

ORDINANCE 11-046

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 R-2 (TWO FAMILY RESIDENTIAL DISTRICT) AND R-MH (RESIDENTIAL MOBILE HOME DISTRICT) TO R-2 WITH A CONDITIONAL USE PERMIT (CUP); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, American Tower, Inc. on behalf of Mary Fisher 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 2,500 square feet, being part of the Marlboro Mobile Home Park from R-2 (Two Family Residential District) and R-MH (Residential Mobile Home District) to R-2 with a conditional use permit (CUP), said request having been duly presented and recommended for approval by the Planning and Zoning Commission of the City of Killeen on the 13th day of June 2011, 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 6:00 P.M., on the 28th day of June 2011, 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 R-2 (Two Family Residential District) and R-MH (Residential Mobile

Home District) to R-2 with a conditional use permit (CUP), for 2,500 square feet, being part of the Marlboro Mobile Home Park, 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 That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.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 28th day of June 2011, 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:

Timothy L. Hancock
Timothy L. Hancock, MAYOR

ATTEST:

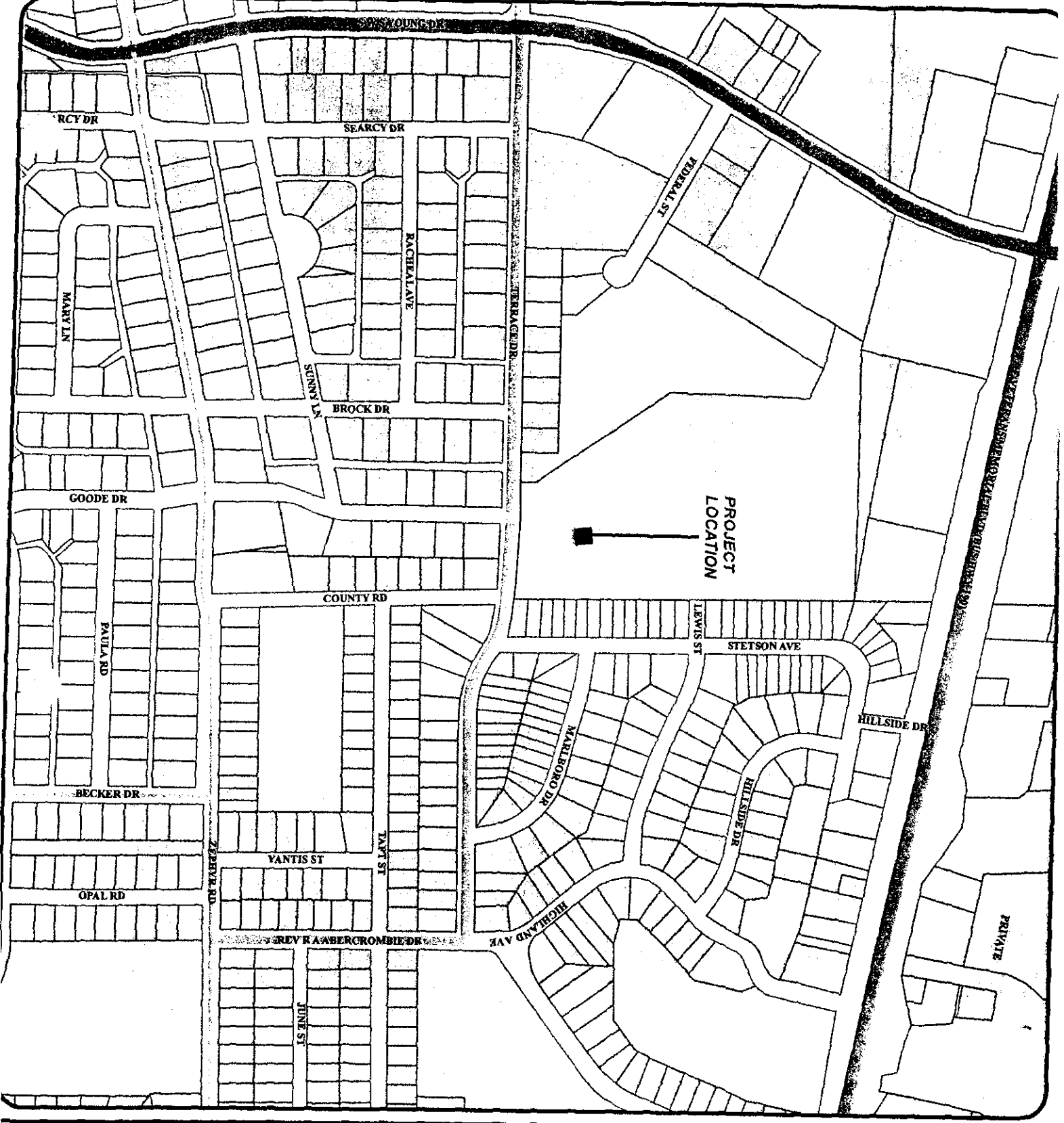
Paula A. Miller

Paula A. Miller, CITY SECRETARY



APPROVED AS TO FORM

