



## STAFF REPORT

**DATE:** December 11, 2018

**TO:** Ronald L. Olson, City Manager

**FROM:** Dr. Ray Shanaa, Exec. Dir. of Planning and Development Services

**SUBJECT:** ZONING CASE #Z18-24 "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT)  
TO "R-3" (MULTIFAMILY RESIDENTIAL DISTRICT) WITH A  
CONDITIONAL USE PERMIT (C.U.P.)

### **BACKGROUND AND FINDINGS:**

#### **Nature of the Request:**

Titan Towers, L. P. on behalf of Abundant Life Church of God of Bell County, Inc. has submitted a request to rezone part of Lot 1, Block 1, Abundant Life Acres, from "R-3" (Multifamily Residential District) to "R-3" (Multifamily Residential District) with a Conditional Use Permit (C.U.P.) for a 150' tall monopole communication structure. The property is locally known as 1210 Florence Road, Killeen, Texas.

The proposed monopole is proposed to be located approximately 155' from the west and south property lines and approximately 310' from Florence Road. The rear portion of the subject property abuts two residential areas (Rolling Acres and Swope Estates, First Extension). The proposed communication tower will be enclosed by a 50' by 50' enclosure, which will be accessed via an all-weather surface.

#### **Criteria for Approval of a Conditional Use Permit (CUP):**

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. The City Council may approve the application with or without conditions, deny the application, postpone the matter for future consideration, or refer the application back to the Planning and Zoning Commission for further study and recommendation. The City Council may establish conditions of approval that are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers, fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation, regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public.

**Property Specifics:**

Applicant/Property Owner: Titan Towers, L. P. on behalf of Abundant Life Church of God of Bell County, Inc.

Property Location: The subject area is located at 1210 Florence Road, Killeen, Texas.

Legal Description: Lot 1, Block 1, Abundant Life Acres

**Zoning/ Plat Case History:**

- There is no recent zoning history for this property.
- The subject property is platted at Lot 1, Block 1, Abundant Life Acres, which was filed for record on October 26, 1996, in Cabinet C, Slide 88-B, Plat Records of Bell County, Texas.

**Character of the Area:**

Existing Land Use(s) on the Property: The subject property is a church site, with a surrounding mixture of commercial and residential development types.

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

**Screening Requirements:** Killeen Code of Ordinances Sec. 31-606, states that a communication facility "must be completely enclosed by a fence, wall, or barrier which limits climbing access to such tower and any supporting systems, lines, wires, buildings, or other structures. The facility must be fully screened from view from property used or zoned for residential use and public roadways." The applicant has expressed a desire to utilize chain-link fencing as the preferred screening material; staff is amenable with chain-link fencing only along the south and west sides of the property. The south side of the property is shielded from view by dense tree flora and the west side of the property abuts commercial uses. The north and east sides of the site must comply with the provisions of Code Sec. 31-606.

**INFRASTRUCTURE AND COMMUNITY FACILITIES:****Water, Sewer and Drainage Services:**

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Upon construction, the applicant is allowed to extend a water service line to the site for fire protection.

**Transportation:**

Existing conditions: Ingress/ Egress to the property is via Florence Road, which is classified as a collector street (70' ROW) on the City's adopted Thoroughfare Plan.

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

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

**Environmental Assessment:** This property is located in a Zone X Special Flood Hazard Area (SFHA). There is a FEMA recognized watercourse, locally known as Florence Ditch Tributary, which runs from west to east along the southern most property line. Florence Ditch Tributary is located within a publically dedicated existing drainage easement. There are no known wetlands

on this parcel. Prior to leaving the city, runoff from Florence Ditch Tributary flows into Florence Ditch before it joins with South Nolan Creek near Bishop Drive. South Nolan Creek, east of Liberty Ditch, is currently listed on the TCEQ's 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

The property was platted in 1996. As a result, the 1993 Drainage Design Criteria applies to future development on this parcel. 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 the subject property, shall coordinate tie-in to all publicly dedicated infrastructure with the Public Works Department.

### **LAND USE ANALYSIS:**

**Land Use Plan:** The land is designated as 'Residential Mix' (R-Mix) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The R-Mix designation allows a mixture of residential types and densities, public/ institutional uses as well as parks and public spaces.

**Plan Recommendation:** The Comprehensive Plan does not address communication towers.

**Consistency:** The applicant's Conditional Use Permit request does not trigger a change to the Future Land Use Map (FLUM).

**Public Notification:** The staff notified forty-six (46) surrounding property owners within a 400' notification boundary regarding this request. Staff received one objection from Mr. and Mrs. Frederick, owners of 1405 S. 2nd Street.

### **THE ALTERNATIVES CONSIDERED:**

#### **Which alternative is recommended?**

Staff is not recommending any alternative other than the applicant's request.

#### **Why?**

The requested Conditional Use Permit (CUP) complies with Chapter 31 of the City of Killeen Code of Ordinances.

### **CONFORMITY TO CITY POLICY:**

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the Killeen Code of Ordinances.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

This zoning request does not involve the expenditure of city funds.

**Is this a one-time or recurring expenditure?**

This is not applicable.

**Is this expenditure budgeted?**

This is not applicable.

**If not, where will the money come from?**

This is not applicable.

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

This is not applicable.

**RECOMMENDATION:**

The Planning and Zoning Commission by a vote of 6 to 1 recommended approval of the applicant's request for a Conditional Use Permit (C.U.P.) for a proposed 150' tall monopole communications structure, with the allowance of chain-link fencing as an acceptable screening device along the west and south project site. Commissioner Gukeisen voted in opposition.

**DEPARTMENTAL CLEARANCES:**

This item has been reviewed by the Planning and Legal Department.

**ATTACHED SUPPORTING DOCUMENTS:**

Zoning Map and Notification Area

Minutes

Ordinance

Pharr vs. Tippitt

Site Plan

Opposition