



STAFF REPORT

DATE: October 3, 2017

TO: Ronald L. Olson, City Manager

FROM: Ray Shanaa, AICP, Executive Director of Planning and Development Services

SUBJECT: ZONING CASE #Z17-21 "RMH" (RESIDENTIAL MOBILE HOME DISTRICT) TO "RMH" WITH A CONDITIONAL USE PERMIT (CUP)

BACKGROUND AND FINDINGS:

Nature of the Request:

Richard Taylor of Eco-Site, L.L.C. submits this request on behalf of Florence HH MHP, L.L.C. (Case #Z17-21) to rezone approximately 0.058 acre out of the John Essary Survey, Abstract 296, from "RMH" (Residential Mobile Home District) to "RMH" with a Conditional Use Permit (CUP) for a 110 feet tall monopole communication structure. The subject area is 50 feet square and is located in the northwest corner of the property locally known as 3205 Florence Road, Killeen, Texas.

The proposed monopole is 110 feet in height with a 10 feet lightning rod on top, for an overall height of 120 feet. It will be located in back corner of the subject property, approximately 750 feet from Florence Road. The rear portion of the subject property is densely wooded with mature trees. The proposed communication tower will be located 25 feet from both the side and rear property lines. It will be enclosed by a 50 feet by 50 feet fence enclosure, which is proposed to be located approximately 10 feet from the side and rear property lines. The subject area is adjacent to property zoned "B-5" (Business District) to the north, and "R-1" (Single-Family Residential District) to the west.

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 ensure 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: Richard Taylor of Eco-Site, L.L.C. / Florence HH MHP, L.L.C.

Property Location: The subject area is located at 3205 Florence Road, Killeen, Texas.

Legal Description: Approximately 0.058 acre, out of the John Essary Survey, Abstract 296, Killeen, Texas

Zoning/ Plat Case History:

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

Character of the Area:

Existing Land Use(s) on the Property: The subject property is located in a wooded, undeveloped area behind a former mobile home park.

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

COMPLIANCE WITH DIVISION 6 - TOWER REGULATIONS:

Conditional Use Permit Required: Sec. 31-603(a) states that "any tower that does not comply with both subsections 31-602 and 31-605 may be constructed only upon approval of a Conditional Use Permit as provided in Sec. 31-456 of this chapter." The proposed tower does not comply with the provisions in Sec. 31-602 or 31-605. Therefore, a Conditional Use Permit (CUP) is required. Per Sec. 31-603(b), 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."*

Collocation: There are six (6) other communication towers within one mile of the subject area. The closest tower is located approximately 2,890 feet away at 2913 S. Fort Hood Street. The applicant asserts that an exhaustive review was conducted in order to identify an alternative location for the proposed tower, including opportunities to co-locate on an existing tower, but no viable alternatives exist that would resolve the significant gap in the provider's coverage area.

Sec. 31-604 requires that all proposed communication facilities must have the capacity for other service providers to collocate on the proposed tower. The applicant has proposed a monopole capable of accommodating four wireless antennas. In addition to the T-Mobile carrier proposed, there will also be space for three additional carriers to collocate on the proposed tower. There will also be three 10 feet by 15 feet lease spaces for additional service providers within the proposed facility enclosure.

Tower Setback: Sec. 31-605(a) states that "all towers shall be located in such a manner that if the tower should fall along its longest dimension it will remain within the premises of the property owner and will avoid public streets and utility lines." Further, Sec. 30-605(e) states that "the setback required by this section for a telecommunication facility tower that is not adjacent to property used or zoned for residential use shall be reduced to a minimum of fifty (50) feet if the tower will be designed with stress points within the structure and will fall within the reduced setback in case of major windloads, ice loads, or a sustained windspeed of one hundred thirty (130) mph, as determined by a licensed design engineer." The subject property is immediately adjacent to a parcel owned by the City of Killeen that is zoned "R-1". Therefore, without a Conditional Use Permit, the minimum required setback for the proposed tower would be 110 feet. The applicant has proposed to set the tower approximately 35 feet from the side and rear property lines.

Through the Conditional Use Permit process, the City Council has the authority to reduce the minimum setback requirements as deemed appropriate. Given that the adjacent "R-1" property is owned by the City and is unlikely to ever be developed and given that the proposed tower is at least 110 feet from any existing structures, staff finds that reducing the setback of the tower from 110 feet is appropriate. However, staff finds that the proposed 35 feet setback from the side and rear property line has the potential to negatively impact the commercially zoned property to the north. Staff recommends that the tower be set back at least 50 feet from the side and rear property lines.

