



**AGENDA**  
**REGULAR MEETING**  
**PLANNING AND ZONING COMMISSION**  
**OCTOBER 19, 2020**  
**UTILITY COLLECTIONS**  
**210 W. AVENUE C**  
**LARGE CONFERENCE ROOM**

**CALL TO ORDER – 4:30 P.M. – Utility Collections Conference Room**

**ROLL CALL**

COMMISSION	STAFF
___ Kirk Latham, Chairman	___ Tony D. McIlwain, AICP, CFM, Executive Director of Planning and Development Services
___ Ramon Alvarez, Vice Chairman	___ Wallis Meshier, CNU-A, Director of Planning
___ Sandra O’Brien	___ Jerry Millard Jr., Senior Planner
___ Leo Gukeisen	___ Holli Clements, Esq., Deputy City Attorney
___ Randy Ploeckelmann	___ MD Hossain, P.E., CFM, City Engineer
___ Louie Minor	___ Paul Boyer, P.E., Project Engineer
___ Michael Hodges	___ David Hermosillo, Sr. CAD-GIS Technician
___ Michael Boyd	___ Maria Lopez, Assistant Planner

**APPROVAL OF AGENDA**

Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for **October 19, 2020.**

**CONSENT AGENDA**

- CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **October 5, 2020.**
- CA-2** Consider a request for a final plat submitted by John Cowan & Associates, Inc. on behalf of WB Whitis Investments, Ltd. (**Case #20-040FS: Killeen (WSYOUNG) DTP Addition, Phase 1**), being approximately 1.390 acres, being part of the R. Cunningham Survey, Abstract No. 199. The property is located north of Stagecoach Rd. and west of W.S. Young Drive, Killeen, Texas.

**COMMISSION AND STAFF ITEMS**

- I.** Attendance Chart.
- II.** Recognition and appreciation of former Commissioner Lawrence Holly

**ADJOURNMENT**

The next regularly scheduled meeting of the Planning and Zoning Commission is **November 2, 2020** at 5:00 p.m., in the Utility Collections Large Conference Room, 210 W. Avenue C, Killeen, Texas.

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the 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)]. 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 254-501-7630, 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 **October 16, 2020**.

Maria Lopez  
Assistant Planner

**MINUTES  
REGULAR MEETING  
PLANNING AND ZONING COMMISSION  
OCTOBER 5, 2020  
UTILITY COLLECTIONS, 210 W. AVENUE C  
LARGE CONFERENCE ROOM**

**ROLL CALL**

**PRESENT:**

**Commission:** Kirk Latham, Chairman; Ramon Alvarez, Vice Chairman; Sandra O'Brien; Randy Ploeckelmann; Louie Minor; Michael Hodges; Michael Boyd

**Staff:** Tony McIlwain, AICP, CFM, Executive Director of Planning & Development Services; Wallis Meshier, CNU-A, Director of Planning; Holli Clements, Esq., Deputy City Attorney; Paul Boyer, P.E.; Maria Lopez, Assistant Planner; David Hermosillo, Senior GIS Technician

**ABSENT:**

**Commission:** Leo Gukeisen, Mark Manning

**Staff:** Jerry Millard Jr., Senior Planner; Nilka Rosado, E.I.T.

**CALL TO ORDER – 5:00 P.M. – Utility Collections Large Conference Room**

Chairman Latham called the meeting of the Planning and Zoning Commission to order at 5:02 p.m.

**APPROVAL OF AGENDA**

Commissioner Alvarez made a motion to approve the agenda. Commissioner Hodges seconded, and the motion passed 6 to 0.

**CONSENT AGENDA**

**CA-1** Consider minutes of the regular Planning and Zoning Commission Meeting of **September 21, 2020.**

**PUBLIC HEARINGS**

**PH-1** **HOLD** a public hearing and consider a request submitted by Suk Baldwin on behalf of True Fountain, L.L.C. (**Case #Z20-17**) to rezone approximately 19.566 acres, out the J.E. Maddera Survey, Abstract No. 600, from “R-1” (Single-Family Residential

District) to “R-2” (Two-Family Residential District). The property is addressed as 5603 Bunny Trail, Killeen, Texas.

