

ORDINANCE _____

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 “B-3” (LOCAL BUSINESS DISTRICT) TO PLANNED UNIT DEVELOPMENT (PUD) WITH “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, JMJ Acquisitions, L.L.C. 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 16.12 acres, being Lot 5, Block 1, Rosewood Commercial, from “B-3” (Local Business District) to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 1st day of October 2018, with exceptions to the maximum height limit of 35 feet per PUD general regulations contained in Code Section 31-802 and the minimum 36 feet continuous pavement requirement per PUD general regulations contained in Code section 31-802. Additionally the Planning and Zoning Commission recommends approval of the PUD with the following conditions:

- (i) the PUD concept Plan shall illustrate a 6’ tall screening fence (stone, brick or block, wrought iron) adjacent to Lots 5-10, Block 9, of the Morning Glen Subdivision;
- (ii) the brick veneer for the side (right and left) elevations of the nine multifamily structures shall be extended to the second floor as illustrated per the PUD documents;
- (iii) in accordance with Code Section 31-256.5, the developer shall provide three color variations (for non-masonry exterior building materials) between the nine buildings with buildings 1, 2, 4 and 5 as the first color variation; buildings 3 and 6 as the second color

variation; and buildings 7, 8 and 9 as the third color variation, as illustrated per the PUD documents; 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 30th day of October 2018, 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 PUD for “R-3A” zoning request should be approved with those exceptions and conditions as stipulated 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 16.12 acres, being Lot 5, Block 1, Rosewood Commercial, be changed from “B-3” (Local Business District) to Planned Unit Development (PUD) with “R-3A” (Multifamily Apartment Residential District) with the exceptions and conditions listed above. The project site is located on the west side of Rosewood Drive and is addressed as 3701 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 30th day of October 2018, 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:

Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM

Kathryn H. Davis, City Attorney

Case #18-08

Ord. #18-___