



**Harker Heights
Planning and Zoning
& Commission
Meeting & Workshop**

**Wednesday,
September 26, 2018
5:30 P.M.**



**PLANNING & ZONING COMMISSION
WORKSHOP & MEETING AGENDA
HARKER HEIGHTS CITY HALL
WEDNESDAY, SEPTEMBER 26, 2018 - 5:30 P.M.**

Notice is hereby given that, beginning at 5:30 P.M. on September 26, 2018, the Planning and Zoning Commission (P&Z) of the City of Harker Heights, Texas will hold a Workshop; then, beginning at 6:30 P.M. on September 26, 2018, and continuing from day to day thereafter if necessary the Planning and Zoning Commission (P&Z) of the City of Harker Heights, Texas, will hold a Meeting in the Kitty Young Council Chambers of the Harker Heights City Hall at 305 Millers Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

WORKSHOP AGENDA

- I.** Convene Workshop at 5:30 P.M.
- II.** New Business: Receive and discuss a presentation regarding an update to the Sign Ordinance for the City of Harker Heights.
- III.** Adjourn Workshop.

MEETING AGENDA

- I.** Convene Regular Meeting of the Planning and Zoning Commission and establish a quorum.
- II.** Approval of Minutes from the Regular Planning and Zoning Meeting held on August 29, 2018.
- III.** Recognition of Affidavits for Conflict-of Interest.
- IV.** Report on Development Activity.
- V.** Report on City Council actions results of the September 11, 2018 meeting.
- VI.** Public Hearings:
 - 1.** **Z18-13** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on property described as P T C Addition, Block One (1), Lot Four (4), PT 3, 5.394 acres, Property ID# 234364, generally located at 1174 S. Amy Lane, Harker Heights, Bell County, Texas.

2. **Z18-14** Conduct a public hearing to discuss and consider recommending an ordinance to modify the Planned Development – Mixed Use (PD-M) Conditions from a base residential zoning of R-2 (Two Family Dwelling District) and R-3 (Multi-Family Dwelling District) to PD-M to allow R-1 (One-Family Dwelling District), on properties described as A0179BC J M CROSS, 3-3-1, ACRES 1.504, Property ID# 127920, A0179BC J M CROSS, ACRES 2.097, Property ID# 198358, A0179BC J M CROSS, 3-3, ACRES 9.469, Property ID# 38947, and A0179BC J M CROSS, 3-3-2, ACRES 6.949, Property ID# 127921, generally located at 12590 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

VII. Citizens to be heard.

VIII. Reports from Commissioners.

IX. Staff Comments.

1. Discuss Holiday Schedule for Fiscal Year 2018-2019.

X. Adjournment.

Posted: September 21, 2018

Time: 10:00 A.M.

Ty Hendrick

Ty Hendrick
Planning and Development Administrative Assistant



Minutes of the Regular Meeting of the Harker Heights
Planning & Zoning Commission held at the City Hall Building,
August 29, 2018

Present:	Larry Robison	Chairman
	Darrel Charlton	Vice-Chair
	Noel Webster	Secretary
	Stephen Watford	Commissioner
	Jan Anderson	Commissioner
	Kay Carey	Commissioner
	Joshua McCann	Commissioner
Absent:	Joseph Welch	Commissioner
	Colen Wilson	Commissioner
	Kendall Cox	Alternate-Commissioner
Staff:	Joseph Molis	Director of Planning & Development
	Ty Hendrick	Planning Administrative Assistant
	Courtney Peres	Senior Planner
	Dan Phillips	GIS Analyst/Planner
	Brad Alley	Fire Marshal

A quorum was established and the meeting was called to order at 6:30 P.M.

The First item on the agenda was the approval of the minutes from the July 25, 2018 meeting. Commissioner Anderson made the motion to approve the minutes and Commissioner Charlton seconded the motion. The motion passed unanimously (6-0).

The next item on the agenda was to recognize affidavits for Conflict-of-Interest. Mr. Molis stated that there were no conflicts of interest.

Next, Ms. Peres presented the update on development activity for the City. She stated the City issued (0) zero commercial construction permits, thirty-eight (38) single-family residential construction permits, and zero (0) duplex permits had been issued for the month of August.

Next was the report on City Council action regarding recommendations resulting from the July 25, 2018 Planning and Zoning Commission meeting.

Under Public Hearings, Ms. Peres presented Z18-12; Conduct a public hearing to discuss and consider recommending an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-1M (One-Family Manufactured Dwelling District) on property described as FIVE FEATHERS ADDITION, BLOCK 001, LOT 0002,

identified as Property ID# 185944, generally located at 2004 Warriors Path , Harker Heights, Bell County, Texas.

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 agenda item. The applicant's representative, Larry Pilkey of 1102 Doubles Ct., Harker Heights TX, 76548 was present to answer any questions.

Chairman Robison then closed the public meeting. Members of the commission then discussed the request with City Staff and the applicant. Chairman Robison asked for a motion to approve or disapprove agenda item Z18-12. Commissioner Charlton made a motion for approval based upon staff's recommendations. Commissioner McCann seconded the motion. The motion passed unanimously (6-0).

Next under Old Business, Ms. Peres presented Z18-11; Conduct a public hearing to discuss and consider recommending an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to B-4 (Secondary and Highway Business District) on property described as a 5.5 acre tract of land in Bell County, Texas, being part of the Uriah Hunt Survey, Abstract No. 401, and the land herein described being part of a called 44.337 acre tract conveyed to Anderson Ortega, Jr. and wife, Janie J. Ortega, of record in Volume 1985, Page 253, Deed Records of Bell County, Texas, identified as Property ID# 81043, generally located at 13950 E. Knights Way, Harker Heights, Bell County, Texas.

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 agenda item. The applicant, Jerry Herald, of 7702 Pyrite Dr., Killeen TX, 76542 and the applicant's representative, Ace Reneau, with Mitchell & Associates was present to answer any questions.

Chairman Robison and members of the commission then discussed the request with the applicant and Mr. Molis. Chairman Robison asked for a motion to approve or disapprove agenda item Z18-11. Commissioner Anderson made a motion to approve the agenda item based on staff's recommendations. Commissioner Watford seconded the motion. The motion passed unanimously (6-0).

The second item under Old Business, Ms. Peres presented P18-120; Discuss and consider a request for Preliminary Plat approval on property described as 5.5 Acre tract of land in Bell County, Texas, being part of the Uriah Hunt Survey, Abstract No. 401, and the land herein described being part of a called 44.337 acre tract conveyed to Anderson Ortega, Jr. and wife, Janie J. Ortega, of record in Volume 1985, Page 253, Deed Records of Bell County, Texas, identified as Property ID# 81043, generally located at 13950 E. Knights Way, Harker Heights, Bell County, Texas.

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 agenda item. The applicant, Jerry Herald, of 7702 Pyrate Dr., Killeen TX, 76542 and the

applicant's representative, Ace Reneau, with Mitchell & Associates was present to answer any questions.

Chairman Robison asked for a motion to approve or disapprove agenda item P18-120. Commissioner Anderson made a motion to approve the agenda item based on staff's recommendations. Commissioner McCann seconded the motion. The motion passed unanimously (6-0).

Chairman Robison asked if there were any staff comments. Ms. Peres stated that there needed to be discussion pertaining to the Fall 2018 holiday schedule.

Chairman Robison then adjourned the meeting of the Planning and Zoning Commission at 7:06 P.M.

CHAIRMAN:

DATE:

ATTEST:

DATE:



**PLANNING AND ZONING
COMMISSION MEMORANDUM**

AGENDA ITEM #III

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: SEPTEMBER 26, 2018

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



**PLANNING AND ZONING
COMMISSION MEMORANDUM**

AGENDA ITEM #IV

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: SEPTEMBER 26, 2018

Report on Development Activity – Courtney Peres.



PLANNING AND ZONING COMMISSION MEMORANDUM

AGENDA ITEM #V

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT

DATE: SEPTEMBER 26, 2018

At the regular called meeting of the Planning and Zoning Commission held August 29, 2018, the Commission forwarded the items below to the City Council at their regular meeting on September 11, 2018.

