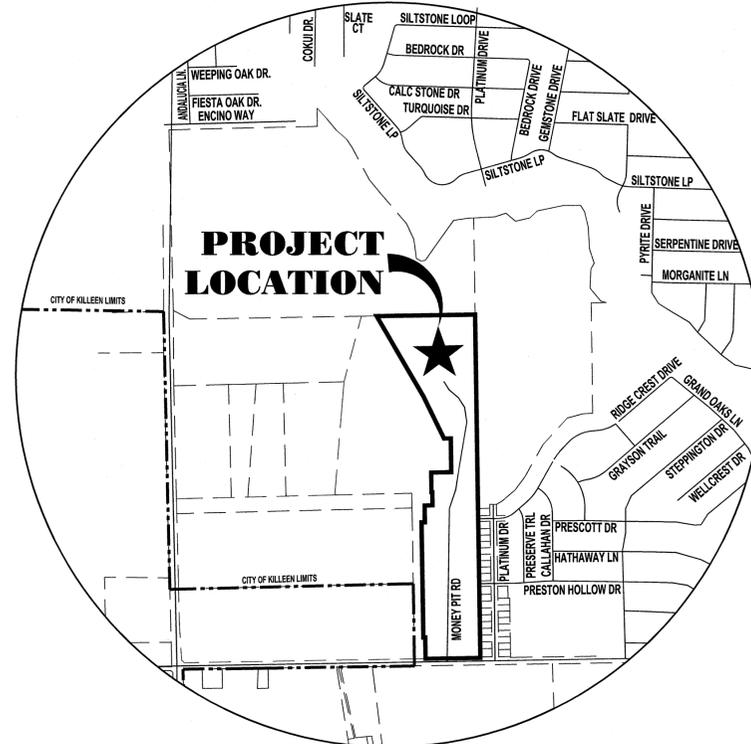
LOT AREAS		
Lot	Block	Area
1	Block 7	13275 Sq. Ft.
2	Block 7	15825 Sq. Ft.
3	Block 7	14700 Sq. Ft.
4	Block 7	14700 Sq. Ft.

LOT AREAS		
Lot	Block	Area
1	Block 8	21447 Sq. Ft.
2	Block 8	17929 Sq. Ft.
3	Block 8	19630 Sq. Ft.
4	Block 8	20784 Sq. Ft.
5	Block 8	21424 Sq. Ft.
6	Block 8	13275 Sq. Ft.

LOT AREAS		
Lot	Block	Area
1	Block 9	12584 Sq. Ft.

LINE TABLE		
LINE	LENGTH	BEARING
L1	56.02'	N45°36'58"W
L2	27.58'	S60°37'40"E

CURVE TABLE						
CURVE	BEARING	CHORD	LENGTH	RADIUS	DELTA	TANGENT
C1	N83°31'10"E	62.59'	67.63'	50.00'	77°30'13"	40.13'
C2	N5°04'41"W	76.43'	87.00'	50.00'	99°41'30"	59.26'
C3	N64°27'23"W	16.56'	16.64'	50.00'	19°03'54"	8.40'
C4	N83°03'47"E	63.21'	68.43'	50.00'	78°24'59"	40.79'
C5	N3°21'03"E	64.95'	70.69'	50.00'	81°00'28"	42.71'
C6	N55°34'16"W	31.59'	32.15'	50.00'	36°50'09"	16.65'
C7	N25°46'01"W	56.47'	56.54'	330.00'	9°48'59"	28.34'
C8	N39°00'33"W	95.66'	96.00'	330.00'	16°40'04"	48.34'
C9	N53°59'08"W	76.34'	76.51'	330.00'	13°17'05"	38.43'
C10	S55°00'46"E	97.84'	98.00'	500.00'	11°13'48"	49.16'
C11	S47°30'25"E	33.00'	33.00'	500.00'	3°46'54"	16.51'
C12	S89°23'02"W	127.28'	141.37'	90.00'	90°00'00"	90.00'
C13	S89°23'02"W	84.85'	94.25'	60.00'	90°00'00"	60.00'
C14	S45°57'55"E	6.83'	6.83'	560.00'	0°41'54"	3.41'
C15	S51°21'25"E	98.44'	98.56'	560.00'	10°05'04"	49.41'
C16	S58°30'48"E	41.32'	41.33'	560.00'	4°13'44"	20.68'
C17	N57°16'23"W	31.60'	31.62'	270.00'	6°42'35"	15.83'
C18	N43°27'07"W	98.09'	98.64'	270.00'	20°55'56"	49.88'
C19	N26°55'20"W	57.04'	57.15'	270.00'	12°07'37"	28.68'
C20	S53°07'19"E	138.47'	138.86'	530.00'	15°00'42"	69.83'
C21	N40°44'36"W	204.08'	208.23'	300.00'	39°46'09"	108.51'



