



# City of Killeen

## Legislation Text

---

**File #:** PH-21-016, **Version:** 1

---

**HOLD** a public hearing and consider an ordinance requested by Eddie Bogard, P.E. on behalf of Florence HH MHP, L.L.C. (**Case #Z21-01**) to rezone approximately 6.589 acres from "R-MH" (Mobile Home District), "R-1" (Single-Family Residential District), and "R-MH" with a Conditional Use Permit (CUP) for a Communication Tower to "R-MP" (Mobile Home and Trailer Park District) and "R-MP" (Mobile Home and Trailer Park District) with a Conditional Use Permit (CUP) for a Communication Tower. The properties are addressed as 3109 and 3205 Florence Road, Killeen, Texas.

**DATE:** April 6, 2021

**TO:** Kent Cagle, City Manager

**FROM:** Tony McIlwain, Exec. Dir. of Planning and Development Services

**SUBJECT:** ZONING CASE #Z21-01 "R-MH" (Mobile Home District), "R-1" (Single-Family Residential District), and "R-MH" with a Conditional Use Permit (CUP) for a Communication Tower to "R-MP" (Mobile Home and Trailer Park District) and "R-MP" (Mobile Home and Trailer Park District) with a Conditional Use Permit (CUP) for a Communication Tower

### **BACKGROUND AND FINDINGS:**

#### Summary of Request:

This request is submitted by Eddie Bogard, P.E. on behalf of Florence HH MHP, LLC (**Case #Z21-01**) to rezone approximately 6.589 acres from "R-MH" (Mobile Home District), "R-1" (Single-Family Residential District), and "R-MH" with a Conditional Use Permit (CUP) for a Communication Tower to "R-MP" (Mobile Home and Trailer Park District) and "R-MP" (Mobile Home and Trailer Park District) with a Conditional Use Permit (CUP) for a Communication Tower. The applicant intends to develop the property into an RV Park. The current "R-MH" (Mobile Home District) is inactive and does not allow RV parks. The properties are addressed as 3109 and 3205 Florence Road and are along the west right of way of Florence Road.

The property was rezoned to "R-MH" with a Conditional Use Permit (CUP) for a 110-foot-tall monopole communication tower via ordinance 17-53. The applicant intends to retain the existing tower.

City of Killeen Code of Ordinances Sec. 31-456(a) provides for a Conditional Use Permit (CUP) for those land uses that may be appropriate within a zoning district but, due to their location, function or operations, could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning the same so as to mitigate or eliminate such potential adverse impacts. The conditional use permit runs with the land, regardless of ownership, until termination of the permit.

Section 31-456(b)(5) states that "the Planning and Zoning Commission may recommend approval of a Conditional Use Permit by majority vote, but shall recommend disapproval of an application if it finds one or more of the following, or other valid justifications, to be true:

- (A) The proposed use will be incompatible with existing or permitted uses on surrounding sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;
- (B) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;
- (C) The proposed use will be detrimental to the public health, safety or welfare, or will negatively affect the property or improvements in the vicinity;
- (D) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;
- (E) The proposed use will materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs;
- (F) The proposed use fails to provide adequate and convenient off-street parking and loading facilities; or
- (G) The proposed use will incorporate the sale or distribution of alcoholic beverages for on-premises consumption except where the applicant seeks a temporary permit, not to exceed two (2) months in duration, to allow for the on-premises sale, distribution or consumption of alcoholic beverages for temporary events in compliance with a Texas Alcoholic Beverage Commission issued permit and the Texas Alcoholic Beverage Code, as amended."

### **Zoning / Plat Case History:**

- The property was rezoned from "R-1" (Single-Family Residential District) to "R-3" (Multifamily Residential District) via ordinance 70-48 on September 14, 1970. Mobile home parks were a permitted use in the "R-3" district at the time in accordance with ordinance 64-1. Ordinance 64-1 was amended on October 28, 1970 via ordinance 70-52, which created the "R-MH" district and changed the zoning of this parcel from "R-3" to "R-MH."
- The property was rezoned to "R-MH" with a Conditional Use Permit (CUP) for a 110-foot-tall monopole communication tower via ordinance 17-53 on October 17, 2017.
- The properties are currently unplatted.

### **Character of the Area:**

The surrounding area is made up of a mix of residential and commercial properties. Adjacent land uses are as follows:

- To the north, the property is approximately five (5) acres in size and is zoned "B-5" (Business District). The property is in the early stages of development as a church complex.
- To the south, the properties are a mix of approximately fourteen (14) acres of "R-3" (Multi-Family Residential District) and approximately twenty-five (25) acres of "R-MH" (Mobile Home District) zoned properties.
- To the east, there is approximately eight (8) acres of undeveloped "R-1" (Single-Family Residential District) and approximately three (3) acres of a mix of "R-3" (Multi-Family Residential District) and "R-2" (Two-Family Residential District) zoned property.

