

**ORDINANCE NO. 12-064**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM RM-1 (RESIDENTIAL MODULAR HOME SINGLE FAMILY DISTRICT) TO RM-1 (RESIDENTIAL MODULAR HOME SINGLE FAMILY DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Crafton Communications on behalf of Killeen Independent School District (KISD) has presented to the City of Killeen a request for amendment of the zoning ordinance of the City of Killeen by changing the classification of 1,200 square feet, being part of Lot 1, Block 1, Morris Subdivision, Phase Five, which is locally known as 2301 W. Elms Road, Killeen, Texas, from RM-1 (Residential Modular Home Single Family District) to RM-1 with a conditional use permit (CUP) to allow for a 80' communication tower, said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 27<sup>th</sup> day of August 2012, and due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 5:00 P.M., on the 11<sup>th</sup> day of September 2012, at the City Hall, City of Killeen;

**WHEREAS**, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission and the evidence in support thereof, and the City Council being of the  $\frac{3}{4}$  majority opinion that the request should be approved;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:**

**SECTION I.** That the zoning classification of the following described tract be changed from RM-1 (Residential Modular Home Single Family District) to RM-1 with a

permit (CUP), for 1,200 square feet, to allow for a communications tower, being part of Lot 1, Block 1, Nolan Middle School Addition, which is locally known as 505 E. Jasper Drive, Killeen, Texas.

**SECTION II.** That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

**SECTION III.** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION IV.** That this ordinance shall take effect immediately upon passage of the ordinance.

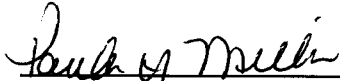
**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Killeen, Texas, this 11<sup>th</sup> day of September 2012, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