Z18-12 Conduct a public hearing to discuss and consider recommending an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-1M (One-Family Manufactured Dwelling District) on property described as FIVE FEATHERS ADDITION, BLOCK 001, LOT 0002, identified as Property ID# 185944, generally located at 2004 Warriors Path , Harker Heights, Bell County, Texas.

Planning and Zoning Commission – Approved (6-0)

City Council – Denied (5-0)

Z18-11 Conduct a public hearing to discuss and consider recommending an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to B-4 (Secondary and Highway Business District) on property described as a 5.5 acre tract of land in Bell County, Texas, being part of the Uriah Hunt Survey, Abstract No. 401, and the land herein described being part of a called 44.337 acre tract conveyed to Anderson Ortega, Jr. and wife, Janie J. Ortega, of record in Volume 1985, Page 253, Deed Records of Bell County, Texas, identified as Property ID# 81043, generally located at 13950 E. Knights Way, Harker Heights, Bell County, Texas.

Planning and Zoning Commission – Approved (6-0)

City Council – Approve (5-0)

P18-120 Discuss and consider a request for Preliminary/Final Plat approval on property described as 5.5 Acre tract of land in Bell County, Texas, being part of the Uriah Hunt Survey, Abstract No. 401, and the land herein described being part of a called 44.337 acre tract conveyed to Anderson Ortega, Jr. and wife, Janie J. Ortega, of record in Volume 1985, Page 253, Deed Records of Bell County , Texas, identified as Property ID# 81043, generally located at 13950 E. Knights Way, Harker Heights, Bell County, Texas.

Planning and Zoning Commission – Approved (6-0)

City Council – Approve (5-0)



PLANNING AND ZONING COMMISSION MEMORANDUM

Z18-13

AGENDA ITEM VI-1

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT

DATE: SEPTEMBER 26, 2018

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT (CUP) TO ADJUST DESIGN REQUIREMENTS FOR AN EXISTING STORAGE BUSINESS ON PROPERTY DESIGNATED AS B-5 (GENERAL BUSINESS DISTRICT), ON PROPERTY DESCRIBED AS P T C ADDITION, BLOCK ONE (1), LOT FOUR (4), PT 3, 5.394 ACRES, PROPERTY ID# 234634, GENERALLY LOCATED AT 1174 S. AMY LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

BACKGROUND:

The applicant is the owner of the Top Value Storage at 1174 S. Amy Lane. The applicant met with staff in July of this year to discuss options for expanding their business to construct an additional 10,000 square foot, climate controlled storage building at the rear of their property. The facility current consists of roughly 46,000 square feet for self-storage and covered boat and RV parking.

EXPLANATION:

The applicant would like to construct an additional storage building at the rear of the property consisting of metal exterior to match all other buildings on the property. Harker Heights Code of Ordinances requires all new construction for commercial businesses to be comprised of primarily masonry products. Upon addressing Staff with the plan to construct a metal storage building the applicant agreed to place a screening fence at the rear of the property to screen their business from the neighboring properties, to include Goode-Connell Park. The six foot screening fence will be placed at the rear property line (~500 linear feet) and act to provide a buffer between civic and commercial uses.

The applicant is requesting a CUP to modify the design requirements within the Code of Ordinances §155.040 (A) (2), which requires all commercial facades to be comprised of masonry products. This requirement has historically limited large-scale development because of costs associated with masonry construction, and Staff believes a masonry structure at the rear of several existing metal structures would not best serve the interests of the City or Code of Ordinances.

Existing Use:

The property located at 1174 S. Amy Lane is currently designated as Commercial. To the west of the property is city owned property, Goode/Connell Park. Neighboring to the south are residential properties. Across Amy Lane to the East are a mixture of duplexes, trailers, and other

commercial uses. Staff therefore believes the proposed commercial use of the site will likely not have any significant impact on surrounding land uses.

Zoning:

Current zoning designation for the property is B-5 (General Business District), and is surrounded by B-3 zoning districts to the North, East, and West. To the south and across Amy Lane are residential zoned properties. The proposed CUP, if approved, would not violate the zoning regulations of the B-5 district, will not alter the use and zoning of the property, and will not likely have any adverse impacts on the surrounding properties.

Future Land Use:

According to the Future Land Use Map within the 2007 Comprehensive Plan, the property is designated as Commercial, as are the surrounding properties to the North and West. Properties across Amy Lane are primarily designated as Mixed Residential. The proposed use will maintain the character, appearance and zoning of commercial property and does not conflict with the 2007 Comprehensive Plan.

Flood Damage Prevention:

Per the FEMA Flood Zone Map, a small portion at the north-west corner of the property lies within the 100-year flood plain area. The proposed use for this area is green space, as the applicant does not intend to place any structures in the flood plain.

Notices:

Staff sent out forty-seven (47) notices to property owners within the 400 foot notification area. There were zero (0) response received in favor of the request and zero (0) responses received in opposition of the request.

PROPOSED CONDITIONS:

Staff has worked with the applicant to create the following conditions for the CUP:

1. One Additional Structure Shall be allowed to be constructed with a metal exterior which is consistent with the existing storage facility structures.
2. With the exception of the façade materials and architectural feature requirements, the new structure built on site must meet all other requirements within the Harker Heights Code of Ordinances at the time the Conditional Use Permit is approved.
3. Additionally, an 8-foot screening fence wall shall be required to secure the facility and screen the building, storage of vehicles, and equipment on the site. Acceptable materials shall be wood, metal, masonry, or a combination of these materials, not including chain-link fencing with screening slats.

RECOMMENDATION:

Staff recommends approval of an ordinance granting a Conditional Use Permit (CUP) to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on property described as P T C Addition, Block One (1), Lot Four (4), PT 3, 5.394 Acres, Property ID# 234364, generally located at 1174 S. Amy Lane, Harker Heights, Bell County, Texas with the aforementioned conditions, and based upon the Staff's findings that:

1. The proposed use conforms with applicable regulations and standards established by the City's Building and Development Code;

2. The proposed use will be consistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the 2007 City of Harker Heights Comprehensive Plan;
3. The proposed use will be compatible with existing or permitted uses on abutting sites because of use, building height, setbacks, square footage, and access to the site;
4. The proposed use is suitable to the premises or structure(s) in which it will be conducted;
5. The proposed use will not be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity;
6. The proposed use will not materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs;
7. The proposed use is suitable to the premises or structure(s) in which it will be conducted.

ACTION TAKEN BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend/not recommend an ordinance granting a Conditional Use Permit (CUP) to adjust design requirements for an existing storage business on property designated as B-5 (General Business District), on property described as P T C Addition, Block One (1), Lot Four (4), PT 3, 5.394 Acres, Property ID# 234364, generally located at 1174 S. Amy Lane, Harker Heights, Bell County, Texas, based upon Staff's recommendations and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Letter of Intent with Additional Images
3. Conditions
4. Location Map
5. Existing Land Use Map
6. Zoning Map
7. Future Land Use Map
8. Notification Area Map
9. Citizen Responses



Conditional Use Permit Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:

1. Pre-Application Meeting Scheduled
2. Payment of \$200.00 to the City of Harker Heights
3. Site Plan
4. Letter of Intent

City of Harker Heights
 Planning & Development
 305 Millers Crossing
 Harker Heights, TX 76548
 Phone: (254) 953-5647

Property Owner(s) Name: Steven Weinstock Date: 7/26/18

Address: 695 Cross St.

City/State/Zip: Lakewood, NJ 08701

Phone: 732-374-9051 E-mail: _____

Legal Description of Property:

Location of Property (Address if available): 1174 S. Amy Lane, Harker Heights, TX 76548

Lot: Part of Lot 3 Block 1 Block: 1 Subdivision: _____

Acres: 5.394 Property ID: 234363 Survey: 17-107-D-V

For properties not in a recorded subdivision please submit a copy of a current survey showing the property's proposed to be changed, and/or legal field notes.