VICINITY MAP  
SCALE: N.T.S.



102 N. COLLEGE STREET  
KILLEEN, TEXAS 76541  
PHONE: (254) 634-5541  
FAX: (254) 634-2141

TEXAS BOARD OF PROFESSIONAL  
ENGINEERS FIRM REGISTRATION NO. 3241  
T. B. P. L. S. FIRM REGISTRATION  
NO. 100204-00

**NOTES:**

- All bearings are based upon the Texas Coordinate System, NAD 83 (CORS 96), Texas Central Zone as determined by Leica Texas Smartnet GPS observations. All distances are surface distance. Combined scale factor=1.0001168.
- All interior lot corners marked with 1/2" ir & cap stamped "M&A" set after construction completed.
- This subdivision is located in zone X, areas determined to be outside the 0.2% annual chance floodplain, as indicated on the U.S. FEMA Agency Boundary Map, (Flood Insurance Rate Map), Map No. 48027C295E, effective date September 26, 2008 for Bell County, Texas.

KNOW ALL MEN BY THESE PRESENTS, that Herring Legacy Estates, LLC & James Herring, whose address is 1507 Stan Schlueter Loop Suite 103, Killeen, Texas, 76549 being the sole owners of that certain 49.161 acre tract of land in Bell County, Texas, being part of the W. E. Hall Survey, Abstract No. 1116, which is more fully described in the dedication of HERRING LEGACY ESTATES, PHASE ONE as shown by the plat hereof, attached hereto, and made a part hereon, and approved by the City of Killeen, Bell County, Texas, does hereby adopt said HERRING LEGACY ESTATES, PHASE ONE as an addition to the City of Killeen, Bell County, Texas, and hereby dedicates to said city all streets, avenues, roads, drives and alleys shown on said plat, the same to be used as public thoroughfares and for the installation and maintenance of public utilities when and as authorized by the City of Killeen. The utility and drainage easements shown on said plat are dedicated to said city for the installation and maintenance of any and all public utilities and drainage utilities, which the city may install or permit to be installed or maintained.

WITNESSE the execution hereof, on this \_\_\_\_ day of \_\_\_\_\_, 2020.

For: Herring Legacy Estates, LLC

\_\_\_\_\_  
James Herring, Member

Before me, the undersigned authority, on this day personally appeared James Herring known to me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that he executed the foregoing instrument as the owner of the property described hereon.

\_\_\_\_\_  
NOTARY PUBLIC STATE OF TEXAS  
My Commission Expires: \_\_\_\_\_

WITNESSE the execution hereof, on this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
James Herring

Before me, the undersigned authority, on this day personally appeared James Herring known to me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that he executed the foregoing instrument as the owner of the property described hereon.

\_\_\_\_\_  
NOTARY PUBLIC STATE OF TEXAS  
My Commission Expires: \_\_\_\_\_

APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2020, by the Planning and Zoning Commission of the City of Killeen, Bell County, Texas.

\_\_\_\_\_  
CHAIRMAN, PLANNING COMMISSION

\_\_\_\_\_  
SECRETARY, PLANNING COMMISSION

KNOW ALL MEN BY THESE PRESENTS,

That I, Robert E. Mitchell, Registered Professional Land Surveyor, do hereby certify that I did prepare this plat from an actual and accurate survey of the land, that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Killeen, Texas, and this subdivision is within the City Limits of Killeen, Texas.



