

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) TO "UD" (UNIVERSITY 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, Lee and Jo Ann Kelley on behalf of Garland Kelley Sr. have presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of 85.955 acres out of the Moses T. Martin Survey, Abstract No. 963, being locally known as 9600 S. Fort Hood Street, Killeen, Texas, from "UD" (University District) to "UD" (University 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 7th day of August 2017, with the Commission's recommendation of the following:

1) Approval a Conditional Use Permit (CUP) for "R-1" single family residential housing for 16.517 acres, which comprises the rear 550 feet of that portion of the property that lies within the "UD" (University District), with all residential housing within this area meeting the minimum height and area requirements as detailed within Sections 31-187 through 188 of the Code of Ordinances. Additionally, the applicant shall satisfy all architectural and landscaping requirements within the "UD" (University District).

2) Approval of "R-1" (Single-family Residential District) zoning for the 43.823 acres of property that is currently zoned as "A" (Agricultural District).

3) Disapproval of any residential use/development within the first 950 feet of the "UD" (University District), which comprises 25.615 acres of land; this area shall remain as baseline "UD" (University District) zoning.

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 September 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 85.955 acres out of the Moses T. Martin Survey, Abstract No. 963, being locally known as 9600 S. Fort Hood Street, Killeen, Texas, be changed from "UD" (University District) to "UD" (University 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) with the conditions previously stated (see Exhibit 1).

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,

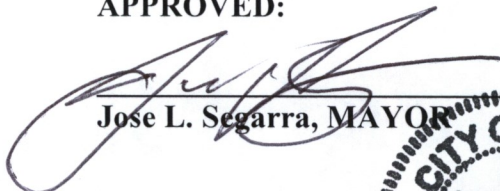
force, or effect of any other section or parts of this ordinance.

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 September 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:


Jose L. Segarra, MAYOR

ATTEST:


Dianna Barker, CITY SECRETARY

APPROVED AS TO FORM

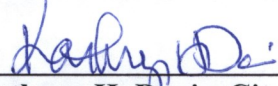
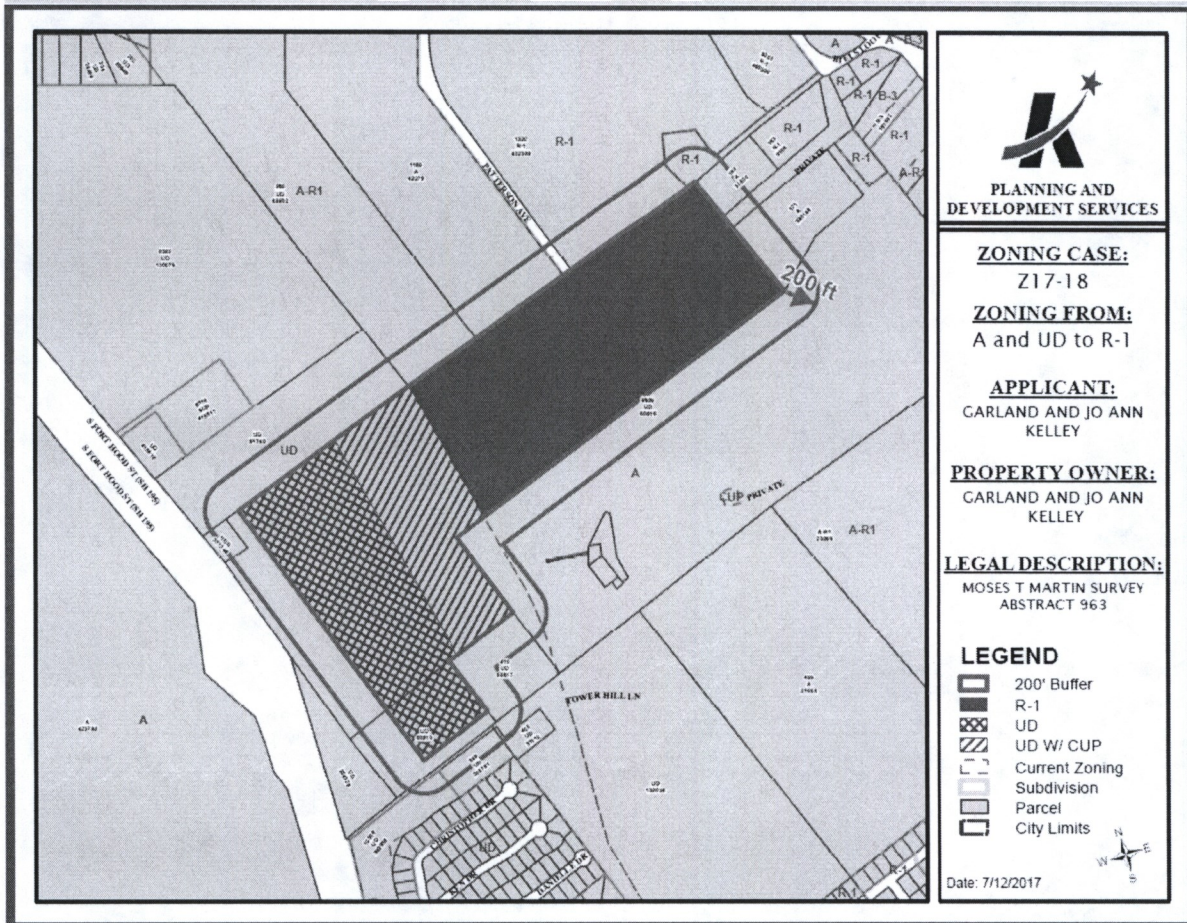

