

**Harker Heights
Planning and Zoning
Commission Meeting**

Wednesday

6:30 P.M.

August 31, 2016



**PLANNING & ZONING COMMISSION AGENDA
HARKER HEIGHTS CITY HALL
WEDNESDAY, AUGUST 31, 2016 - 6:30 P.M.**

- I. Convene and establish a quorum.
- II. Approval of minutes from regular meeting held on July 27, 2016.
- III. Recognition of Affidavits for Conflict-of-Interest.
- IV. Report on City Council action regarding recommendations resulting from the August 9, 2016 meeting.
- V. Report on Development Activity.
- VI. Public Hearings:
 1. **Z16-13** Conduct a public hearing to consider a rezoning request from R-1(M) (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) for the property described as WILDEWOOD ACRES REPLAT (LTS 15-16 BLK 8), BLOCK 008, LOT 015A, Bell County, Texas, Property ID# 60206 also known as 930 Maplewood Drive.
 2. **Z16-14** Conduct a public hearing to consider a rezoning request from R-1(M) (One-Family Manufactured Home Dwelling District) to R-MU (Mixed Use Residential District) for the property described as KERN ACRES 1ST EXTENSION & REVISION, BLOCK 003, LOT 0005, Bell County, Texas, Property ID#131803 also known as 401 Bonnie Drive.
 3. **Z16-15** Conduct a public hearing to consider a rezoning request from R-1 (One-Family Home Dwelling District) to R-MU (Mixed Use Residential Dwelling District) for the property described as KERN ACRES 1ST EXTENSION & REVISION, BLOCK 005, LOT 0014, Bell County, Texas Property ID# 10560 also known as 304 Harley Drive.
 4. **Z16-16** Conduct a public hearing to consider recommending an ordinance granting a Conditional Use Permit (CUP) for a telecommunication tower on property described as HEIGHTS COMMERCIAL SUBDIVISION, BLOCK 002, LOT 0003, in the City of Harker Heights, Bell County, Texas, Property ID# 47731 also known as the Extraco Bank Building located at 100 W. Central Texas Expressway.
- VII. Citizens to be heard
- VIII. Staff Comments

IX. Adjournment

Posted: August 26, 2016

Time: 10:00 A.M.

Ty Hendrick
Planning Administrative Assistant – City of Harker Heights



Minutes of the Regular Meeting of the Harker Heights
Planning & Zoning Commission held at the City Hall Building,
July 27, 2016

Present:	Michael Schulte	Chairman
	Jeffery Petzke	Vice Chairman
	Jeff Orlando	Secretary
	Noel Webster	Commissioner
	Anthony Triola	Commissioner
	David Kingsley	Commissioner
	Neal Wendele	Commissioner
	Jan Anderson	Commissioner
	Darrel Charlton	Commissioner
Staff:	Joseph Molis	Planning & Development Director
	Leo Mantey	City Planner
	Courtney Peres	Planner/GIS Coordinator
	Brad Alley	Fire Inspector
	Mark Hyde	Public Works Director
	Ty Hendrick	Planning & Zoning Administrative Assistant

A quorum was established and the meeting was called to order at 6:00 p.m.

The first item on the agenda was the approval of the minutes from the June 29, 2016, regular meeting. Commissioner Triola made a motion to approve the minutes and Commissioner Kingsley seconded the motion. The motion passed in favor (9-0).

Mr. Molis stated that there had been a change in the order of the public hearing. CP16-01 would go first to accommodate the Citizens and then Z16-12 rezoning R-1 to R-2 would be second.

The next item on the agenda was to recognize affidavits for Conflict-of-Interest. Mr. Molis stated Commissioner Orlando had a conflict of interest and would be removing himself for the hearing of Z16-12.

Mr. Molis reported the actions from the City Council meeting which was held on July 12, 2016. Three rezoning requests were sent to the City Council meeting for approval.

The first item was recommended by the Planning and Zoning commission (8-0) and approved (5-0) by the City Council. Z16-09 granted permission to change the ordinance in the zoning district from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) on the property described as A0722BC R Y Renick, 2-3, Acres 8.91, in the City of Harker Heights, Bell County, Texas, Property ID#70961, located at the north eastern corner of Broken Arrow Drive and Hanna Hawk Circle.

The second item was recommended by the Planning and Zoning commission (5-3) and disapproved (5-0) by the City Council. Z16-10 Conduct a public hearing to consider rezoning Lot Six (6), Block Four (4), Kern Terrace, MH Label #PFS0962097, SN1

TXFL686A07181LS11, in the City of Harker Heights, Bell County, Texas, Property ID#102944, also known as 108 N. Ann Blvd., from R-1 (One Family Dwelling District) to R-1(M) (One Family Manufactured Dwelling District).

Third was the rezoning from R-1 (One-Family Dwelling District) to PDR (Planned Development Residential District) at 3401 Oakridge Blvd. Planning and Zoning commission recommended approval (8-0) and the City Council affirmed that (5-0).

Last was the preliminary plat approval for The Enclave at Harker Heights described as 19.827 acres of the W.E. Hall Survey, Abstract No. 1086 and the J.M. Roberts Survey, Abstract No. 723, between Indian Trail Drive and Lookout Ridge, directly behind Fire Station No. 1. Planning and Zoning recommended approval (7-0). Jeff Orlando stepped down for conflict of interest. The City Council affirmed that (4-0). John Rider stepped down for conflict of interest.

Next, Courtney Peres presented the update on the development activity for the City. She stated the City issued zero commercial construction permits for the month of July 1st to July 27th. One (1) single-family residential construction permit had been issued and two (2) permits were issued for a two-family (duplex) for the month of July.

Under Public Hearings, Mr. Molis presented CP16-01 to discuss and consider a request by Luree Inc. for Concept Plan approval of a 45 acre tract of land to accommodate Single Family Residences in a R-1 Zone (One Family Dwelling District) within the Oakridge Terrace Subdivision, also known as, 1901 Valley Oaks Dr, Harker Heights, Bell County, Texas. Mr. Molis presented the case and also educated the public on the development process of the city and introduced Bob Mitchell with Mitchell and Assoc. as the individual representing the request. The following citizens spoke in opposition to the concept plan during the public hearing:

1. Edward Freeman, 3100 Oakridge Blvd. stated that the golf course was zoned commercial in 1972.
2. Ryan Turk, 1902 Lakeview Dr. voiced concerns about drainage and flooding if new development was established.
3. Patrick Turk, 1902 Lakeview Dr. stated concerns about safety issues with heavy traffic, no curb and gutter or sidewalks and a loss in quality of life if subdivision was approved.
4. Teresa Anderson, 3511 Oakridge Blvd voiced concerns about inability to sell houses in Harker Heights, concerned if development comes in, houses will be harder to sell because they are not unique. She stated that owner wanted to sell to developer not a single individual.
5. LeeAnn Boore, 4314 Tahuaya Dr. stated that she had concerns about fire evacuations for people and animals as well as traffic on fuller lane and that infrastructure cannot support new housing. She stated that she has a two inch water main and cannot run sprinklers and washing machine at the same time.
6. Kevin O'Brien, 1808 Valley Oaks voiced concerns about the promises that were made in 1988 in reference to street lights, curbs and gutters as well as sewer and water upgrades.
7. John Smallwood, 2113 Chinaberry Circle voiced concerns about how property zoning changed from commercial to residential, drainage, fire protection, water utilities and road quality.
8. Kim Van Riper, 3414 Juniper Dr. stated that she was against the concept plan and stated that she had a petition that was comprised of 116 signatures of others that were against it. Also, she stated that she was concerned about how we were planning for the City of Harker Heights as a whole.

9. Gregory Cook, 3009 Willowood Dr. voiced concerns about road conditions, drainage and flooding.
10. Rick Robinson, 3022 Oakwood Dr. stated that the road conditions were terrible and that there are no street lights so it is extremely dark. He also stated that he was unsatisfied with the City's response to replacing his mail box which had been moved to fix a water leak as well as his aggravation with the City for not fulfilling the promises that were made when the area was annexed in 1988.
11. Lance McElhiney, 1807 Mesa Oaks Circle, mentioned concerns about wildlife and exotic birds as well as the infrastructure of the surrounding neighborhood.
12. Terrance Ratcliffe, 3103 Oakridge Blvd. voiced concerns as to why previous owners had been denied a permit to build on lots around the golf course.
13. Randy Hudson, 2004 Valley Oaks expressed concerns about how the golf course was rezoned. He also stated that the infrastructure of the surrounding neighborhood was bad and needed to be upgraded and suggested that he thinks the City should buy the land and put in a park instead of letting the land be developed.
14. Mike Aycock, 1818 Mesa Oaks spoke about showing unity with the owner he also expressed that if the owner would come back with a different PD with more amenities for the surrounding subdivision, there might be a better response from the current citizens.

Next, Chairman Schulte asked if there was any rebuttal from the applicant. Mr. Bob Mitchell did not have a rebuttal. However, he stated that he was glad to hear the concerns of the citizens and would take those back and sit down with the owner and go through some ideas that would better fit the area and be more pleasing with the people. Mr. Molis then briefly spoke about the history of the annexation and how explained how the golf course zoning went from being commercial to being zoned R-1 residential.

Chairman Schulte closed the public hearing.

Chairman Schulte asked for a motion to approve or disapprove of the agenda item CP16-01. Commissioner Webster made a motion for disapproval and Commissioner Wendele seconded the motion to disapprove. The motion passed (7-2). Voting in favor were Commissioner Charlton, Commissioner Wendele, Commissioner Triola, Commissioner Petzke, Chairman Schulte, Commissioner Anderson and Commissioner Webster. Voting against were Commissioner Orlando and Commissioner Kingsley.

Chairman Schulte dismissed everyone for a five minute intermission.

Chairman Schulte asked to resume the meeting.

Commissioner Orlando stepped down for conflict of interest.

Last under Public Hearing, Mr. Leo Mantey presented Z16-12 to consider rezoning property described as A0115BC I T Bean, Lot 1 Block 51 Comanche Lands UnDed Acres 0.34, Bell County Texas, with Property ID#124333, also known as 1600 Aztec Trace, Harker Heights, Texas, from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District). Mr. Mantley explained that the applicant intends on constructing one two family duplex on the property. Mr. Mantly stated that currently there is a manufactured home on the property and that the buildings surrounding the location have either duplexes to the east and west, to the south are four plexes and on the north there are single family homes. The new zoning will be compatible with uses in the surrounding area and with the future land use plans proposed by the City of Harker Heights. Mr. Mantey mentioned that staff sent out thirty-nine (39) notices and that they

had received one (1) back in favor of the rezoning request and had received one (1) in opposition of the rezoning request. Representing the request was Chris Doose, 616 Algerita Dr, Georgetown TX. There was no one wishing g to speak in opposition of the request. Commissioner Kingsley made a motion to approve and Commissioner Petzke seconded the motion. The vote was unanimous (8-0) to approve the rezone request.

Chairman Schulte adjourned the meeting at 7:48 pm.

Mike Schulte, Chairman

ATTEST:

Jeff Orlando, Secretary



**PLANNING AND ZONING
COMMISSION MEMORANDUM**

AGENDA ITEM #III

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: AUGUST 31, 2016

Recognize Affidavits for Conflict-of-Interest – Director Planning & Development



**PLANNING AND ZONING
COMMISSION MEMORANDUM**

AGENDA ITEM #V

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: AUGUST 31, 2016

Report on Development Activity – Courtney Peres



PLANNING AND ZONING COMMISSION MEMORANDUM

Z16-13 AGENDA ITEM VI-1

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: AUGUST 31, 2016

DISCUSS AND CONSIDER AN ORDINANCE TO CHANGE ZONING DESIGNATION FROM R-1(M) (ONE-FAMILY MANUFACTURED HOME DWELLING DISTRICT) TO R-2 (TWO-FAMILY DWELLING DISTRICT) FOR THE PROPERTY DESCRIBED AS WILDEWOOD ACRES REPLAT (LTS 15-16 BLK 8), BLOCK 008, LOT 015A, BELL COUNTY, TEXAS, PROPERTY ID# 60206 ALSO KNOWN AS 930 MAPLEWOOD DRIVE.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1(M) (One-Family Manufactured Home Dwelling District) to R-2 (Two Family Dwelling District) on property located at 930 Maplewood Drive. This request is to enable the applicant to construct a two-family residence (duplex) on the lot.

Existing Use:

The property currently has a single-wide trailer on it. Surrounding land uses include duplexes to the east and north; double-wide trailers to the south and west of the property. Generally the area is comprised of mixed residential uses of duplexes, trailer homes, vacant lands and few single family dwellings. Staff believes the proposed duplex will be of greater value for the land and neighborhood. There are existing duplexes in the area, and as such, the proposed use will be compatible with existing land uses in the neighborhood.

Zoning:

Current zoning for the property is R-1(M) (One-Family Manufactured Home Dwelling District). Adjacent and surrounding zoning includes R-2 (Two Family Dwelling District) to the north, east and south. The west side of the property is zoned R-1 (One-Family Dwelling District). Due to the presence of existing R-2 zones surrounding the property, the proposed rezoning from R-1 to R-2 district will be compatible with the neighborhood, and will likely not have any adverse impacts on surrounding residential zoning districts.

Future Land Use:

Per the City's Future Land Use Map, the subject property is currently located in an area designated as Medium Density Residential (MDR). All surrounding properties are designated as Medium Density Residential (MDR). Per the 2007 Comprehensive Plan the MDR is an acceptable replacement for aging manufactured housing or for new development in areas zoned appropriately for such within the City. The proposed rezoning from R-1 to R-2 will allow for the construction of a duplex which will be a new

development and is considered a medium density residential use. Hence the proposed rezoning and intended use would be consistent with the 2007 City of Harker Heights Comprehensive Plan.

Flood Damage Prevention:

No portion of this property lies within the 100 year or 500 year flood hazard areas.

Notices:

Staff sent out forty-four (44) notices to property owners within the 400 foot notification area. There were two (2) responses received in favor of the request, and zero (0) responses received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of an ordinance to change zoning designation from R-1(M) (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) for the property described as WILDEWOOD ACRES REPLAT (LTS 15-16 BLK 8), BLOCK 008, LOT 015A, Bell County, Texas, Property ID# 60206 also known as 930 Maplewood Drive, based on the following;

1. The rezoning request is consistent with the Future Land Use Plan.
2. The proposed use is compatible with the neighborhood and would not likely have any adverse impacts on adjoining uses.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to approve/disapprove an ordinance to change zoning designation R-1(M) (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) for the property described as WILDEWOOD ACRES REPLAT (LTS 15-16 BLK 8), BLOCK 008, LOT 015A, Bell County, Texas, Property ID# 60206 also known as 930 Maplewood Drive, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Location Map
3. Existing Land Use Map
4. Zoning Map
5. Future Land Use Map
6. Notification Area Map
7. Citizen Responses



Application Fee \$ 200.00
CITY OF HARKER HEIGHTS
RE-ZONING REQUEST APPLICATION

City of Harker Heights
 Planning & Development
 305 Millers Crossing
 Harker Heights, TX 76548
 Phone: 254-953-5600

PROPERTY OWNER'S NAME: Samuel King

ADDRESS: 12313 Zeller Ln.

CITY/STATE/ZIP: Austin, TX 78753 PHONE: (254) 547-7630

LOCATION OF PROPERTY: 930 Maplewood

LEGAL DESCRIPTION OF PROPERTY:

PARCEL #: _____

LOT: 15A (15-16) BLOCK: 8 SUBDIVISION: Wildewood Acres Replat

NUMBER OF ACRES: _____ SURVEY: _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and/or a complete legal field note description.

PROPOSED USE: R-2 (duplex)

CURRENT ZONING: Mobile home PROPOSED ZONING: R-2

CURRENT LAND USE: ↓ PROPOSED LAND USE IN PLAN: R-2

I, being the undersigned applicant, understand that failure to appear to represent a request shall be deemed a request to withdraw the proposal, or Raymond Hamden or Chris Doose will represent the owner.

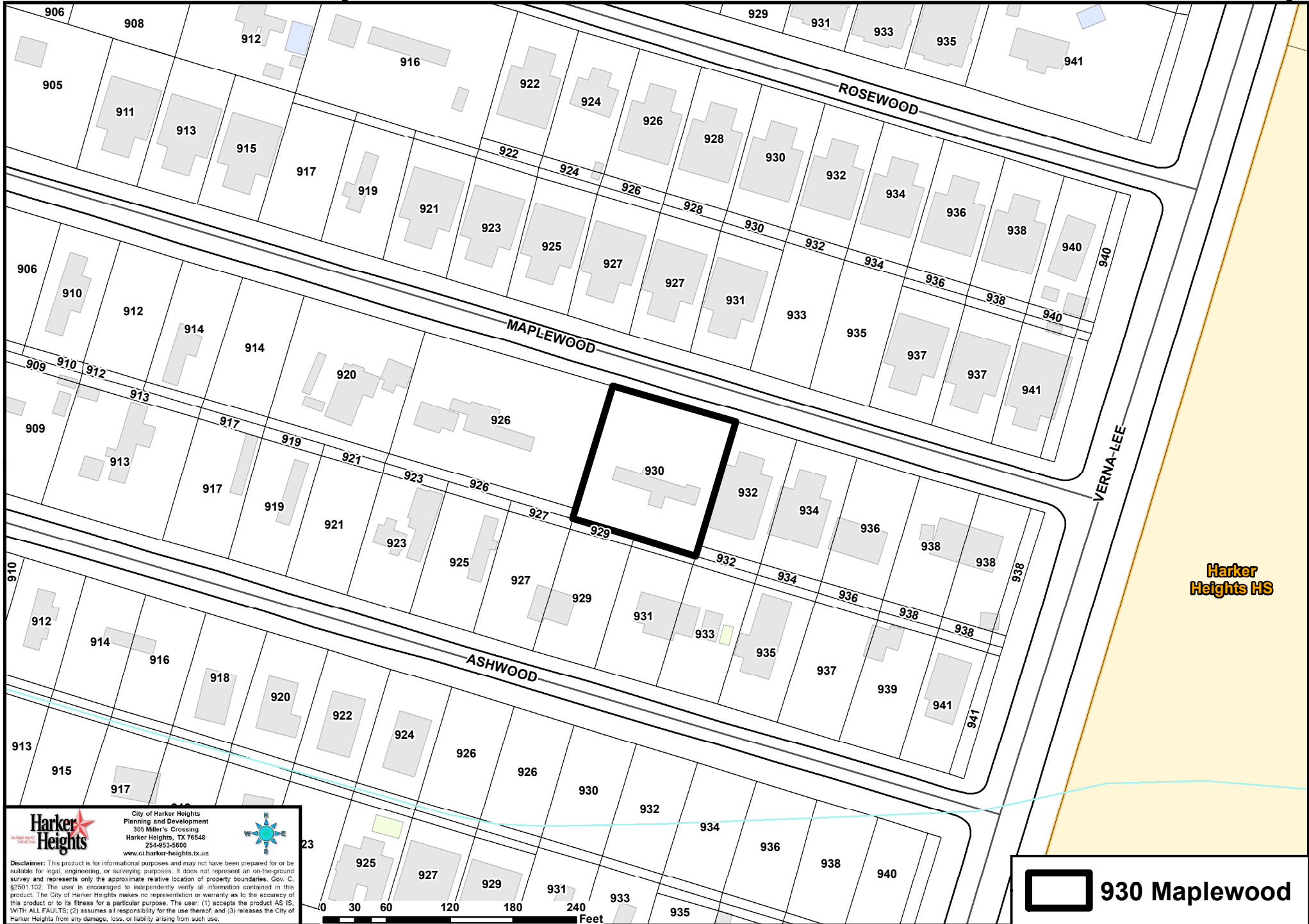
Samuel L King
 Printed Name of Property Owner

[Signature]
 Signature of Property Owner

22 Jul 2016
 Date

Z16-13 930 Maplewood Dr.