\_\_\_\_\_  
Robert E. Mitchell  
Registered Professional  
Land Surveyor, No. 5801

AFFIDAVIT:

The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.

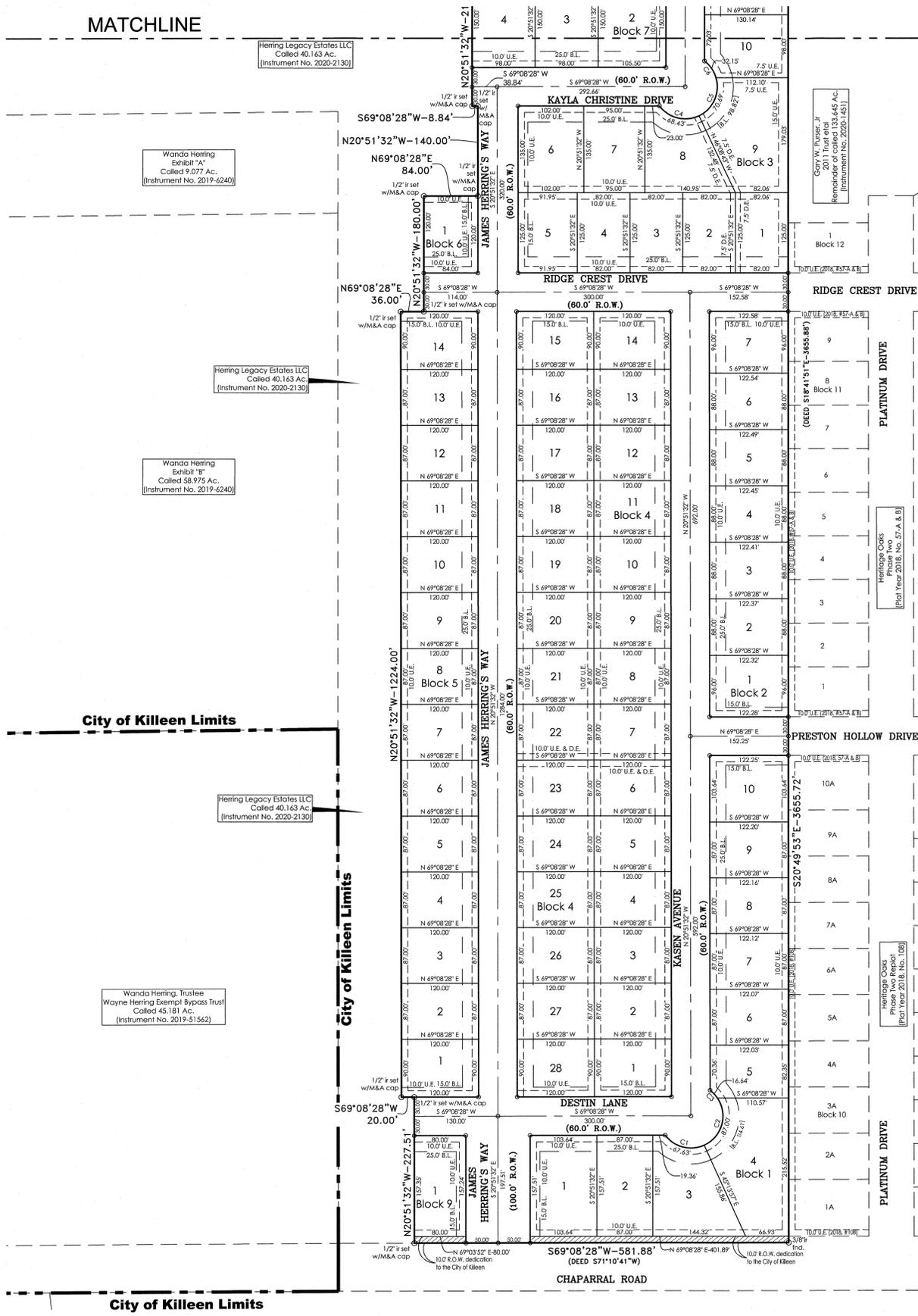
Dated this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ A. D.