Enclosure Setback: Sec. 31-605(d) states that "equipment enclosures shall be set back from property lines as prescribed for the district in which the enclosure is located or ten (10) feet, whichever is greater." On August 13, 1996, Council approved Ordinance No. 96-63, which states that "mobile trailer parks in existence on the date of the ordinance from which this section is derived with proper zoning and current mobile trailer park permits shall hereinafter be designated RMP Mobile Home District." Therefore, the applicable rear yard setback in the "RMH" (Residential Modular Home) district shall be consistent with the setbacks prescribed for "RMP." Sec. 31-263(a) states that "the minimum setback [for RMP] shall be ten (10) feet from rear property line of the park, except when such property abuts an R-1 district a minimum of twenty-five (25) feet rear yard shall be provided." Therefore, the required rear yard setback for the proposed enclosure is 25 feet. The applicant has proposed a rear setback of 10 feet. Staff finds that the proposed equipment enclosure does not meet the setback requirements set forth in Sec. 31-605(d). Staff recommends that the enclosure be set back at least 25 feet from the rear property line.

Screening Requirements: Per Sec. 31-606, 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 proposed enclosure consists of a 6 feet tall fence constructed out of 6 inch wide boards with $\frac{3}{4}$ inch gaps between the boards. The proposed fence also includes approximately 6 inches of barbed wire at the top. Staff finds that the proposed screening fence complies with Sec. 31-606.

All-Weather Surface: Sec. 31-609(a)(3) states that "all lots on which towers and communications facilities are located must have all-weather access to a public street." A 20

feet wide access and utility easement will connect from Florence Road to the tower. The applicant proposes to improve the existing gravel driveway on Florence Road by paving the initial 40 feet of the easement with asphalt. There is no all-weather surface proposed beyond the initial 40 feet. However, staff finds that the proposed 40 feet of asphalt at the beginning of the driveway meets the requirements of Sec. 31-609(a).

Landscaping: Sec. 31-609(a)(5) states that "towers 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 disguise as much of the tower as possible from the public view." The proposed tower will be located in an area that contains many mature trees. As of the date of this report, the applicant has not proposed any landscaping around the enclosure.

Sec. 31-609(a)(6) states that "communications facilities shall landscape screening. Further, the use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements." Staff finds that the proposed location of the communication tower among the trees meets the intent of the landscaping requirements. Therefore, staff concurs with the applicants request not to provide additional landscaping around the enclosure.

INFRASTRUCTURE AND COMMUNITY FACILITIES:

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: There is a 12 inch water line and 6 inch wastewater line available to the site.

Transportation:

Existing conditions: Ingress/ Egress to the property is via Florence Road, which is classified as a Collector Street (70 feet R.O.W.) 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:

Topography/Regulated Floodplain/Floodway/Creek: The parcel is adjacent to an undeveloped drainage easement and a regulatory Special Flood Hazard Area (SFHA) to the north of this parcel. The base flood elevation (BFE) in this area is set at an elevation of 904 feet. This will require the lowest finish floor elevation to be set at a minimum elevation of 906 feet on this parcel. Currently, approximately three (3) acres of this parcel sheet flows to the east and into the right of way of Florence Road. Florence Road outfalls into the Trimmier Road Ditch located to the north of this parcel. Additionally, approximately 2.38 acres of this parcel sheet flows northwest across the parcel and then sheet flows over adjacent parcels until it reaches Trimmier Road Ditch. Trimmier Road Ditch flows into Little Nolan Creek and then into Nolan Creek prior to leaving the City. Both Little Nolan Creek and Nolan Creek are currently listed on the TCEQ's current 303(d) water quality list for impairment due to bacteria and concerns for near non-attainment for nutrients.

LAND USE ANALYSIS:

Land Use Plan: The land is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan.

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 nine surrounding property owners within a 200 feet notification boundary regarding this request. As of the date of this report, no letters in support or opposition have been received.

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 5 to 0, recommends approval of the applicant's request for a Conditional Use Permit (CUP) subject to the applicant's request of a reduction in the required setback from 110 feet to 50 feet with no additional landscaping around the enclosure and that the enclosure be setback 25 feet from the rear of the property.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Legal Department.

ATTACHED SUPPORTING DOCUMENTS:

Maps and Photos
Minutes
Ordinance