

ORDINANCE _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF THE PROPERTY BEING APPROXIMATELY 21.16 ACRES OUT OF THE WILLIAM H. COLE SURVEY, ABSTRACT NO. 200, FROM “A” (AGRICULTURAL DISTRICT) TO “B-2” (LOCAL RETAIL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A BATTERY STORAGE SITE AS A PERMITTED USE; 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, Westwood Professional Services, on behalf of McClean Commercial, LTD, presented to the City of Killeen, a request for an amendment to the City of Killeen Zoning Ordinance by changing the classification of the property being approximately 21.16 acres out of the William H. Cole Survey, Abstract No. 200, from “A” (Agricultural District) to “B-2” (Local Retail District) with a Conditional Use Permit (CUP) to allow for a battery storage site as a permitted use;

WHEREAS, the Planning and Zoning Commission of the City of Killeen, following a public hearing on April 3, 2023, duly recommended approval of the application for amendment with the condition that the applicant provide training in accordance with the needs of the Killeen Fire Department;

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 9th day of May 2023, 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 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 the property being approximately 21.16 acres out of the William H. Cole Survey, Abstract No. 200, from "A" (Agricultural District) to "B-2" (Local Retail District) with a Conditional Use Permit (CUP) to allow for a battery storage site as a permitted use, said request having been duly recommended for approval of the applicant's request for "B-2" (Local Retail District) with a Conditional Use Permit (CUP) to allow for a battery storage site as a permitted use, as shown on the site plan exhibit submitted by the applicant dated May 4, 2023, with the condition that the applicant provide training in accordance with the needs of the Killeen Fire Department, for the property locally addressed as 8390 Featherline 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 9th day of May 2023, 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 #23-11

Ord. #23-____