

AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY CHANGING THE ZONING OF APPROXIMATELY 2.0 ACRES BEING LOT 1, BLOCK 1, MCCLURKAN ADDITION FROM “B-3” (LOCAL BUSINESS DISTRICT) TO “B-3” (LOCAL BUSINESS DISTRICT) W/CONDITIONAL USE PERMIT; 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, Vincent Gerard & Associates, on behalf of behalf of First Assembly of God Inc., presented to the City of Killeen, a request for an amendment to the City of Killeen Zoning Ordinance by changing the classification of approximately 2.0 acres, being Lot 1, Block 1, McClurkan Addition, locally addressed as 7432 East Trimmier Road, from “B-3” (Local Business District) to “B-3” (Local Business District) with a Conditional Use Permit (CUP) for the installation of a wireless telecommunication tower with conditions as follows:

1. Construction shall substantially comply with the corresponding site plan.
2. The proposed telecommunications tower shall comply with the collocation requirements of Sec. 31-604, screening requirements of Sec. 31-606, and lighting and site development requirements of Sec. 31-609, prior to the issuance of a certificate of occupancy or final inspection approval.
3. Any drive aisles and maneuvering areas shall consist of an all-weather surface (asphalt or concrete) and provide access to a public street per Sec. 31.487.
4. That the tower shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures to (a) disguise as much of the tower as possible from public view, (b) use site features as a background so that the new tower blends into the background with increased sight distances, and (c) to the degree technically feasible, locate the tower on a portion of the site that is effectively isolated from view of residential areas by structures or terrain features unless the tower and facility

are integrated or act as an architectural element of the structure such as a flag pole or parking lot light or are effectively screened through installed landscaping or other acceptable screening. Landscape screening shall be installed and maintained in accordance with Sec. 31-609 (a)(6), including:

- A row of shade trees a minimum of one inch (1") diameter shall be planted around the screening device with a maximum spacing of twenty-five feet;
- A continuous hedge of one-gallon sized (minimal) evergreen ground cover shall be planted along the screening device;
- All landscaping shall be drought-resistant or irrigated and properly maintained to ensure good health and viability;

5. Applicant must construct a public sidewalk connecting to the existing sidewalks
6. In accordance with Sec. 31-610, any city permit, including the special use permit, shall become null and void if the permitted tower and communication facility is not constructed within six (6) months of the date of issuance, provided that the special use permit may be extended one time for six (6) months if foundation inspection has been completed before the expiration of the initial six months. Any city permit, including a special use permit, for a tower shall expire, and the applicant must remove the tower if it is not put into use within one hundred twenty (120) days after construction or if use is discontinued for a period in excess of six (6) consecutive calendar months. If the tower is not removed, the city may cause the tower and accessory buildings and equipment to be removed, and all expenses of removal shall be paid by the owner of the land where the tower is located.
7. The applicant/permittee shall notify the director of all changes in ownership or operation of the tower within thirty (30) days of the change.

WHEREAS, the Planning and Zoning Commission of the City of Killeen, following a public hearing on May 11, 2026, duly recommended approval of the application for amendment subject to an additional condition requiring the tower to be camouflaged as a tree;

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 3:00 P.M., on June 16, 2026, 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 2.0 acres, being Lot 1, Block 1, McClurkan Addition, locally addressed as 7432 East Trimmier Road, from "B-3" (Local Business District) to "B-3" (Local Business District) with a Conditional Use Permit (CUP) for the installation of a wireless telecommunication tower with conditions.

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 4th day of August 2026, 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:

Joseph Solomon, MAYOR

ATTEST:

Elaine Simpson, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY

Case #26-10

Ord. #26-____