Kathryn H. Davis, City Attorney
Case #17-18
Ord. #17-__



Exhibit 1.





Date Paid: 1st rezone
Amount Paid: \$ fee waived
Cash/MO #/Check #: #
Receipt #:

CASE #: 217-18

City of Killeen Zoning Change Application

[] General Zoning Change \$300.00 [] Conditional Use Permit \$500.00

Name(s) of Property Owner: GARLAND KELLEY JO ANN KELLEY

Current Address: 410 TOWN HILL LN

City: KILLEEN State: TX Zip: 76542

Home Phone: 254 634-2977 Business Phone: 254 681-6819 Cell Phone: 254 681-0963

Email: CTWSCGM@EMBARQMAIL.COM

Name of Applicant: _____
(If different than Property Owner)

Address: _____

City: _____ State: _____ Zip: _____

Home Phone: () _____ Business Phone: () _____ Cell Phone () _____

Email: _____

Address/Location of property to be rezoned: Hwy 195 South Ft Hood Rd

Legal Description: 166+13 MOSES T MARTIN SURVY ABSTRACT 963

Metes & Bounds or Lot(s) Block Subdivision

Is the rezone request consistent with the Comprehensive Plan? YES ☒ NO

If NO, a FLUM amendment application must be submitted.

Type of Ownership: ☒ Sole Ownership ☐ Partnership ☐ Corporation ☐ Other

Present Zoning: A9 Present Use: A9

Proposed Zoning: UD Proposed Use: SINGLE FAMILY

Conditional Use Permit for: SINGLE FAMILY HOUSING R-1

This property was conveyed to owner by deed dated _____ and recorded in Volume 1303,
Page 64, Instrument Number _____ of the Bell County Deed Records.
(Attached)

Is this the first rezoning application on a unilaterally annexed tract?

Yes YES (Fee not required) No _____ (Submit required fee)

APPOINTMENT OF AGENT

As owner of the subject property, I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: LEE KELLEY
Mailing Address: 410 TOWER HILL LN
City: KILLEEN State: TX Zip: 76542
Home Phone: 254-634-2977 Business Phone: 254-681-6819 Email: CTWSC9M@EM13A
WHL, Coe

I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me. This authorization only applies to this specific zoning request.

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Killeen, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of Agent [Signature] Title _____
Printed/Typed Name of Agent LEE KELLEY Date 6-16-2017
Signature of Agent _____ Title _____
Printed/Typed Name of Agent _____ Date _____
Signature of Applicant _____ Title _____
Printed/Typed Name of Applicant _____ Date _____
Signature of Property Owner X Garland Kelley Title _____
Printed/Typed Name of Property Owner GARLAND KELLEY Date 6-16-2017
Signature of Property Owner X JoAnn Kelley Title _____
Printed/Typed Name of Property Owner JOANN KELLEY Date 6-16-2017
Signature of Property Owner _____ Title _____
Printed/Typed Name of Property Owner _____ Date _____

*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z17-18

ZONING FROM:

UD to UD w/ CUP
for R-1
and A to R-1

APPLICANT:

GARLAND AND JO ANN
KELLEY

PROPERTY OWNER:

GARLAND AND JO ANN
KELLEY

LEGAL DESCRIPTION:

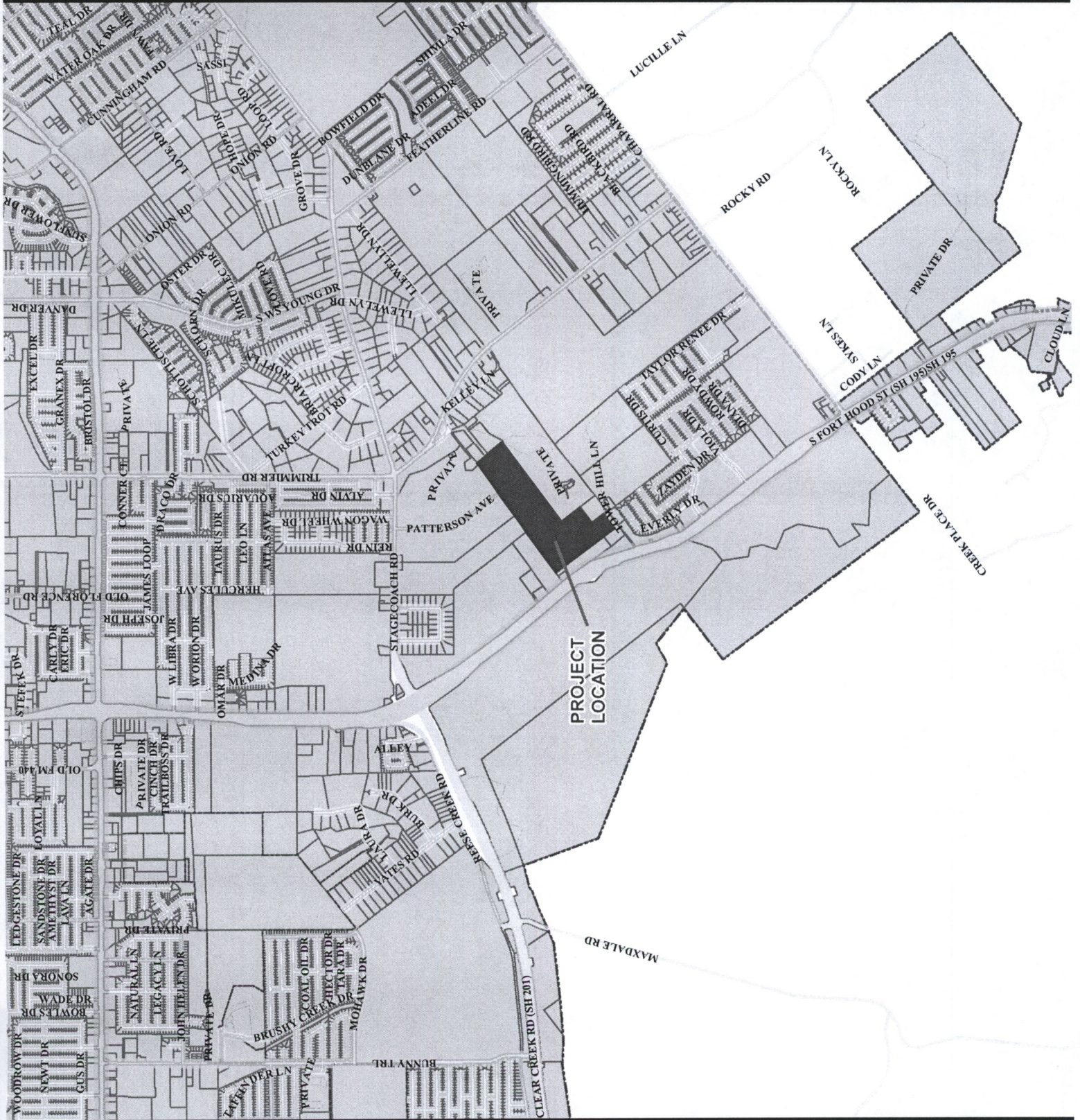
A0963BC M T MARTIN, 4,
ACRES 85.955

Legend

-  Zoning Case
-  Parcel
-  City Limits



Date: 8/22/2017





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:

Z17-18

ZONING FROM:

A and UD to R-1

APPLICANT:

GARLAND AND JO ANN
KELLEY

PROPERTY OWNER:

GARLAND AND JO ANN
KELLEY

LEGAL DESCRIPTION:

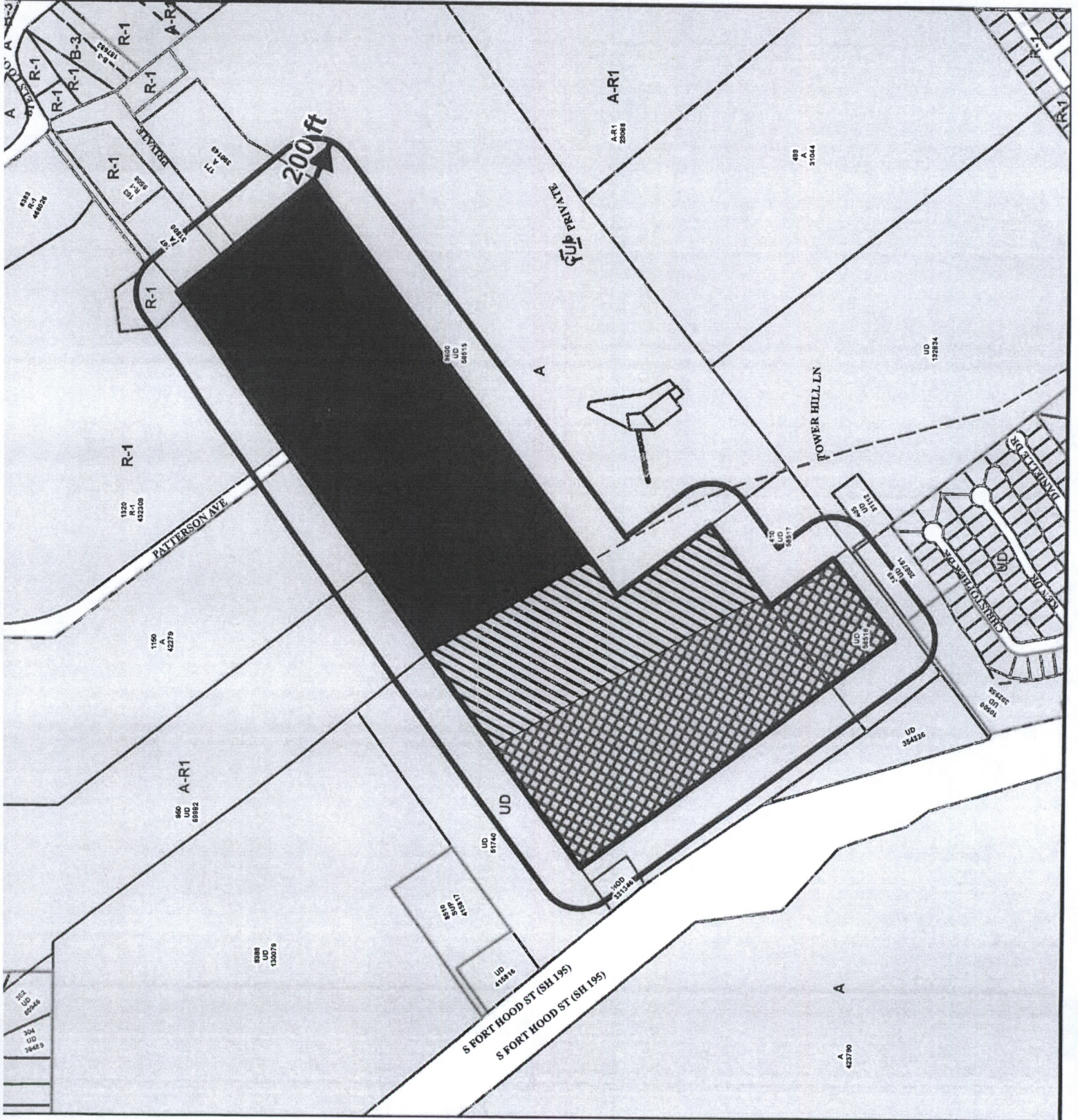
MOSES T MARTIN SURVEY
ABSTRACT 963

LEGEND

- 200' Buffer
- R-1
- UD
- UD W/ CUP
- Current Zoning
- Subdivision
- Parcel
- City Limits



Date: 7/12/2017



CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt, 616 S. W 2nd 173 (Tex 1981) established general guidelines which the Planning and Zoning Commission and City Council should take into consideration when making their respective recommendation and decision on a zoning request.