Chairman Latham requested staff comments.

Ms. Wallis Meshier, Director of Planning, presented the staff report for this item. She stated that the applicant initially submitted a request for “R-2” zoning for a larger 19.566 acre tract. She further stated that the original request was subsequently amended to reduce the area of the request for “R-2” zoning from 19.566 acres to 9.66 acres. Notifications were sent out prior to the applicant amending the request based on the 400-foot buffer of the larger 19.566 acre. Therefore, staff notified seventy-eight (78) surrounding property owners regarding this request. Nine (9) written responses were received in opposition to the original request.

Ms. Meshier stated that staff recommends that the Commission recommend approval of the applicant’s “R-2” zoning request, as it is consistent and compatible with the existing land uses and prevailing community character.

Ms. Sara Vinson, 5412 Denmans Mtn., Killeen, Texas, was present to represent the applicant, Suk Baldwin regarding the request.

Chairman Latham opened the public hearing.

Mr. Ricky Allen spoke in opposition to the original request. However, after being informed that the request had been amended, and that the property immediately adjacent to his would remain as “R-1” (Single-Family Residential District), Mr. Allen withdrew his opposition.

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

Commissioner Minor motioned to recommend disapproval of the request. Commissioner Ploeckelmann seconded, and the motion failed by a vote of 2 to 4. Commissioners Boyd, Alvarez, O’Brien and Hodges voted in opposition.

Commissioner Boyd motioned to recommend approval of the request. Commissioner Alvarez seconded, and the motion passed by a vote of 4 to 2. Commissioners Minor and Ploeckelmann voted in opposition.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

**PH-2** **HOLD** a public hearing and consider a request submitted by Mitchell & Associates, Inc. on behalf of Reece’s Creek Group, L.C. (**Case #Z20-18**) to rezone approximately 1.952 acres, out the W.M. Freer Survey, Abstract No. 307, from “UD” (University District) with a Conditional Use Permit (CUP) to a “UD” (University District) with a Conditional Use Permit for multi-family uses. The property is addressed as 409 Reese Creek Road, Killeen, Texas.

Chairman Latham requested staff comments.

Ms. Wallis Meshier, Director of Planning, presented the staff report for this item. She stated that the applicant intends to build five (5) two-family structures on a single platted lot with access via a private drive. Staff notified eleven (11) surrounding property owners regarding this request. One response was received in support of the request.

Ms. Meshier stated that the request is compatible with the adjacent land uses and prevailing community character and recommended that the Commission recommend approval of the applicant's request with the following seven (7) conditions:

1. The property can contain up to five (5) duplex structures. The number of dwelling units shall not exceed ten (10).
2. Each dwelling shall be provided with one (1) enclosed parking space and two (2) exterior parking spaces.
3. No parking will be allowed within the fire lane. This shall be delineated in tenant contracts and enforced by the property manager.
4. All disturbed area that is to remain as green space, as shown on the site plan, shall be fully sodded or seeded.
5. The developer will install eight (8) canopy trees within the community open space. Trees shall be no less than 5 feet in height and no less than 1.5 inches Diameter at Breast Height (DBH).
6. The property owner shall be responsible for ensuring professional landscape maintenance of all community space.
7. The developer will provide two (2) community picnic tables within the open space.

Mr. Ace Reneau, Mitchell & Associates, Inc., 102 N. College Street, was present to represent the case.

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

Commissioner Alvarez motioned to recommend approval of the request with the conditions recommended by staff, with the exception that condition number four (4) be amended to state that "all disturbed area that is to remain as green space shall be fully sodded." Commissioner Hodges seconded, and the motion passed by a vote of 6 to 0.

Chairman Latham stated that the request will be forwarded to City Council with a recommendation for approval.

<b>COMMISSION AND STAFF ITEMS</b>
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I. Attendance Chart.

The Commissioners reviewed their attendance chart.

**ADJOURNMENT**

Chairman Latham adjourned the Planning and Zoning Commission Meeting at 5:24 p.m. The next scheduled meeting of the Planning and Zoning Commission is October 19, 2020 at 5:00 p.m., in the Utility Collections Conference Room, 210 W. Avenue C, Killeen, Texas.