Location Map



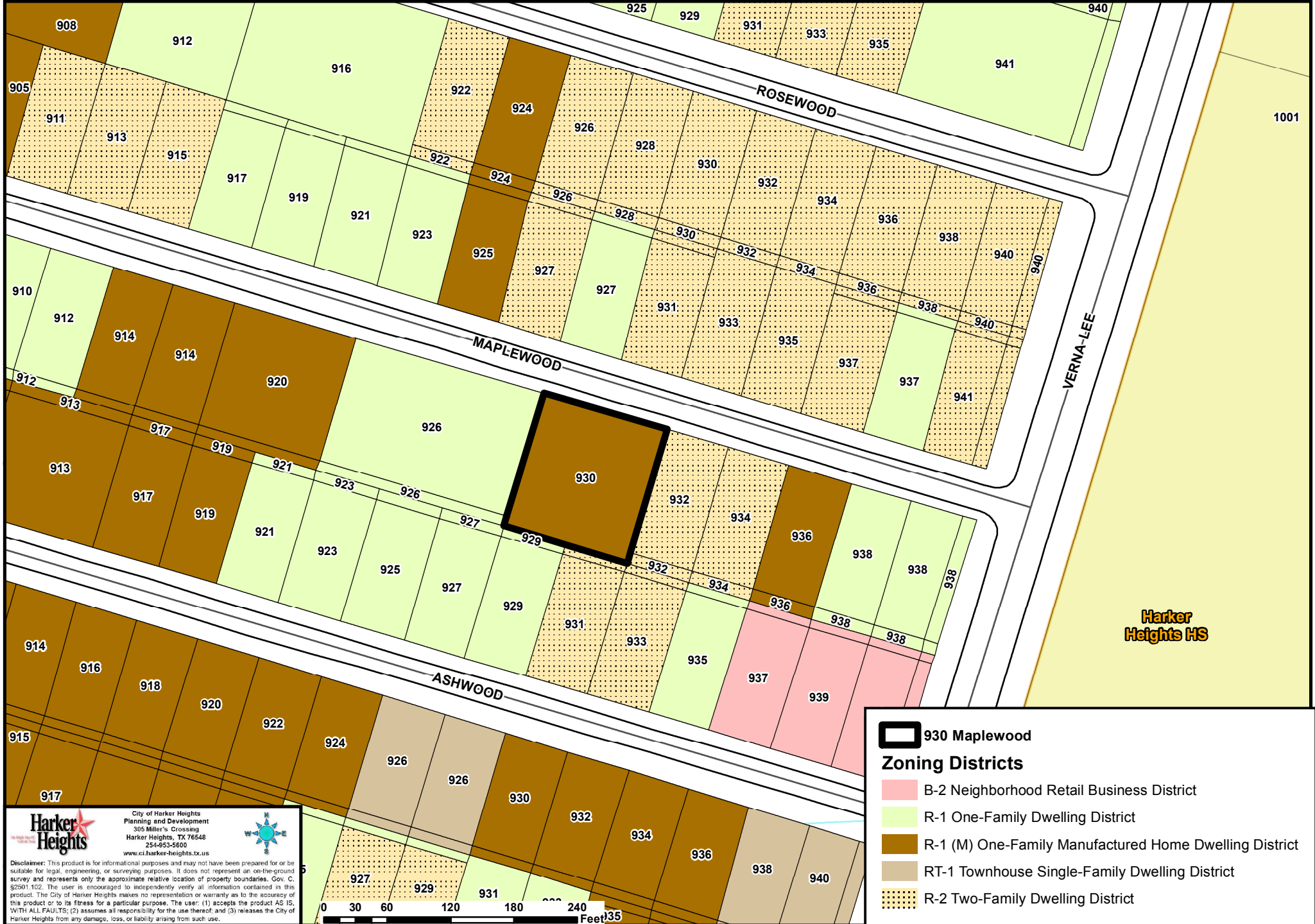
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Harker Heights, TX 76548
254-853-5600
www.ci.harker-heights.tx.us

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 **930 Maplewood**

Map Date: 8/18/2016

1:1,399



930 Maplewood

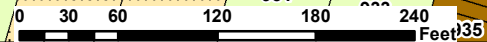
Zoning Districts

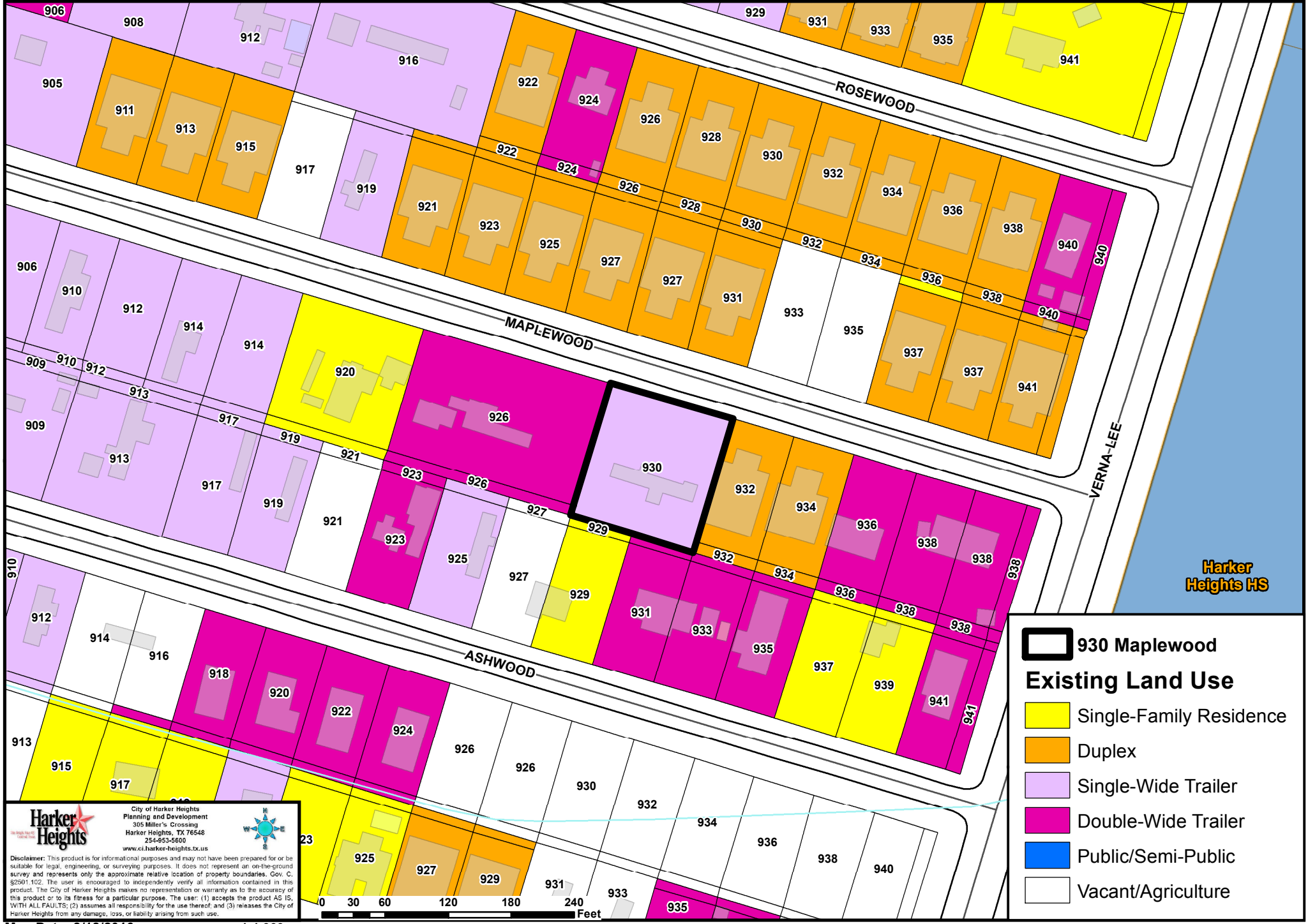
- B-2 Neighborhood Retail Business District
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- RT-1 Townhouse Single-Family Dwelling District
- R-2 Two-Family Dwelling District

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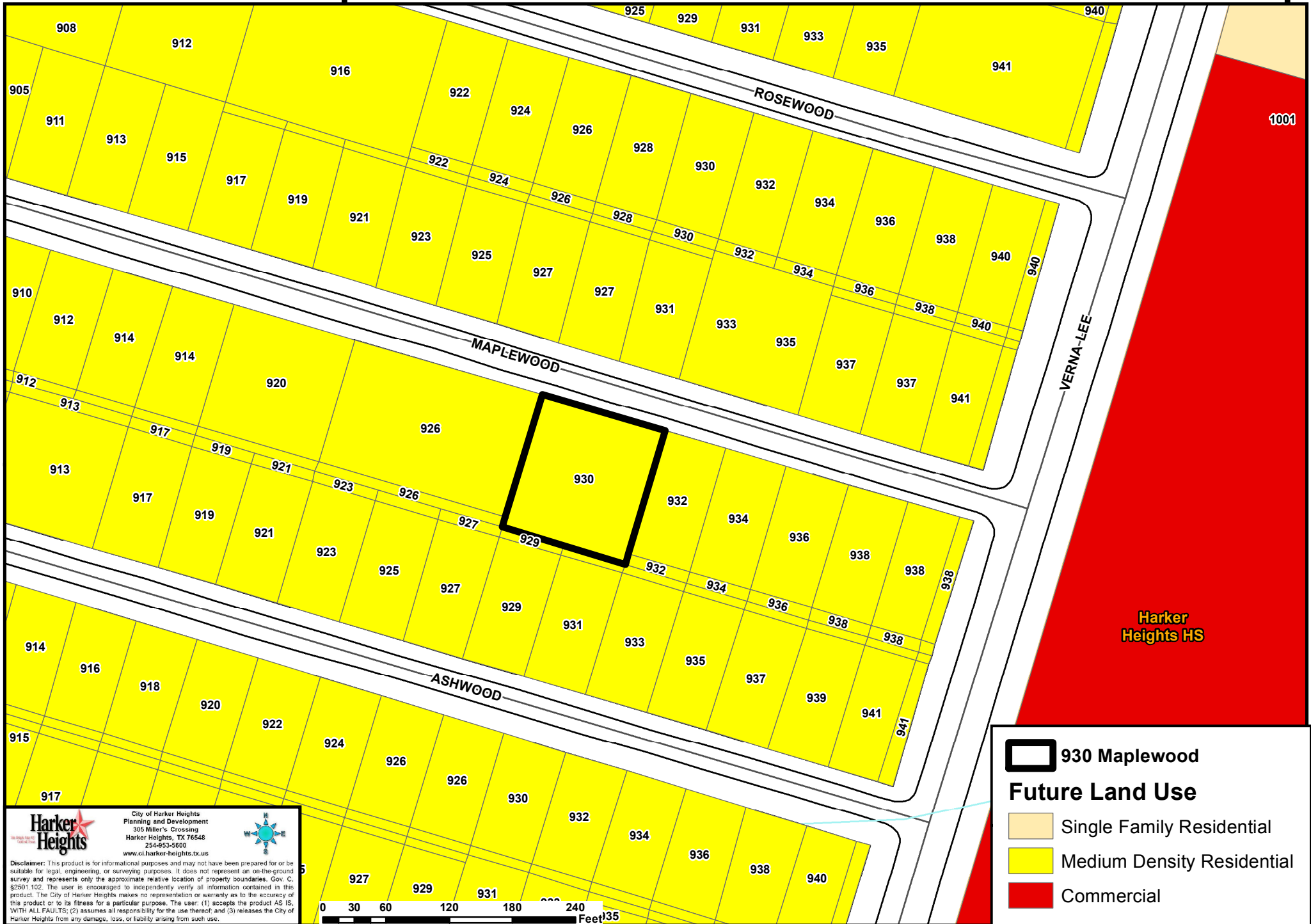
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Map Date: 8/18/2016 1:1,399

930 Maplewood

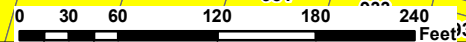
Existing Land Use

- Single-Family Residence
- Duplex
- Single-Wide Trailer
- Double-Wide Trailer
- Public/Semi-Public
- Vacant/Agriculture



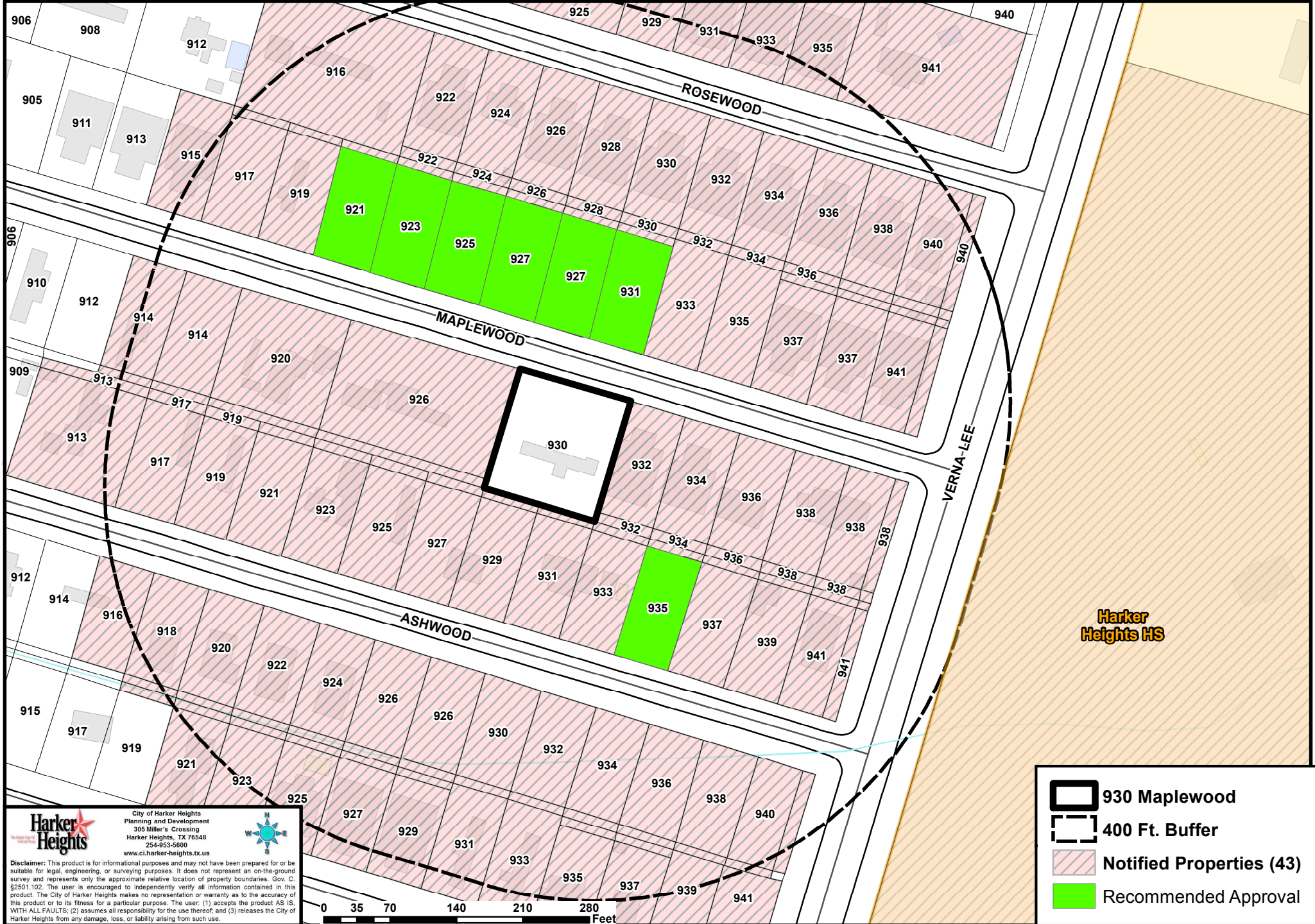
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Z16-13 930 Maplewood Dr.





Notification Map

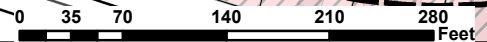


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-  930 Maplewood
-  400 Ft. Buffer
-  Notified Properties (43)
-  Recommended Approval



Map Date: 8/26/2016

1:1,559



PLANNING AND ZONING COMMISSION MEMORANDUM

Z16-14 AGENDA ITEM VI-2

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: AUGUST 31, 2016

DISCUSS AND CONSIDER AN ORDINANCE TO CHANGE ZONING DESIGNATION FROM R-1(M) (ONE-FAMILY MANUFACTURED HOME DWELLING DISTRICT) TO R-MU (MIXED USE RESIDENTIAL DISTRICT) FOR THE PROPERTY DESCRIBED AS KERN ACRES 1ST EXTENSION & REVISION, BLOCK 003, LOT 0005, BELL COUNTY, TEXAS, PROPERTY ID#131803 ALSO KNOWN AS 401 BONNIE DRIVE.

