

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
NOVEMBER 7, 2016**

**CASE #Z16-20
“A” to “A” w/CUP**

HOLD a public hearing and consider a request by Anderson, Sheryl Yowell 1998 Trust to rezone approximately 3.093 acres, out of the Simeon D. Carothers Survey, Abstract No. 177, from “A” (Agricultural District) to “A” (Agricultural District) with a Conditional Use Permit (CUP) for an electric substation. The property is located approximately 1,230 feet east of Shimla Drive and 557 feet north of Rusack Drive, Killeen, Texas.

Chairman Frederick requested staff comments.

City Planner, Tony McIlwain, stated that the request is for a Conditional Use Permit (CUP) for an electric substation. The property is owned by the Yowell Family and for the last two years they have been in contact with Oncor discussing a proposed substation.

The purpose of the Conditional Use Permit process is to identify those land uses that may be appropriate within a zoning district but, due to their location, function or operation, could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning the same so as to mitigate or eliminate such potential adverse impacts. The Conditional Use Permit runs with the land, regardless of ownership, until termination of the Permit. The Planning and Zoning Commission may recommend approval of a Conditional Use Permit by majority vote, but shall recommend disapproval of an application if it finds one or more of the following, or other valid justifications, to be true:

- (A) The proposed use will be incompatible with existing or permitted uses on surrounding sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;
- (B) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;
- (C) The proposed use will be detrimental to the public health, safety or welfare, or will negatively affect the property or improvements in the vicinity;
- (D) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;
- (E) The proposed use will materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs;

(F) The proposed use fails to provide adequate and convenient off-street parking and loading facilities; or

(G) The proposed use will incorporate the sale or distribution of alcoholic beverages for on-premises consumption except where the applicant seeks a temporary permit, not to exceed two (2) months in duration, to allow for the on-premises sale, distribution or consumption of alcoholic beverages for temporary events in compliance with a Texas Alcoholic Beverage Commission issued permit and the Texas Alcoholic Beverage Code, as amended.

The staff notified one (1) surrounding property owners within a 200' notification boundary regarding this request and no responses have been received.

Staff recommends approval of the applicant's Conditional Use Permit request subject to adherence to location as depicted on the site plan and inclusion of the proposed mesh fence material to cover the 7' tall chain-link fence.

Ms. Karen Wunsch, Masterplan, 6500 River Place Blvd., Bldg. 7, Suite 250, Austin, Texas, was present to represent this request.

Chairman Frederick opened the public hearing. With no one requesting to speak, the public hearing was closed.

Commissioner Cooper motioned to recommend approval of the requested zoning. Vice Chair Dorroh seconded the motion. The motion passed 7-0.

Chairman Frederick stated that this request will be forwarded to City Council with a recommendation to approve.