

CITY COUNCIL MEMORANDUM

AGENDA ITEM

ZONING CASE #Z16-17 "A" (AGRICULTURAL DISTRICT) TO "A" (AGRICULTURAL DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP)

ORIGINATING DEPARTMENT

PLANNING & DEVELOPMENT SERVICES

Scott Lewellen of SiteExcel L.L.C. submits this request on behalf of Garland and Jo Ann Kelley, to rezone a .229 acre (100 x 100 foot) area out of the M.T. Martin Survey, Abstract No. 963, from "A" (Agricultural District) to "A" (Agricultural District) with a Conditional Use Permit (CUP) for a 120' tall monopole communication tower. The subject area is located approximately 3,000 feet east of S. Fort Hood Street and approximately 2,500 feet west of Kelley Lane, Killeen, Texas.

Criteria for approval:

Conditional Use Permits for communication towers must be approved by the majority of the Planning and Zoning Commission and then by the City Council with a three-fourths affirmative vote. The City Council may impose reasonable conditions and safeguards deemed appropriate to that application in order to protect the health, safety, and welfare of the public and protect property and property values. The Planning and Zoning Commission 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.

Property Specifics

Applicant/Property Owner: Garland and Jo Ann Kelley

Property Location: The subject area is located approximately 3,000 feet east of S. Fort Hood Street and approximately 2,500 feet west of Kelley Lane, Killeen, Texas.

Legal Description: M.T. Martin Survey, Abstract No. 963

Zoning/ Plat Case History:

- There is no recent zoning activity for this property.
- The property has not been platted.

Character of the Area

Existing Land Use(s) on the Property: The property is largely undeveloped with some ancillary structures and City of Killeen water towers.

Historic Properties: There are no historic structures on this property.

Figure 1. Zoning Map

See attachment

Infrastructure and Community Facilities

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: This memorandum is to advise that utility services are not currently available to the subject tract. Natural undisturbed drainage patterns are present. It shall be noted that Public Works personnel have performed only a basic assessment of publicly-dedicated water and sanitary sewer infrastructure that would serve this property. The property owner and his agents are cautioned that unknown or unforeseen site conditions may require remedial action to provide safe and adequate water, sewer, or drainage service to the property. Further, City of Killeen development regulations require that capacity analyses related to development of the property are the sole responsibility of the owner. The owner or his agents, acting as the permit applicant for re-development of the subject property, shall coordinate tie in to all publicly dedicated infrastructure with the Public Works Department.

Transportation:

Existing conditions: There is no improved public right-of-way serving this portion of the tract. Access onto the property is currently facilitated via a 20' access easement recorded in Volume 1659, Page 603, Bell County public records; additionally, a 15' wide access easement is illustrated on the applicant's plan sets.

Proposed Improvements: There are no planned transportation improvements as part of this zoning request.

Projected Traffic Generation: There will be no substantive increase in traffic as a result of this consideration.

Environmental Assessment

Topography/Regulated Floodplain/Floodway/Creek: This site ranges in elevation from 1058' to 1069'. This parcel is not located within a FEMA regulatory Special Flood Hazard Area (SFHA).

Land Use Analysis

Land Use Plan: This area is designated as 'Parks and Recreation' and 'Rural' on the Future Land Use Map (FLUM) of the Comprehensive Plan.

Plan Recommendation: The Comprehensive Plan does not address uses such as communication towers.

Consistency: The applicant's Conditional Use Permit request does not trigger a change to the FLUM.

Public Notification

The staff notified two (2) surrounding property owners regarding this request. Staff has received one response from Mr. Wayne Duncan; he is not in opposition to the request.

Recommendation

The Planning & Zoning Commission recommended approval (vote of 6 to 0) of the applicant's Conditional Use Permit request. The recommendation is based upon the adherence to the submitted site plan and communication monopole design, as well as the installation of an obstruction light for the tower.