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

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



**TO: Planning & Zoning Commission**  
**FROM: Jerry L. Millard, Jr., Senior Planner**  
**DATE: October 14, 2020**

**Plat Case # 20-040FS: Killeen (WS YOUNG) DTP Addition, Phase 1**

**Consider** a request for a final plat submitted by John Cowan & Associates, Inc. on behalf of WB Whitis Investments, Ltd. (Case #20-040FS: Killeen (WSYOUNG) DTP Addition), being approximately 1.390 acres, being part of the R. Cunningham Survey, Abstract No. 199. The property is located north of Stagecoach Rd. and west of W.S. Young Drive, Killeen, Texas.

The applicant is proposing the development of a Dollar General store.

The Staff Review Committee met in a correction validation meeting on October 12, 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

[x] 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: KILLEEN (WSYOUNG) DTP ADDITION

Type: [ ] Preliminary [x] Final [ ] Replat [ ] Minor [ ] Amended

Name(s) of Property Owner(s): WB WHITIS INVESTMENTS, LTD

Address: 3000 ILLINOIS AVE

City: KILLEEN State: TX Zip: 76543

Primary Phone: (254) 953-5353 Cell Phone: ( ) -

Email: BRUCE@WBDEVELOPMENT.COM

Type of Ownership: [ ] Sole Ownership [ ] Partnership [ ] Corporation [x] Other

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

Name of Developer: GBT REALTY CORP.

Address: 9010 OVERLOOK BLVD

City: BRENTWOOD State: TN Zip: 37027

Name of Engineer/Surveyor: PHILIP CORNETT - JOHN COWAN & ASSOCIATES, INC.

Address: 10147 CR 135

City: FLINT State: TX Zip: 75762

Primary Phone: (903) 581-2238 EXT 16 Cell Phone: ( ) -

Email: PCORNETT@JCOWANINC.COM

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

Proposed Land Use: COMMERCIAL

Total Acreage: 1.390 Number of Lots: 1 Current Zoning: B3/B4 Proposed Zoning: B-4

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

Address/ Location of property to be platted: Address TBD; approximately 537' N of Stagecoach Rd on the W side of Ws Young

Legal Description: 1.390 ACRES, PART OF THE R. CUNNINGHAM SURVEY, A-199, BELL COUNTY, TEXAS

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? COMMERCIAL DEVELOPMENT

Owner(s) must initial: [x] 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. [x] 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. [x] 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: John Cowan & Associates, Inc./Philip W. Cornett

Mailing Address: 10147 CR 135

City: Flint State: TX Zip: 75762

Home Phone: ( ) - Business Phone: (903) 581 2238 ext. 16

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: President

Printed/Typed Name of Agent: Philip W. Cornett Date: 8.20.2020

Signature of Property Owner: [Signature] Title: President

Printed/Typed Name of Property Owner: Bruce Whitis Date: 7-28-20

Signature of Property Owner: Title:

Printed/Typed Name of Property Owner: Date:

Signature of Property Owner: Title:

Printed/Typed Name of Property Owner: Date:

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

Application Revised: September 28, 2017



KNOW ALL MEN BY THESE PRESENTS, that WB Whitis Investments, LTD, whose address is 3000 Illinois Ave., Ste. 100, Killeen, TX 76543 being the sole owner of that certain 1.390 acre tract in Bell County, Texas, being out of the Robert Cunningham Survey, Abstract No. 199, which is more fully described in the dedication of Killeen (WSYoung) DTP Addition 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 Killeen (WSYoung) DTP Addition 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 utilities and drainage easement 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.

WITNESS the execution hereof, on this \_\_\_\_\_, day of \_\_\_\_\_, 2020,

On Behalf of WB Whitis Investments, LTD

By: \_\_\_\_\_  
 Bruce Whitis, President

Before me, the undersigned authority, on this day personally appeared David L. Peter known to me to be the person whose name is subscribed to the foregoing Instrument. It has been acknowledged to me that she executed for the foregoing instrument as the owner of the property described hereon.

NOTARY PUBLIC OF THE STATE OF TEXAS

My Commission Expires: \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS:

That I, Philip W. Cornett, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Killeen, Texas.