Current Zoning Classification: B-5 General Business District Future Land Use Designation: Same

Applicant's Representative (if applicable):

Applicant's Representative: Shanna Komperda

Phone: 254-291-8655 E-Mail: ShannaK1972@yahoo.com

ATTACH A SITE PLAN: Provide a plan drawn to scale to illustrate the boundaries of the area, location of all existing and proposed structure(s), gross floor area and location of building entrances and exits.

ATTACH A LETTER OF INTENT: Provide a detailed description of the proposed use including but not limited to: the changes to the site, structure(s), landscaping, parking and land use in reference to the Harker Heights Code of Ordinances Section 155.201 Conditional Use Permit.

I, being the undersigned applicant of the property herein described, hereby make application for approval of plans submitted and made a part of the application in accordance with the provisions of the City of Harker Heights Ordinances, and hereby certify that the information provided is true and correct to the best of my knowledge and belief.

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

Steve Weinstock
 Printed Name of Property Owner

[Signature]
 Signature of Property Owner

Shanna Komperda
 Printed Name of Representative

Shanna Komperda
 Signature of Representative

STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: _____
 Received By: _____

Pre-Application Meeting

Receipt #: _____
 Case #: _____

Letter of Intent (LOI)

Date: 19 August, 2018
To: whom it may concern
Through:

I, Steve Weinstock, under signed, as Managing Member of **Gefen Self Storage TX2, LLC**, hereby confirm with full legal and corporate responsibility and under penalty of perjury that we are ready, willing and able to enter into a contract for the expansion of the property asset as specified below and that funding is available including any import/export permits needed to fulfill the expansion of the property asset as specified below. Also, hereby we introduce our exclusive representatives as specified below for this expansion by which any negotiations shall be handled and finalized;

Commodity: 10,000 SF climate controlled storage building
Specifications: metal fabrication structure and stucco fence.

Our Company Information:

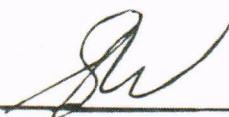
1. Company Name: Gefen Self Storage TX2, LLC
2. Company Address: 695 Cross St., Lakewood, NJ 08701

Property Information:

1. Company Name: Top Value Storage – Harker Heights
2. Company Address: 1174 S. Amy Lane, Harker Heights, TX 76548
3. Company Telephone: 254.699.9922
4. Company Representative(s): Monty Rainey, Keith Bonney, Shanna Komperda

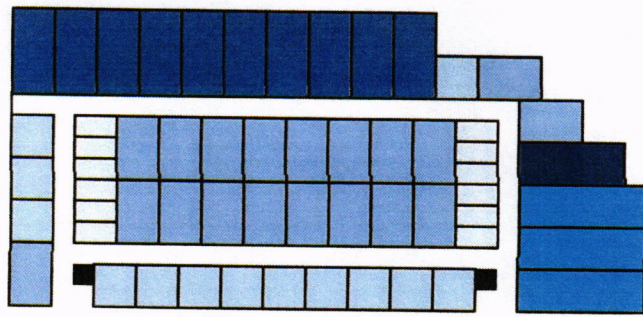
Gefen Self Storage TX2, LLC, owner of the real property asset located in Harker Heights, TX at the above listed address, wishes to expand operations with the addition of an approximately 10,000 SF climate controlled storage building. The asset currently offers local businesses and resident 46,000 SF of ambient self storage and covered and open air boat and RV parking. The addition of climate controlled storage to this asset would provide a much needed commodity to the community. Typical urban markets see upwards of 40% of available self storage footage supply to be climate controlled space, however, the Harker Heights market has less than half that amount, causing perspective tenants to take their business to neighboring cities to meet their storage needs.







The proposed expansion would be of metal construction just as the rest of the existing property, however would also provide a stucco fence barrier between the rear side of the expansion building and the city park, meeting or exceeding city code. We are eager to bring this needed commodity to the community and appreciate your consideration and cooperation in allowing us to grow with the community.

X  8/19/18

Steve Weinstock
Managing Member

Gefen Self Storage TX2, LLC



	5x10	12
	10x10	13
	10x15	19
	10x20	10
	10x25	1
	10x30	3

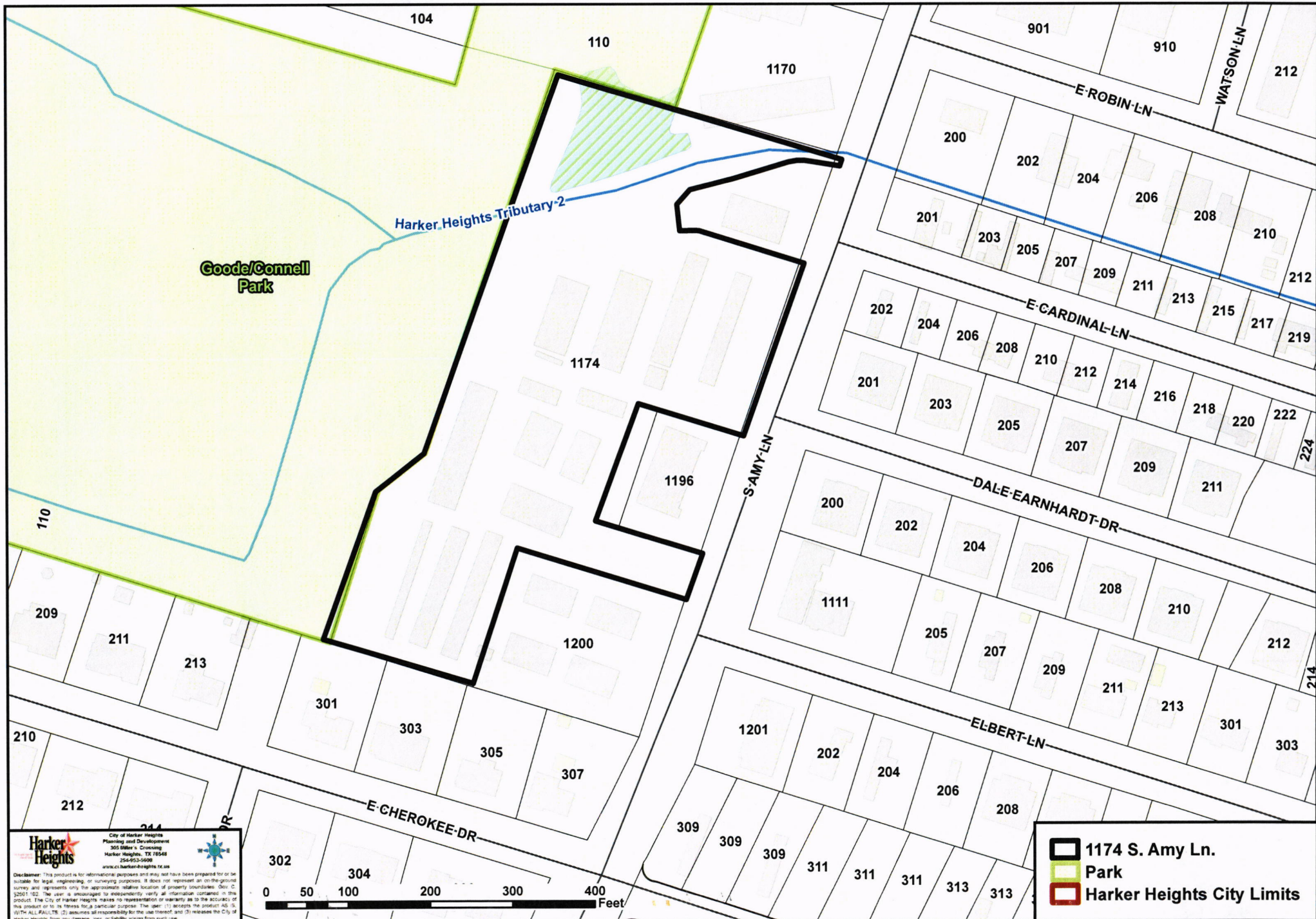


Conditional Use Permit

Case No. Z18-13 -- 1174 S. Amy Ln.