**APPROVED:**



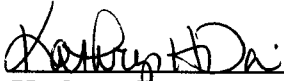
**Daniel A. Corbin, MAYOR**

**ATTEST:**



**Paula A. Miller, CITY SECRETARY**

**APPROVED AS TO FORM**

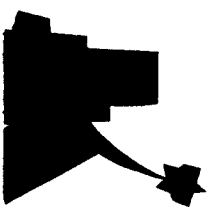
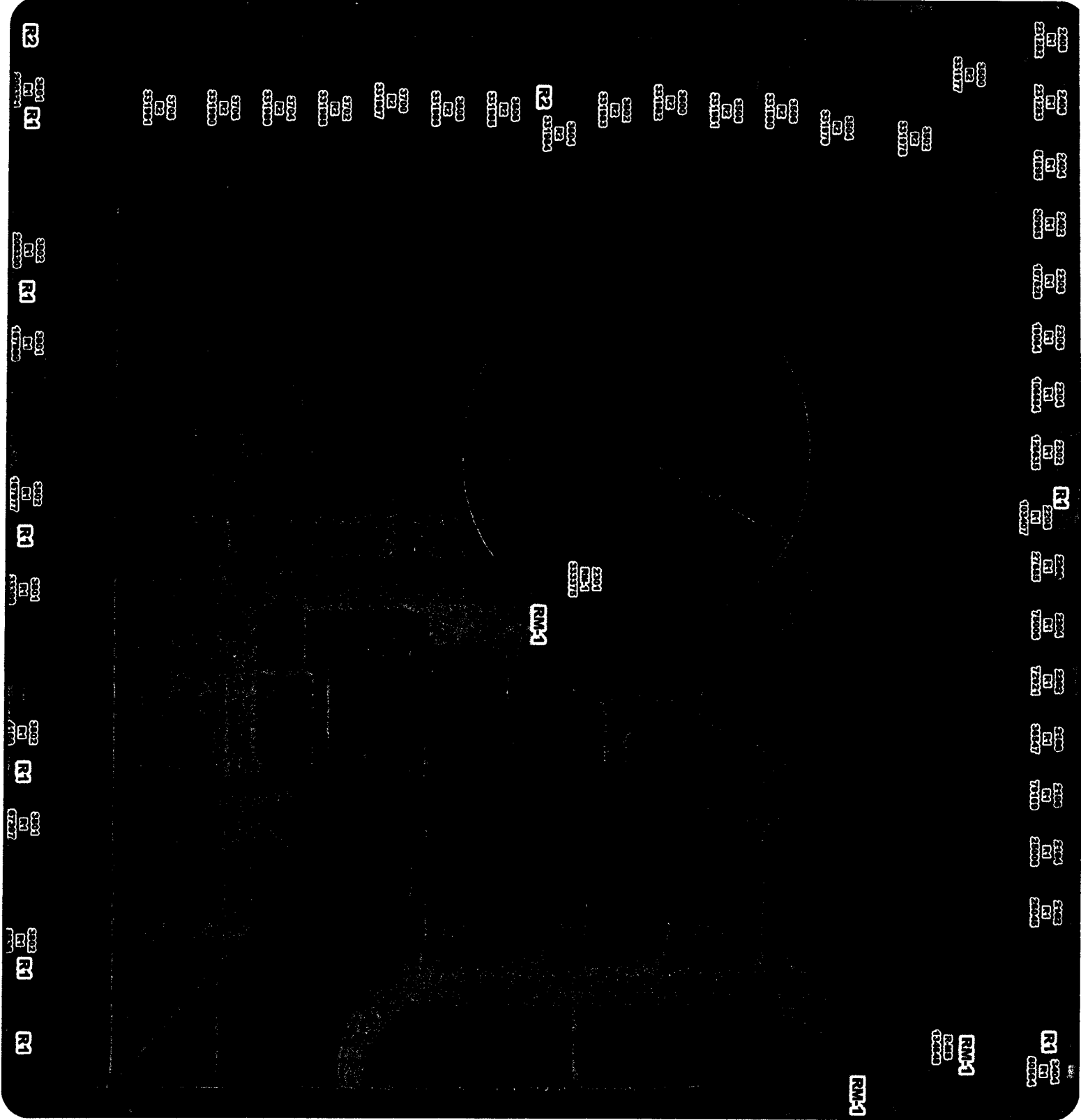


**Kathryn H. Davis, City Attorney**

Case #12-33

Ord #12-\_\_





**PLANNING AND DEVELOPMENT SERVICES**

**ZONING CASE:**  
#Z12-32

**ZONING FROM:**

RM-1 TO RM-1 W/CUP

**PROPERTY OWNER:**

KSD

**Legend**

- Buffer\_of\_12-32
  - Production\_GISADMIN\_ZoningCases2012
  - City Limits
  - CURRENT ZONING
  - Production\_GISADMIN\_Parcel
  - Subdivision
  - Production\_GISADMIN\_AERIAL\_CT05\_2010
- RGB**
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

DATE: 08/13/12



**CITY COUNCIL MEMORANDUM FOR ORDINANCE**

**AGENDA ITEM**

**ZONING CASE #Z12-32  
RM-1 (RESIDENTIAL MODULAR HOME  
SINGLE FAMILY DISTRICT) TO RM-1  
(RESIDENTIAL MODULAR HOME  
SINGLE FAMILY DISTRICT) WITH  
CONDITIONAL USE PERMIT (CUP)**

**ORIGINATING DEPARTMENT**

**PLANNING & DEVELOPMENT SERVICES**

**Nature of the Request**

Crafton Communications on behalf of the Killeen Independent School District (KISD) is requesting to rezone a portion of Lot 1, Block 1, Morris Subdivision, Phase Five, which is locally known as 2301 W. Elms Road, Killeen, Texas, for an unmanned telecommunications/ light pole replacement and equipment pad. **The area to be rezoned is a 40' by 30' area (1,200 square feet) located behind the school building.**

A conditional use permit is required for any tower that is constructed in a residential zoned district. 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 values.