By: \_\_\_\_\_  
Bell County Tax Appraisal District

FILED FOR RECORD this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ In Year \_\_\_\_\_,  
Plat # \_\_\_\_\_, Plat Records of Bell County, Texas. Dedication Instrument # \_\_\_\_\_, Official Public Records of Real Property, Bell County, Texas.

No.	DATE	REMARKS	BY
1	**	**	**
REVISIONS			

MATCHLINE



City of Killeen Limits

City of Killeen Limits

City of Killeen Limits

Wanda Herring  
Exhibit "A"  
Called 9.077 Ac.  
(Instrument No. 2019-6240)

Herring Legacy Estates LLC  
Called 40.163 Ac.  
(Instrument No. 2020-2130)

Wanda Herring  
Exhibit "B"  
Called 58.975 Ac.  
(Instrument No. 2017-6240)

Herring Legacy Estates LLC  
Called 40.163 Ac.  
(Instrument No. 2020-2130)

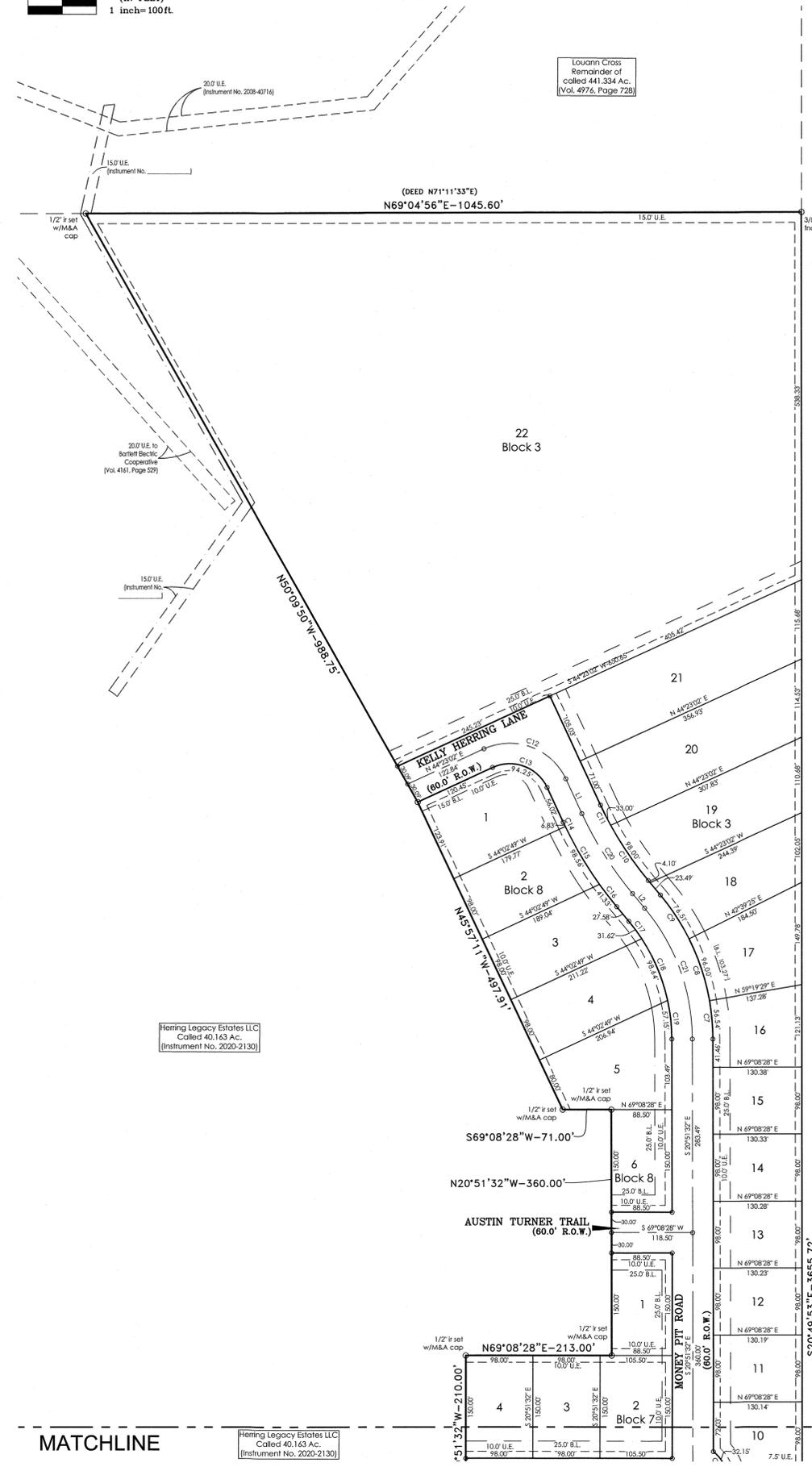
Wanda Herring, Trustee  
Wayne Herring Exempt Bypass Trust  
Called 45.181 Ac.  
(Instrument No. 2019-51562)