A. General Factors to Consider:

Is the request in accordance with the comprehensive plan?

Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, sewers, schools, parks and other public requirements?

What if any, is the nature and degree of an adverse impact upon neighboring lands?

The suitability or unsuitability of the tract for use as presently zoned.

Whether the amendment bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.

Whether there is a substantial public need or purpose for the new zoning.

Whether there have been substantially changed conditions in the neighborhood.

Is the new zoning substantially inconsistent with the zoning of neighboring lands? (Whether the new zoning is more or less restrictive.)

The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

Any other factors which will substantially affect the health, safety, morals or general welfare.

B. Conditional Use Permit (if applicable)

Whether the use is harmonious with and adaptable to buildings, structures and use of abutting property and other property in the vicinity of the premises under construction.

C. Conditions to Consider

1. Occupation shall be conducted only by members of family living in home.
2. No outside storage or display
3. Cannot change the outside appearance of the dwelling so that it is altered from its residential character.
4. Cannot allow the performance of the business activity to be visible from the street.
5. Cannot use any window display to advertise or call attention to the business.
6. Cannot have any signs
7. No off-street parking or on-street parking of more than two (2) vehicles at any one time for business related customer parking.
8. No retail sales.
9. Length of Permit.

CUT HERE

YOUR NAME: Steve & Jan Dykes PHONE NUMBER: 254-238-6293

CURRENT ADDRESS: 167 Biels Loop Killeen 76542

ADDRESS OF PROPERTY OWNED: same as above

COMMENTS: "UD" to "UD" w/CUP for "R-1" and "A" to "R-1"

STEVE AND JAN DYKES SUPPORT THE
REZONING REQUEST OF GARLAND L KELLEY SR

RECEIVED

JUL 13 2017

PLANNING

SIGNATURE: Stephen C. Dykes SPO #Z17-18/ 08,09

P.O. BOX 1329 KILLEEN, TEXAS 76540-1329 254 501 7630 254 501 7628 FAX
WWW.CIKILLEEN.TX.US

YOUR NAME: Vera & Jerry Todd PHONE NUMBER: 713-927-6564

CURRENT ADDRESS: 171 Biels Loop, Killeen, Tx 76542

ADDRESS OF PROPERTY OWNED: 171 Biels Loop, Killeen, Tx 76542

COMMENTS: "UD" to "UD" w/CUP for "R-1" and "A" to "R-1"

We support the rezoning of the
Garland & JoAnn Kelley property

RECEIVED

JUL 13 2017

PLANNING

SIGNATURE: Jerry Todd, Vera Lee Todd SPO #Z17-18/ 07

P.O. BOX 1329 KILLEEN, TEXAS 76540-1329 254 501 7630 254 501 7628 FAX
WWW.CIKILLEEN.TX.US

CUT HERE

YOUR NAME: Bruce White PHONE NUMBER:

CURRENT ADDRESS: 3000 Illinois Ave Ste 100

ADDRESS OF PROPERTY OWNED: South of tower Hill / 198

COMMENTS: "UD" to "UD" w/CUP for "R-1" and "A" to "R-1"

Approve

RECEIVED RECEI

JUL 12 2017 JUL 12

PLANNING PLANN

SIGNATURE: [Signature] SPO #Z17-18/ 02

YOUR NAME: PAYTON E. DUNCAN PHONE NUMBER: 634-2848

CURRENT ADDRESS: 2007 VALLEY OAKS DR. HARKER HGT TX. 76548

ADDRESS OF PROPERTY OWNED: 405 Tower Hill Ln. Killeen, TX. 76542

COMMENTS: "UD" to "UD" w/CUP for "R-1" and "A" to "R-1"

NO objection

RECEIVED

JUL 24 2017

PLANNING

SIGNATURE: Payton Duncan SPO #Z17-18/ 05

CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

ZONING CASE #Z17-18 "UD" (UNIVERSITY DISTRICT) TO "UD" (UNIVERSITY 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)

ORIGINATING DEPARTMENT

Planning and Development Svcs.

