

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY AMENDING THE ZONING OF THE PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF ROSEWOOD DRIVE AT THE INTERSECTION OF ROSEWOOD DRIVE AND ROSE GARDEN LOOP, KILLEEN, TEXAS; TO AMEND THE PLANNED UNIT DEVELOPMENT (PUD) STANDARDS FOR THE ROSEWOOD SPRINGS PLANNED UNIT DEVELOPMENT (ORDINANCE NO. 19-017) BY INCREASING THE MAXIMUM SQUARE FOOTAGE OF LEASED/OWNED BUSINESS AREAS WITHIN THE COMMERCIAL PROPERTIES FROM 5,000 SQ. FT. TO 10,000 SQ. FT AND BY PROHIBITING THE SALE OF SECONDHAND GOODS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code and Section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the City of Killeen Zoning Ordinance following a recommendation by the Planning and Zoning Commission and a public hearing;

WHEREAS, Quintero Engineering, LLC, on behalf of nine (9) property owners, has presented to the City of Killeen, a request for an amendment of the zoning ordinance of the City of Killeen by amending the Planned Unit Development (PUD) standards for the Rosewood Springs Planned Unit Development (Ordinance No. 19-017) to increase the maximum square footage of leased/owned business area within the commercial properties from 5,000 sq. ft. to 10,000 sq. ft. This request, having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 17th day of July 2023 with the following amendment to the conditions listed in Ordinance No. 19-017:

16. Retail uses and businesses including antiques but excluding the sale of secondhand goods.

WHEREAS, 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 22nd day of August 2023, at the City Hall, City of Killeen; and

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 the Planned Unit Development (PUD) standards for the Rosewood Springs Planned Unit Development (Ordinance No. 19-017) be amended to increase the maximum square footage of leased/owned business areas within the commercial properties from 5,000 sq. ft. to 10,000 sq. ft., and that the sale of secondhand goods be prohibited, provided however that the sale of antiques be permitted, for property generally located on the east side of Rosewood Drive at the intersection of Rosewood Drive and Rose Garden Loop, 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 22nd day of August 2023, 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:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY
Case #23-15
Ord. #23-____