1. One Additional Structure Shall be allowed to be constructed with a metal exterior which is consistent with the existing storage facility structures.
2. With the exception of the façade materials and architectural feature requirements, the new structure built on the site must meet all other requirements within the Harker Heights Code of Ordinances at the time the Conditional Use Permit is approved.
3. Additionally, an 8-foot screening fence wall shall be required to secure the facility and screen the building, storage of vehicles, and equipment on the site. Acceptable materials shall be wood, metal, masonry, or a combination of these materials, not including chain-link fencing with screening slats.

Location



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 78448
 254-963-3000
 www.ci.harker-heights.tx.us

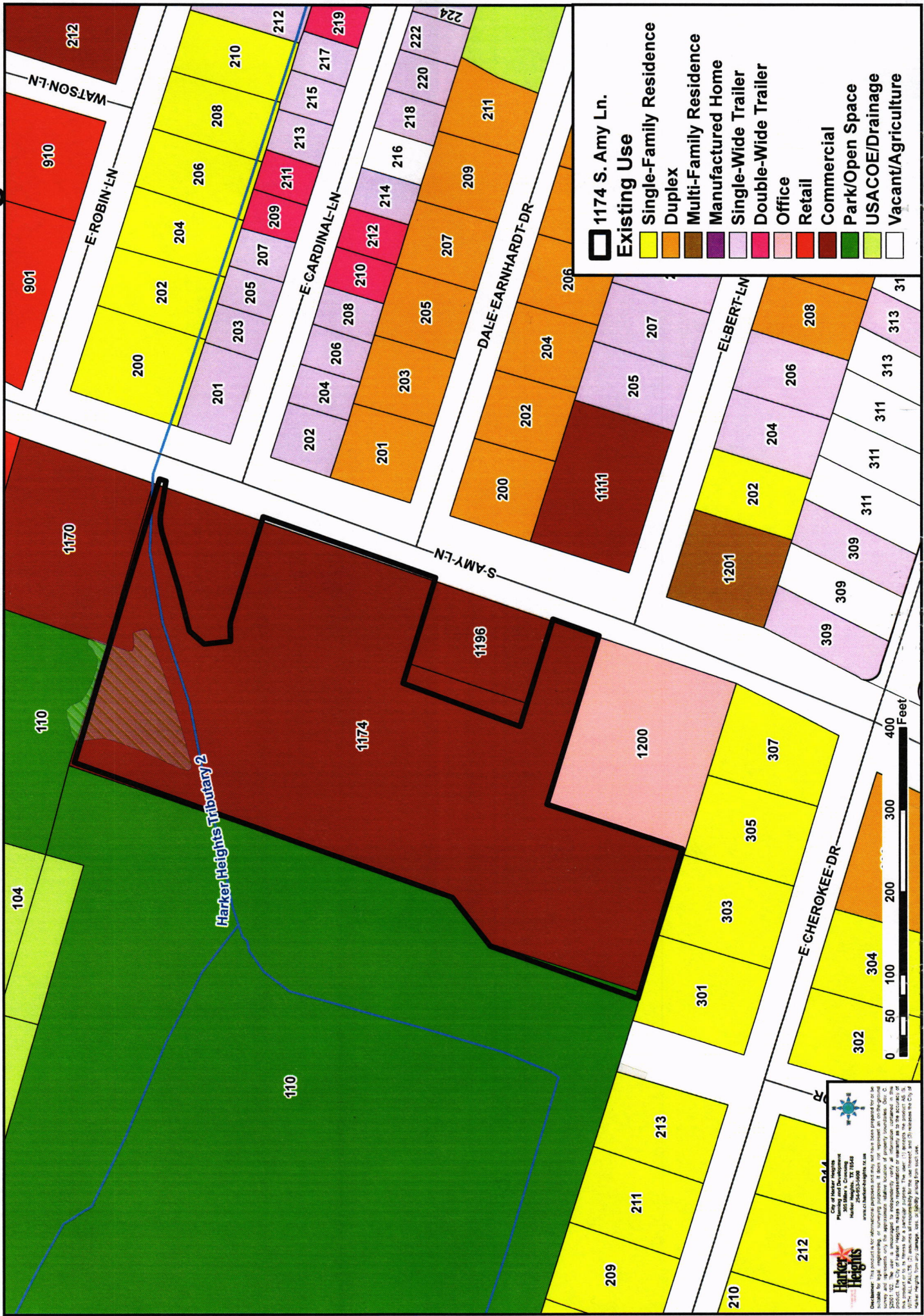
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1174 S. Amy Ln.

Park

Harker Heights City Limits

Existing Land Use



1174 S. Amy Ln.

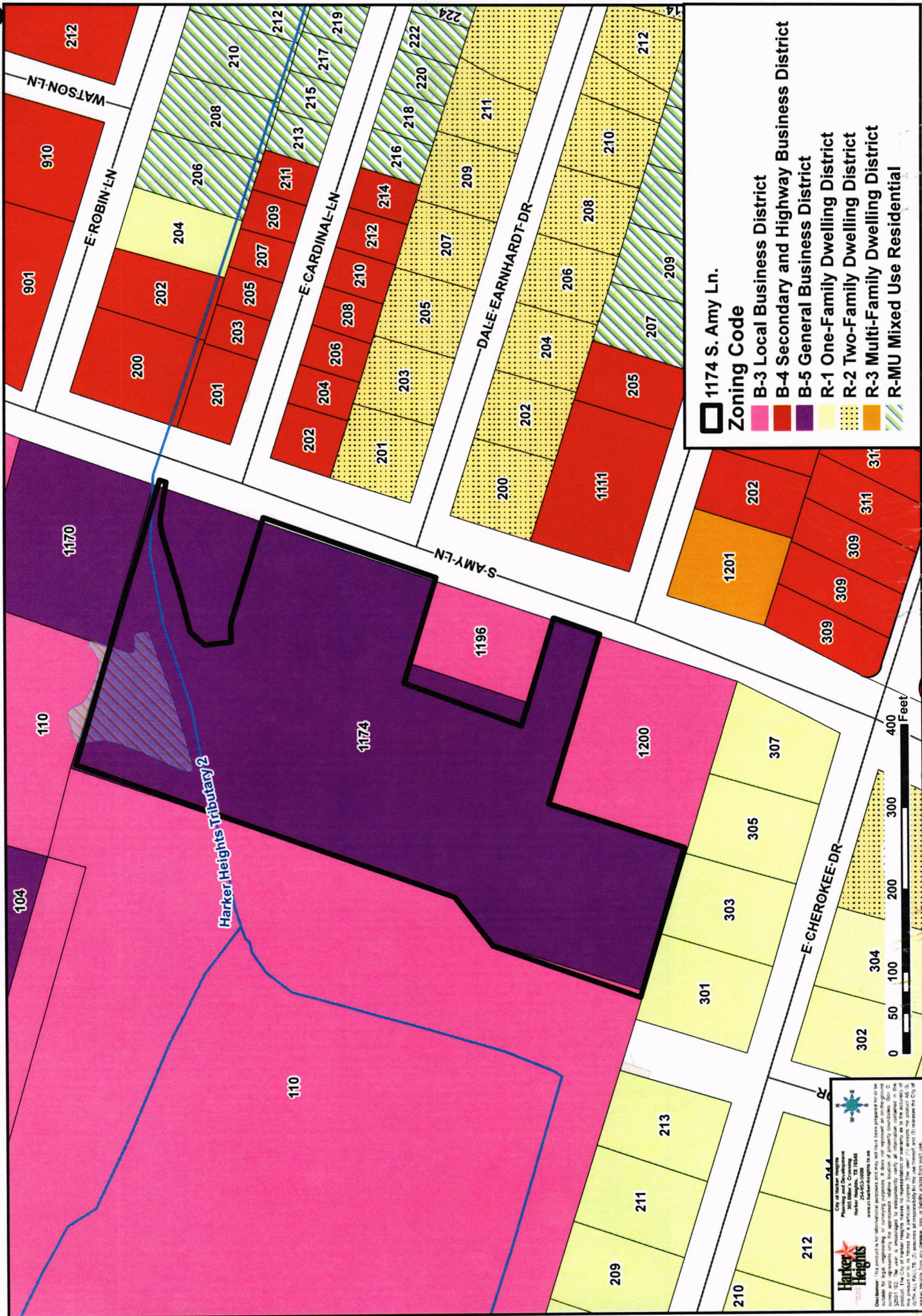
Existing Use

- Single-Family Residence
- Duplex
- Multi-Family Residence
- Manufactured Home
- Single-Wide Trailer
- Double-Wide Trailer
- Office
- Retail
- Commercial
- Park/Open Space
- USACOE/Drainage
- Vacant/Agriculture