EXPLANATION:

The applicant is requesting a change from the current zoning from R-1(M) (One-Family Manufactured Home Dwelling District) to R-MU (Mixed Use Residential District) at 401 Bonnie Drive. The lot was previously rezoned from R-1 (One-Family Home Dwelling District) to R-1(M) in 1989. The current owner wishes to rezone the vacant lot to a zone more accommodating to various types of residences. Within R-MU the applicant can choose to have a single-family house, a manufactured home, or a duplex.

Existing Use:

The property currently sits vacant. Neighboring properties include a manufactured home to the north and a double wide mobile home to the south. There are other double wide mobile homes along the street as well as duplexes and single-wide mobile homes. Staff believes that the existing uses along Bonnie are mixed currently and rezoning the subject property to R-MU would not likely have any adverse impacts on existing land use in the neighborhood.

Zoning:

Current zoning for the property is R-1(M) (One-Family Manufactured Home Dwelling District). Adjacent and surrounding zoning includes R-1 (One-Family Home Dwelling District) and R-2 (Two Family Dwelling District). Based on the City's zoning map, there are many lots zoned R-1 in the neighborhood. However, after site investigation, it appears the majority of residences are existing non-conforming (trailer homes, manufactured homes, and duplexes). Taking into consideration the existing uses in the neighborhood, the proposed rezoning from R-1(M) to R-MU district will not likely have any adverse effects on the surrounding zoning districts.

Future Land Use:

The subject property is currently located in an area designated as Mixed Residential. Per the 2007 Comprehensive Plan the Mixed Residential land use calls for stick-built single family homes, manufactured housing, and duplexes. The proposed rezoning from R-1(M)

to R-MU will allow for the construction of all the dwelling types outlined within the Mixed Residential Land Use. The proposed rezoning and intended use would therefore be consistent with the 2007 City of Harker Heights Comprehensive Plan.

Flood Damage Prevention:

No portion of this property lies within the 100 year or 500 year flood hazard areas.

Notices:

Staff sent out sixty-one (61) notices to property owners within the 400 foot notification area. Two (2) responses were received in favor of the request, and zero (0) responses were received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of an ordinance to change zoning designation from R-1(M) (One-Family Manufactured Home Dwelling District) to R-MU (Mixed Use Residential District) on property described as Kern Acres 1st extension and revision, Block 003, Lot 0005, Bell County, Texas, Property ID# 131803 also known as 401 Bonne Drive based on the following;

1. The rezoning request is consistent with the Future Land Use Plan.
2. The proposed use would not likely have any adverse impact on adjoining uses.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to approve/disapprove an ordinance to change zoning designation R-1(M) (One-Family Manufactured Home Dwelling District) to R-MU (Mixed Use Residential District) on property described as Kern Acres 1st extension and revision, Block 003, Lot 0005, Bell County, Texas, Property ID# 131803 also known as 401 Bonnie Drive based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Location Map
3. Zoning Map
4. Existing Land Use Map
5. Future Land Use Map
6. Notification Area Map
7. Citizen Responses



Application Fee \$ 200.00

City of Harker Heights
Planning & Development
305 Millers Crossing
Harker Heights, TX 76548
Phone: 254-953-5600

CITY OF HARKER HEIGHTS RE-ZONING REQUEST APPLICATION

PROPERTY OWNER'S NAME: Steven Chavez

ADDRESS: 326 S. Cedar Ridge Circle

CITY/STATE/ZIP: Robinson, TX 76706 PHONE: (254) 258-4243

LOCATION OF PROPERTY: 401 Bonnie Dr. Harker Heights, TX

LEGAL DESCRIPTION OF PROPERTY:

PARCEL #: 131803

LOT: 0005 BLOCK: 003 SUBDIVISION: Kern Acres 1st Extension and Revision

NUMBER OF ACRES: _____ SURVEY: _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and/or a complete legal field note description.

PROPOSED USE: Duplex

CURRENT ZONING: R1M PROPOSED ZONING: RMU

CURRENT LAND USE: _____ PROPOSED LAND USE IN PLAN: _____

I, being the undersigned applicant, understand that failure to appear to represent a request shall be deemed a request to withdraw the proposal, or _____ will represent the owner.

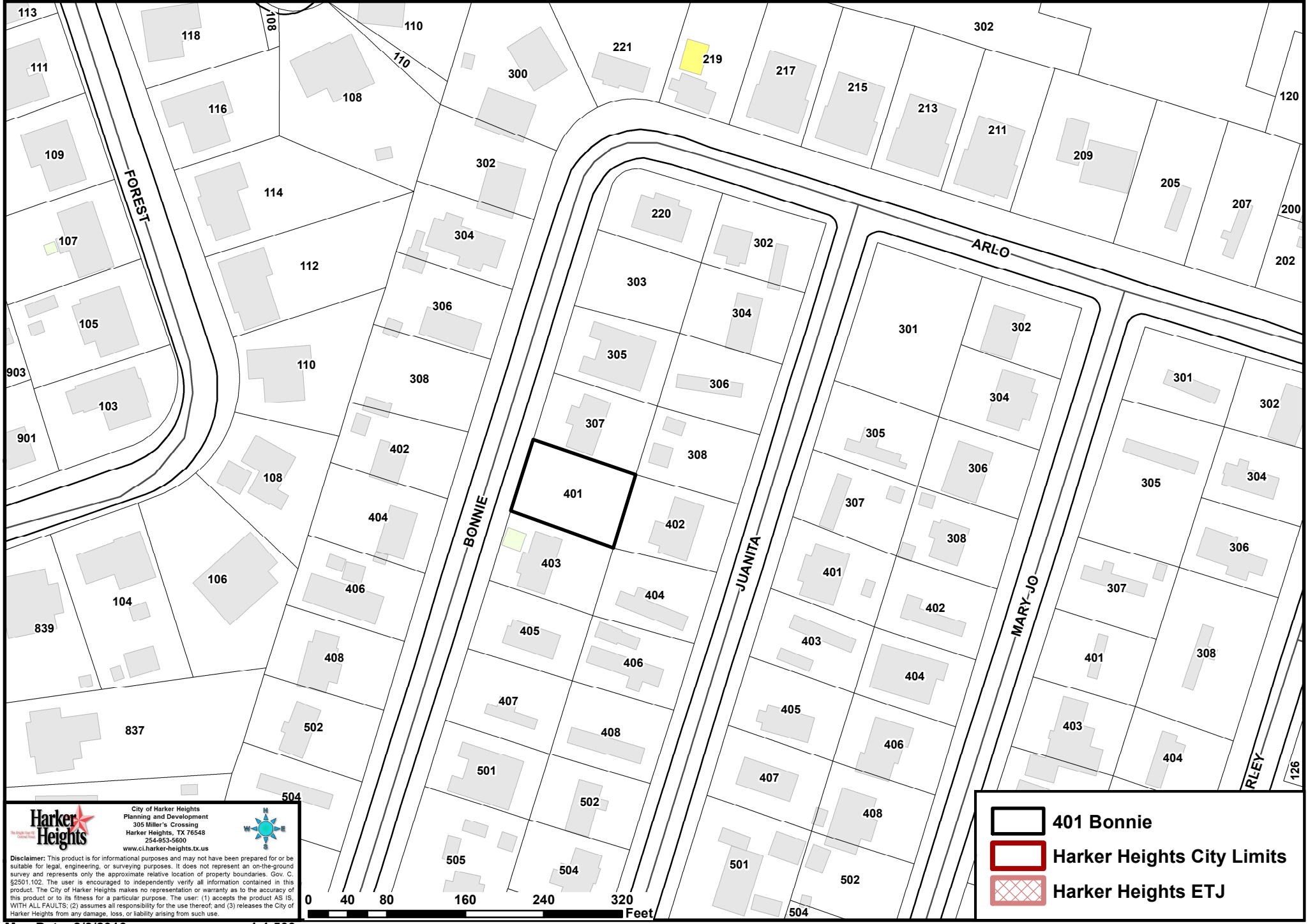
Steven Chavez
Printed Name of Property Owner

Steven Chavez
Signature of Property Owner

8 July 2016
Date




401 Bonnie

Location



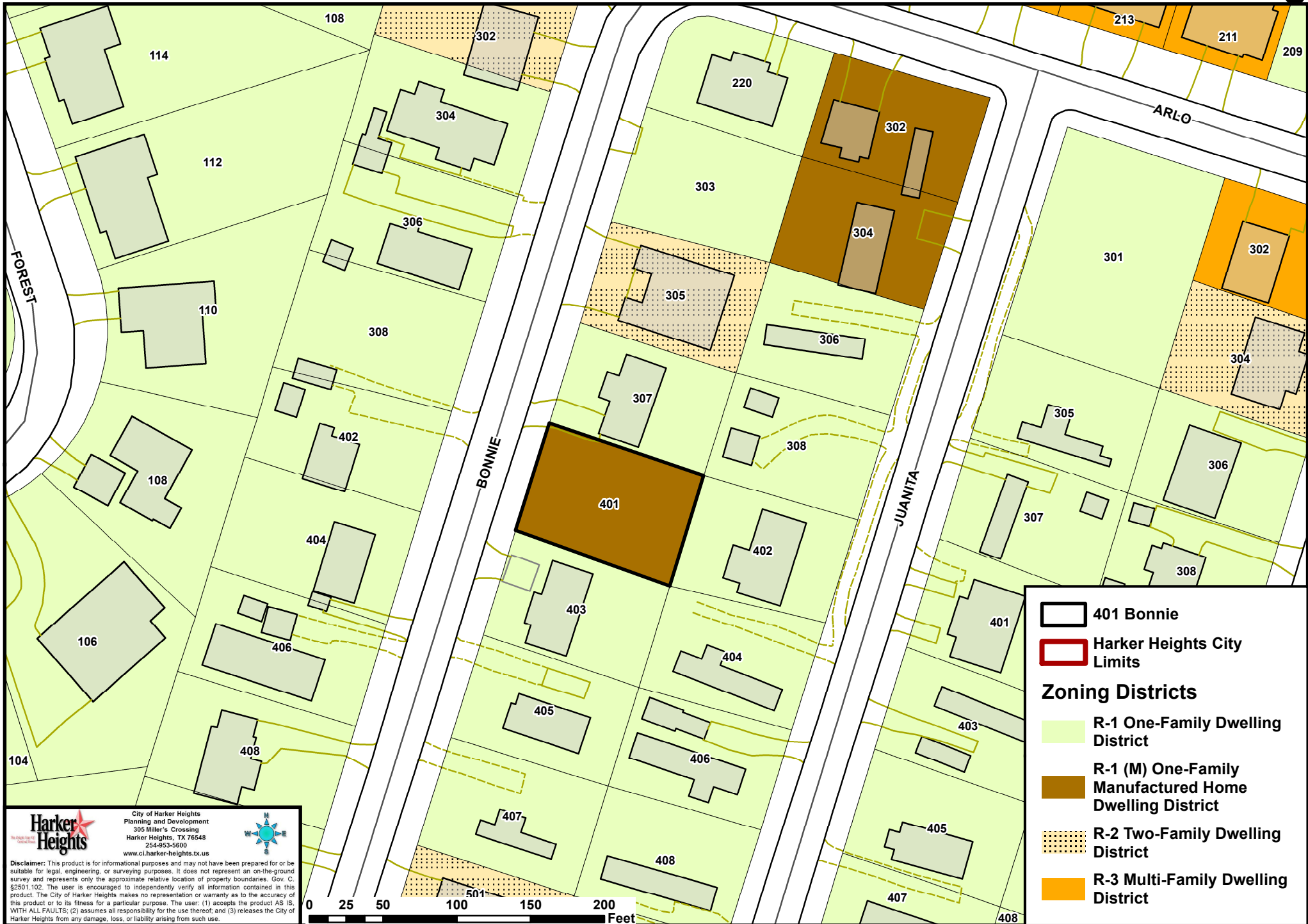
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 401 Bonnie
 Harker Heights City Limits
 Harker Heights ETJ

Map Date: 8/3/2016

1:1,500



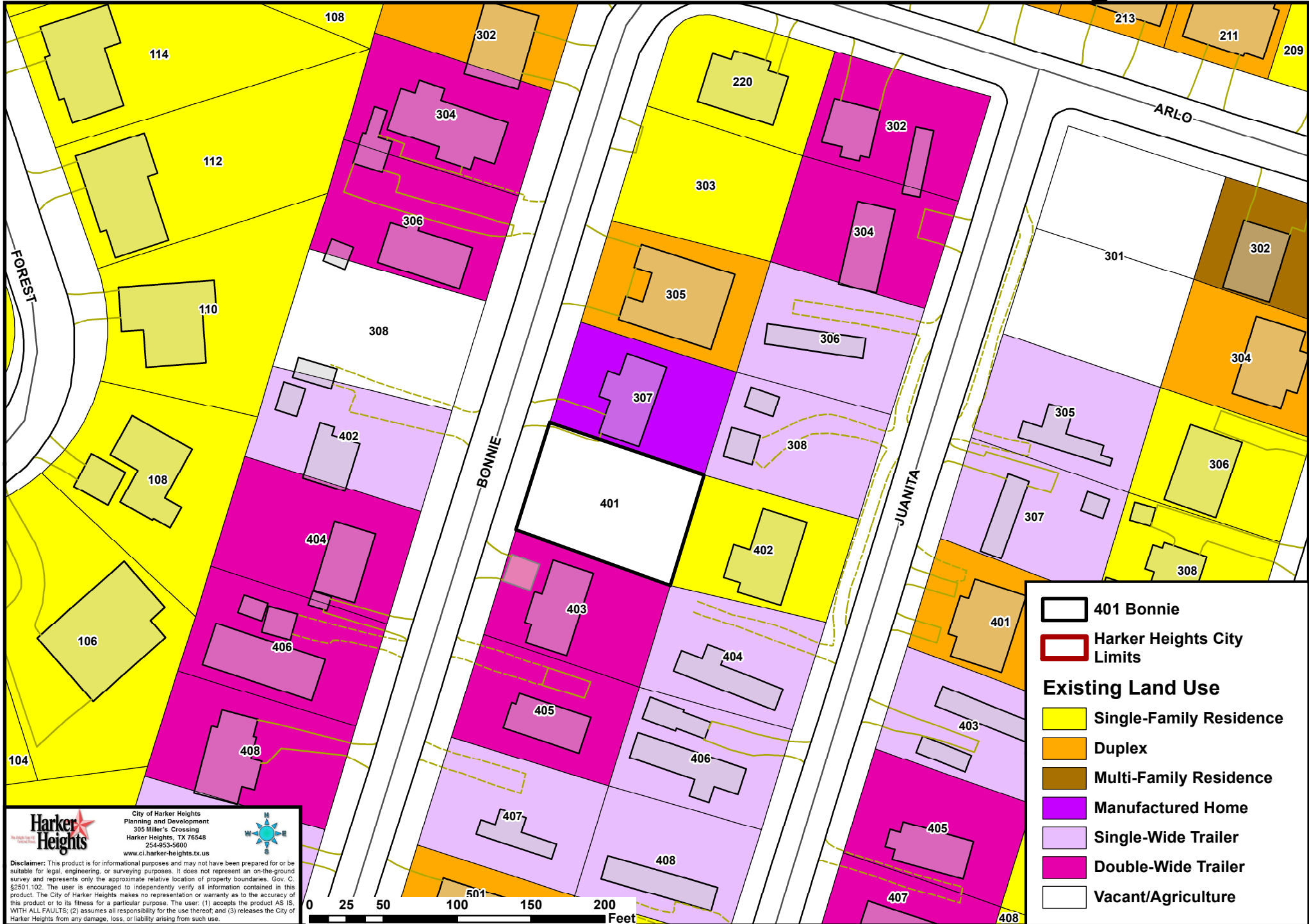
Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-853-5600
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Map Date: 8/23/2016 1:1,000

401 Bonnie

Existing Land Use



401 Bonnie

Harker Heights City Limits

Existing Land Use

- Single-Family Residence
- Duplex
- Multi-Family Residence
- Manufactured Home
- Single-Wide Trailer
- Double-Wide Trailer
- Vacant/Agriculture

Harker Heights

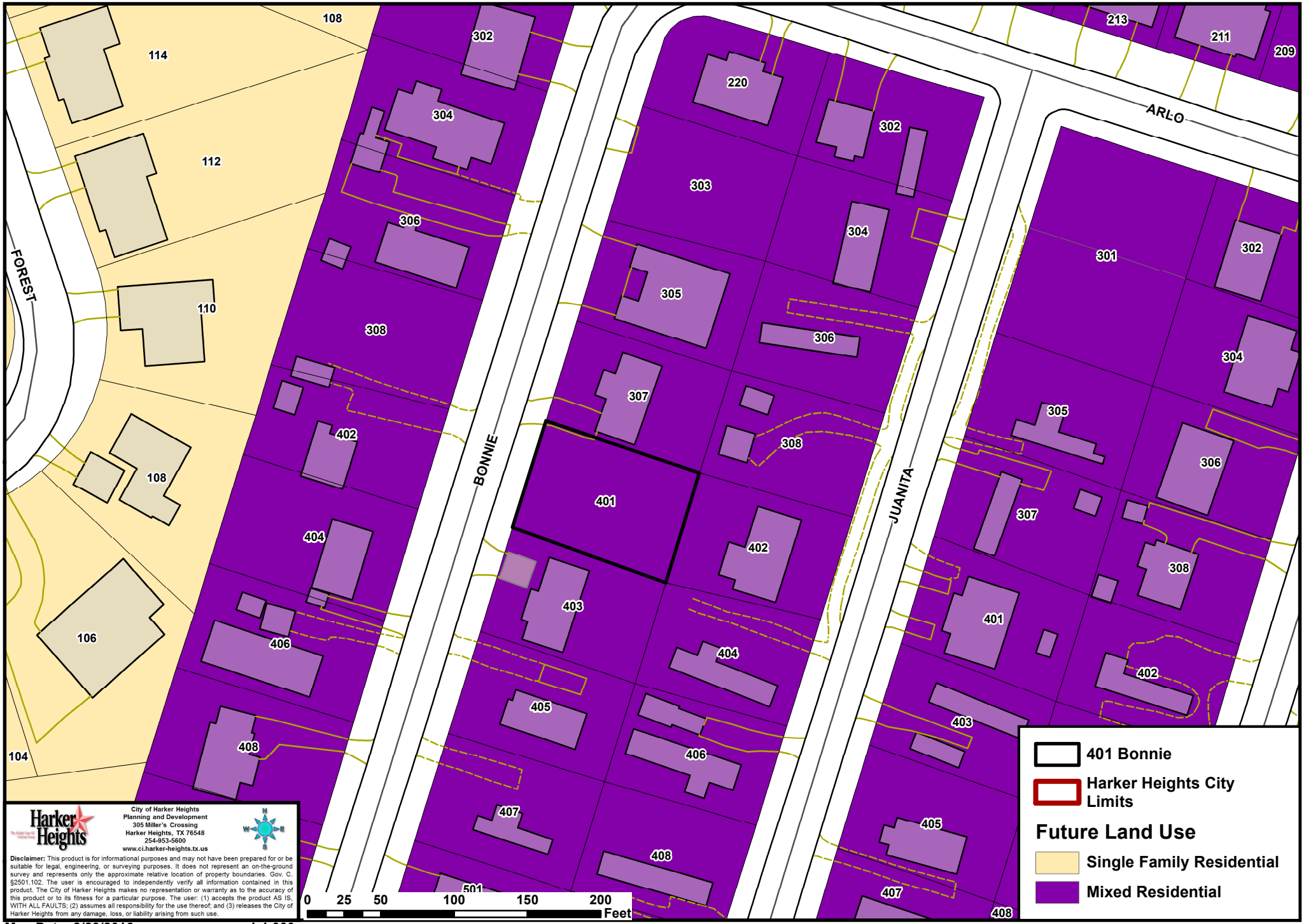
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Map Date: 8/23/2016 1:1,000