**Property Specifics**

**Applicant/Property Owner:** KISD

**Property Location:** The school is located north of W. Elms Road and west along the Tallwood Drive right-of-way.

**Legal Description:** Lot 1, Block 1, Morris Subdivision Phase Five

**Zoning/ Plat Case History:**

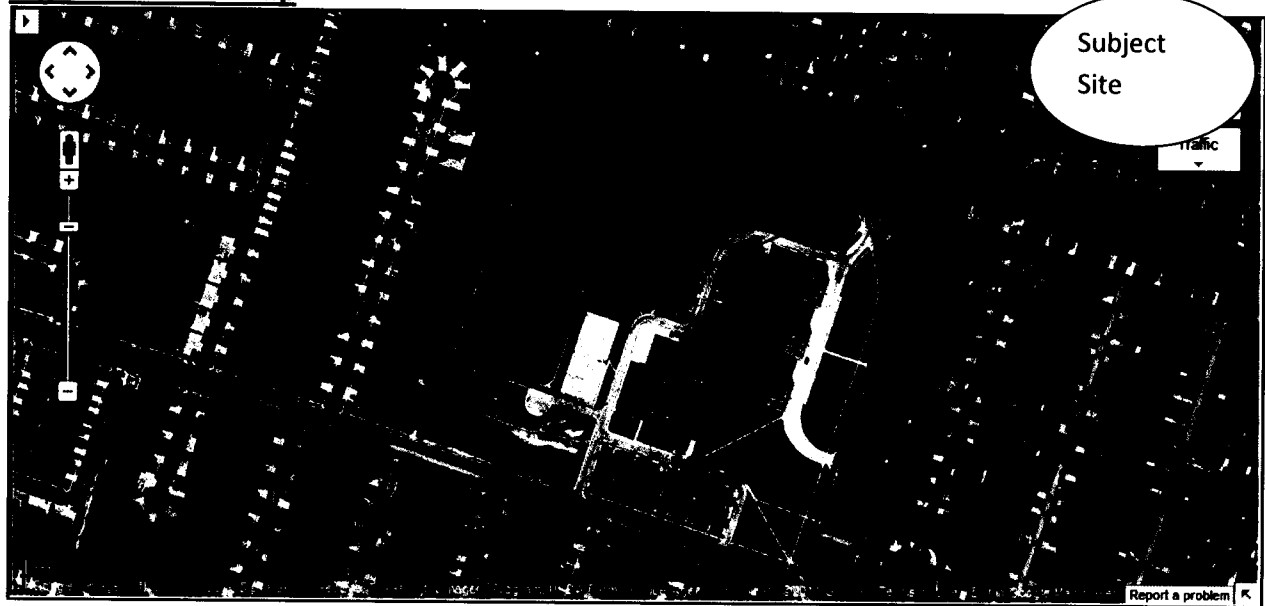
- The subject property was rezoned from R-1 to RM-1 on March 25, 1986 per ordinance # 86-20.

- The property is Lot 1, Block 1, Morris Subdivision Phase five which was filed for record on September 29, 2003 in Volume 5157, page 583, Plat Records of Bell County, Texas.