Harker Heights
 City of Harker Heights
 303 Miller St., Crockett
 Harker Heights, TX 76788
 254-563-2000
 www.ci.harkerheights.tx.us

Map Date: 9/11/2018

Zoning



1174 S. Amy Ln.

Zoning Code

- B-3 Local Business District
- B-4 Secondary and Highway Business District
- B-5 General Business District
- R-1 One-Family Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District
- R-MU Mixed Use Residential

City of Harker Heights

 Planning & Community Development

 Harker Heights, TX 75844

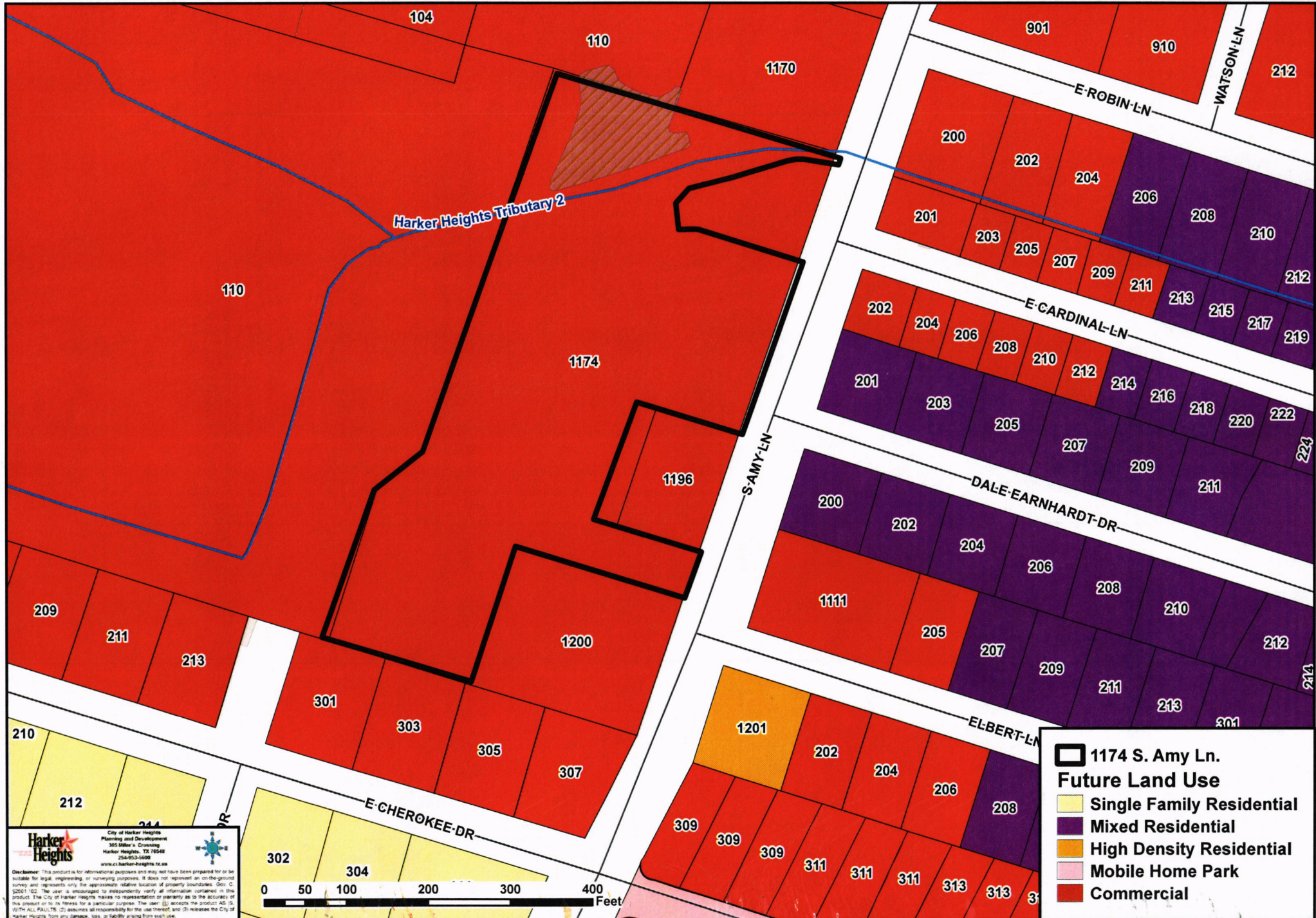
www.ci.harkerheights.tx.us

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Map Date: 9/11/2018

Future Land Use



1174 S. Amy Ln.
Future Land Use

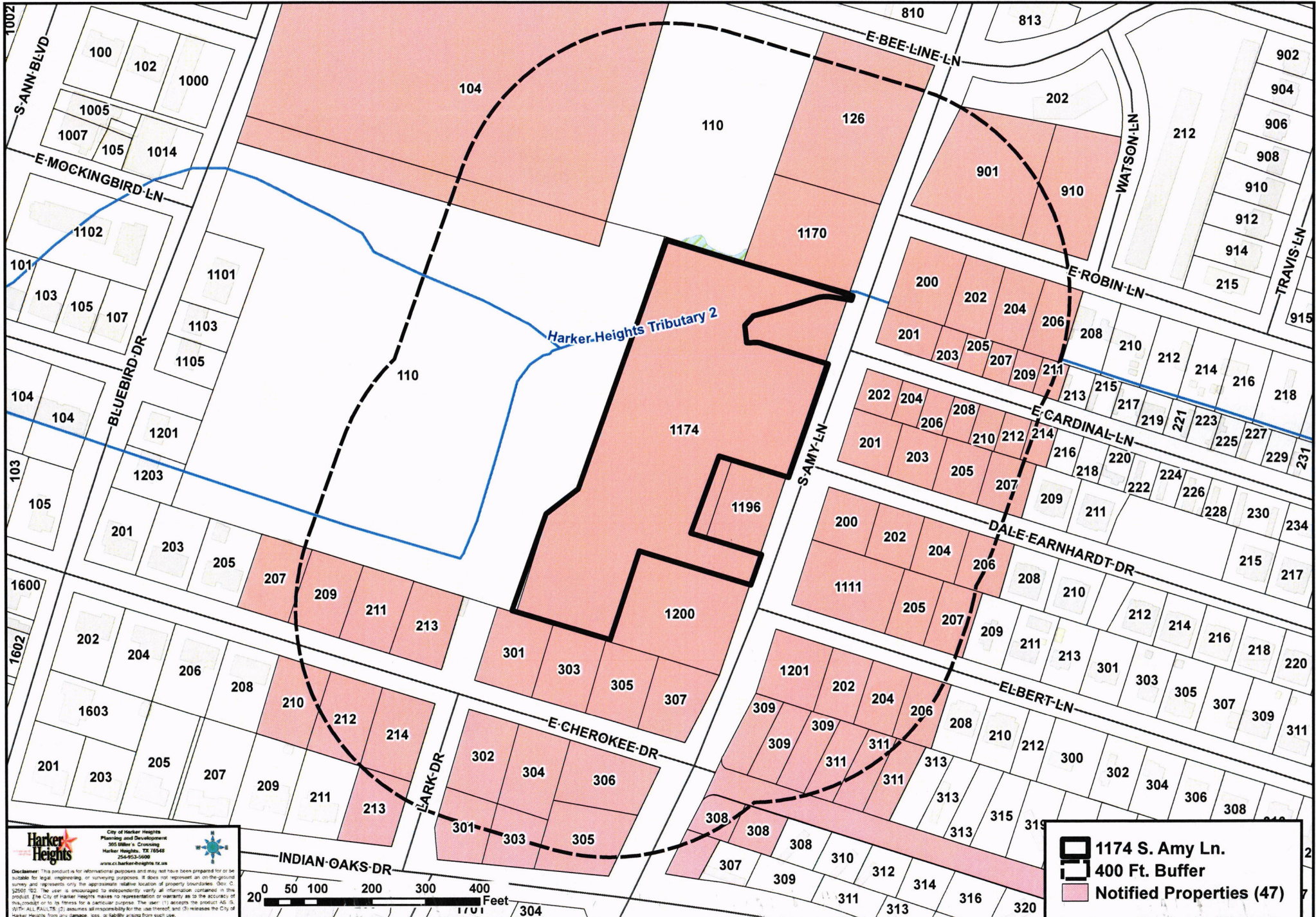
- Single Family Residential
- Mixed Residential
- High Density Residential
- Mobile Home Park
- Commercial

Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-953-6600
 www.ci.harker-heights.tx.us

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Map Date: 9/11/2018

Notification



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76641
 254-633-0909
 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 original survey and represents only the approximate relative location of property boundaries. Gov. C. 32007-102. The user is encouraged to independently verify all information contained in this product. If 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.

