

**MINUTES
PLANNING AND ZONING COMMISSION MEETING
OCTOBER 3, 2022**

**CASE #Z22-44
“B-5” to “B-5” w/CUP**

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

Ms. Larsen stated that the applicant intends to install a new 140 ft. monopole communication tower on a 60 ft. by 60 ft. Alta Tower lease area on the property.

Staff noted that Killeen Code of Ordinances Sec. 31-603(b) states, “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 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.”

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.

Ms. Larsen further stated that the written response in opposition to the request comprises approximately 32% of the notification boundary. In accordance with Texas Local Government Code Sec. 211.006(d), approval of the request will require the affirmative vote of three-fourths of the City Council.

Ms. Larsen stated that in order to meet the provisions in Sec. 31-609, staff recommends approval of the request for “B-5” (Business District) with a Conditional Use Permit (CUP) with the following conditions:

1. That any drive aisles and maneuvering areas shall have an all-weather surface (asphalt or concrete) access to a public street;
2. The tower shall be designed and placed on the site in a manner that takes maximum advantage of existing trees, mature vegetation, and structures so as 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;
- 3. That the site shall provide landscape screening including:
 - a. 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;
 - b. A continuous hedge of one-gallon sized (minimal) evergreen ground cover shall be planted along the screening device;
 - c. All landscaping shall be drought-resistant or irrigated and properly maintained to ensure good health and viability;
- 4. That the tower shall be lighted with low intensity lights to provide added visibility for aviation navigation;
- 5. That all back haul providers are identified and have all necessary approvals to operate as such, including holding necessary franchises, permits, and certificates; and
- 6. That all documents required under Sec. 31-609(a)(b) shall be submitted prior to issuance of a building permit (See Tower Regulations exhibit).

Mr. John Gatz was present to represent the request.

Commissioner Minor asked the applicant if they would be willing to make the tower a camouflaged tree. Mr. Gatz stated if the all-weather surface was not required, they would be willing to make the tower a camouflaged tree.

Ms. Meshier stated that staff’s recommendation is that any drive aisles and maneuvering areas have an all-weather surface of asphalt or concrete.

Chairman Minor opened the public hearing.

With no one wishing to speak, the public hearing was closed.

Commissioner Jones moved to recommend approval of the applicant’s request for a Conditional Use Permit for a communication tower with the conditions recommended by Staff, and with the added condition that the tower be camouflaged.

Commissioner Ploeckelmann seconded, and the motion passed by a vote of 4 to 2 with Commissioners Gukeisen and Marquez in opposition. Those Commissioners in opposition supported staff’s recommendation and expressed concern that the condition requiring the tower to be camouflaged would impose additional cost on the applicant.