

*Minutes of the Teleconference Meeting
of the Harker Heights Planning & Zoning Commission
July 29, 2020*

Present:

Larry Robison	Chairman
Robert Robinson III	Vice Chair
Kay Carey	Commissioner
Noel Webster	Commissioner
Joshua McCann	Commissioner
Rodney Shine	Commissioner
Stephen Watford	Commissioner
Mike Stegmeyer	Alternate Commissioner

Absent:

Adam Parker	Secretary
Jan Anderson	Commissioner
Nuala Taylor	Alternate Commissioner
Dustin Hallmark	Alternate Commissioner
Chris Albus	Alternate Commissioner

Staff:

Joseph Molis	Director of Planning & Development
Kristina Ramirez	Assistant Public Works Director
Courtney Peres	Senior Planner
Mike Beard	Building Official
Brad Alley	Fire Marshal
Tiffany Dake	Planning & Development Administrative Assistant

A quorum was established, and the teleconference meeting was called to order at 6:30 PM.

Agenda Item II: Approval of minutes from the June 24, 2020 regular Planning and Zoning Commission meeting. Commissioner Shine made the motion to approve the minutes and Commissioner Webster seconded the motion. **The motion passed unanimously (7-0).**

Agenda Item III: Mr. Molis made a report from the July 14th City Council actions regarding recommendations resulting from the June 24, 2020 Planning & Zoning meeting.

Agenda Item IV: Mr. Molis addressed any affidavits for Conflict-of-Interest. Mr. Molis stated that there were no conflicts of interest.

Agenda Item V: Public Comments. There was no one present who wished to speak.

Agenda Item VI Public Hearings:

1. **Z20-14** Conduct a public hearing to discuss and consider rescinding ordinance 2018-30 for a Conditional Use Permit (CUP) that allows a masonry-clad manufactured home on property described as Five Feathers Addition, Block One (1), Lot Two (2), generally located at 2004 Warriors Path, Harker Heights, Bell County, Texas.

Mr. Molis explained to the Commissioner's why the City wants to rescind the Conditional Use Permit (CUP) for 2004 Warriors Path, Harker Heights, TX 76548. Mr. Molis stated there was a failure to act upon the Conditional Use Permit (CUP). A permit had been issued on June 3, 2019, however, there was no activity for 180 days and the permit has officially expired. The applicant, Larry Pilkey, of 2004 Warriors Path, Harker Heights, TX 76548 stated that he did not get the notices since they had been sent to his residence in Utah. Mr. Pilkey stated that construction has begun on the house and that stucco work is getting ready to be put on. Mr. Pilkey stated he needed about another thirty-five (35) to forty (40) days to get the work completed. Mr. Pilkey stated he ran out of money to complete the work and now that he has the funds, he was able to begin construction and three fourths of the first layer of stucco is already complete. Mr. Pilkey addressed that he thought he had filed the mobile home as real property in April 2019 but upon following up with the paperwork he realized that he had not completed it. Mr. Pilkey stated he then immediately completed the paperwork and said his request had been approved July 27, 2020. Mr. Pilkey apologized for taking longer than he should but unfortunately with the ongoing pandemic and running out of money that is why there was a delay. Chairman Robison stated that what the applicant had described and had shown the Planning and Zoning Commission in 2018 is entirely different than what is there now. The applicant said he agreed with Chairman Robison that the mobile home looked pretty bad. Mr. Pilkey stated that it should be completed in the next two (2) to three (3) weeks. Commissioner Shine reiterated that there was a report that the permit had expired and now he understands that there is work going on in the house. Mr. Shine continued and asked if Mr. Pilkey has an active permit for any work on the house. Mr. Pilkey stated he did not know he needed another permit. Chairman Robison wanted to clarify with Mr. Molis that there is not an active permit for Mr. Pilkey's property. Mr. Molis stated that there is not an active permit for construction. Vice Chairman Robinson asked if stucco was considered masonry. Mr. Molis stated that within the City's code of ordinance he believes that stucco is considered a masonry product. Mr. Molis did ask Mr. Pilkey if he was currently living in the home at 2004 Warriors Path and Mr. Pilkey said that is correct. Mr. Molis asked Mr. Pilkey if he was aware that he did not have a Certificate of Occupancy to live in that building because the permit was never obtained, nor a final inspection completed. Mr. Pilkey stated that he was not aware he needed a Certificate of Occupancy and stated he would be more than willing to comply. Commissioner Carey asked Mr. Pilkey if he was aware that there was a time limit to complete the job. Mr. Pilkey said that he was aware there was a time limit and that he was not able to do it in time.