1174 S. Amy Ln.
 400 Ft. Buffer
 Notified Properties (47)



PLANNING AND ZONING COMMISSION MEMORANDUM

Z18-14

AGENDA ITEM VI-02

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: SEPTEMBER 26, 2018

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE TO MODIFY THE PLANNED DEVELOPMENT – MIXED USE (PD-M) CONDITIONS FROM A BASE RESIDENTIAL ZONING OF R-2 (TWO FAMILY DWELLING DISTRICT) AND R-3 (MULTI-FAMILY DWELLING DISTRICT) TO PD-M TO ALLOW R-1 (ONE-FAMILY DWELLING DISTRICT), ON PROPERTIES DESCRIBED AS A0179BC J M CROSS, 3-3-1, ACRES 1.504, PROPERTY ID# 127920, A0179BC J M CROSS, ACRES 2.097, PROPERTY ID# 198358, A0179BC J M CROSS, 3-3, ACRES 9.469, PROPERTY ID# 38947, AND A0179BC J M CROSS, 3-3-2, ACRES 6.949, PROPERTY ID# 127921, GENERALLY LOCATED AT 12590 E. KNIGHTS WAY (E. FM 2410), HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

On August 8, 2017, the applicant rezoned this property from R-1 to PD-M with the intent of building a mixed development that consisted of commercial frontage, high-end two-family residences, and a small apartment building. The preliminary plat for this development was approved on January 9, 2018, and during the final platting process, the applicant was told by TxDOT that the project created a traffic loading issue on FM 2410, and either they would need to reduce the number of cars in the development (keep the count less than 75), or construct a center turn lane on FM 2410.

The construction of a center turn lane on FM 2410 would make the development untenable, so the applicant, Mr. Robert Whitson, met with Staff to discuss the possibility of developing single-family residential units in place of his proposed two-family and multi-family residential subdivision. Staff informed the applicant he was capable of accomplishing this task now, as both the R-2 and R-3 zoning districts allow for the development of single-family residence. However, the applicant felt TxDOT would require stronger restrictions on multi-family development, so they are seeking a rezone of the property to specify the construction of single-family homes, but also allowing for the ability to build accessory dwelling units on some the lots.

Zoning for Pecan Meadow will remain as a PD-M (Planned Development – Mixed Use) to include single-family residences the length of the property and commercial uses at the entrance of the subdivision.

PROJECT DETAILS

The applicant has submitted the attached revised concept plan for the proposed Planned Development – Mixed Use (PD-M) zoning classification. The proposed development consists of 31 lots; the two lots fronting E. Knights Way (E. FM 2410) are designated as commercial lots to be zoned B-3 (Local Business District), the remaining lots to the immediate south of commercial lots shall be zoned R-1 (One-Family Dwelling District).

It is the intent of the applicant to design this planned development for the betterment of Harker Heights, and with input from the city staff, the applicant believes this development will maintain the quality and integrity of the neighborhood and city. The units built within the development will have varied front elevations to maintain pleasant aesthetics and will be built with stone, brick, stucco, or a combination of these on three (3) sides with privacy fencing in the backyard only. The main road will maintain a positive streetscape with sidewalks, street trees, and parking will be prohibited per ordinance/covenant restrictions for the subdivision.

A homeowner's association will be created to require owners to fund and maintain a landscape plan to include, but not limited to, lawn maintenance, flower bed management, and shrub/tree maintenance, to maintain the aesthetics, even if residents have to be away on extended vacations, business trips, etc. The HOA will also maintain the drainage ditches on the east and west boundaries of the subdivision, the green space to the north, and any subdivision entry signs.

In addition, the staff and applicant have considered all developmental requirements and proposed the following conditions for the PD-M:

The zoning for the property shall consist of R-1 and B-3 zoning districts which shall be located on the property according to the attached zoning map. Each lot will follow the requirements of its assigned zoning district, and all other City Codes and requirements, with the following exceptions:

1. Front and rear setbacks of residential lots shall be 10 feet, any side containing a garage will require a 20 foot setback.
2. All residential units shall be at least 3-sides masonry with a rear façade of masonry/cementations material combination. Gables may be a cementations material.
3. The Developer shall create an HOA, which will include but not be limited to the following duties:
 - Maintenance of all green spaces, including medians and drainage easements on site.
 - Maintenance of all subdivision entry signage, which shall meet the requirements of the District 1 Overlay Manual.
 - The HOA may not be terminated, nor may the foregoing duties be modified, without the prior written consent of the City.
4. Per City ordinance, a sidewalk along FM 2410 will be constructed at the time of the development of the commercial lots fronting FM 2410.

5. The masonry wall used to screen commercial property from residential property shall be required per the District 1 Overlay Manual, however, retaining walls, berms, or other earthworks may be used as part of the height requirements for the masonry screening walls.
6. Accessory Dwelling Unit lots, as designated on the attached site plan, shall be allowed by right and not require a Conditional Use Permit.

EXISTING USE:

Two of the subject properties are currently designated as vacant and the third lot has a single-wide manufactured home. There is a manufactured home park to the west of the properties; the rest of the properties are surrounded by vacant lots and single family homes. The area shares a boundary with the City of Harker Heights Extraterritorial Jurisdiction (ETJ) and is in close proximity to the boundary of the City of Nolanville to the west.

ZONING:

Current zoning for this property is PD-M (Planned Development – Mixed Use). All surrounding properties are zoned R-1 (One Family Dwelling District). A greater portion of the proposed PD-M will be single-family residential uses and would not have any significant impact on the zoning designation of the area. Moreover the proposed commercial uses will be along E. Knights Way to take advantage of the major arterial. There is a commercial zoned property within close proximity to the site along E. Knights Way on the southeastern side of the property. Staff believes that with the installation of utilities along E. Knights Way, there is a greater tendency for more commercial development to occur, which will possibly trigger an increase in commercial rezoning along Knights Way. Considering the proposed use, staff believes the proposed rezoning to allow single-family dwellings will not likely have any adverse effects on the surrounding residential zoning districts.

The fusion of low impact commercial development and residential development is gradually becoming one of the best ways to promote smart growth within a limited area for development, such as is the case for Harker Heights. In that regard, this project can potentially be a catalyst to attract development in that part of the City. The proposed site is also located in the Knights Way development corridor, which is a development overlay district with specific design standards intended to improve the appearance and quality of development in the area. If approved, the proposed commercial component of the PD-M will conform to the design requirements and regulations of the overlay district. Staff believes the proposed mixed-use development will be compatible with existing uses in the area and believes the proposed PD-M will likely not have any adverse effects on the surrounding land uses.

FUTURE LAND USE:

The northern parts of the subject area are designated as Single Family Residential (SFR), whereas the other southern part lies in an area designated as Commercial (COM). Greater

parts of the property are designated for single-family residential units. Staff believes that with the attached conditions and city developmental regulations, the development will not likely create any conflict between neighboring uses. The area designated for commercial development lies in the southern portion of the property designated as Commercial; hence the commercial development will conform to the future land use map. Therefore, the proposed rezoning and intended use would be consistent with the 2007 City of Harker Heights Comprehensive Plan.

