

ORDINANCE NO. 12-074

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 B-5 (BUSINESS DISTRICT) TO B-4 (BUSINESS DISTRICT) AND R-3A (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT) WITH A PLANNED UNIT DEVELOPMENT (PUD); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Abbott Springs, Ltd. 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 the hereinafter described property from B-5 (Business District) to B-4 (Business District) and R-3A (Multifamily Apartment Residential District) with a planned unit development (PUD) to allow a mixed use development consisting of 19 apartment homes and approximately 21,865 square feet of retail/commercial lease space, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 24th day of September 2012, and 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 9th day of October 2012, 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 opinion that the request should be approved;

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

Section I. That the zoning classification of the following described tract be changed from B-5 (Business District) to B-4 (Business District) and R-3A (Multifamily Apartment

Residential District) with a planned unit development (PUD) to allow a mixed use development consisting of 19 apartment homes and approximately 21,865 square feet of retail/commercial lease space, for 5 acres, being located at 2600 S. Clear Creek Road, Killeen, Texas.

Section II. That the approval of this request is based upon the submitted planned unit development narrative and site plan.

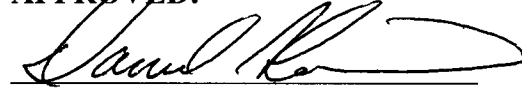
Section III. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

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 9th day of October 2012, 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:



Daniel A. Corbin, MAYOR

ATTEST:


Paula A. Miller, CITY SECRETARY

APPROVED AS TO FORM


Kathryn H. Davis, City Attorney