

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, AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) WITH “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) USES; 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, Jeff Hamilton, of Able Engineering, PLLC, on behalf of NMP - Killeen Limited Partnership, has presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by amending the Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District) uses (Ordinance 18-038), for approximately 16.12 acres, being Lot 5, Block 1, Rosewood Commercial,

WHEREAS, said request having been duly presented and recommended for disapproval by the Planning and Zoning Commission of the City of Killeen on the 4th day of December 2023;

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 16th day of January 2024, 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 requested amendment of the PUD for “R-3A” uses should be disapproved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the zoning classification of 16.12 acres, being Lot 5, Block 1, Rosewood Commercial, be amended to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District) uses with the following conditions:

1. That up to three (3) additional apartment buildings and up to seventy-two (72) additional dwelling units may be added to the site, for a total of twelve (12) apartment buildings and two hundred and eighty-eight (288) dwelling units on the site; and
2. That a continuous landscape buffer be provided by the developer along the west and southwest property lines adjacent to the existing single-family residential development consisting of large canopy trees spaced twenty-five (25) feet apart and being six (6) feet in height and two (2) inches in caliper at the time of planting.

The project site is located on the west side of Rosewood Drive and is addressed as 3701 Rosewood Drive, 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 16th day of January 2024, 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 #Z23-27

Ord. #23-____