Kathryn H. Davis
Kathryn H. Davis, City Attorney



**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE:
#Z11-28

ZONING FROM:
R2/RMH to R2 W/CUP

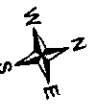
LEGAL DESCRIPTION:
PART OF A0344BC J GOSLIN,
MARLBORO MHP, ACRES 15.398

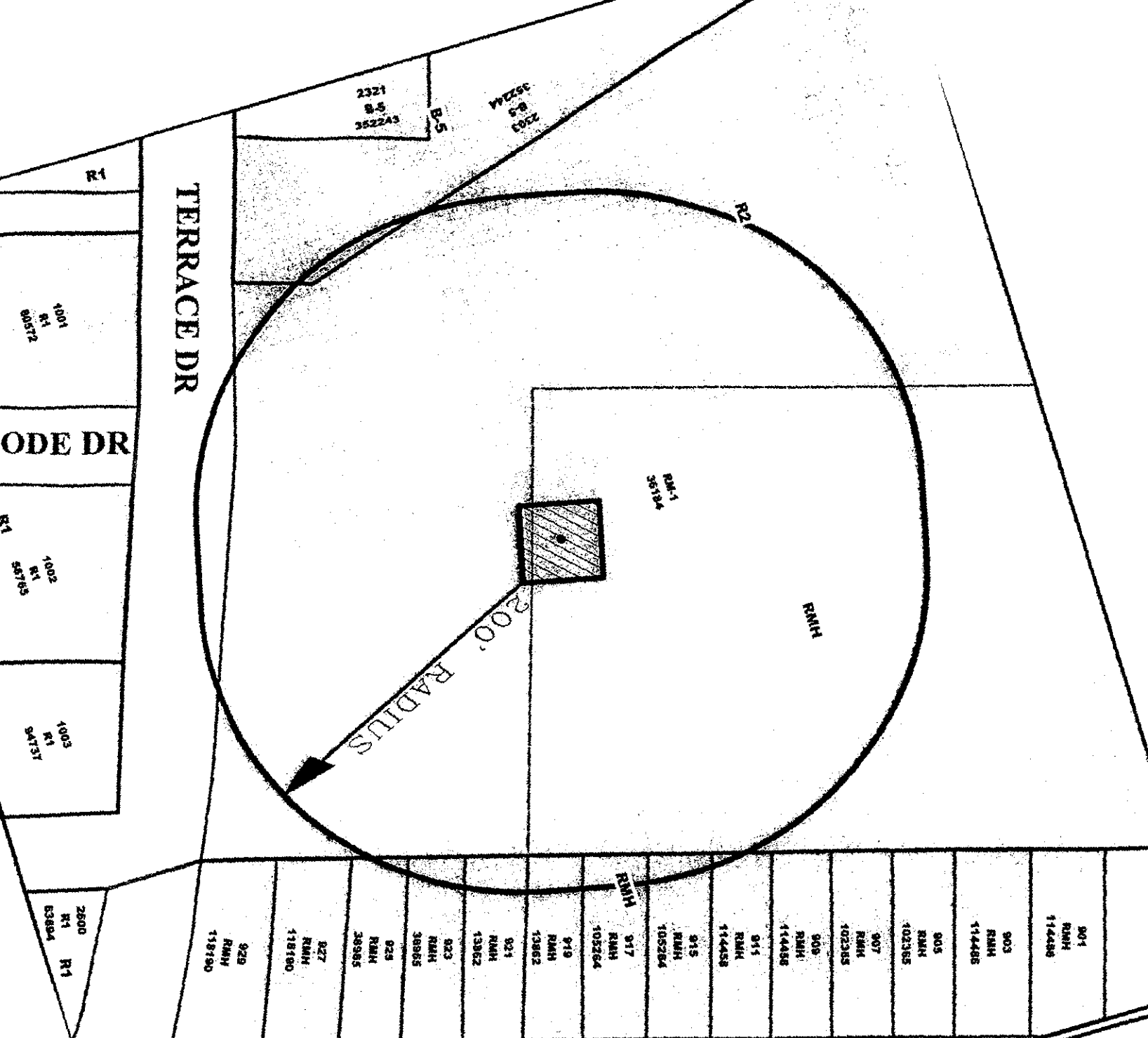
ADDRESS/LOCATION:
NORTH OF TERRACE AT THE
INTERSECTION OF GOODE DR

PROPERTY OWNER:
MARY FISHER

Legend
Zoning Cases 2011
City Limits
Production: GISADMIN/Prinzel

DATE:
5/16/2011





**PLANNING AND
DEVELOPMENT SERVICES**

ZONING CASE #211-28

ZONING FROM: R2/RMH 1 or R2 W/CUR

LEGAL DESCRIPTION: PART OF A0344BC J GOSULI MARLBORO NHP, ACRES 15.398

ADDRESS LOCATION: INTERSECTION OF TERRACE DR NORTH OF TERRACE OF GOODE DR

PROPERTY OWNER: MARY FISHER

Legend

- point 99 Buffer of 11-28
- City Limits
- Zoning Cases 2011-11
- Zoning Overlay Districts
- CURRENT ZONING**
- Buffer of 11-27
- Production GIS/DMM Parcel

DATE: 5/18/2011

CITY COUNCIL MEMORANDUM FOR ORDINANCE

AGENDA ITEM

**ZONING CASE #Z11-28
R-2 (TWO FAMILY RESIDENTIAL
DISTRICT) AND R-MH (RESIDENTIAL
MOBILE HOME DISTRICT) TO R-2 WITH
CUP (CONDITIONAL USE PERMIT)**

ORIGINATING DEPARTMENT TM PLANNING & DEVELOPMENT SERVICES

Nature of the Request

American Tower Inc. on behalf of Mary Fisher, is requesting to rezone a leased area of 50' x 50' (2,500 sq. feet) within Marlboro Mobile Home Park to allow for erection of a 100' communication tower.

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: Mary Fisher

Property Location: The subject 2,500 square feet area is located approximately 250' north of the intersection of Terrace Drive and Goode Drive.

Legal Description: Part of Marlboro Mobile Home Park, an unplatted 15.398 acre tract.

Zoning/ Plat Case History:

- The subject property was rezoned from R-2 to R-MH on March 27, 1979 per ordinance # 79-12.
- The property has not been platted.

Character of the Area:

Existing Land Use(s) on the Property: Manufactured homes are located on the property.

Figure 1. Aerial Map



Figure 2. Street View



Historic Properties: None

Infrastructure and Community Facilities

Emergency Response:

Fire Protection District: Central

Fire Response Zone: C-6

Miles from Fire Station: Approximately 1.17 miles from the Central Fire Station, which is located at 201 S. 28th Street, Killeen, Texas.

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water supply is available with adequate size and pressure. Sewer infrastructure is available with adequate capacity.

Transportation:

Existing conditions: Terrace Drive is classified as a 90' minor arterial on the city's thoroughfare plan. The subject site does not have direct access via an improved, all-weather surface drive.

Proposed Improvements: None

Projected Traffic Generation: None

Environmental Assessment

Topography: The site slopes down in a southward orientation.

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.