Chairman Robison then opened the public hearing and asked if there was anyone present to speak in favor or against the agenda item. There was no one present to speak for or against the item.

A motion was made by Commissioner Carey to extend the Conditional Use Permit (CUP) for an additional forty-five (45) days and at the end of that forty-five (45) days all requirements for the original Conditional Use Permit (CUP) should be completed. If on the 46th day if all requirements were not completed to the City's satisfactory the Conditional Use Permit (CUP) would then be automatically rescinded. Commissioner Webster seconded the motion. **The motion passed (5-2), with Chairman Robison, Vice Chairman Robinson, Commissioner Webster, Commissioner Watford, and Commissioner Carey voting for and Commissioner Shine and Commissioner McCann voting against the motion.**

2. **Z20-15** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow an accessory dwelling unit on property described as Lot Sixteen (16), Block One (1), The Colony, Acres .803, generally located at 3910 Walden Creek Crossing, Harker Heights, Bell County, Texas.

Mr. Molis explained the applicant's request for a Conditional Use Permit (CUP) to allow an Accessory Dwelling Unit (ADU) on the property for the homeowner's relatives with the recommendation that the relatives can remain in the RV while the accessory dwelling unit is being constructed and that the accessory dwelling unit would have to be completed within nine (9) months. Commissioner Webster asked if the home was on city water and sewer. Mr. Molis stated that they are serviced by a septic system and on city water. Commissioner Webster mentioned that the applicant may not be able to use one (1) septic system for two houses, it might need two (2) septic systems. Mr. Molis told Commissioner Webster that the septic tank would be evaluated at the time of permit and that the permit would go to Bell County Health Department for approval. Commissioner Robinson asked if both RVs on the property are being occupied. Mr. Molis stated one (1) RV is used for traveling by the homeowners and the other RV is occupied by the relatives of the property owner.

The applicant, Mark McGee, of 3910 Walden Creek Crossing, Harker Heights, Texas, was present to speak about his request for a Conditional Use Permit (CUP). Mr. McGee stated that the white RV is currently being lived in and the other RV is their personal RV for traveling and no one resides in their personal RV. Mr. McGee stated that they would like to build a 20 by 20 structure at the end of their established driveway. Mr. McGee responded to the question about the septic connection and stated his septic person thought they could tap into the current system. Commissioner Carey asked if they had looked at the qualifications for building the structure and Mr. McGee said they had, and they would like to make it look like the house but keep the cost reasonable.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. There was no one present to speak for or against the item.

A motion was made by Commissioner McCann to recommend approval of an ordinance granting a Conditional Use Permit (CUP) to allow an accessory dwelling unit on property described as Lot Sixteen (16), Block One (1), The Colony, Acres .803, generally located at 3910 Walden Creek Crossing, Harker Heights, Bell County, Texas. Commissioner Robinson seconded the motion. **The motion passed unanimously (7-0).**

3. **Z20-16** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow a storage container on property described as Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, generally located at 906 S. Ann Blvd, Harker Heights, Bell County, Texas.

Mr. Molis presented the applicant's request for a Conditional Use Permit (CUP) to allow a conex box for additional storage of canned and dried goods at a local food bank.