FLOOD DAMAGE PREVENTION:

Per the FEMA Flood Zone Map, the northern part of the property bordering the City's ETJ (less than 10% of the property) lies in the 100-year flood plain area. The proposed use for this area is green space, as the developer does not intend to place any structures in the flood plain.

NOTICES:

Staff sent out thirteen (13) notices to property owners within the 400 foot notification area. To date, zero (0) responses were received in favor of the request, and zero (0) responses were received in opposition of the request.

RECOMMENDATION:

Staff reviewed the application, conditions, and plans submitted by the applicant, taking into consideration the development requirements outlined in the City's Ordinance §155.036 PD - Planned Development District, and reached the following findings and facts:

The proposed rezoning request to PD-M **does not:**

1. Adversely impact existing or permitted uses on abutting sites that cannot be mitigated;
2. Adversely affect the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use, and other uses reasonably anticipated in the area considering existing zoning and land uses in the area;
3. Fail to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts; or
4. Adversely affect traffic control or adjacent properties by inappropriate location, lighting, or type of signs.

While the applicant has requested for reduction in setbacks, the reductions are not substantial since the required lot sizes will be maintained, all other developmental regulations will be maintained, and the reduction will also not pose any safety or hazard issues if granted. Moreover, staff believes the introduction of an HOA, no on-street parking, as well as the other conditions such as masonry building materials, and

maintaining most existing trees will be a great asset for the subdivision. Moreover this development has a greater propensity to propel development along E. Knights Way.

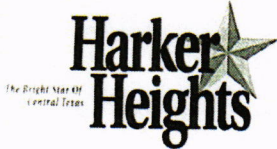
Staff therefore recommends approval of an ordinance to modify the Planned Development – Mixed Use (PD-M) Conditions from a base residential zoning of R-2 (Two Family Dwelling District) and R-3 (Multi-Family Dwelling District) to PD-M to allow R-1 (One-Family Dwelling District), on properties described as A0179BC J M Cross, 3-3-1, Acres 1.504, Property ID# 127920, A0179BC J M Cross, Acres 2.097, Property ID# 198358, A0179BC J M Cross, 3-3, Acres 9.469, Property ID# 38947, and A0179BC J M Cross, 3-3-2, Acres 6.949, Property ID# 127921, generally located at 12950 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, with the attached conditions, based on the above staff's findings and facts.

ACTION BY PLANNING AND ZONING COMMISSION:

- 1.) Motion to approve/disapprove an ordinance to modify the Planned Development – Mixed Use (PD-M) Conditions from a base residential zoning of R-2 (Two Family Dwelling District) and R-3 (Multi-Family Dwelling District) to PD-M to allow R-1 (One-Family Dwelling District), on properties described as A0179BC J M Cross, 3-3-1, Acres 1.504, Property ID# 127920, A0179BC J M Cross, Acres 2.097, Property ID# 198358, A0179BC J M Cross, 3-3, Acres 9.469, Property ID# 38947, and A0179BC J M Cross, 3-3-2, Acres 6.949, Property ID# 127921, generally located at 12950 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas with the attached conditions based on the above staff's findings and facts.
- 2.) Any other action desired.

ATTACHMENTS:

1. Application
2. Concept Plan, Lot Layout
3. Proposed Conditions
4. Location Map
5. Existing Land Use Map
6. Zoning Map
7. Future Land Use Map
8. FEMA Flood Map
9. Notification Map



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:

1. Pre-Application Meeting Scheduled
2. Payment of \$200.00 to the City of Harker Heights

City of Harker Heights
 Planning & Development
 305 Millers Crossing
 Harker Heights, TX 76548
 Phone: (254) 953-5647

Property Owner(s) Name: John R. and Robert Whitson Date: 8/27/18

Address: 12552 FM 2410

City/State/Zip: Belton, TX 76513

Phone: 254-383-1320 E-mail: aggie97whoop@gmail.com

Legal Description of Property:

Location of Property (Address if available): 12552 FM 2410

Lot: 230 Block: 1 Subdivision: Pearson Meadows

Acres: _____ Property ID: _____ Survey: attached

For properties not in a recorded subdivision please submit a copy of a current survey showing the property's proposed to be changed, and/or legal field notes.

Proposed Use: R-1 and R-1 w/ accessory dwelling unit

Current Zoning Classification: R-2 Proposed Zoning: R-1 and R-1 w/ access. dwu

Current Land Use: farmland Proposed Land Use: single family residence

Applicant's Representative (if applicable):

Applicant's Representative: Robert Whitson

Phone: 254-383-1320 E-Mail: aggie97whoop@gmail.com

I, being the undersigned applicant of the property herein described, hereby make application for approval of plans submitted and made a part of the application in accordance with the provisions of the City of Harker Heights Ordinances, and hereby certify that the information provided is true and correct to the best of my knowledge and belief.