BACKGROUND AND FINDINGS:

This request is submitted by Lee and Jo Ann Kelley on behalf of Garland Kelley Sr. to rezone to rezone 42.132 acres from "UD" (University District) TO "UD" (University District) with a Conditional Use Permit (CUP) FOR "R-1" (Single-Family Residential District) housing and 43.823 acres from "A" (Agricultural District) to "R-1" (Single-Family Residential District) for a total of approximately 85.955 acres, being out of the Moses T. Martin Survey, Abstract No. 963, The property is locally known as 9600 S. Fort Hood Street, Killeen, Texas.

District Descriptions:

The University District regulations apply to all property located in the current or future corporate city limits for a depth of one thousand five hundred (1,500) feet at the following locations: north of the State Highway 201 right-of-way for a distance of approximately sixty-six hundred (6,600) feet west of the intersection of State Highway 201 and State Highway 195; west and east of the State Highway 195 right-of-way for a distance of approximately one thousand five hundred (1,500) feet north of the intersection of State Highway 195 and State Highway 201; and, east of the State Highway 195 right-of-way for a distance of approximately seventy-six hundred (7,600) feet south of the intersection of State Highway 195 and State Highway 201, the first nine hundred and fifty (950) feet of depth within this segment of the district, as measured from State Highway 195, shall be designated for commercial use. The remaining five hundred and fifty (550) feet of depth of this segment shall be designated for mixed-use development, or residential use via a conditional use permit.

A building or premises in the University District shall only be used for uses permitted in the "B-2" district, subject to the provisions of this division, and for the following purposes:

- (1) Bank, savings and loan or other financial institution excluding credit access businesses as defined by the Texas Finance Code
- (2) Hospital, home, or center for the acute or chronic ill or assisted living facility
- (3) Household appliance sales and repair service, no outside storage
- (4) Retail bakery or confectionery: engaged in preparation, baking, cooking, selling, and delivery of products

- (5) Business day care
- (6) Bowling alleys
- (7) Cleaning or laundry (self-service)
- (8) Cleaning or laundry (pick-up station)
- (9) Florist, garden shop, greenhouse, or nursery office (retail): no growing of plants, shrubs, or trees out-of-doors on premises; no outside display or storage unless behind the required front yard or the actual setback of the principal building, whichever is greater
- (10) General food products, retail sales, such as supermarkets, butcher shops, dairy stores, seafood sales, or health food sales
- (11) Cafeteria or catering service
- (12) Office, general business
- (13) Restaurant or café (with drive-thru or dine in service)
- (14) Tennis, swim club, health club, or gym
- (15) Small animal clinic or pet grooming shop
- (16) Hotel or motel
- (17) Job printing
- (18) Gasoline service station, auto laundry, car wash, or oil / lube service station
- (19) Retail sales of new auto parts: no outside storage
- (20) A customarily incidental use: sale of beer and/or wine for off-premises consumption only shall be considered a customarily incident use in this district
- (21) Theaters of general release
- (22) A restaurant permitted to offer alcoholic beverages for sale operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, and in accordance with chapter 31, division 16, restaurant and alcohol sales district, as amended
- (23) Package stores operating under the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, as amended, and in accordance with chapter 31, division 12A, district B-3A, local business and alcohol sales district, as amended
- (24) Mixed-use development, being located nine hundred fifty (950) feet to one thousand five hundred (1,500) feet east of the east right-of-way of State Highway 195, and for a distance of approximately seventy-six hundred (7,600) feet south of the intersection of State Highway 195 and State Highway 201, for the commercial and residential use of a building, set of buildings, or neighborhood, where the first floor is designed, constructed, and used for commercial use only while allowing access to residential uses
- (25) Art gallery, book store, or library

Conditional Use Permit:

The City Council, by an affirmative majority vote, may by ordinance grant a Conditional Use Permit as provided in Sec. 31-456 of this chapter for any residential or business land use for a specific parcel in the overlay district and may impose appropriate conditions and safeguards to assure that these land uses are compatible with and appropriate for locations adjacent to the Veterans Cemetery. Conditional Use Permits granted shall be considered permanent, provided the property owner remains in continuous compliance with any conditions or safeguards imposed.

Property Specifics

Applicant/Property Owner: Garland Kelley Sr.