401 Bonnie

Future Land Use



Harker Heights
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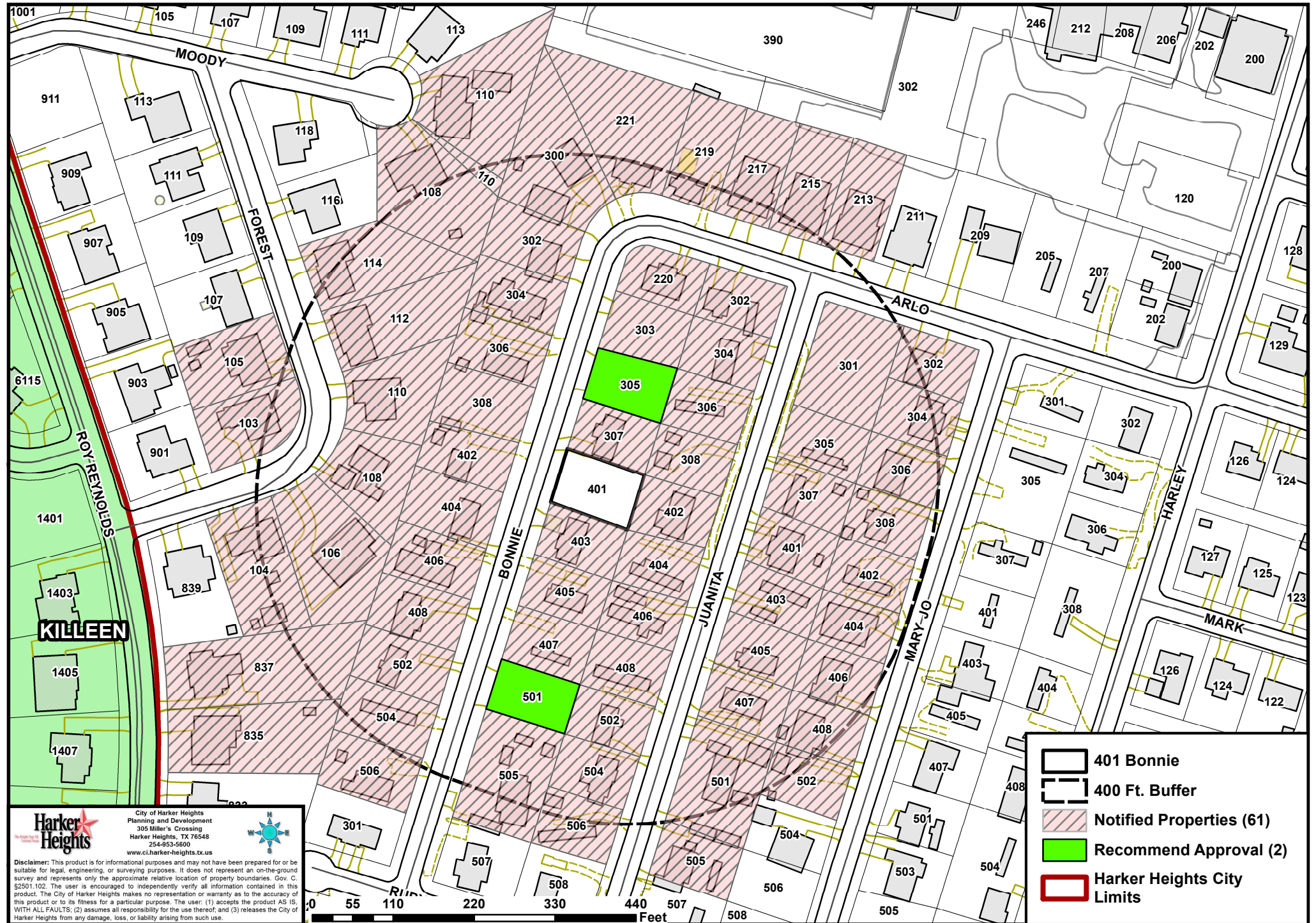
0 25 50 100 150 200 Feet

Map Date: 8/23/2016

1:1,000





401 Bonnie

Notification



Harker Heights
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-  401 Bonnie
-  400 Ft. Buffer
-  Notified Properties (61)
-  Recommend Approval (2)
-  Harker Heights City Limits

Map Date: 8/23/2016

1:2,000

0 55 110 220 330 440 507 508 Feet

TO: City of Harker Heights

FROM: TIM BOOSE - BOOSE PROPERTIES
305-501 BONNIE

(Address of Your Property that Could Be **Impacted** by this Request)

RE: Request granting a rezoning request from R-1(M) (One-Family Manufactured Home Dwelling District) to R-MU (Mixed Use Residential District) for the property described as KERN ACRES 1ST EXTENSION & REVISION, BLOCK 003, LOT 0005, Bell County, Texas, Property ID#131803 known as 401 Bonnie Drive has been received. (See attached location map)

- I RECOMMEND APPROVAL OF THE REQUEST
- I RECOMMEND DENIAL OF THE REQUEST

Comments:

TIM BOOSE
Printed Name

Tim Boose
Signature

8/19/14
Date



PLANNING AND ZONING COMMISSION MEMORANDUM

Z16-15 AGENDA ITEM VI-3

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: AUGUST 31, 2016

DISCUSS AND CONSIDER AN ORDINANCE TO CHANGE ZONING DESIGNATION FROM R-1 (ONE-FAMILY HOME DWELLING DISTRICT) TO R-MU (MIXED USE RESIDENTIAL DISTRICT) ON PROPERTY DESCRIBED AS KERN ACRES 1ST EXTENSION & REVISION, BLOCK 005, LOT 0014, BELL COUNTY, TEXAS PROPERTY ID# 10560 ALSO KNOWN AS 304 HARLEY DRIVE.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R-MU (Mixed Use Residential District) at 304 Harley Drive. Prior to the rezone request, the lot was occupied by a manufactured home and existed as a non-conforming use. The manufactured home has since been removed and the current owner wishes to rezone the vacant lot to a zone more accommodating to various types of residences. Within R-MU the applicant can choose to have a single-family house, a manufactured home, or a duplex.

Existing Use:

The property currently sits vacant. Neighboring properties include double wide and single wide trailer homes as well as single family residences across the street. Staff believes that the variation in residential uses currently existing in the neighborhood would be complimentary to the proposed use. Staff therefore believes the proposed rezoning with its intended use will not likely have any adverse impact on existing land uses in the neighborhood.

Zoning:

Current zoning for the property is R-1 (One-Family Dwelling District). Adjacent and surrounding zoning includes R-1 (One-Family Dwelling District) to the north and south of the properties, R-MU (Mixed Use Residential) to the west and R-1 to the east of the property. According to the City's zoning map there are many lots zoned R-1 in the neighborhood, but after site investigation, it appears the majority of homes are existing non-conforming (trailer homes, manufactured homes, and duplexes). Taking into consideration the existing uses in the neighborhood, the proposed rezoning from R-1 to R-MU district will not likely have any adverse effects on the surrounding zoning districts.

Future Land Use:

The subject property is currently located in an area designated as Mixed Residential. Per the 2007 Comprehensive Plan the Mixed Residential land use calls for stick-built single family homes, manufactured housing, and duplexes. The proposed rezoning from R-1 to

R-MU will allow for the construction of all the dwelling types outlined within the Mixed Residential Land Use. The proposed rezoning and intended use would therefore be consistent with the 2007 City of Harker Heights Comprehensive Plan.

Flood Damage Prevention:

No portion of this property lies within the 100 year or 500 year flood hazard areas.

Notices:

Staff sent out fifty-one (51) notices to property owners within the 400 foot notification area. Three (3) responses were received in favor of the request, and one (1) response was received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-MU (Mixed Use Residential District) on property described as Kern Acres 1st extension and revision, Block 005, Lot 0014, Bell County, Texas, Property ID# 10560 also known as 304 Harley Drive based on the following;

1. The rezoning request is consistent with the Future Land Use Plan.
2. The proposed use would not likely have any adverse impact on adjoining uses.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to approve/disapprove an ordinance to change zoning designation R-1 (One-Family Dwelling District) to R-MU (Mixed Use Residential District) on property described as Kern Acres 1st extension and revision, Block 005, Lot 0014, Bell County, Texas Property ID# 10560 also known as 304 Harley Drive based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Location Map
3. Zoning Map
4. Existing Land Use Map
5. Future Land Use Map
6. Notification Area Map
7. Citizen Response



Application Fee \$ 200.00

City of Harker Heights
Planning & Development
305 Millers Crossing
Harker Heights, TX 76548
Phone: 254-953-5600

CITY OF HARKER HEIGHTS RE-ZONING REQUEST APPLICATION

PROPERTY OWNER'S NAME: Steven Chavez

ADDRESS: 326 S. Cedar Ridge Circle

CITY/STATE/ZIP: Robinson, TX 76706 PHONE: (254) 258-4243

LOCATION OF PROPERTY: 304 S. Harley Drive, Harker Heights, TX

LEGAL DESCRIPTION OF PROPERTY:

PARCEL #: 10560

LOT: 0014 BLOCK: 005 SUBDIVISION: Kern Acres 1st Extension and Revision

NUMBER OF ACRES: _____ SURVEY: _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and/or a complete legal field note description.

PROPOSED USE: Duplex

CURRENT ZONING: R1 PROPOSED ZONING: RMU

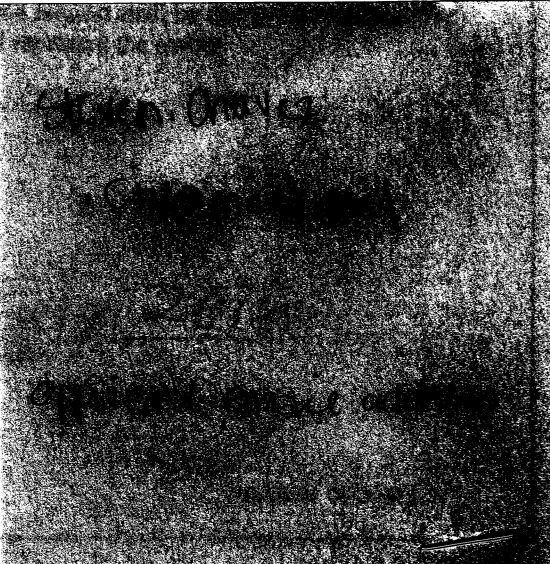
CURRENT LAND USE: _____ PROPOSED LAND USE IN PLAN: _____

I, being the undersigned applicant, understand that failure to appear to represent to withdraw the proposal, or _____ will _____

Steven Chavez
Printed Name of Property Owner

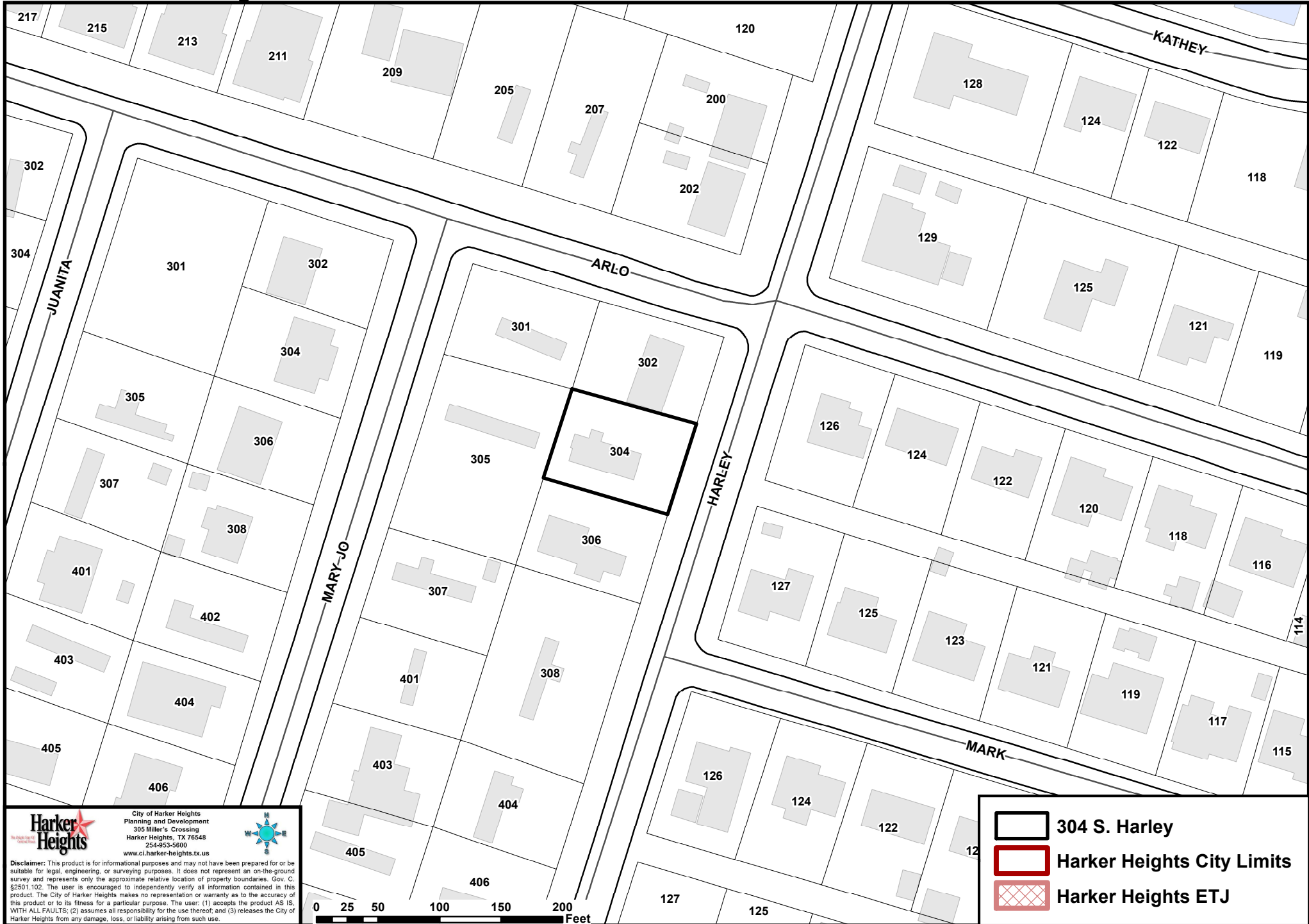
Steven Chavez
Signature of Property Owner

