

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

**AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY CHANGING THE ZONING OF APPROXIMATELY 31.005 ACRES OUT OF THOMAS ROBINETTE SURVEY, ABSTRACT NO. 686 AND LOT 1, BLOCK 1 OF ELMS CREEK ADDITION PHASE 2 FROM “AR-1” (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT), “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT), AND “B-3” (LOCAL BUSINESS DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH “SF-2” (SINGLE-FAMILY RESIDENTIAL DISTRICT), “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT), AND “B-3” (LOCAL BUSINESS DISTRICT) USES; 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**, ILI, LLC, on behalf of CPB Investments, Inc.; House Cross Associates, LTD; and Melva L. Van Dyke, presented to the City of Killeen, a request for an amendment to the City of Killeen Zoning Ordinance by changing the classification of approximately 31.005 acres out of Thomas Robinette Survey, Abstract No. 686 and Lot 1, Block 1 of Elms Creek Addition Phase 2 from “AR-1” (Agricultural Single-Family Residential District), “R-3A” (Multifamily Apartment Residential District), and “B-3” (Local Business District) to Planned Unit Development (PUD) with “SF-2” (Single-Family Residential District), “R-3A” (Multifamily Apartment Residential District), and “B-3” (Local Business District) uses;

**WHEREAS**, the Planning and Zoning Commission of the City of Killeen, following a public hearing on the 1<sup>st</sup> day of May 2023, duly recommended approval of the application for amendment;

**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 27<sup>th</sup> day of June 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 approximately 31.005 acres out of Thomas Robinette Survey, Abstract No. 686 and Lot 1, Block 1 of Elms Creek Addition Phase 2 from "AR-1" (Agricultural Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District) to Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District) uses, said request being duly recommended for approval of Planned Unit Development (PUD) with "SF-2" (Single-Family Residential District), "R-3A" (Multifamily Apartment Residential District), and "B-3" (Local Business District) uses, for the property generally located east of Clear Creek Road and south of Janelle 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 27<sup>th</sup> day of June 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:**

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**Debbie Nash-King, MAYOR**

**ATTEST:**

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**Laura J. Calcote, CITY SECRETARY**

**APPROVED AS TO FORM**

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**Holli C. Clements, CITY ATTORNEY**

Case #Z23-14

Ord. #23-\_\_\_\_