Property Location: The property is located east of S. Fort Hood Street (S.H. 195), north of Tower Hill Lane, and is addressed as 9600 S. Fort Hood Street, Killeen, Texas.

Legal Description: Approximately 85.955 acres out of the Moses T. Martin Survey, Abstract No. 963

Zoning/ Plat Case History:

- This property has maintained its initial annexation zoning of "UD" University District and "A" Agricultural, and there has been no recent zoning activity.
- The subject property is not platted.

Character of the Area

Existing Land Use(s) on the Property: Vacant

Figure 1. Zoning Map

See ttachment.

Historic Properties: None

Infrastructure and Community Facilities

Water, Sewer and Drainage Services

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, sanitary sewer, and drainage utility services will need to be extended at the time of development.

Transportation:

Existing conditions: S.H. 195 is classified as a 110' principal arterial on the City's adopted Thoroughfare Plan.

Proposed Improvements: There are no proposed improvements at this time.

Projected Traffic Generation: 60 acres of single-family housing (*See staff recommendation for more on this.*) will generate 1,562 total generated trips per day (note: this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting.). This will not negatively affect the level of service standard for S. H. 195.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: This property is not located within a FEMA regulatory Special Flood Hazard Area (SFHA).

Land Use Analysis

Plan Recommendation: The 'Suburban Commercial' character allows for a range of commercial retail and service uses, at varying scales and intensities depending on the site. This includes the following development types:

- Office (both large and/or multi-story buildings and small-scale office uses depending on the site).
- Planned development to accommodate custom site designs or mixing of uses in suburban character setting
- Public/ institutional
- Parks and public spaces

The 'Parks-Recreation' designation encourages the following development types:

- Public parks and open space
- Public trails
- Joint City-school park areas
- Public recreation areas (e.g., public golf course)

The 'Estate' designation encourages the following development types:

- Detached residential dwellings
- Public/ institutional
- Parks and public spaces

Consistency: This zoning request is not consistent with the Comprehensive Plan; however, the applicant has submitted a concurrent FLUM amendment request for 'General Residential' for this property.

Public Notification

The staff notified sixteen (16) surrounding property owners regarding this request. Staff has received no protests at this time.

THE ALTERNATIVES CONSIDERED:

Which alternative is recommended?

Staff recommends approval of the applicant's request but at a lesser acreage amount than originally requested by the applicant.

Why?

The request for single-family housing is expressly prohibited within the first 950 feet of depth within the University District.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this expenditure?

This is not applicable.

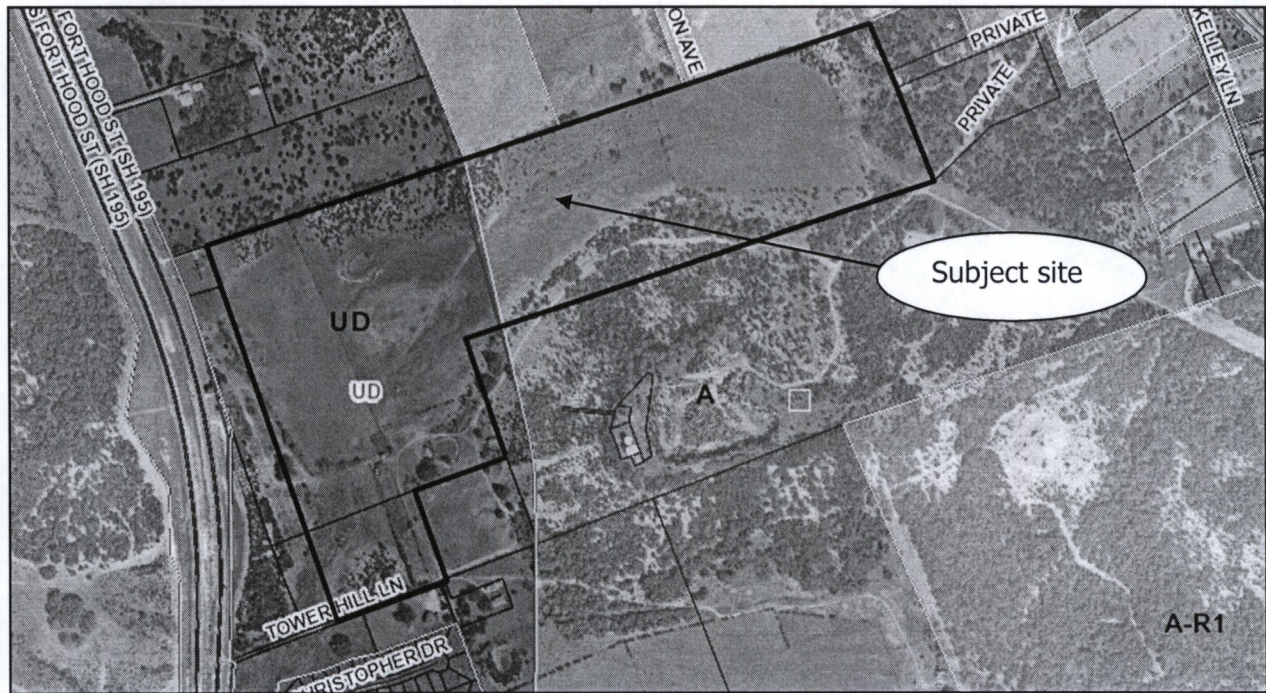
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 4 to 1, recommends approval of a Conditional Use Permit (CUP) for "R-1" single family residential housing for 16.517 acres, which comprises the rear 550 feet of that portion of the property that lies within the "UD" (University District). All residential housing within this area shall meet the minimum height and area requirements as detailed within Sections 31-187 through 188 of the Code of Ordinances. Additionally, the applicant shall satisfy all architectural and landscaping requirements within the "UD" (University District). The Commission also recommends approval of "R-1" (Single-family Residential District) zoning for the 43.823 acres of property that is currently zoned as "A" (Agricultural District). Staff does not recommend approval of any residential use/development within the first 950 feet of the "UD" (University District). **Therefore, the total acreage that staff supports for single-family residential use is 60.34 acres of land; the remaining 25.615 acres of land would remain as baseline "UD" (University District) zoning.**