85
1



304 S. Harley

Location

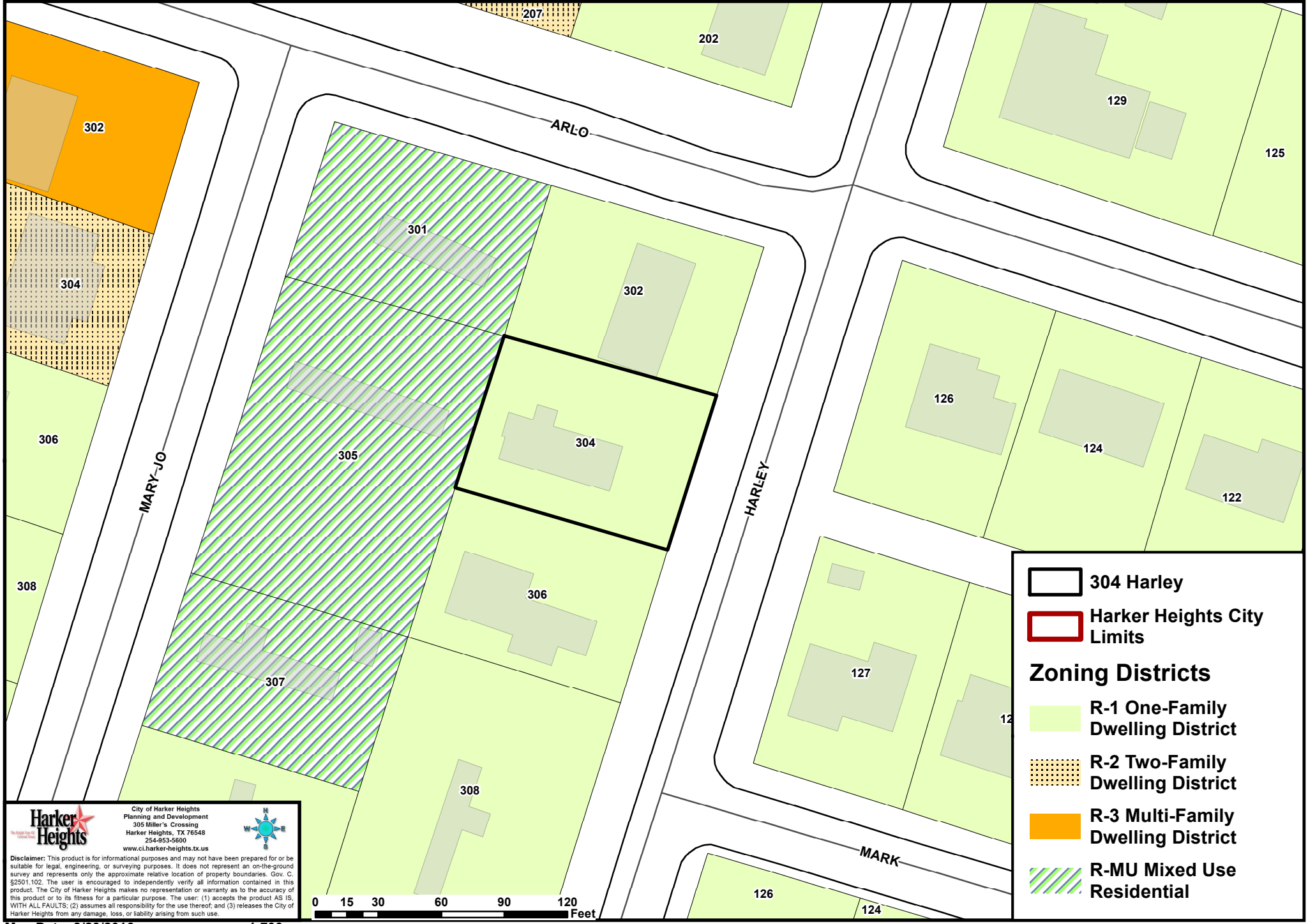


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Map Date: 8/3/2016

1:1,200



304 Harley

Harker Heights City Limits

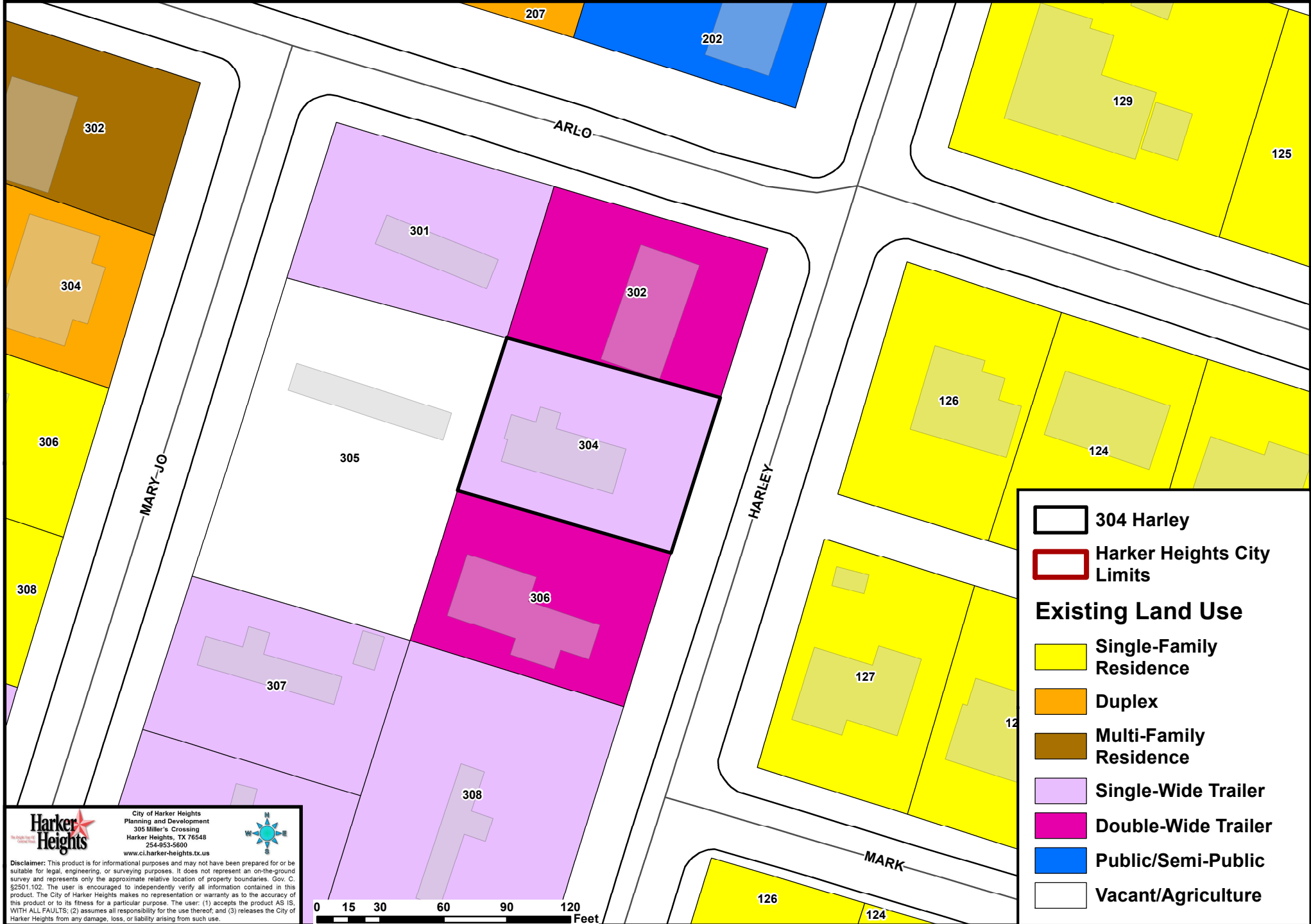
Zoning Districts

- R-1 One-Family Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District
- R-MU Mixed Use Residential

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Map Date: 8/23/2016 1:700



304 Harley

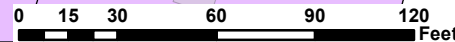
Harker Heights City Limits

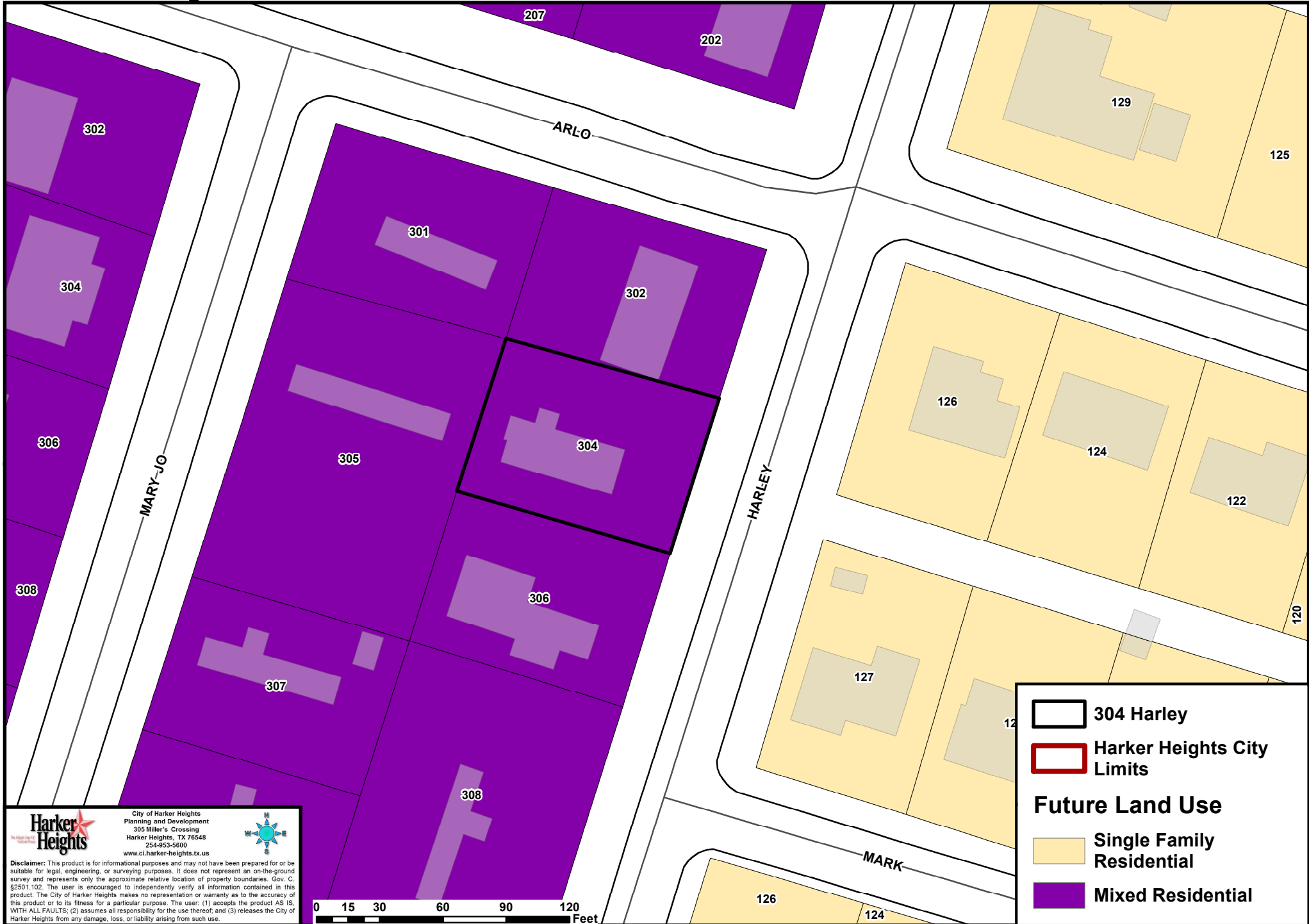
Existing Land Use

- Single-Family Residence
- Duplex
- Multi-Family Residence
- Single-Wide Trailer
- Double-Wide Trailer
- Public/Semi-Public
- Vacant/Agriculture

Harker Heights
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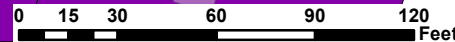
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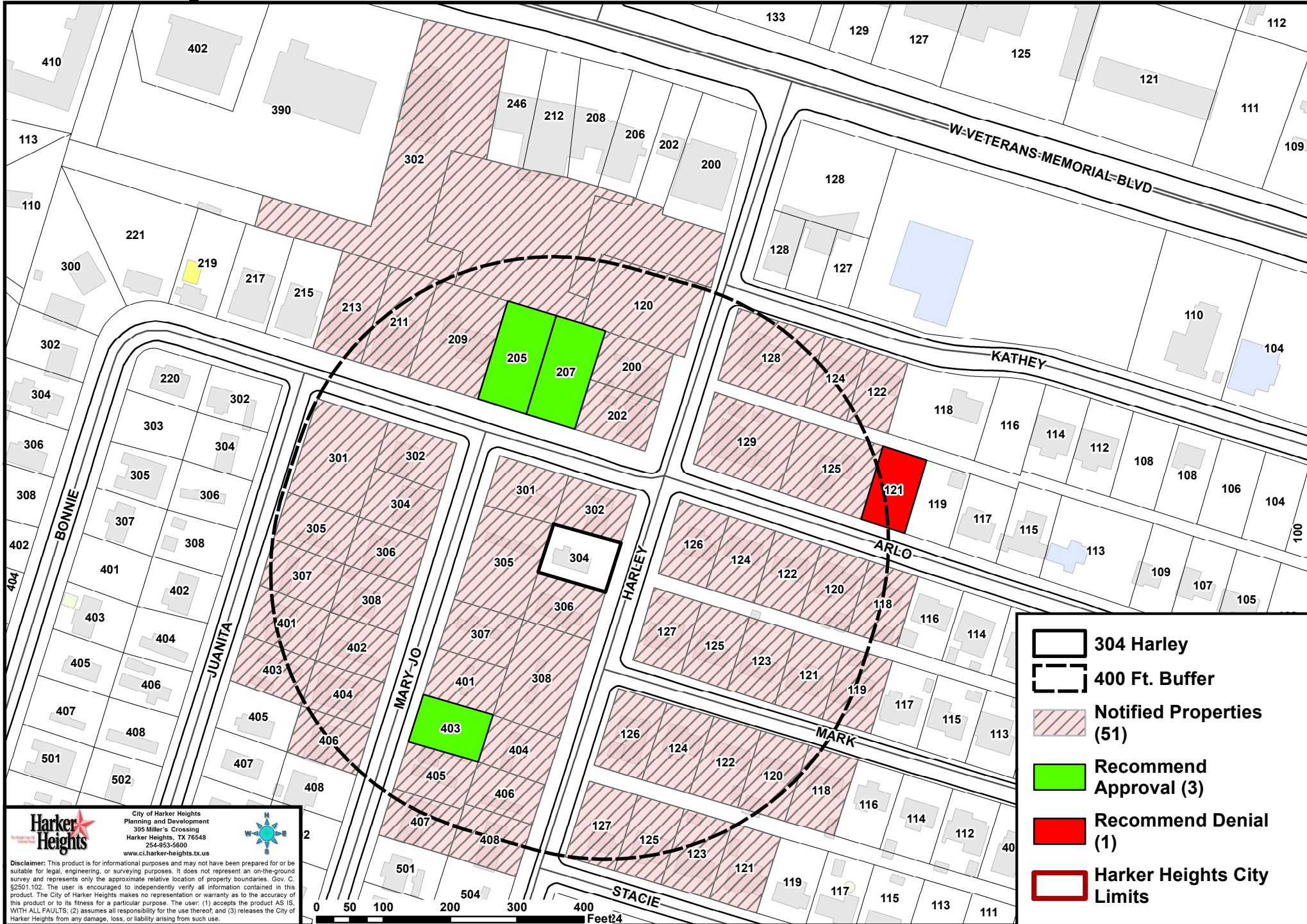
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304 Harley

Notification

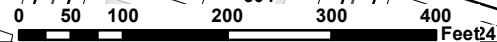


-  304 Harley
-  400 Ft. Buffer
-  Notified Properties (51)
-  Recommend Approval (3)
-  Recommend Denial (1)
-  Harker Heights City Limits

Harker Heights
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Map Date: 8/25/2016 1:2,210



Received

AUG 19 2016

Planning & Development

TO: **City of Harker Heights**

FROM:

TIM Boose - Boose Properties
(403) Mary Jo & Arlo (205/207)
(Address of Your Property that Could Be **Impacted** by this Request)

RE: An application has been made to consider recommending a rezoning request from R-1 (One-Family Home Dwelling District) to R-MU (Mixed Residential Dwelling District) for the property described as KERN ACRES 1ST EXTENSION & REVISION, BLOCK 005, LOT 0014, Bell County, Texas Property ID # 10560 known as 304 Harley Drive. (See attached location map)

- I RECOMMEND APPROVAL OF THE REQUEST
- I RECOMMEND DENIAL OF THE REQUEST

Comments:

Tim Boose
Printed Name

[Signature]
Signature

8/19/16
Date

TO: City of Harker Heights

FROM: Ernestine Ploeger
121 W. Aledo Rd
(Address of Your Property that Could Be **Impacted** by this Request)

RE: An application has been made to consider recommending a rezoning request from R-1 (One-Family Home Dwelling District) to R-MU (Mixed Residential Dwelling District) for the property described as KERN ACRES 1ST EXTENSION & REVISION, BLOCK 005, LOT 0014, Bell County, Texas Property ID # 10560 known as 304 Harley Drive. (See attached location map)

- I RECOMMEND APPROVAL OF THE REQUEST
- I RECOMMEND DENIAL OF THE REQUEST

Comments:

I have lived on Aledo for over 50 years
with single homes. I see no need
to change now. ~~Change~~ ~~Change~~
~~now~~ This would be the start of
allowing for the possibility of apartment which
we have enough of in H. H. now. People
don't care for their yards & seem to
move in and out more in ~~small~~ mixed
Dwelling. Need to spend more time in cleaning
up area instead of adding to. Example mixed
apartment on the south end of that same block.

ERNESTINE
Printed Name PLOEGER

Ernestine Ploeger
Signature

Aug 20 - 2016
Date



PLANNING AND ZONING COMMISSION MEMORANDUM

AGENDA ITEM VI-4

FROM: THE OFFICE OF THE PLANNING DIRECTOR

DATE: AUGUST 31, 2016

DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) FOR A TELECOMMUNICATION TOWER ON PROPERTY DESCRIBED AS HEIGHTS COMMERCIAL SUBDIVISION, BLOCK 002, LOT 0003, IN THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, PROPERTY ID# 47731 ALSO KNOWN AS THE EXTRACO BANK BUILDING LOCATED AT 100 W. CENTRAL TEXAS EXPRESSWAY.

EXPLANATION:

The applicant is requesting a Conditional Use Permit (CUP) for the purpose of continuing the use of a low impact telecommunication tower mounted on top of the Extraco Bank Building located at 100 West Central Texas Expressway. The low impact communication tower is already mounted and is being used by the Sounds of Gospel Network for their radio broadcasting in forms of education, health and nutrition, family values, community news and updates. Per the site plan provided by the applicant, the tower is approximately 27 feet in height. It is mounted on the roof of the Extraco Bank Building which is currently 38 feet in height. The Broadcasting License of KRGN LPFM was granted by the Federal Communications Commission (FCC) as a low power broadcasting apparatus to serve local communities.

JUSTIFICATION FOR THE CUP REQUEST

The 27' low impact communication tower was erected and functioning without the proper permit from the City of Harker Heights, even though it had all the necessary federal permits and authorizations. The City informed the applicant of the violation once it was discovered. The applicant then applied for a permit to allow a radio tower to be located at 100 W. CTE.

On June 28, 2015 the city responded to the permit request and informed the applicant the request had been denied based on Section 157.11 of the City's Code of Ordinances, which states that:

*No wireless communication facility shall encroach upon the height limits, if applicable, of airport hazard zones. In no case shall a freestanding tower exceed a height of 150 feet, except where a height variance is granted by the Planning and Zoning Commission in accordance with its then-current procedures upon a demonstration of a hardship by the applicant that can only be remedied by location of the facility on the proposed site within the city limits. **Antennas mounted as an accessory on top of a building, water tower, lighting standard, electric utility transmission tower, or other tall structure having another primary function shall not extend more than 15 feet above the highest point of the structure as measured from the average ground level around the structure.***

Subsequently the applicant met with city staff to find an alternative way to allow the communication tower since the radio station was already functioning. Staff informed the applicant that a conditional use application would be the only alternative.

