

ORDINANCE NO. 13-006

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 CD (CEMETERY DISTRICT) TO CD WITH CUP (CONDITIONAL USE PERMIT) ALLOWING FOR VARIOUS RETAIL AND COMMERCIAL USES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Splawn Ranch Partnership 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 4 acres, being out of the W. H. Cole Survey, Abstract No. 200, being located at the corner of S.H. 195 and the north right-of-way of Splawn Ranch Drive, from CD (Cemetery District) to CD with a CUP (conditional use permit) to allow for any of the following uses:

- Cleaning or laundry
- Custom personal services
- Grocery store
- Retail stores
- Photography studio
- Bank, savings and loan or other financial institution
- General food products
- Small animal clinic or pet grooming shop
- Job printing
- Gasoline service station
- Auto parts sales, new, retail
- Retail liquor store

This request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 14th day of January 2013 with the development scheme as illustrated on the applicant's submitted site plan (Exhibit 1), and the following conditions:

1. The applicant shall provide five (5') wide landscape buffers, each containing a minimum three (3') tall vegetative hedge, along the western and southern perimeter parking spaces, for visual screening of the parking stalls and noise attenuation from the proposed drive-

thru locations. The landscaping shall be planted prior to issuance of any certificate of completion/occupancy.

2. The applicant shall provide one (1) shade tree (of at least 2" caliper) for every eight (8) parking spaces to mitigate the heat island effect of the impervious cover. These shade trees are to be equitably distributed within the full extent of the parking, loading, and vehicle storage area, and a landscape plan shall be provided to the Director of Planning and Development for approval. The trees shall be planted prior to issuance of any certificate of completion/occupancy.
3. The parking layout as illustrated on the site plan is capped at the shown 105 spaces.
4. The site shall contain at least two ingress/egress points along Splawn Ranch Drive.

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 22nd day of January 2013, 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 request should be approved with the conditions as recommended by the Planning and Zoning Commission and with the amended list of uses as detailed in correspondence received from CarTex Engineering Services, Inc. dated January 22, 2013 (see Exhibit 2) with the following additional conditions:

1. There shall be no car sales (new or used), pawnshops, or retail liquor stores; and
2. Cleaning or laundry services shall be limited to no more than 2,000 sq. feet of lease area;
and
3. There shall be a 100% requirement of those masonry façade materials currently required

within the Cemetery District.

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

Section I. That the zoning classification for approximately 4 acres, being out of the W.H. Cole Survey, Abstract No. 200, being located at the corner of S.H. 195 and the north right-of-way of Splawn Ranch Drive, Killeen, Texas, be changed from CD (Cemetery District) to CD with a CUP (conditional use permit) to allow for the afore-mentioned uses, with the conditions and development scheme as illustrated on the applicant's submitted site plan (Exhibit 1).


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 22nd day of January 2013, 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:


Daniel A. Corbin, MAYOR