

## 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) AND “CD” (CEMETERY DISTRICT) TO “UD” (UNIVERSITY DISTRICT) AND “CD” (CEMETERY 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, Payton E. Duncan 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 54.226 acres out of the W. H. Cole Survey, Abstract No. 200, being locally known as 405 Tower Hill Lane, Killeen, Texas, from “UD” (University District) and “CD” (Cemetery District) to “UD” (University District) and “CD” (Cemetery 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 20th day of November 2017, with the Commission’s recommendation of the following:

- 1) Approval of “R-1” of zoning for the illustrated 40.026 acres (see blue area of attached map).
- 2) Approval of a Conditional Use Permit (CUP) (for single family residential use only) for any portion of any residential lot developed within the University and/or Cemetery Districts for this property. Specifically, the westernmost row of

housing that is developed along the western property boundary (i.e. the area abutting Splawn Ranch Phase Five) shall be subject to the following conditions:

- An average lot size of 8,600 square feet, with a 70' average lot width (as measured from the 25' front building line);
- Same yard setbacks as in "R-1";
- Landscaping to match the current "SR-1" zoning district;
- 90% stone, stucco, brick only on all floors/ stories and all four sides excluding gables, eaves, windows, doors, etc.; and
- All other single-family housing (excluding the westernmost row of housing) developed within the "UD" and "CD" will satisfy the height and lot area requirements of the "R-1" zoning district.

3) Approval of "A-R1" (Agricultural Single-Family Residential District) zoning for approximately 6.17 acres of land (see green area of attached map).

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 December 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 40.026 acres out of the W. H. Cole Survey, Abstract No. 200, for property locally known as 405 Tower Hill Lane, Killeen, Texas, be changed from “A” (Agricultural District) to “R-1” (Single Family Residential District); and that approximately 8.03 acres be changed from “UD” (University District) and “CD” (Cemetery District) to “UD” (University District) and “CD” (Cemetery District) with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential District) housing with those conditions as stipulated by the Planning and Zoning Commission; and that 6.17 acres be changed from “A” (Agricultural District) to “A-R1” (Agricultural Single Family Residential District).

**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 December 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:**

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**Jose L. Segarra, MAYOR**

**ATTEST:**

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**Dianna Barker, CITY SECRETARY**

**APPROVED AS TO FORM**

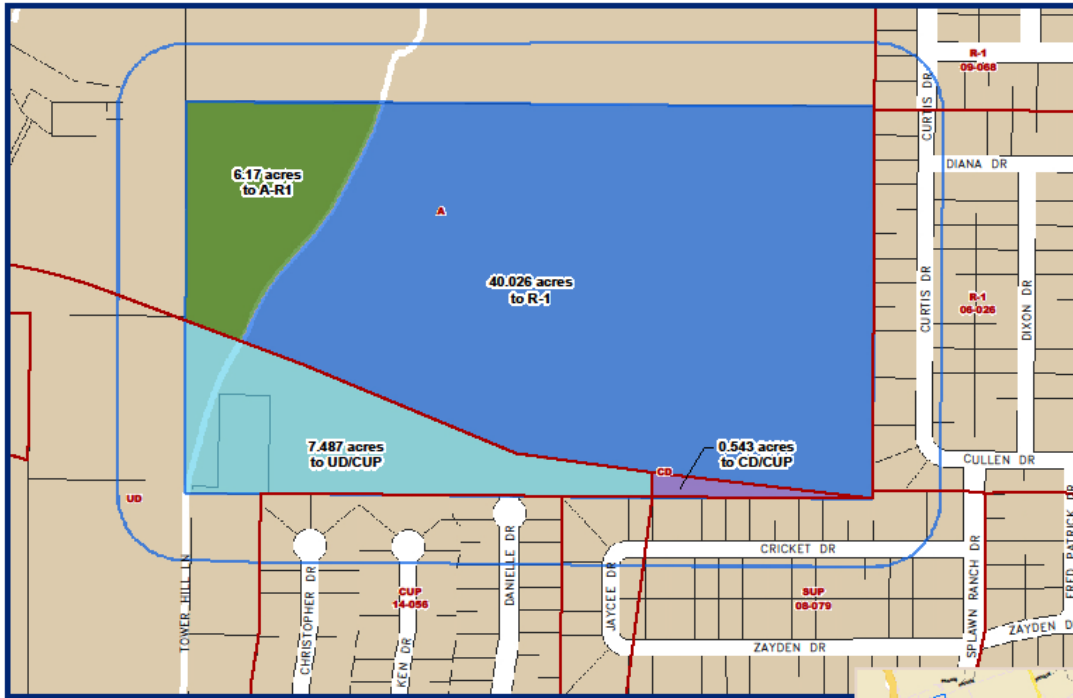
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**Kathryn H. Davis, City Attorney**

Case #17-26

Ord. #17-\_\_\_

**Map.**



**Zoning Case Notification Plan**  
**Case Z-2017-26**

Council District: 3  
 Zoning from A, CD and UD to R-1, CD w/ CUP and UD w/ CUP  
 1 inch = 300 feet  
 Subject Property Legal Description: A02208C W H COLE, ACRES 53.196 AND A02208C W H COLE, 15, ACRES 1.03