Philip W. Cornett  
 Registered Professional  
 Land Surveyor, No. 5515

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

/s/ \_\_\_\_\_  
 Chairman, Planning and Zoning Commission

/s/ \_\_\_\_\_  
 Secretary, Planning and Zoning Commission

**-I-  
 BLOCK 4  
 TANGLEWOOD ESTATES  
 ADDITION, PART II**  
 RECORDED IN VOLUME 1373, PAGE 608  
 OF THE PLAT RECORDS OF  
 BELL COUNTY, TEXAS

**LONELY OAKS  
 LANE**  
 20' ASPHALT

CALL LOT 6  
 ESTATE OF CLARA  
 COPPAGE TO  
 ANNETTE DAVIS  
 VOLUME 3278, PAGE 42  
 FEBRUARY 21, 1995

**BLOCK 1  
 TANGLEWOOD ESTATES  
 ADDITION, PART II**  
 RECORDED IN VOLUME 1373, PAGE 608  
 OF THE PLAT RECORDS OF  
 BELL COUNTY, TEXAS

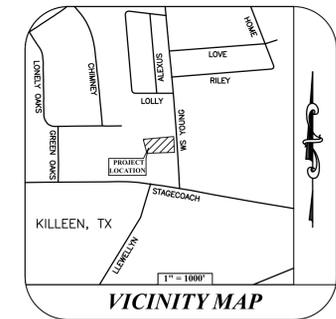
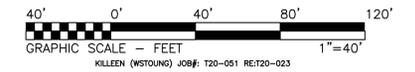
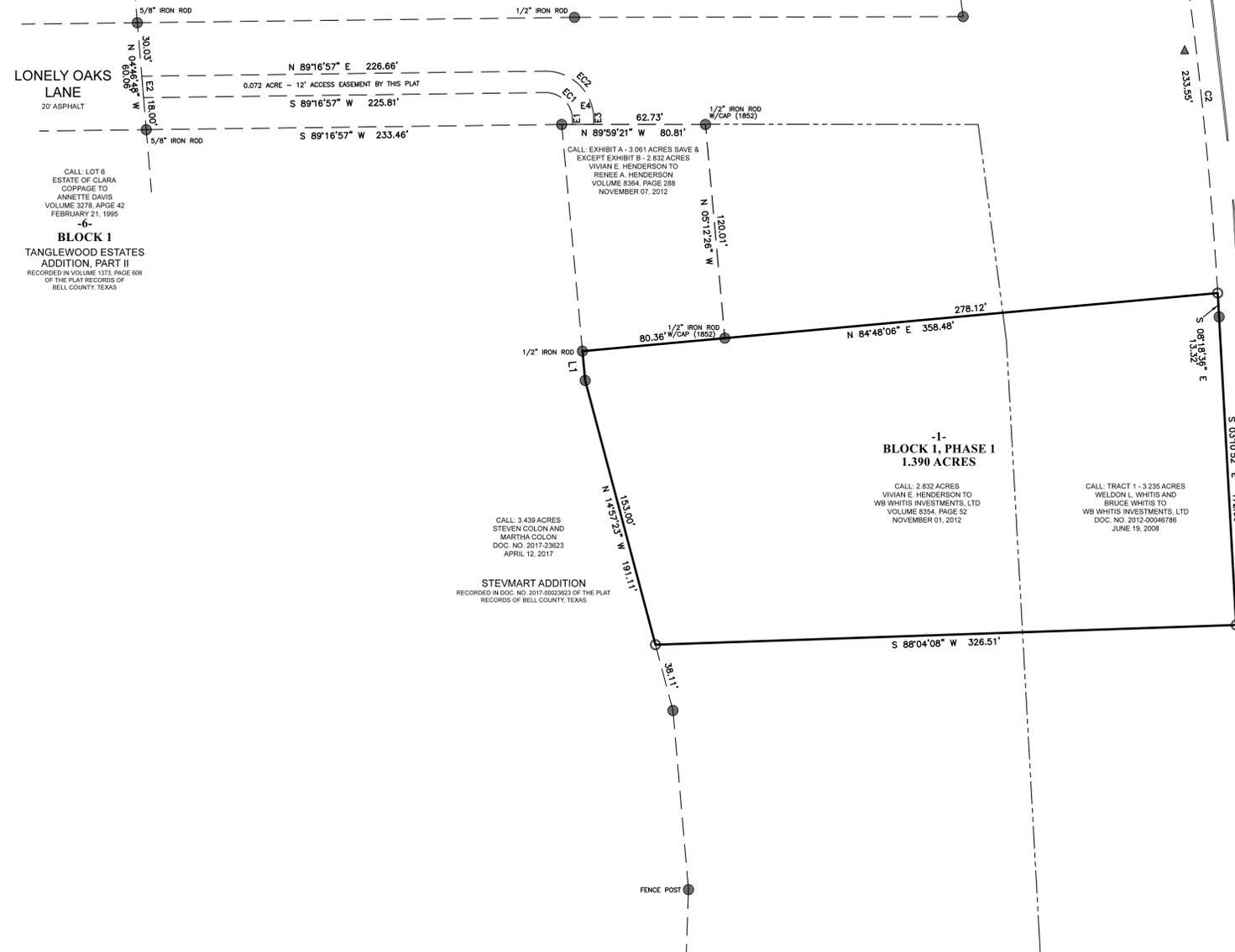
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2495.00'	1130.21'	1130.20'	S 07° 32' 13" E	1° 49' 25"
C2	2405.00'	1246.87'	1246.76'	S 06° 05' 30" E	5° 52' 53"

