

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM “UD” (UNIVERSITY DISTRICT) TO “UD” (UNIVERSITY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) HOUSING AND FROM “A” (AGRICULTURAL DISTRICT) TO “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lee and Jo Ann Kelley on behalf of Garland Kelley Sr. have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of 85.955 acres out of the Moses T. Martin Survey, Abstract No. 963, being locally known as 9600 S. Fort Hood Street, Killeen, Texas, from “UD” (University District) to “UD” (University District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential District) housing and from “A” (Agricultural District) to “R-1” (Single-Family Residential District), said request having been duly presented to the Planning and Zoning Commission of the City of Killeen on the 7th day of August 2017, with the Commission’s recommendation of the following:

1) Approval a Conditional Use Permit (CUP) for “R-1” single family residential housing for 16.517 acres, which comprises the rear 550 feet of that portion of the property that lies within the “UD” (University District), with all residential housing within this area meeting the minimum height and area requirements as detailed within Sections 31-187 through 188 of the Code of Ordinances. Additionally, the applicant shall satisfy all architectural and landscaping requirements within the “UD” (University District).

2) Approval of “R-1” (Single-family Residential District) zoning for the 43.823 acres of property that is currently zoned as “A” (Agricultural District).

3) Disapproval of any residential use/development within the first 950 feet of the “UD” (University District), which comprises 25.615 acres of land; this area shall remain as baseline “UD” (University District) zoning.

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 12th day of September 2017, 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 subject to the conditions 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 85.955 acres out of the Moses T. Martin Survey, Abstract No. 963, being locally known as 9600 S. Fort Hood Street, Killeen, Texas, be changed from “UD” (University District) to “UD” (University District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential District) housing and from “A” (Agricultural District) to “R-1” (Single-Family Residential District) with the conditions previously stated (see Exhibit 1).

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 12th day of September 2017, 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:

Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #17-18

Ord. #17-__

Exhibit 1.