The Extraco building, which is being used as a mount for the communication tower, is located in a B-5 (General Business District) zoning district. The maximum height allowed for any structure or development in the B-5 zoning district is 75 feet. The Extraco building is 38 feet high, an additional tower height of 27 feet will not exceed the maximum 75 feet height allowed in the B-5 zoning district. However Section 157.11 limits the antenna's height to 15 feet, and the antenna on the Extraco building is 27 feet tall. Even though the addition of the tower to the building will not create a height beyond what is allowed in the B-5 zoning district, a conditional use permit is recommended to allow the tower to extend beyond the required 15' height stated in Section 157.11.

The applicant has submitted the attached application along with its supporting documents as stipulated in Section 157.05 in the City's Code of Ordinance.

EXISTING USE

The property located at 100 W CTE (Extraco Building) is a three store office building. KRGV 98.5 FM radio station that utilizes the communication tower is located in the building. The property is located in a commercial hub with offices, retail businesses and other commercial uses. The Federal Communications Commission (FCC) and Federal Aviation Authority (FAA) have standard safety protocols that the applicant has met. The communication tower is a low impact tower that is expected not to have any safety or adverse effect on humans, uses, and the environment. Further, there is already an existing non-conforming antenna on the Extraco building. Staff therefore believes the low impact communication tower will likely not have any significant impact on surrounding land uses.

ZONING

Current zoning designation for the property is B-5 (General Business District). All surrounding uses are zoned the same. Communications towers are permitted in the B-5 zone with a conditional use permit per section 155.032, of the city code of ordinances. The tower will not exceed the maximum height allowed in the zoning district. The proposed development, if approved, would not violate the zoning regulations of the B-5 district. It will not alter the use and zoning of the property, and will therefore not likely have any adverse impacts on the surrounding zones.

FUTURE LAND USE

Future land use for the property is designated as Commercial. Surrounding properties are also designated as Commercial. The proposed use will maintain the character, appearance and zoning of the property and does not conflict with the intent of the Commercial designation for the property as stipulated in the 2007 Comprehensive Plan.

FLOOD DAMAGE PREVENTION

No part of this property lies within flood hazard areas.

NOTICES:

Staff sent out twenty-four (24) notices to property owners within the 400 foot notification area. There were zero (0) response received in favor of the request and two (2) responses received in opposition of the request.

RECOMMENDATION:

Staff has no recommendation for an ordinance granting a Conditional Use for a telecommunication tower on property described as HEIGHTS COMMERCIAL SUBDIVISION, BLOCK 002, LOT 0003, in the City of Harker Heights, Bell County, Texas, Property ID# 47731 also known as the Extraco Bank Building located at 100 W. Central Texas Expressway, except that if approved, all development regulations in the Code of Ordinances will apply to include:

1. The maximum height of the building and tower combined should not exceed 75 feet and
2. No sign can be placed on the antenna.

ACTION TAKEN BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend/not recommend ordinance granting a Conditional Use Permit for a telecommunication tower on property described as HEIGHTS COMMERCIAL SUBDIVISION, BLOCK 002, LOT 0003, in the City of Harker Heights, Bell County, Texas, Property ID# 47731 also known as the Extraco Bank Building located at 100 W. Central Texas Expressway.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application and Supporting Documents
2. Chapter 157, Broadcasting and Telecommunication Towers
3. Location Map
4. Existing Land Use Map
5. Zoning Map
6. Future Land Use Map
7. Notification Area Map
8. Citizen Responses



CONDITIONAL USE PERMIT APPLICATION

Fee \$ 200.00

PROPERTY OWNER(S) NAME: Sounds of Gospel Network

ADDRESS: 100 West Central Texas Expressway STE 307

CITY/STATE/ZIP: Harker Heights, TX 76548 PHONE: 254.432.8176

LOCATION OF PROPERTY: Sounds of Gospel Network Killeen/Harker Heights

LEGAL DESCRIPTION OF PROPERTY:

LOT: _____ BLOCK: _____ SUBDIVISION: _____

NUMBER OF ACRES: _____ SURVEY: _____

For properties not in a recorded subdivision, submit a copy of a current survey or plat showing the properties proposed to be changed, and/or a complete legal field note description.

PROPOSED USE: KRGN LPFM 36' Tower & Antenna Site

ATTACH A LETTER describing all processes and activities involved with the proposed uses.

ATTACH A SITE PLAN including the information described below. The plan must be drawn to scale.

Boundaries of the area covered by the site plan:

Location of each existing and proposed building and structures in the area covered, gross floor area and location of building entrances and exits.

I, being the undersigned applicant, understand that all of the conditions, dimensions, building sizes, and parking areas depicted on the site plan shall be adhered to as amended and approved by the City Council.

I, being the undersigned applicant, understand that failure to appear to represent a request shall be deemed a request to withdraw the proposal, or RODNEY GILCHRIST will represent the owner.
TAMECIA GHALE


Signature of Property Owner

8.10.2014
Date

Signature of Designated Representative

Date

Prosperity Broadcasting

100 West Central Texas Expressway

Suite 307

Harker Heights, TX 76548

(254-432-8176)

August 17, 2016

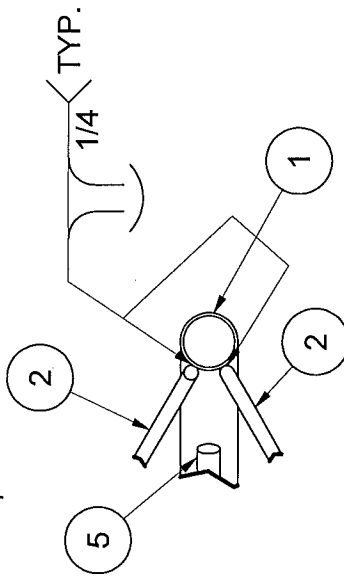
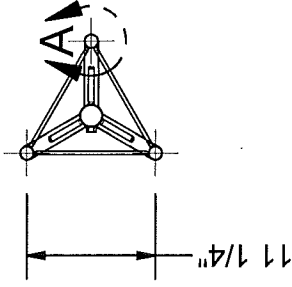
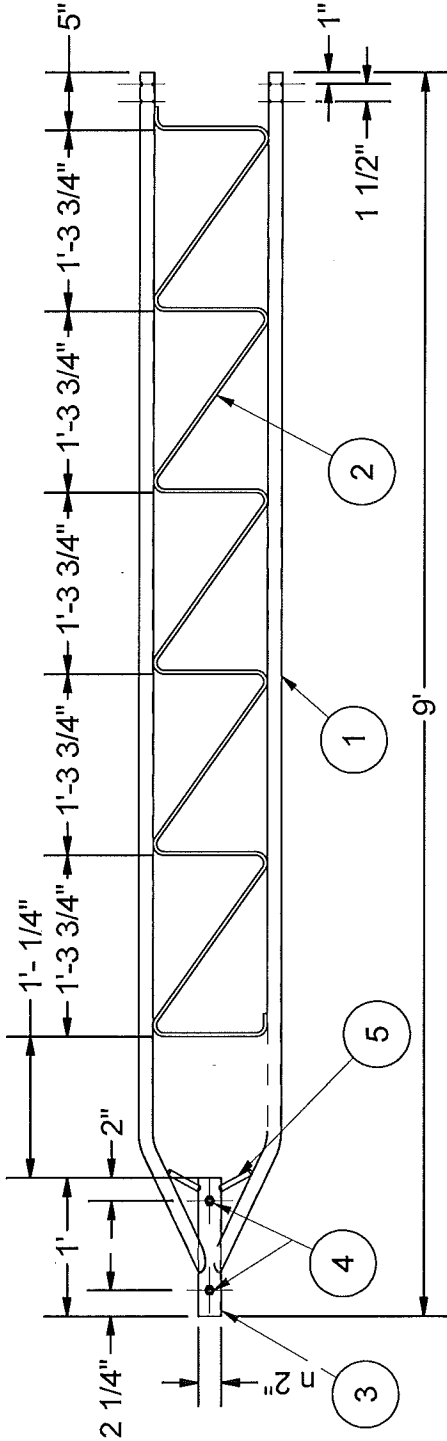
Director of Planning and Development
City of Harker Heights
305 Miller's Crossing
Harker Heights, TX 76548

Dear Mr. J. Molis,

This letter is to describe all processes and activities involved with the proposed use of the broadcasting tower of KRGN LPFM. We are seeking special permission from the city of Harker Heights, TX to erect an light weight no glare tower. The Building and tower will not exceed 75 feet at any time, the tower will not exceed 30 feet on the roof of the Extraco Bank Building. . The broadcasting uses of the tower will be in forms of education, health and nutrition, family values, community news and updates, and financial stability. The broadcasting License of KRGN LPFM was granted by the FCC as a low power broadcasting apparatus to serve our local community. We thank you in advance for working with us.



Sincerely,
Mr. Rondal E. Grace
Vol. Program Director



DETAIL A

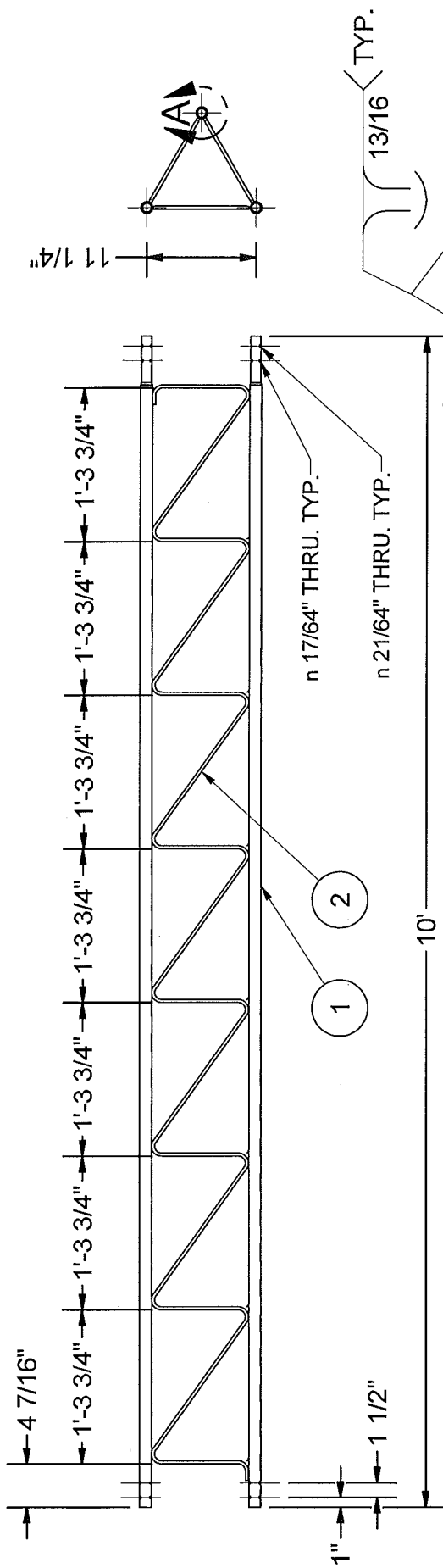
AMERICAN TOWER COMPANY
 ISO 9001-2000
 P.O. Box 29 Shelby, Ohio 44875
 Telephone (419) 347-1185 info@amertower.com
 Fax (419) 347-1654 www.amertower.com
 Since 1953

TITLE
 AMERITE 25 TRB TOP SECTION

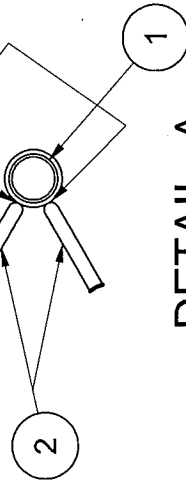
SIZE	DWG NO	REV
A	1178	
DRAWN BY: DOW		DATE 4/9/2004

ITEM	QTY	PART NUMBER	DESCRIPTION
5	3		STIFFENER
4	2	ANSI B18.2.2 - 1/2 - 13	Hex Nut
3	1	1172	CENTER TUBE
2	3	1161	BENT STIFFENER
1	3	1178	TOWER LEG
Parts List			





DETAIL A



AMERICAN TOWER COMPANY

ISO 9001-2000

P.O. Box 29 Shelby, Ohio 44875

info@amertower.com

www.amertower.com

Telephone

(419) 347-1185

Fax

(419) 347-1654

TITLE

AMERITE 25 MID-SECTION

ITEM	QTY	PART NUMBER	DESCRIPTION
2	3	1157	BENT STIFFENER
1	3	1174	TOWER LEG
Parts List			

SIZE	DWG NO	REV
A	1177	
DRAWN BY:	DOW	DATE
		4/7/2004





United States of America
FEDERAL COMMUNICATIONS COMMISSION
LOW POWER FM STATION LICENSE

Official Mailing Address:

SOUNDS OF GOSPEL RADIO INC
100 CENTRAL TEXAS EXPRESSWAY
HARKER HEIGHTS TX 76548

Facility Id: 194986

Call Sign: KRGN-LP

License File Number: BLL-20150713AAB

This license covers permit no.: BMPL-20141201ANR

Authorizing Official:

Penelope A. Dade

Penelope A. Dade

Supervisory Analyst

Audio Division

Media Bureau

Grant Date: July 20, 2015

This license expires 3:00 a.m.
local time, August 01, 2021.

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.



United States of America
FEDERAL COMMUNICATIONS COMMISSION
LOW POWER FM STATION LICENSE

Authorizing Official:

Official Mailing Address:

SOUNDS OF GOSPEL RADIO INC
100 CENTRAL TEXAS EXPRESSWAY
HARKER HEIGHTS TX 76548

Penelope A. Dade
Supervisory Analyst
Audio Division
Media Bureau

Grant Date: July 20, 2015

Facility Id: 194986

Call Sign: KRGH-LP

This license expires 3:00 a.m.
local time, August 01, 2021.

License File Number: BLL-20150713AAB

This license covers permit no.: BMPL-20141201ANB

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

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Name of Licensee: SOUNDS OF GOSPEL RADIO INC

Station Location: TX-KILEEN

Frequency (MHz): 98.5

Channel: 253

Class: LP100

Hours of Operation: Unlimited

Transmitter: Type Certified. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: 0.202 kW

Antenna type: Non-Directional

Description: NIC BKG77

Antenna Coordinates: North Latitude: 31 deg 04 min 09 sec

West Longitude: 97 deg 40 min 09 sec

Effective radiated power (Watts): 79

Height of radiation center above ground (Meters): 18

Height of radiation center above mean sea level (Meters): 277

Height of radiation center above average terrain (Meters): 34

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 18 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***



COMMUNICATIONS STRETCH SUMMARY

SUMMARY OF COVERAGE LIMITS

This is a summary of the Coverages and the Limits of Insurance provided by the Communications Stretch Coverage form SS 40 04 which is included in this policy. No coverage is provided by this summary. Refer to coverage form SS 40 04 to determine the scope of your insurance protection.

The Limit of Insurance for the following Additional Coverages are in addition to any other limit of insurance provided under this policy:

Coverage	Limit
Accounts Receivable – On/Off-Premises	\$ 25,000
Brands and Labels	Up to Business Personal Property Limit
Claim Expenses	\$ 10,000
Computer Fraud	\$ 5,000
Computers and Media	\$ 25,000
Debris Removal	\$ 25,000
Employee Dishonesty (including ERISA)	\$ 10,000
Fine Arts	\$ 10,000
Forgery	\$ 10,000
Laptop Computers – Worldwide Coverage	\$ 5,000
Off-Premises Utility Services – Direct Damage	\$ 10,000
Outdoor Signs	Full Value
Pairs or Sets	Up to Business Personal Property Limit
Personal Property of Others	\$ 10,000
Property at Other Premises	\$ 10,000
Salespersons' Samples	\$ 1,000
Satellite Signal Interruption	\$ 10,000/\$500 per Customer
Sewer and Drain Back Up	Included up to Covered Property Limits
Sump Overflow or Sump Pump Failure	\$ 15,000
Temperature Change	\$ 10,000
Tenant Building and Business Personal Property Coverage – Required by Lease	\$ 20,000
Transit Property in the Care of Carriers for Hire	\$ 10,000
Transmission Lines-Owned or Leased	\$ 10,000
Tuning Expense	\$ 5,000
Unauthorized Business Card Use	\$ 2,500
Valuable Papers and Records – On/Off-Premises	\$ 25,000

The Limits of Insurance for the following Coverage Extensions are a replacement of the Limit of Insurance provided under the Standard Property Coverage Form or the Special Property Coverage Form, whichever applies to the policy:

Coverage	Limit
Newly Acquired or Constructed Property – 180 Days	
Building	\$1,000,000
Business Personal Property	\$ 500,000
Business Income and Extra Expense	\$ 500,000
Outdoor Property	\$ 20,000 aggregate/ \$1,000 per item
Personal Effects	\$ 25,000
Property Off-Premises	\$ 15,000

The following changes apply only if Business Income and Extra Expense are covered under this policy. The Limits of Insurance for the following Business Income and Extra Expense Coverages are in addition to any other Limit of Insurance provided under this policy:

Coverage	Limit
Business Income Extension for Off-Premises Utility Services	\$ 25,000
Business Income Extension for Web Sites	\$ 50,000/7 days
Business Income from Dependent Properties	\$ 25,000

The following Limit of Insurance for the following Business Income Coverage is a replacement of the Limit of Insurance provided under the Standard Property Coverage Form or the Special Property Coverage Form, whichever applies to the policy:

Coverage	Limit
Extended Business Income	60 Days

The following changes apply to Loss Payment Conditions:

Coverage	Limit
Valuation Changes	
Commodity Stock	Included
"Finished Stock"	Included
Mercantile Stock - Sold	Included

CHAPTER 157: BROADCASTING AND TELECOMMUNICATION TOWERS

Section

- 157.01 Purpose and application
- 157.02 Definitions
- 157.03 Zoning; approval required
- 157.04 Administrative permit application procedure
- 157.05 Conditional Use Permit application procedure
- 157.06 Code requirements
- 157.07 Co-location capability
- 157.08 Abandoned facilities
- 157.09 Facilities on public property
- 157.10 Access
- 157.11 Height
- 157.12 Setbacks
- 157.13 Illumination and appearance
- 157.14 Security and screening
- 157.15 Signage

- 157.99 Offenses

§ 157.01 PURPOSE AND APPLICATION.