LINE	BEARING	DISTANCE
L1	N 05° 23' 26" W	16.48'
L2	N 85° 25' 39" W	131.88'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
EC1	15.00'	123.56'	121.21'	N 45° 43' 03" W	90° 00' 00"
EC2	27.00'	42.41'	38.18'	S 45° 43' 03" E	90° 00' 00"

LINE	BEARING	DISTANCE
E1	N 00° 43' 03" W	3.03'
E2	N 04° 46' 48" W	12.03'
E3	S 00° 43' 03" E	3.18'
E4	N 89° 59' 21" W	12.00'

CALL: 2.186 ACRES  
 HISAKO ATKINS TO  
 JACQUE WYNN ATKINS AND  
 HISAKO ATKINS  
 DOC. NO. 2010-00012870  
 APRIL 06, 2010



**PLAT NOTES:**

- BEARINGS ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE 4203, SURVEY FEET.
- SITE ELEVATION DATUM IS NAVD 88. GPS RTK OBSERVATIONS UTILIZING LEICA SMARTNET, N.A. WERE TAKEN ON JANUARY 30, 2020.
- CONTOUR INTERVAL = 1.0'
- SITE BENCHMARK 1  
 TOP OF X CUT IN CURB  
 BEING N 08° 28' 51" E 58.50' FROM S.E.C. OF TRACT  
 ELEVATION = 928.97'
- SITE BENCHMARK 2  
 TOP OF X CUT IN CURB  
 BEING N 05° 47' 00" E 56.14' FROM THE N.E.C. OF TRACT  
 ELEVATION = 923.90'
- THE SUBJECT TRACT LIES IN ZONE "X", AREAS DETERMINED TO BE OUTSIDED THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 48027C0290E WITH AN EFFECTIVE DATE OF SEPTEMBER 26, 2008, COUNTY OF BELL, TEXAS.

**LEGEND**

- 3/8" IR FOUND (SURVEYOR)
- 1/2" IR SET
- W/CAP MARKED J. COWAN & ASSOC.
- ▲ 60-# NAIL FOUND
- MAG NAIL SET
- ◆ BENCHMARK

FINAL PLAT  
**KILLEEN (WSYOUNG)  
 DTP ADDITION, PHASE 1**  
 BEING A SUBDIVISION ESTABLISHING LOT 1 IN BLOCK 1,  
 CONTAINING 1.390 ACRES, SHOWING PART OF THE  
 ROBERT CUNNINGHAM SURVEY, ABSTRACT NO. 199,  
 BELL COUNTY, TEXAS

PLAT DATE: MARCH 12, 2020  
 REVISION DATE: SEPTEMBER 10, 2020