Billy L. Curb  
(Vol. 5982, Page 740)

Gary M. Pappas, Jr.  
Remainder of Col. 133,445 Ac.  
(Instrument No. 2020-1451)

Heritage Oaks  
Phase Two Resplat  
(Plat Year 2018, Nos. 57A, B, & J)

Heritage Oaks  
Phase Two Resplat  
(Plat Year 2018, Nos. 57A, B, & J)



MATCHLINE

Herring Legacy Estates LLC  
Called 40.163 Ac.  
(Instrument No. 2020-2130)

Louann Cross  
Remainder of Col. 441,334 Ac.  
(Vol. 4976, Page 728)

Gary M. Pappas, Jr.  
2011 Trust et al.  
Called 33,445 Ac.  
(Instruments: 2009-1651)

HERRING LEGACY ESTATES  
PHASE ONE  
KILLEEN, BELL COUNTY, TEXAS

FINAL PLAT



MITCHELL & ASSOCIATES, INC.  
ENGINEERING & SURVEYING  
102 N. COLLEGE  
KILLEEN, TEXAS 76541  
PHONE: (254) 634-5541  
FAX: (254) 634-2141  
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241  
E. F. L. S. FIRM REGISTRATION NO. 10204-00



NO.	DATE	REMARKS	BY

SHEET TITLE

5-15-20

DWG No.	DATE	SCALE	FB/LB	93 LOTS	AREA
20-012-D-S	FRB	AS SHOWN	PRINTOUT	9 BLOCKS	49,161 AC.

## ATTENDANCE RECORD

October 1, 2019 to September 30, 2020

# Attended

Members	10/07/2019	10/21/19	11/04/19	11/18/19	12/02/19	12/16/19	01/06/2020	02/03/2020	03/02/2020	03/16/20	04/06/20	04/20/2020	05/04/20	05/18/2020	06/01/2020	06/15/20	07/06/20	07/20/2020	08/03/2020	08/17/2020	9/21/2020			
Sean Payton	EA	CANCELLED	CANCELLED	P	P	EA	EA	P	RESIGNED											55%				
Ramon Alvarez	P			P	P	P	P	P	P	P	P	P	P	P										100%
Lawrence Holly	P			P	P	P	P	P	P	P	P	P	P	P										100%
Kirk Latham	P			P	P	P	P	P	P	P	P	P	P	P										100%
Louie Minor	V			V	V	V	P	P	P	EA	P	P												100%
Michael Hodges	V			V	V	V	P	P	P	P	P	P												100%
Sandra O'brien	P			P	P	P	P	P	P	A	P	P	P											91%
Randy Ploeckelmann	P			P	P	P	P	P	P	P	EA	P	P											100%
Leo Gukeisen	P			P	P	P	P	P	P	P	P	P												100%
Daryl Peters	A			A	RESIGNED											0%								

A = Absent      P = Present      EA = Excused Absence (will be calculated as present for % Present)  
 NQ = No Quorum      V = Position Vacant

10/21/2019 Cancelled due to a lack of agenda items

11/4/2019 Cancelled due to a lack of agenda items