- To the west, there are approximately four and a half (4.5) acres of "R-1" (Single-Family Residential District) zoned property.

### **Future Land Use Map Analysis:**

This property is designated as 'General Commercial' (GC) on the Future Land Use Map (FLUM) of the Comprehensive Plan. The 'General Commercial' (GC) designation encompasses a range of commercial retail and service uses, at varying scales and intensities depending on the site. Characteristics of this designation are auto-oriented character, which can be offset by enhanced building design, landscaping, reduced site coverage and well-designated signage.

The 'General Commercial' (GC) designation encouraged the following development types:

- Wide range of commercial retail and service uses, at varying scales and intensities depending on the site.
- Office (both large and/or multi-story buildings and small-scale office uses depending on the site).
- Public/institutional
- Parks and public space

The zoning request is consistent with the Comprehensive Plan, as the development will be a commercially run RV park.

### **Water, Sewer and Drainage Services**

Water, sanitary sewer and drainage utility service is located within the City of Killeen utility service area and available to the subject tract.

At the time of development, the current drainage design manual and infrastructure design and development standards will be applicable to this site. 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.

### **Transportation and Thoroughfare Plan:**

Ingress and egress to the property will be from Florence Rd., which is classified as 70 ft. wide collector on the City of Killeen adopted Thoroughfare Plan. The property is intended to be developed into an RV park with a potential for 117 travel trailers or RVs. If developed to its full potential, this development could generate up to 370 vehicle trips per day [note-this data is sourced from the Institute of Transportation Engineer (ITE) Trip Generation Rates-9th Edition, provided through Spack Consulting].

### **Public Notification:**

Staff notified eighty (80) surrounding property owners regarding this request. As of the date of this staff report, one response has been received in opposition of this request. Seventeen (17) property owners reside outside of Killeen. Forty-six (46) of those notified are outside of the 200-foot notification boundary required by the State but within the 400-foot notification boundary required by Council.

### **Staff Findings:**

Staff finds that the request for "R-MP" (Mobile Home and Trailer Park District) and "R-MP" (Mobile Home and Trailer Park District) with a Conditional Use Permit (CUP) for a communication tower is consistent with the surrounding property uses and compatible with the existing land uses and prevailing community character. The surrounding approximately sixty (60) acres of mixed zoning allows this request the consistency and compatibility needed to support this development. Staff is of the determination that the subject property's location on Florence Road makes it suitable for the proposed use. If approved, only approximately 0.058 acres of land would be affected by the existing CUP, and the remaining approximately six and a one-half (6.5) acres of land would change from the rescinded "R-MH" (Mobile Home District) and "R-1" (Single-Family Residential District) to "R-MP" (Mobile Home and Trailer Park District). City of Killeen Code of Ordinances Sec. 17-69(2) allows for an overall density of eighteen (18) travel trailers or RVs per acre. This development has the potential to provide parking for up to 117 travel trailers or RVs when fully developed.

There are no known environmental constraints for these lots. The lots are not within any FEMA regulatory Special Flood Hazard Area (SFHA) and there are no known wetlands on or adjacent to the parcel.

### **THE ALTERNATIVES CONSIDERED:**

The City Council has three (3) alternatives. The Council may:

- Disapprove the applicant's request for "R-MP" (Mobile Home and Trailer Park District) and "R-MP" (Mobile Home and Trailer Park District) with a Conditional Use Permit (CUP) for a Communication Tower;
- Approve the applicant's request for "R-MP" (Mobile Home and Trailer Park District) and "R-MP" (Mobile Home and Trailer Park District) with a Conditional Use Permit (CUP) for a Communication Tower with additional and/or amended conditions; or
- Approve the applicant's request for "R-MP" (Mobile Home and Trailer Park District) and "R-MP" (Mobile Home and Trailer Park District) with a Conditional Use Permit (CUP) for a Communication Tower as recommended by the Planning and Zoning Commission.

**Which alternative is recommended?** Staff recommends approval of the applicant's request.

**Why?** Staff is of the determination that the proposed use is compatible with the character of the area. If approved, the requested "R-MP" (Mobile Home and Trailer Park District) zoning will bring the property into compliance with the current zoning ordinance, as the existing "R-MH" (Mobile Home District) is an inactive district.

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

This zoning request conforms to the City's policy and procedures as detailed in Chapter 31 of the City of 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 & Zoning Commission recommended approval of the applicant's request to rezone the property from "R-MH" (Mobile Home District), "R-1" (Single-Family Residential District), and "R-MH" with a Conditional Use Permit (CUP) for a Communication Tower to "R-MP" (Mobile Home and Trailer Park District) and "R-MP" (Mobile Home and Trailer Park District) with a Conditional Use Permit (CUP) for a Communication Tower by a vote of 6 to 0.

**DEPARTMENTAL CLEARANCES:**

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

**ATTACHED SUPPORTING DOCUMENTS:**

Maps  
Minutes  
Ordinance  
Considerations