

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 0.271 ACRES, BEING PART OF LOTS 2 AND 4, BLOCK 1, EAKIN COMMERCIAL ADDITION PHASE TWO, FROM “B-3” (LOCAL BUSINESS DISTRICT) TO “B-5” (BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Mitchell & Associates, Inc, on behalf of Eakin Commercial Properties, 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 approximately 0.271 acres, being part of Lots 2 and 4, Block 1, Eakin Commercial Addition Phase Two, from “B-3” (Local Business District) to “B-5” (Business District), said request having been duly recommended for approval of “B-5” (Business District) by the Planning and Zoning Commission of the City of Killeen on the 20<sup>th</sup> day of December 2021, 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 25<sup>th</sup> day of January 2022, 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 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 0.271 acres, being part of Lots 2 and 4, Block 1, Eakin Commercial Addition Phase Two, from “B-3” (Local Business District) to “B-5” (Business District), said request having been duly recommended for approval of “B-5” (Business District), for the property addressed as 5500 E. Central Texas Expressway and 2301 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That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.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 25<sup>th</sup> day of January 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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**Jose L. Segarra, MAYOR**

**ATTEST:**

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**Lucy C. Aldrich, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Traci S. Briggs, City Attorney**

Case #21-44

Ord. #21-\_\_\_