(A) This chapter is adopted to:

- (1) Allow broadcasting or reception towers or antennas that are intended for transmitting or receiving television, radio, cellular, or telephone communications to be situated on non-residential sites;
- (2) Establish guidelines for the location of towers and antennas;
- (3) Encourage the joint use of new and existing tower sites;
- (4) Balance the need of providers of telecommunications services to provide quick, effective, and efficient service with the safety and welfare of the public pursuant to federal law; and
- (5) Promote the attractive installation of broadcast or reception facilities in a manner which is in harmony with surrounding land uses.

(B) This chapter shall not apply to any wireless telecommunication facility for which a permit has been properly issued prior to the effective date hereof, unless either the facility itself or the use thereof is hereafter discontinued or altered. Upon alteration of such facility or the use thereof or in the event that the facility is to be used again after such use is discontinued, the facility must first comply with all applicable provisions of this chapter.

(C) The following are exempt from regulation under this chapter:

(1) An antenna used exclusively for dispatch communications by a public emergency agency;

(2) Home use of an accessory antenna or satellite dish which receives radio or television broadcast signals, or internet access; and,

(3) An amateur radio antenna not exceeding by more than five feet the maximum permitted building height of the zoning district within which it is located.

(Ord. 2001-14, passed 4-10-01)

§ 157.02 DEFINITIONS.

Unless the contrary is stated or clearly appears from the context, the following definitions shall govern the construction of the words and phrases used in this chapter:

DIRECTOR. Means the Director of Planning and Development.

HIGH IMPACT WIRELESS TELECOMMUNICATION FACILITY. An exterior apparatus designed for telephonic, radio, or television communication through the transmission or reception of electromagnetic waves which consists of one or more antennas mounted on a freestanding tower that exceeds five feet above the maximum permitted building height of the applicable zoning district. The term does not include an antenna structure used exclusively for dispatch communications by a public emergency agency.

LOW IMPACT WIRELESS TELECOMMUNICATIONS FACILITY. An exterior apparatus designed for telephonic, radio, or television communication through the transmission or reception of electromagnetic waves, and which consists of any of the following:

(1) An antenna mounted as an accessory on a building, water tower, lighting standard, electric utility transmission tower, or other tall structure having another primary function allowed in the zoning district within which it is located;

(2) An antenna mounted on an existing tower that already supports one or more telecommunication antennas; or

(3) An antenna mounted on a freestanding tower, which tower does not extend more than five feet above the maximum building height of the zoning district within which it is located.

(Ord. 2001-14, passed 4-10-01)

§ 157.03 ZONING; APPROVAL REQUIRED.

(A) Except as set forth in division (C) of this section, any high impact wireless telecommunication facility constructed after the effective date of this chapter is permitted only in the B5, MI, and M2 zoning districts, and shall require a Conditional Use Permit. Only monopole-type towers shall be permitted.

(B) Low impact wireless telecommunication facilities are allowed in all zoning districts upon receipt of an administrative permit from the Director as set forth in § 157.04.

(C) A wireless telecommunications facility which is to be added on a previously permitted tower, antenna, budding, or other structure, which complies with this chapter and which will not violate the height restrictions applicable to such structure in the zoning district where the facility is located, shall not require a Conditional Use Permit, but shall require an administrative permit as set forth in § 157.04.

(Ord. 2001-14, passed 4-10-01)

§ 157.04 ADMINISTRATIVE PERMIT APPLICATION PROCEDURE.

(A) Where an administrative permit is required by § 157.03, the following procedures shall apply.

(1) An application shall be filed with the Director upon such form as the Director may require, together with a non-refundable filing fee established by the City Council. The Director may require the applicant to submit any information required to be submitted in

connection with an application pursuant to § 157.05.

(2) The Director shall approve an application if the proposed facility complies with the applicable provisions of this chapter and all other applicable laws and regulations. The Director shall approve or deny the application within 30 days after the request is filed. If the application is not denied within the 30 day period, then it shall be deemed approved. The Director shall promptly send written notice to the applicant if the application is approved.

(3) If the application is denied, the Director shall promptly notify the applicant in writing of such determination, of the reasons for the denial, and of any right to appeal the determination. Any decision by the Director to deny a request for administrative approval under this section shall be in writing and supported by substantial evidence contained in a written record.

(4) If the application is denied, the applicant may appeal the decision of the Director to the Planning and Zoning Commission and the City Council by filing a written notice of appeal with the Director within ten days of the notice of denial. An appeal under this section shall be processed in the same manner as a request for a Conditional Use Permit pursuant to § 157.05(B) and (C), with applicable time limits running from the date the notice of appeal is filed with the Director.

(Ord. 2001-14, passed 4-10-01)

§ 157.05 CONDITIONAL USE PERMIT APPLICATION PROCEDURE.

(A) Any person required by this chapter to obtain a Conditional Use Permit (CUP) shall file a verified application with the Planning and Development Department upon a form approved by the Director, together with a non-refundable filing fee established by the City Council. A detailed Site Plan shall be submitted with the CUP application for each telecommunication facility location, and all drawings and specifications shall be prepared and sealed by a registered professional engineer. At a minimum, the application shall contain the following:

- (1) Location of the proposed telecommunication facility, including the zoning and land use of adjacent property.
- (2) All significant structures within one half mile of the proposed telecommunication facility location. Significant structures include all publicly or privately owned buildings or structures (excluding utility poles), and street or traffic light standards which are over 75 feet in height.
- (3) Photo or architectural simulation of the proposed telecommunication facility development site from adjacent properties and rights-of-way.
- (4) A detailed landscape/screening plan to include the complete pad site.
- (5) Name, address, and telephone number of the person or entity responsible for removal of the telecommunication facility in the event of abandonment.
- (6) Copies of application or approval from any applicable regulatory body, including the Federal Aviation Administration or Federal Communications Commission.
- (7) Explanation justifying the requested height of the tower/antenna.
- (8) If the application is for a new freestanding tower, the applicant shall provide an inventory of its existing towers within the city and the city's extraterritorial jurisdiction, including specific information about the location, height, and design of each such tower and the number of antennas that may be supported by these towers.
- (9) If applicable, a statement that, despite a diligent effort, the applicant has been unable to secure permission to co-locate on any structure identified in division (A)(2) of this section.
- (10) Such supplemental information which the Director shall deem reasonably necessary in order to determine whether to approve or disapprove a permit authorizing construction of the proposed facility.

(B) Once it has been properly completed, the application shall be accepted for filing and placed on the next available meeting of the Planning and Zoning Commission for review in accordance with its then-current procedures. Any decision by the Commission to recommend denial of a Conditional Use Permit for a telecommunication facility shall be in writing and supported by substantial evidence contained in a written record.

(C) Upon final recommendation from the Planning and Zoning Commission, the application shall be placed on the agenda for the next regularly-scheduled City Council meeting designated for hearing zoning matters. The City Council shall approve or⁵²deny the

application for the CUP no later than 60 days after the original filing with the Planning and Development Department. If the application is not denied within said 60 day period, then the application shall be deemed to be approved. Any decision by the City Council to deny a Conditional Use Permit for a telecommunication facility shall be in writing and supported by substantial evidence in a written record. The City Secretary shall promptly notify the applicant in writing of the Council decision.

(D) To the extent the procedures set forth in this section are inconsistent with § 155.201, the procedures set forth in this section shall control in connection with all applications made for a permit under this chapter.

(Ord. 2001-14, passed 4-10-01)

§ 157.06 CODE REQUIREMENTS.

Wireless telecommunication facilities of any type must comply with all applicable laws axed regulations, including those adopted by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), the Joint Airport Zoning Board of the City of Killeen, Texas, the City of Harker Heights, Texas, and the County of Bell, Texas, and any other federal agency having authority to govern towers/antennas. Freestanding towers and their foundations shall meet all applicable wind, seismic, and all other design requirements imposed by Chapter 150. Building permits are required for new construction or alteration of a tower, although additional antennas not increasing the height of the structure may be added to an existing tower without permits except as may be needed for electrical wiring.

(Ord. 2001-14, passed 4-10-01)

§ 157.07 CO-LOCATION CAPABILITY.

(A) A building permit for new freestanding towers shall not be approved unless the applicant provides satisfactory evidence that there are no alternative locations available on existing towers, buildings, or other structures that:

- (1) Are structurally capable of supporting the intended antenna;
- (2) Meet the necessary height requirements;
- (3) Provide a location free of electro-magnetic interference; and
- (4) Can comply with the requirements of this chapter.

(B) New freestanding towers classified as high impact wireless telecommunication facilities shall be designed and constructed to support a minimum of four antenna arrays from separate wireless telecommunication system providers or users. Co-location and all other alternatives must be exhausted before a new tower is erected. An affidavit shall be submitted with the building permit application stating the extent to which the tower owner agrees to allow additional equipment by other service providers to be located on the tower and its premises on a reasonable and non-discriminatory basis.

(Ord. 2001-14, passed 4-10-01)

§ 157.08 ABANDONED FACILITIES.

The holder of a permit and the owner of the property upon which a wireless telecommunications facility is located shall notify the building official at such time that a facility ceases operation. Any tower or antenna that is not operated for a continuous period of 12 months shall be conclusively deemed abandoned, and the owner of such tower or antenna, or the owner of the property, shall remove same (including any accessory equipment) within 60 days of receipt of notice from the city. If the tower or antenna is not removed within said 60 days, the city may cause removal of such tower or antenna at the property owner's expense. After written notice to the property owner, the city shall be entitled to a lien on the real estate to secure payment for the cost of removal of the abandoned wireless telecommunication facility. If there are two or more users of a single tower, this provision shall not become effective until all antennas located on the tower cease operation for the period specified above.

(Ord. 2001-14, passed 4-10-01)

§ 157.09 FACILITIES ON PUBLIC PROPERTY.

Wireless telecommunication facilities for use by commercial system providers may be allowed in a street right-of-way or on other public property controlled by the city only upon approval by the city council of a lease, license, or franchise agreement, including arrangements for payment of appropriate compensation as may be established by the City Council.

(Ord. 2001-14, passed 4-10-01)

§ 157.10 ACCESS.

Each site of a freestanding tower shall have direct access to a public street provided by a driveway that complies with city standards. The driveway shall extend from the street to an appropriate location on the premises where a maintenance truck and an emergency vehicle would need to be parked to provide maintenance, repair or emergency response. A paved area adequate in size to permit turnaround of a fire engine is required. If the driveway exceeds 50 feet in length, other acceptable pavement material for the portion beyond the first 50 feet may be requested. The driveway required by this section shall be clear at all times, and no object shall be placed or permitted to encroach upon such driveway in a manner which impedes the free and ready use of any portion of the driveway by emergency vehicles.

(Ord. 2001-14, passed 4-10-01)

§ 157.11 HEIGHT.

No wireless communication facility shall encroach upon the height limits, if applicable, of airport hazard zones. In no case shall a freestanding tower exceed a height of 150 feet, except where a height variance is granted by the Planning and Zoning Commission in accordance with its then-current procedures upon a demonstration of a hardship by the applicant that can only be remedied by location of the facility on the proposed site within the city limits. Antennas mounted as an accessory on top of a building, water tower, lighting standard, electric utility transmission tower, or other tall structure having another primary function shall not extend more than 15 feet above the highest point of the structure as measured from the average ground level around the structure.

(Ord. 2001-14, passed 4-10-01)

§ 157.12 SETBACKS.

A nonexempt freestanding tower shall be set back from all boundaries of the property on which it is located by a distance equal to the height of the tower, and shall be set back from any residential dwelling or residential zoning district a distance equal to twice the height of the tower, as measured from the base of the main tower structure. Associated equipment enclosures or other buildings and structures, if any, located on the same property are subject to the otherwise-applicable building setback requirements of the district within which the facility is located. Antennas mounted as an accessory on the side of a building, water tower, lighting standard, electric utility transmission tower, or other tall structure having another primary function, may extend up to two feet into the required building setback, but in no case shall extend closer than five feet to any property line.

(Ord. 2001-14, passed 4-10-01)

§ 157.13 ILLUMINATION AND APPEARANCE.

Wireless telecommunication facilities shall not be artificially illuminated except as required by the FAA or FCC, and except for motion-detector operated security lights on any associated equipment enclosure. Freestanding towers shall maintain a galvanized steel finish or be painted sky blue or gray, except as otherwise required by the FAA or FCC. Unless the tower compound is screened by any means from adjacent streets, residential dwellings, and residential zoning districts, the design of equipment enclosures shall, to the extent possible, use materials and colors that are compatible with the natural and built environment of the surrounding area. Antennas mounted as an accessory on a building, water tower, lighting standard, electric utility transmission tower, or other tall structure having another primary function shall be identical in color or closely compatible with the color of the adjacent portion of the supporting structure so as to make the antenna as visually unobtrusive as possible.

(Ord. 2001-14, passed 4-10-01)

§ 157.14 SECURITY AND SCREENING.

The base of freestanding towers, and associated equipment enclosures, shall be enclosed by a security fence or wall not less than six feet in height with an access gate that is kept locked at all times except when attended by authorized personnel. The base of the tower and associated equipment enclosures shall also be screened and landscaped on any side facing a public street, residential dwelling, or residential zoning district. Landscaping shall either preserve existing dense evergreen vegetation or natural landforms that effectively screen the tower compound, or consist of new dense evergreen vegetation having a mature height of at least six feet. A security fence is required to provide opaque screening consisting of materials and colors that are compatible with the natural and built environment of the surrounding area. A Knox box is also required in order to provide access to emergency response vehicles.

(Ord. 2001-14, passed 4-10-01)

§ 157.15 SIGNAGE.

No sign, banner, or flag shall be placed in a visible location on the exterior of a wireless telecommunication facility or its premises except one required non-illuminated permanent sign not larger than two square feet for the purpose of identifying the party to be notified in the case of an emergency, prohibiting trespassing, or warning of any dangers associated with the facility. No commercial advertising is permitted.

(Ord. 2001-14, passed 4-10-01)

§ 157.99 OFFENSES.

(A) It shall be unlawful for any person to construct, own, operate or maintain in the city any wireless telecommunication facility for which a permit is required by this chapter unless a valid permit authorizing such facility has been issued and is then in effect.

(B) It shall be unlawful for any person to intentionally or knowingly make any materially false or misleading statement in an application for a permit under this chapter.

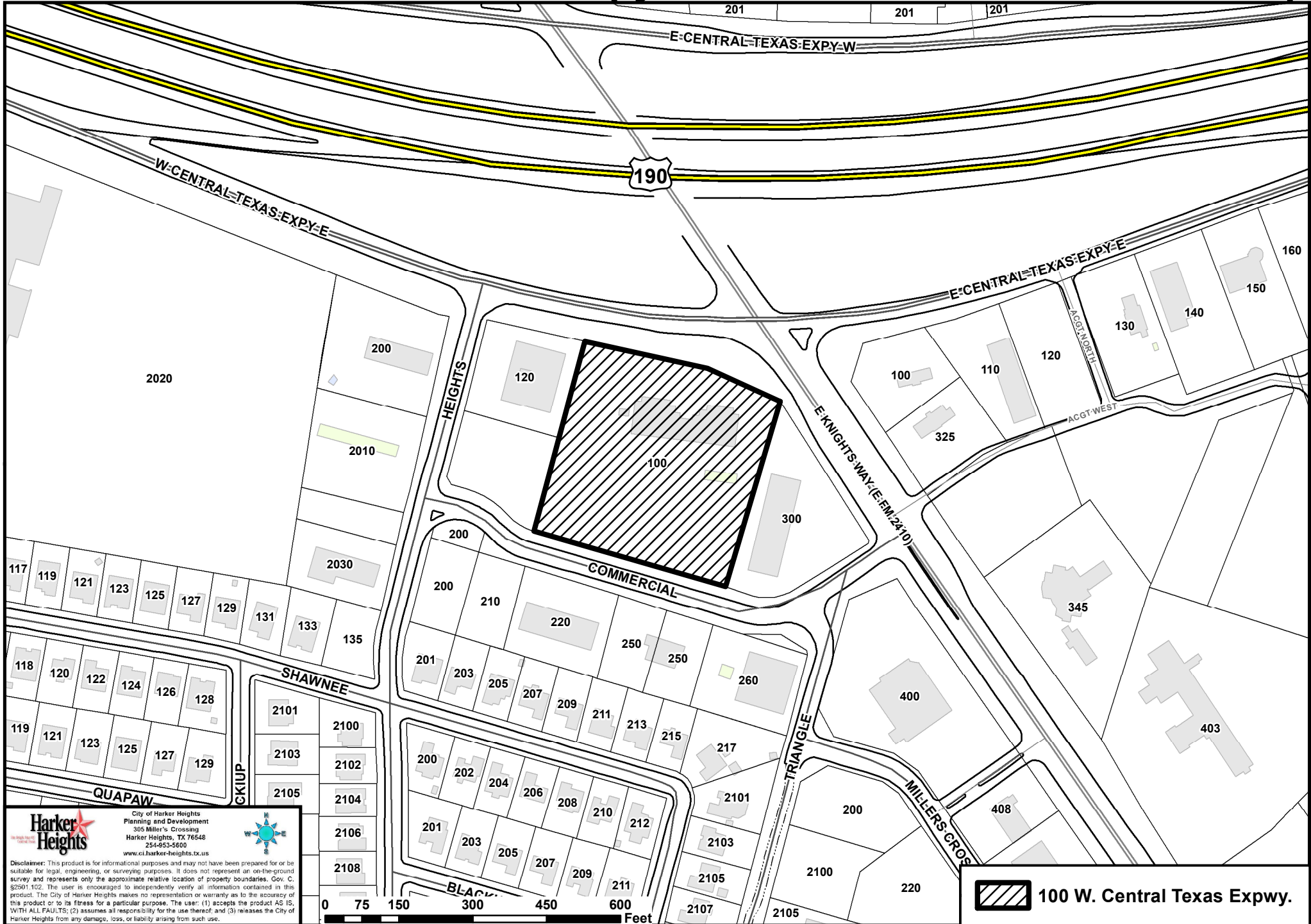
(C) It shall be unlawful for the holder of a permit under this chapter to fail to notify the Director in writing within ten days after the effective date of any change in the information contained in the holder's most recent application for a permit under this chapter.

(D) It shall be unlawful for any person to construct, own, operate, or maintain any wireless communication facility in the city in violation of any applicable provision of this chapter.

