

## ORDINANCE \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 19.53 ACRES, BEING PART OF LOTS 3, 4, AND 7, BLOCK 1, COSPER CREEK ADDITION, FROM “A” (AGRICULTURAL), “B-3” (LOCAL BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR BOAT, RV, AND 18-WHEELER STORAGE, AND “R-2” (TWO FAMILY RESIDENTIAL), TO “B-3” (LOCAL BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR BOAT, RECREATIONAL VEHICLE, AND 18-WHEELER STORAGE, AND “R-2” (TWO FAMILY RESIDENTIAL); PROVIDING FOR THE CONDITIONS OF THE CUP; 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**, Republic Engineering and Development Services, on behalf of Michael and Rhonda Jung and Killeen Heating and Air Conditioning Inc., has presented to the City of Killeen a request for amendment of the City of Killeen Zoning Ordinance by changing the classification of approximately 19.53 acres, being part of Lots 3, 4, and 7, Block 1, Cosper Creek Addition from “A” (Agricultural), “B-3” (Local Business District) with a Conditional Use Permit (CUP) for boat, recreational vehicle (RV), and semi-truck storage, and “R-2” (Two Family Residential), to “B-3” (Local Business District) with a Conditional Use Permit (CUP) for boat, recreational vehicle (RV), and semi-truck storage, and “R-2” (Two Family Residential);

**WHEREAS**, the Planning and Zoning Commission of the City of Killeen, following a public hearing on the October 16, 2023, duly recommended approval of the application for amendment;

**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 28<sup>th</sup> day of November 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 approximately 19.53 acres, being part of Lots 3, 4, and 7, Block 1, Cosper Creek Addition, be changed from "A" (Agricultural), "B-3" (Local Business District) with a Conditional Use Permit (CUP) for boat, RV, and semi-truck storage, and "R-2" (Two Family Residential) to "B-3" (Local Business District) with a Conditional Use Permit (CUP) for boat, recreational vehicle (RV), and semi-truck storage, and "R-2" (Two Family Residential), as depicted in the attached Concept Plan, for the properties locally addressed as 3288 and 3288-A Chaparral Road and 10335 Trimmier Road, Killeen, Texas.

**SECTION II.** That the following conditions be placed on the Conditional Use Permit (CUP):

1. All parking stalls and drive aisles shall be paved with an all-weather surface (asphalt or concrete) capable of retaining striping, as approved by the Building Official.
2. The landscape buffer extending along the back of the residential lots shall be provided on both sides of the commercial driveway.
3. The entire length of the commercial driveway must be private.

4. All signage associated with the RV & boat storage facility shall be located west of the rear property line of the adjacent residential lots.

**SECTION III.** 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 IV.** 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 V.** 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 28<sup>th</sup> day of November 2022, 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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**Debbie Nash-King, MAYOR**

**ATTEST:**

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**Laura J. Calcote, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Holli Clements, CITY ATTORNEY**

Case #23-24

Ord. #23-\_\_\_\_