The applicant, Lynda Nash, of 3006 Sun Dance Dr., Harker Heights, TX was present to speak about the request for a Conditional Use Permit (CUP). Ms. Nash began with an explanation of what they currently store in the Conex box. She stated that they store diapers, paper products, dog food, canned goods, and dry beans in the conex box. Ms. Nash explained that they pick-up their order from the food bank in Killeen on Mondays and the items are distributed out the following Saturday and that most items are not stored in the conex any longer than two (2) weeks. Commissioner Webster stated that while doing research he felt like using the conex box was not an appropriate option based off the USDA recommendations. Commissioner Webster went on to say that a conex box was not suitable for non-perishable goods. Ms. Nash told the Commissioners that they have been looking for a building that would allow them to house up to 6,000 pounds of food they receive but at this time they have yet to find a larger space. Chairman Robison asked if they were currently leasing the location. Ms. Nash confirmed that they are in a lease agreement at the current property. Chairman Robison asked if the conex box was leased. Ms. Nash said it was donated and they will return it once they find a larger location. Commissioner Webster asked what a reasonable time was for looking for a new place. Ms. Nash said they do not plan on being in their current location past twelve (12) months. Chairman Robison asked if they would consider painting the conex box to a more neutral color. Ms. Nash said she would be amenable to painting the storage container.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. There was no one present to speak for or against the item.

A motion was made by Commissioner Carey to recommend approval of an ordinance granting a Conditional Use Permit (CUP) to allow a storage container on property described as Lot Seven (7), Block Nine (9), Meadow Acres, First Extension, generally located at 906 S. Ann Blvd, Harker Heights, Bell County, Texas. Chairman McCann seconded the motion. **The motion passed (6-1), with Commissioner Webster voting against the motion.**

Agenda Item VII, New Business:

1. **CP20-02** Discuss and consider a request by Alex Jarbough for Concept Plan approval on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas.

Mr. Molis explained the applicant has submitted a concept plan of their property to build a commercial structure for any entertainment hub to house an escape room with other similar attractions at the location.

The representative, Gorge Meza with Quintero Engineering, of 1501 W. Stan Schlueter Loop, Killeen, Texas, was present to speak about the concept plan request.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. There was no one present to speak for or against the item.

A motion was made by Commissioner Watford to recommend Concept Plan approval on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas. Commissioner McCann seconded the motion. **The motion unanimously passed (7-0).**

2. **P20-08** Discuss and consider a request by Alex Jarbough for Preliminary Plat approval for the proposed Escapology Addition, on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas.

Mr. Molis explained the Preliminary Plat was based off the Concept Plan CP20-02 that was just presented to the Commissioners. Commissioner Carey asked what the use of the property would be. Mr. Molis explained that the applicant has proposed to construct an indoor entertainment facility called Escapology which offers different escape rooms for entertainment purposes.

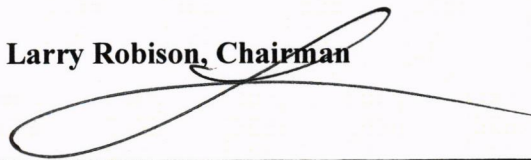
The representative, Gorge Meza with Quintero Engineering, of 1501 W. Stan Schlueter Loop, Killeen, Texas, was present to speak on the Preliminary Plat request.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item. There was no one present to speak for or against the item.

A motion was made by Commission Watford to recommend Preliminary Plat approval on property described as a 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas. Commissioner McCann seconded the motion. **The motion unanimously passed (7-0).**

Chairman Robison then adjourned the teleconference meeting of the Planning and Zoning Commission at 8:07 P.M.

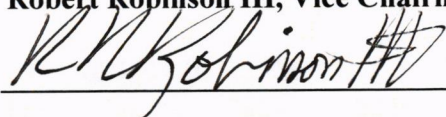
Larry Robison, Chairman



DATE:

8/26/2020

Robert Robinson III, Vice Chairman



DATE:

8/26/2020