(Ord. 2001-14, passed 4-10-01)

Z16-16 100 W. Central TX Expy

Location Map

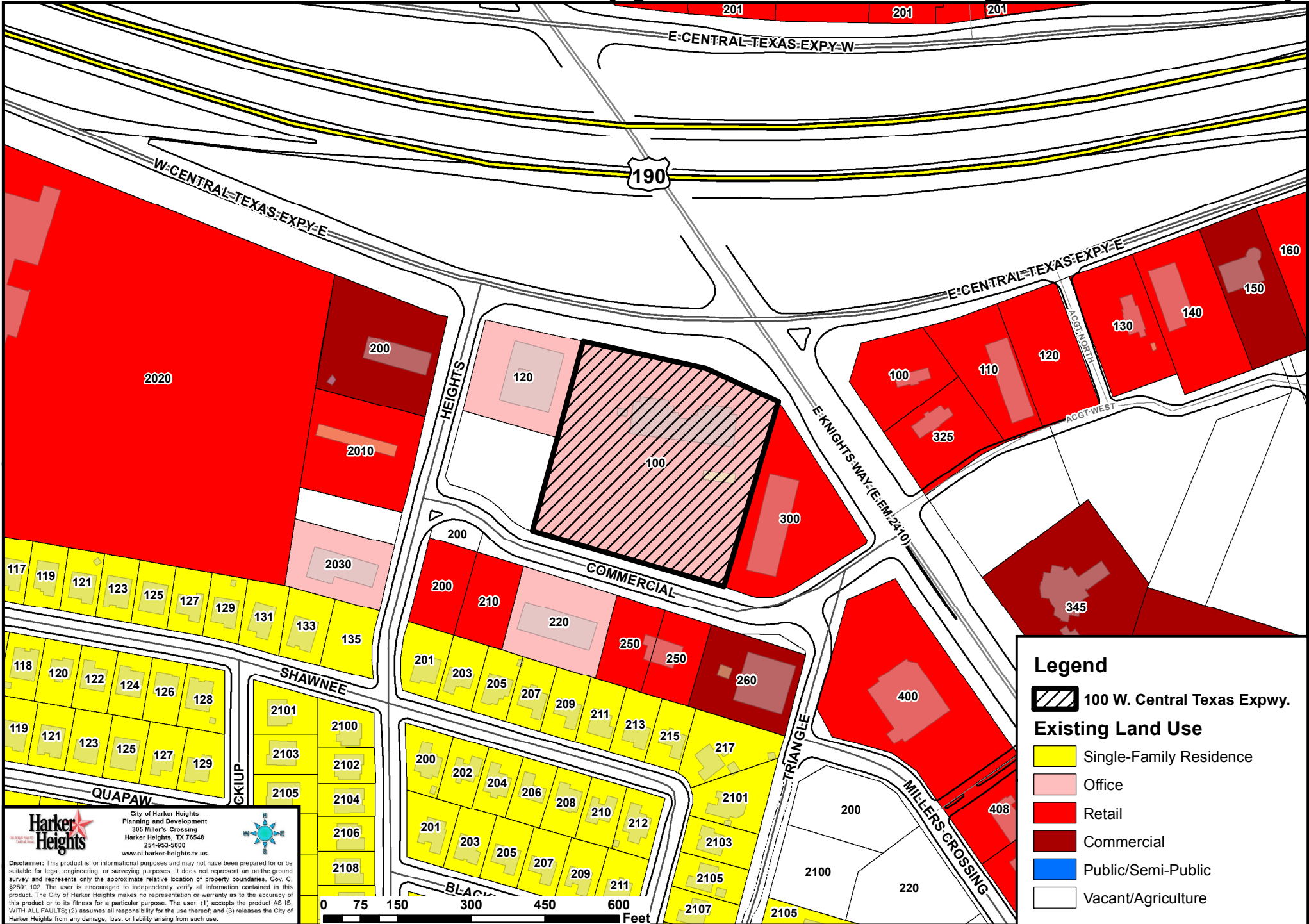


Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76548
254-853-5600
www.ci.harker-heights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS-IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

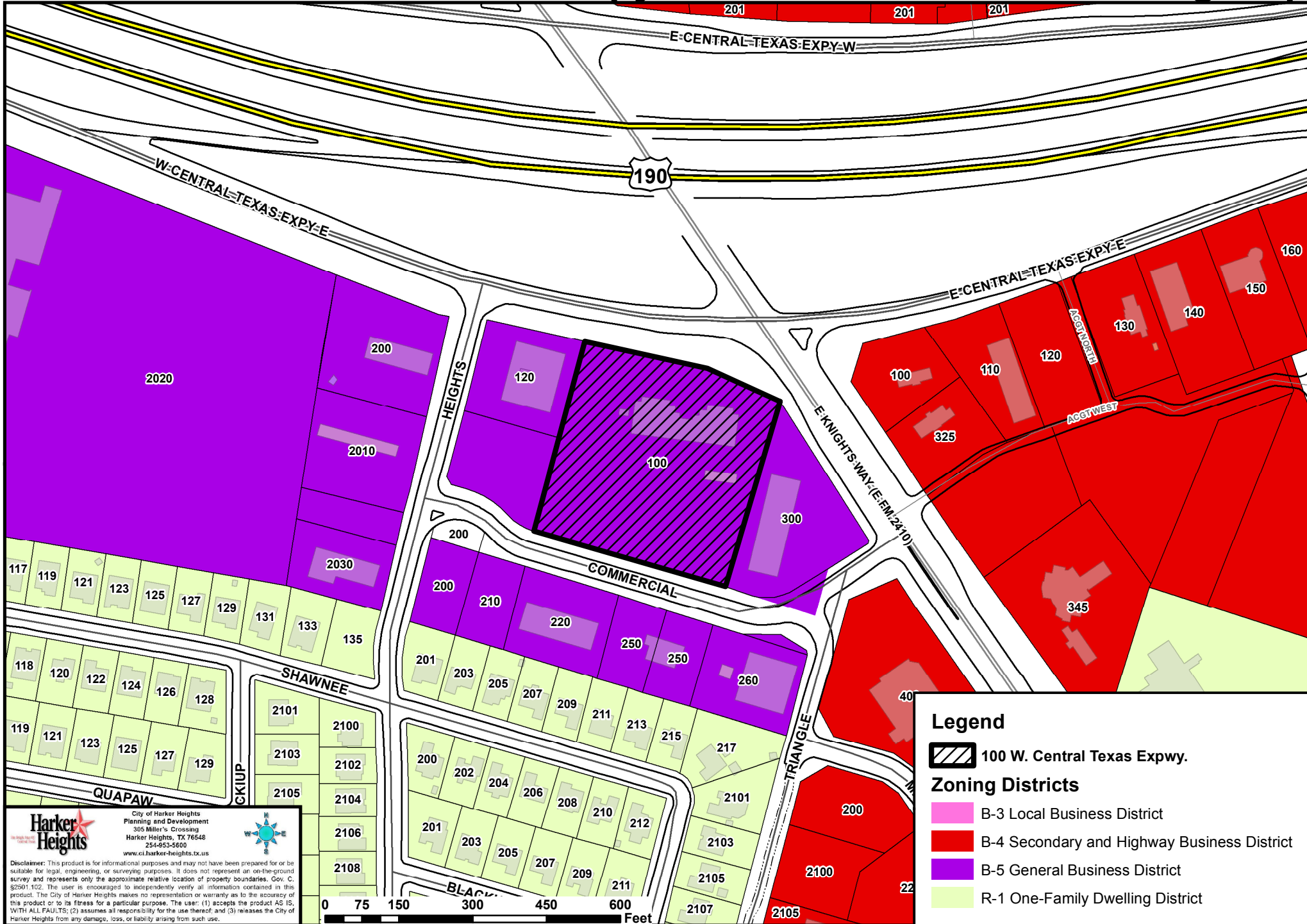
 100 W. Central Texas Expy.

Map Date: 8/19/2016 1:3,000



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
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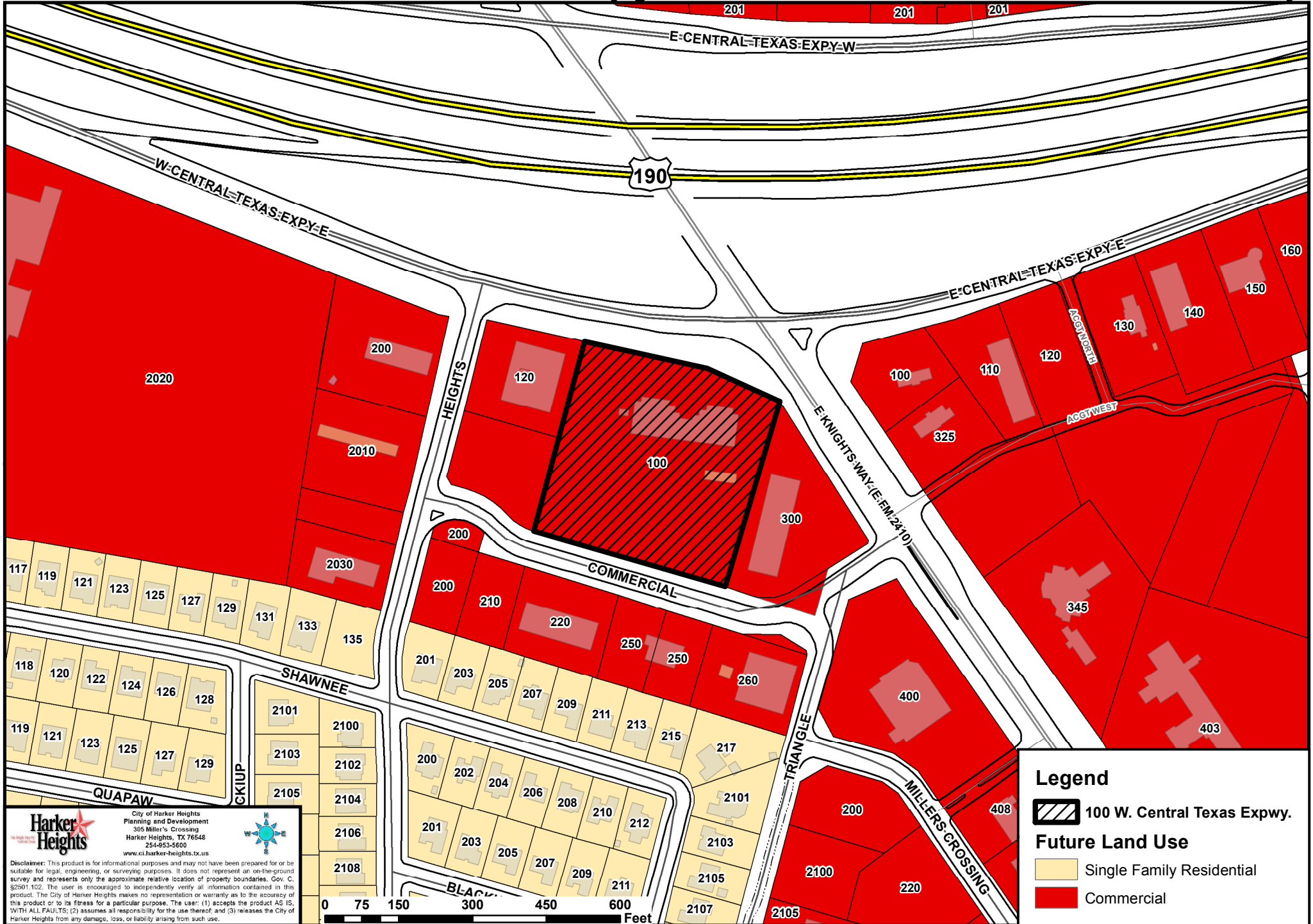
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Map Date: 8/19/2016 1:3,000



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 254-853-5600
 www.ci.harker-heights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

Legend

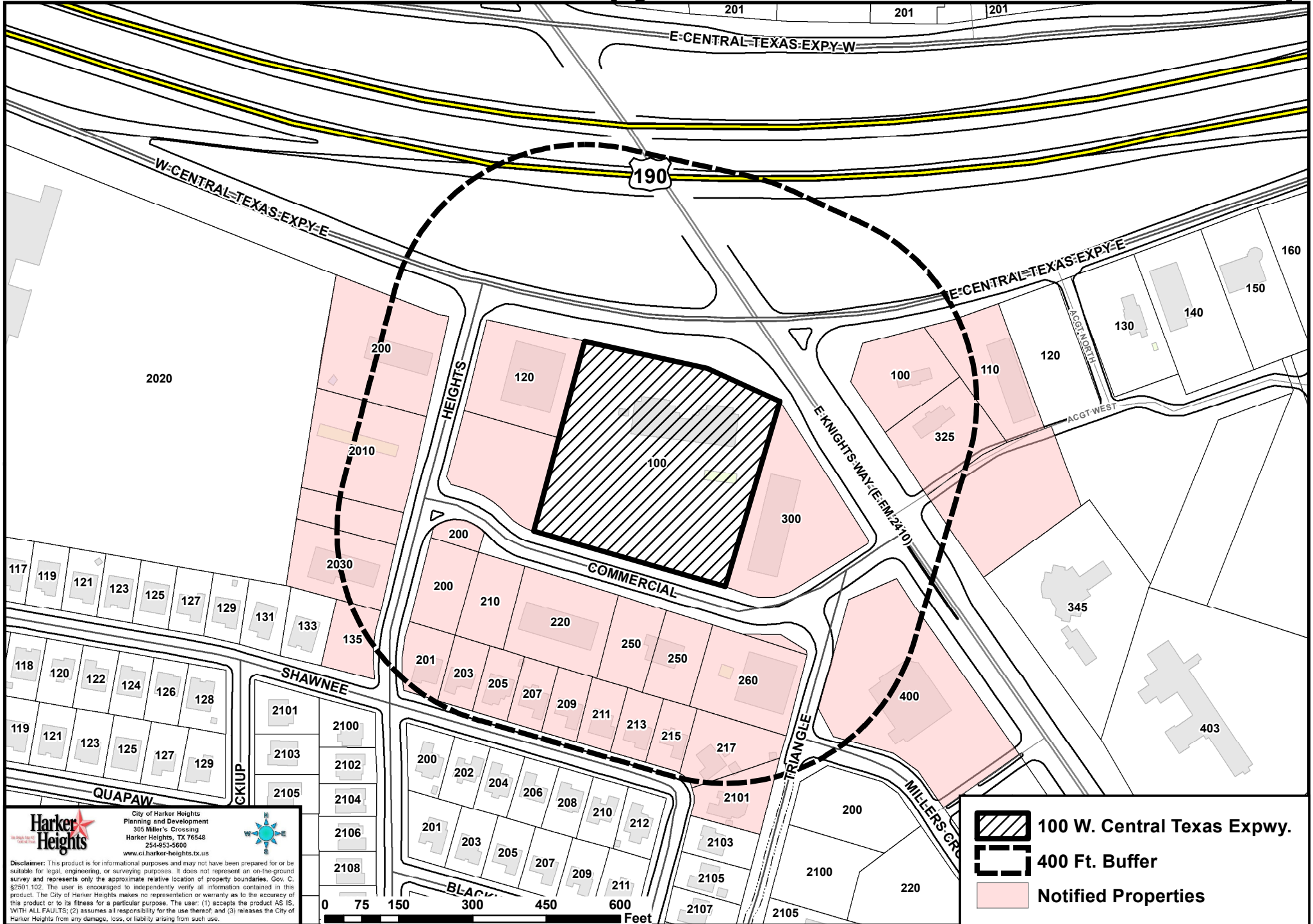
100 W. Central Texas Expy.

Future Land Use

Single Family Residential




Commercial

Map Date: 8/19/2016 1:3,000



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-853-5600
 www.ci.harker-heights.tx.us

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-  100 W. Central Texas Expwy.
-  400 Ft. Buffer
-  Notified Properties

Received

AUG 24 2016

TO: **City of Harker Heights**

Planning & Development

FROM: II Goodfellas, LLC

200 Commercial Dr, Harker Hts

(Address of Your Property that Could
Be **Impacted** by this Request)

RE: Request granting a Conditional Use Permit (CUP) for a telecommunication tower on property described as HEIGHTS COMMERCIAL SUBDIVISION, BLOCK 002, LOT 0003, in the City of Harker Heights, Bell County, Texas, Property ID#47731 also known as the Extraco Bank Building located at 100 W. Central Texas Expressway. (See attached location map).

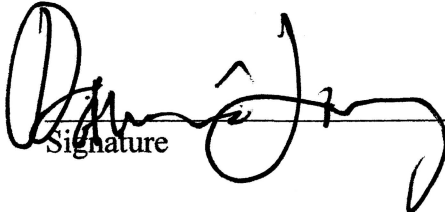
I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments: I recommend denial. This is violation

of our current tower ordinance. Owner elected
to ignore the current city ordinance and
install anyway. This is also a danger for all
businesses around the drop zone, to include a
daycare center...

David Lazar
Printed Name


Signature

August 23, 2016
Date

TO: **City of Harker Heights**

FROM: II Goodfills, LLC
2030 Heights Dr. H.H.
(Address of Your Property that Could Be **Impacted** by this Request)

RE: Request granting a Conditional Use Permit (CUP) for a telecommunication tower on property described as HEIGHTS COMMERCIAL SUBDIVISION, BLOCK 002, LOT 0003, in the City of Harker Heights, Bell County, Texas, Property ID#47731 also known as the Extraco Bank Building located at 100 W. Central Texas Expressway. (See attached location map).

- I RECOMMEND APPROVAL OF THE REQUEST
- I RECOMMEND DENIAL OF THE REQUEST

Comments:

David Lazor
Printed Name

[Signature]
Signature

8-23-16
Date

Received

AUG 23 2016

Planning & Development

TO: **City of Harker Heights**

FROM: 2101 Shawnee Trl
Harker Heights TX 76548
(Address of Your Property that Could
Be **Impacted** by this Request)

RE: Request granting a Conditional Use Permit (CUP) for a telecommunication tower on property described as HEIGHTS COMMERCIAL SUBDIVISION, BLOCK 002, LOT 0003, in the City of Harker Heights, Bell County, Texas, Property ID#47731 also known as the Extraco Bank Building located at 100 W. Central Texas Expressway. (See attached location map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

I do not want brain cancer.

Long term cumulative exposure to cell tower radiation has no precedent in history.

I do not wish to be a guinea pig of this experiment.

The children of this community should not be exposed to it.

Soel D. Rodriguez
Printed Name


Signature

08/22/2016
Date