DEPARTMENTAL CLEARANCES:

Legal Department

Figure 1. Zoning Map



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
AUGUST 7, 2017**

**CASE #Z17-18
UD to UD w/CUP for R-1 and A to R-1**

B. HOLD a public hearing and consider a request submitted by Garland Kelley, (Case#Z17-18) to rezone 42.055 acres from “UD” (University District) to “UD” with a Conditional Use Permit (CUP) for “R-1” (Single-Family Residential) housing and 43.823 acres from “A” (Agricultural District) to “R-1” (Single-Family Residential District) for a total of approximately 85.878 acres out of the Moses T. Martin Survey, Abstract No. 963. The property is located on the east right-of-way of S. Fort Hood Street (S. H. 195) and north of Tower Hill Lane. The property is locally known as 9600 S. Fort Hood Street, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that the University District allows commercial uses for the first nine hundred and fifty (950) feet of depth, the remaining five hundred and fifty (550) feet of depth are designated for mixed-use development, or residential use via a conditional use permit. During the workshop City Planner McIlwain stated that Staff supports “R-1” single family residential housing for 16.440 acres, which comprises the rear 550 feet of that portion of the property that lies within the “UD” (University District). All residential housing within this area shall meet the minimum height and area requirements as detailed within Sections 31-187 through 188 of the Code of Ordinances. Additionally, the applicant shall satisfy all architectural and landscaping requirements within the “UD” (University District).

Staff also recommends approval of “R-1” (Single-family Residential District) zoning for the 43.823 acres of property that is currently zoned as “A” (Agricultural District). Staff does not recommend approval of any residential use/development within the first 950 feet of the “UD” (University District). Therefore, the total acreage that staff supports for single-family residential use is 60.263 acres of land; the remaining 25.615 acres of land would remain as baseline “UD” (University District) zoning.

The staff notified sixteen (16) surrounding property owners within a 200’ notification boundary. Staff received 4 responses in support.

Mr. Lee Kelley, 371 Kelley Lane, Killeen, Texas, was present to represent this request.

Chairman Frederick opened the public hearing. With no one requesting to speak, the public hearing was closed.

Vice Chair Dorroh motioned to recommend approval of the request “Conditional Use Permit” (CUP) for “R-1” (Single-Family Residential District) and “R-1” (Single-Family

Residential District). The motion passed 4-1 with Commissioner Harkin in opposition. Ms. Harkin stated that her opposition was due to the public service, congestion, transportation, the burden and impact on the schools in the area.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.