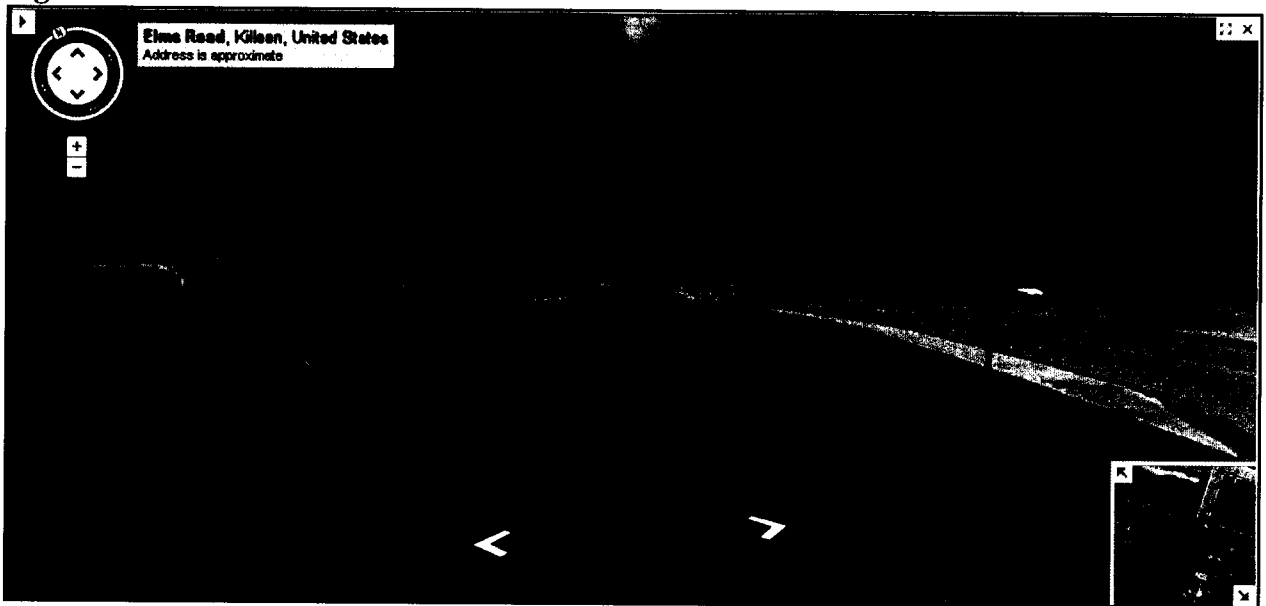
**Character of the Area:**

**Existing Land Use(s) on the Property:** Palo Alto Middle School.

**Figure 1. Aerial Map**



**Figure 2. Street View**



**Historic Properties:** None

## **Infrastructure and Community Facilities**

### **Emergency Response:**

Fire Protection District: 7-3

Fire Response Zone: 7

Miles from Fire Station: Approximately 2.3 miles from the Fire Station #7, which is located at 3701 Watercrest Road, Killeen, Texas.

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

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: No additional public water or sanitary sewer demands are anticipated for the proposed development.

### **Transportation:**

Existing conditions: W. Elms Road is classified as a 90' minor arterial on the city's thoroughfare plan. Tallwood Drive is a 60' local street.

Proposed Improvements: None

Projected Traffic Generation: None

## **Environmental Assessment**

**Topography:** The site has elevations ranging from 982' to 998'. The school sits upon the highest elevation point on the property.

**Regulated Floodplain/Floodway/Creek:** The subject property is not within any FEMA regulatory special flood hazard area (SFHA).

## **Land Use Analysis**

**Land Use Plan:** The property is designated as 'General Residential' on the future land use map (FLUM) of the Comprehensive Plan.

**Plan Recommendation:** The Comprehensive Plan calls for detached residential dwellings; Attached housing types subject to compatibility and open space standards (e.g., duplexes, townhomes, patio homes) Planned developments, potentially with a mix of housing types and varying densities, subject to compatibility and open space standards; Public/institutional; Parks and public spaces.

**Consistency:** Communication towers are ancillary uses, and the request is consistent with the Comprehensive Plan.

## **Public Notification**

There are no additional property owners within the 200' notification boundary.

**Recommendation**

The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 4 to 2, with Commissioners Traina and Hoover in opposition. The proposed location will allow an existing pole to be removed and a new 80' tower and associated 10' by 16' concrete equipment pad. Towers located on or adjacent to property used or zoned for residential use shall be set back one and one-half (1½) times the height of the tower as measured from the center of the base of the tower to the closest property line of property used or zoned for residential use. The applicant has met the 120' setback requirement.