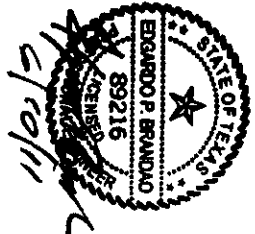
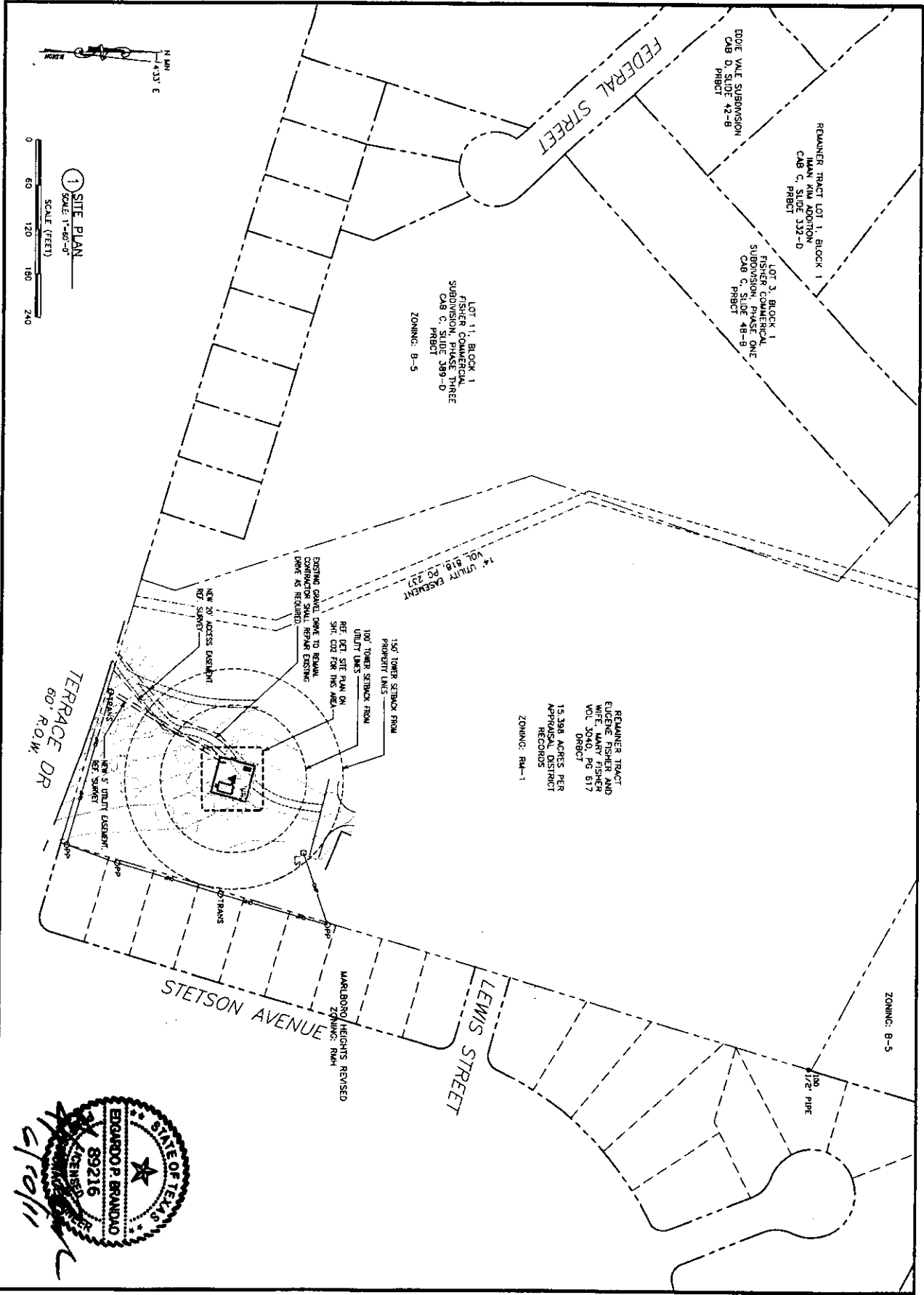
Consistency: The request is consistent with the Comprehensive Plan.

Public Notification

The staff notified five (5) surrounding property owners within a 200' notification boundary regarding this request. Staff received no protests.

Recommendation

The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 1, with Commissioner Traina in objection. The proposed location will allow a 100' tall tower to be erected in the center area of the proposed CUP area and satisfy the setback requirements of 150' from adjacent parcels and residentially zoned structures.



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REVISIONS	DATE
APPROVED FOR CONSTRUCTION	6/10/11
DESIGNED BY	6/1/11

<p>2801 N. Collins St., Suite 125 Farmers Branch, TX 75234 Office: 817.464.1700 Fax: 817.460.0895</p>	<p>EPB Associates, Inc. Consulting Engineers 5501 LBJ Freeway, Ste. 225 Dallas, Texas 75240 (972) 238-5495 Registration No. F-9923</p>
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<p>SITE NAME BRIAR LANE / GOODE DR. SITE NUMBER DYU4815</p>	<p>SITE PLAN CO1</p>
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