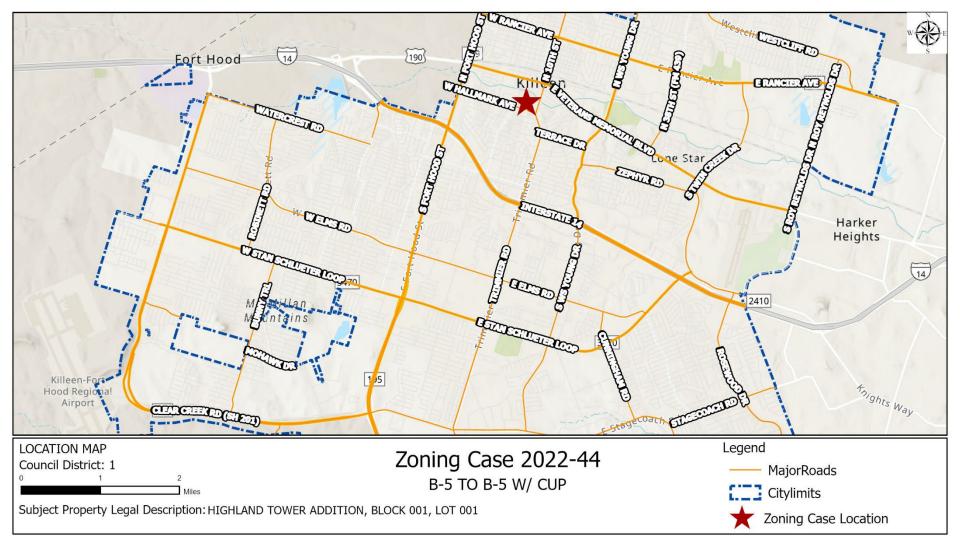
CASE #Z22-44: "B-5" TO "B-5" W/ CUP

November 1, 2022

- **HOLD** a public hearing and consider an ordinance requested by John Gatz on behalf of Barbara Barker (**Case #Z22-44**) to rezone approximately 0.728 acres out of the Highland Park Revised, Block 1, Lot 1, from "B-5" (Business District) to "B-5" (Business District) with a CUP (Conditional Use Permit) for a communication tower.
- The property is locally addressed as 225 Long Avenue, Killeen, Texas.





AERIAL MAP

Council District: 1

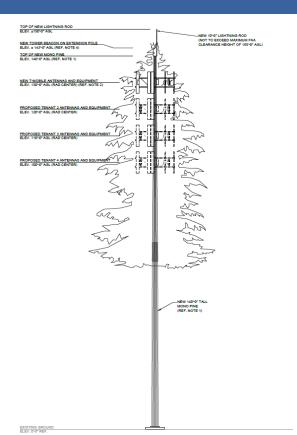
Zoning Case 2022-44 B-5 TO B-5 W/ CUP Legend



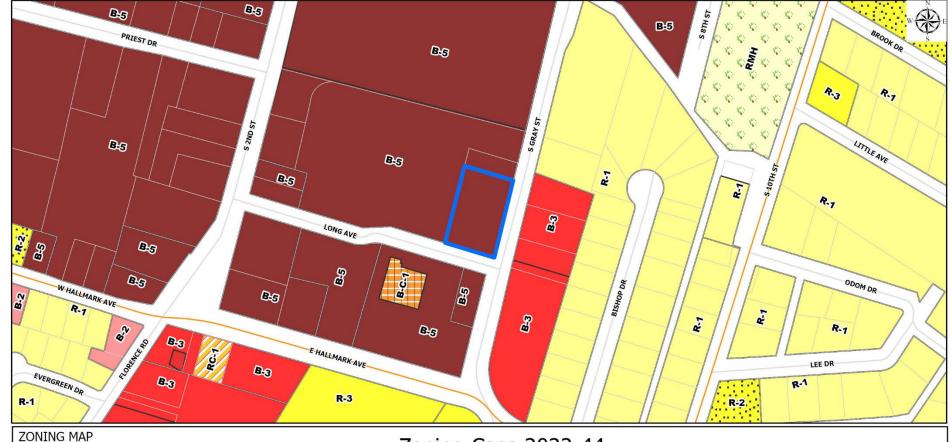


Zoning Case

Subject Property Legal Description: HIGHLAND TOWER ADDITION, BLOCK 001, LOT 001



The applicant intends to install a new 140 ft. "monopine" communication tower on a 60 ft. by 60 ft. Alta Tower lease area on the property.



Council District: 1

Zoning Case 2022-44 B-5 TO B-5 W/ CUP

Subject Property Legal Description: HIGHLAND TOWER ADDITION, BLOCK 001, LOT 001

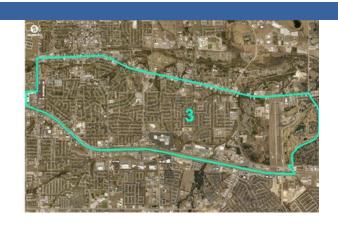
7

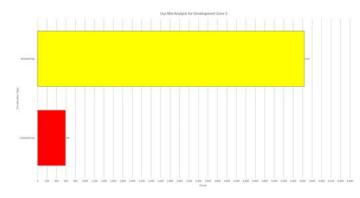
Subject to Killeen Code of Ordinances Sec. 31-603, which explains the tower regulations regarding location and limitations for towers that require a conditional use permit.

