

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF APPROXIMATELY 1.516 ACRES OUT OF THE W. H. COLE, ABSTRACT NO. 200, FROM “R-1” (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO “NBD” (NEIGHBORHOOD BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) FOR A SINGLE-TENANT GENERAL RETAIL STORE NO GREATER THAN 10,650 SQUARE FEET; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Franklin Land Associates, LLC, on behalf of D&SC Enterprises, Inc, 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 1.516 acres out of the W. H. Cole, Abstract No. 200, from “R-1” (Single-Family Residential District) to “B-3” (Local Business District), said request having been duly recommended for approval of “B-3” (Local Business District) by the Planning and Zoning Commission of the City of Killeen on the 7<sup>th</sup> day of March 2022, 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 12<sup>th</sup> day of April 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 zoned as “NBD” (Neighborhood Business District) with a Conditional Use Permit (CUP) for a single-tenant general retail store no greater than 10,650 square feet;

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

**SECTION I.** That the zoning classification of approximately 1.516 acres out of the W. H. Cole, Abstract No. 200, from “R-1” (Single-Family Residential District) to “B-3” (Local Business District), said request having been duly recommended for approval of “NBD” (Neighborhood Business District) with a Conditional Use Permit (CUP) for a single-tenant general retail store no greater than 10,650 square feet, for the property generally located west of the Featherline Road & north of Chaparral Road, 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 12<sup>th</sup> day of April 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:**

**APPROVED AS TO FORM**

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**Lucy C. Aldrich, CITY SECRETARY**

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**Traci s. Briggs, CITY ATTORNEY**

Case #22-13  
Ord. #22-022