□ Further, Sec. 31-603(b) states that "Conditional use permits must be approved by the majority of the Planning and Zoning Commission and then by the City Council with a three-fourths affirmative vote."

Comprehensive Plan Analysis – Neighborhood Analysis

- 'Neighborhood Infill' Growth Sector
- North Killeen Revitalization Area
- □ Killeen Development Zone #3
- Approximately 9% non-residential uses and 91% residential uses
- Approximately 48% non-residential zoning districts and 52% residential zoning districts

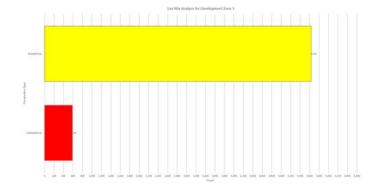




Comprehensive Plan Analysis – Neighborhood Analysis

 'Regional Commercial' promotes a use mix of up to 100% non-residential and 50% residential uses





Comprehensive Plan Analysis

- □ The Comprehensive Plan calls for managing development of land and capital investments (such as streets, utilities, and drainage) to ensure a more prosperous community for the long haul and similar to the need for these common resident services listed here, staff notes that there is a need for other types of utilities such as wireless services.
- □ Therefore, staff finds that the proposed communication tower may provide the community with better or more reliable phone services in the vicinity.

Environmental Assessment

The property is not within any FEMA regulatory Special Flood Hazard Area (SFHA). There are no other known wetland areas on or adjacent to the property as identified on the National Wetlands Inventory.

View of the subject property looking north:



View of the adjacent property to the west:



View of the surrounding property to the east (across S Gray Street):



View of the surrounding property to the south (across Long Ave):



Public Notification

- Staff notified thirty (30) surrounding property owners regarding this request.
- Of those notified, nineteen (19) reside outside of the 200-foot notification boundary required by the State, and within the 400-foot notification boundary required by Council; and eight (8) property owners reside outside of Killeen.
- To date, staff has received one (1) written response in opposition regarding this request.

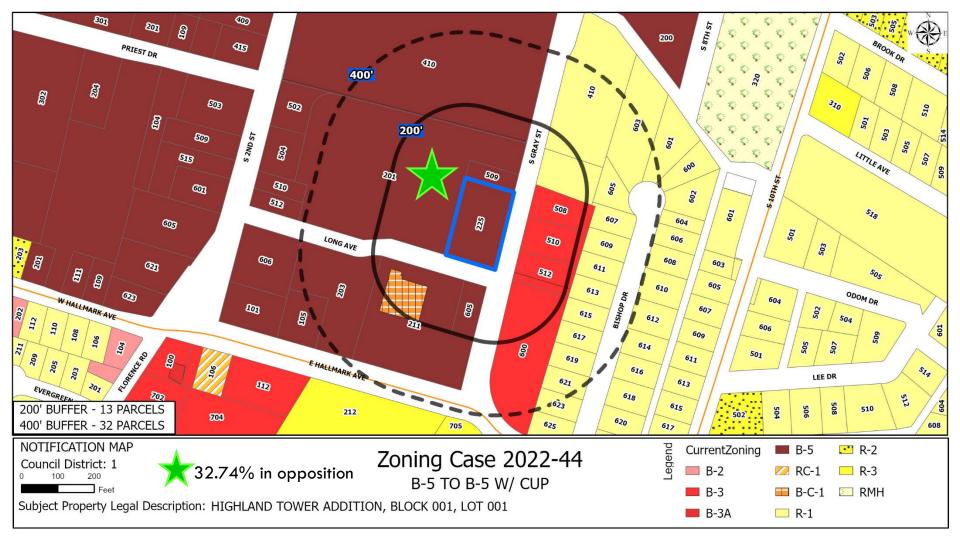
Texas Local Government Code Sec. 211.006(d):

If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change <u>must receive</u>, in order to take effect, the affirmative vote of at least three-fourths ($\frac{3}{4}$) of all members of the governing body.

Texas Local Government Code Sec. 211.006(d):

The protest must be written and signed by the owners of at least 20 percent of either:

- the area of the lots or land covered by the proposed change;
 or
- 2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.



Alternatives

- The City Council has three (3) alternatives. The Council may:
 - Disapprove the applicant's CUP request;
 - Approve the applicant's CUP request with conditions; or
 - Approve the applicant's CUP request as presented.

Staff Recommendation

- During the Planning and Zoning Commission regular meeting on October 3, 2022, staff recommended approval of the CUP with several conditions that were needed in order to meet the provisions in Sec. 31-609.
- Since that time, the applicant has submitted an updated Site Plan addressing these conditions and has also proposed to meet the Planning and Zoning's recommendation of a camouflaged tower.

Staff Recommendation

□ Therefore, staff recommends approval of the request for "B-5" (Business District) with a Conditional Use Permit (CUP) for a communication tower, as described in the Alta Towers TX Killeen S detailed Site Plan Exhibit dated October 6, 2022 (Site Plan Exhibit - October 6, 2022).

Commission Recommendation

At their regular meeting on October 3, 2022, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 2 with Commissioners Gukeisen and Marquez in opposition.

The Commissioners in opposition expressed concern that the condition requiring the tower to be camouflaged would impose additional cost on the applicant.