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

Robert Robert D. Whitson
 Printed Name of Property Owner

[Signature]
 Signature of Property Owner

Printed Name of Representative _____

Signature of Representative _____

STAFF ONLY - DO NOT FILL OUT BELOW

Date Submitted: _____

Pre-Application Meeting

Receipt #: _____

Received By: _____

Revised: 2/28/18

Case #: _____

PECAN MEADOW SUBDIVISION
BOBBY WHITSON, DEVELOPER
HARKER HEIGHTS, TX

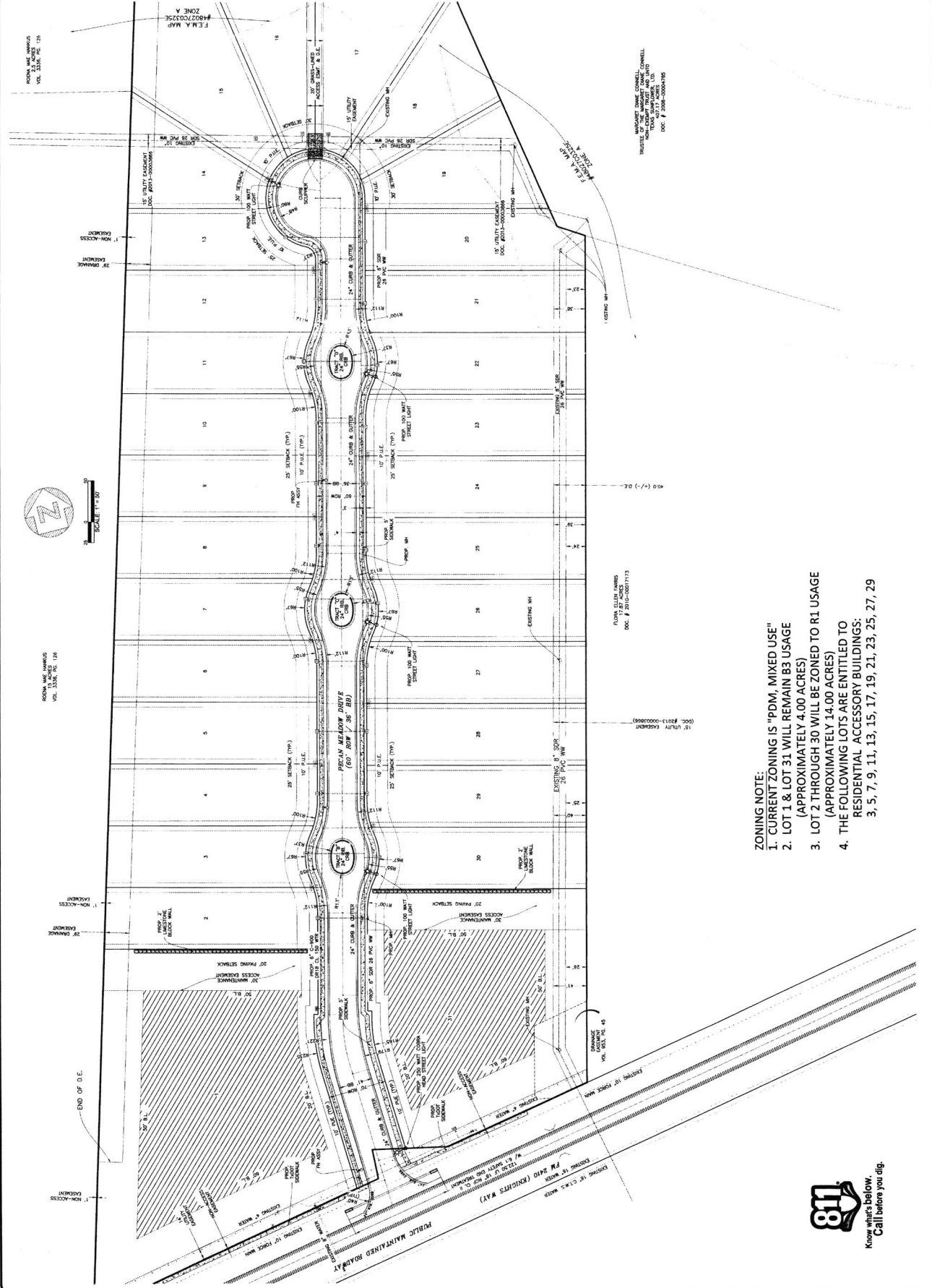
EXHIBIT "A"
OVERALL PLAN

BANDAS ENGINEERING CO.
CIVIL ENGINEERING FIRM # F-3782
415 COTTINGHAM DRIVE
TEMPLE, TEXAS 76504
FAX (254) 778-8728
www.bandasengineering.com
john.bandas@bandasengineering.com



DATE:	SEPT. 6, 2018
DRAWN BY:	JAF
CHECKED BY:	JHB
PROJECT #:	328

EXH. "A"



- ZONING NOTE:**
1. CURRENT ZONING IS "PDM, MIXED USE"
 2. LOT 1 & LOT 31 WILL REMAIN B3 USAGE (APPROXIMATELY 4.00 ACRES)
 3. LOT 2 THROUGH 30 WILL BE ZONED TO R1 USAGE (APPROXIMATELY 14.00 ACRES)
 4. THE FOLLOWING LOTS ARE ENTITLED TO RESIDENTIAL ACCESSORY BUILDINGS:
3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29



Know what's below.
Call before you dig.

PECAN MEADOW SUBDIVISION
BOBBY WHITSON, DEVELOPER
HARKER HEIGHTS, TX

EXHIBIT "B"
COMMERCIAL PROPERTIES

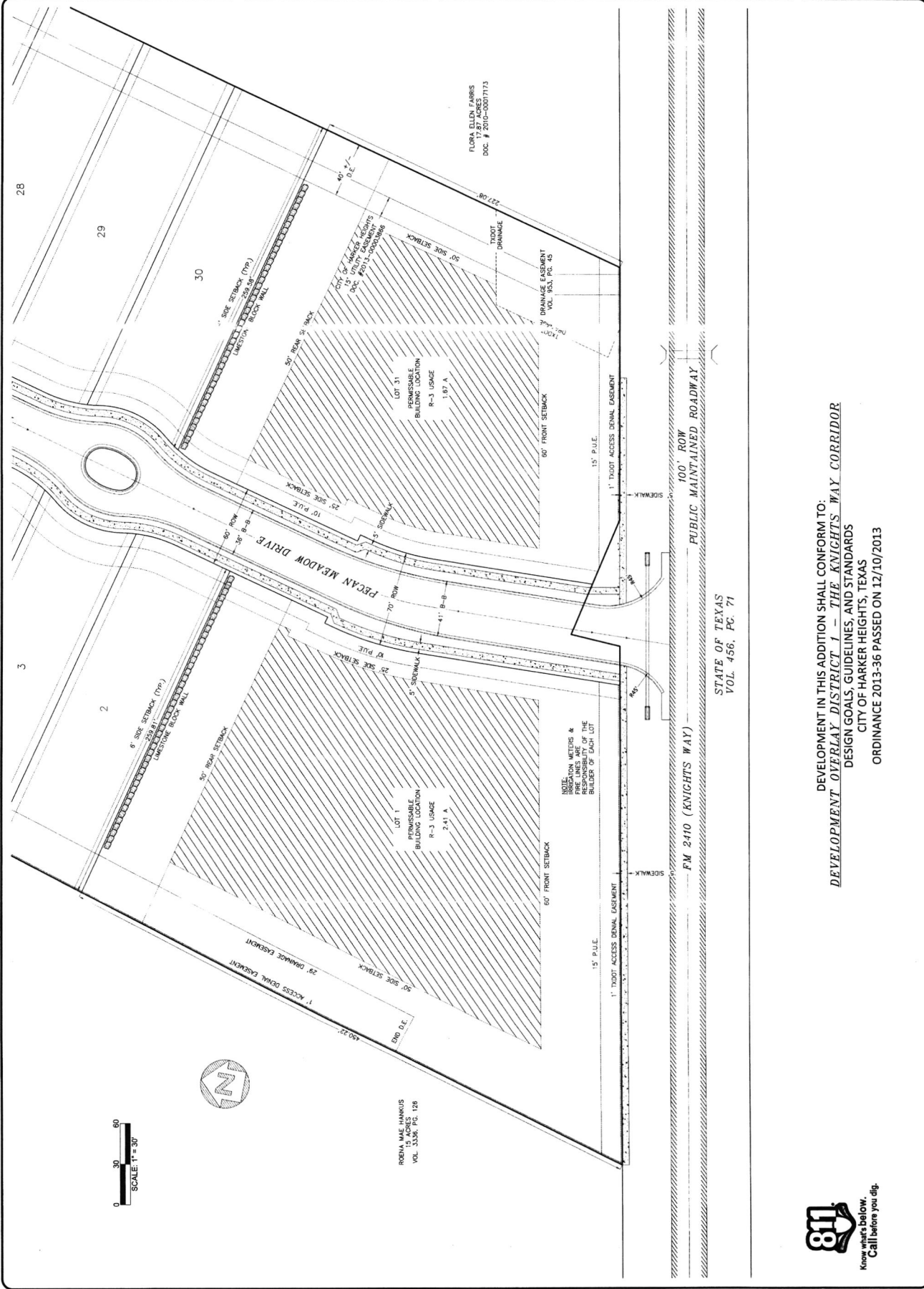
BANDAS ENGINEERING CO.
CIVIL ENGINEERING FIRM # F-3782
415 COTTINGHAM DRIVE
TEMPLE, TEXAS 76504
FAX (254) 778-8728
www.bandasengineering.com
john.bandas@bandasengineering.com



07/04/18
JWB

DATE:	SEPT. 6, 2018
DRAWN BY:	JWF
DESIGNED BY:	JWB
CHECKED BY:	JWB
PROJECT #:	329

Sheet #
EXH. "B"



DEVELOPMENT IN THIS ADDITION SHALL CONFORM TO:
DEVELOPMENT OVERLAY DISTRICT 1 - THE KNIGHTS WAY CORRIDOR
 DESIGN GOALS, GUIDELINES, AND STANDARDS
 CITY OF HARKER HEIGHTS, TEXAS
 ORDINANCE 2013-36 PASSED ON 12/10/2013



STATE OF TEXAS
VOL. 456, PC. 71

100' ROW
PUBLIC MAINTAINED ROADWAY

FM 2410 (KNIGHTS WAY)

1" THROAT ACCESS DENIAL EASEMENT

15' P.U.E.

60' FRONT SETBACK

25' SIDE SETBACK

30' REAR SETBACK

1" ACCESS DENIAL EASEMENT

END D.E.

150'-23"

1" DRAINAGE EASEMENT

10' P.U.E.

41' B-B

60' ROW

30' B-B

10' P.U.E.

5' SIDEWALK

60' FRONT SETBACK

25' SIDE SETBACK

30' REAR SETBACK

8' SIDE SETBACK (TOP)

150' B-B

1" DRAINAGE EASEMENT

60' ROW

30' B-B

10' P.U.E.

5' SIDEWALK

60' FRONT SETBACK

25' SIDE SETBACK

30' REAR SETBACK

1" ACCESS DENIAL EASEMENT

END D.E.

150'-23"

1" DRAINAGE EASEMENT

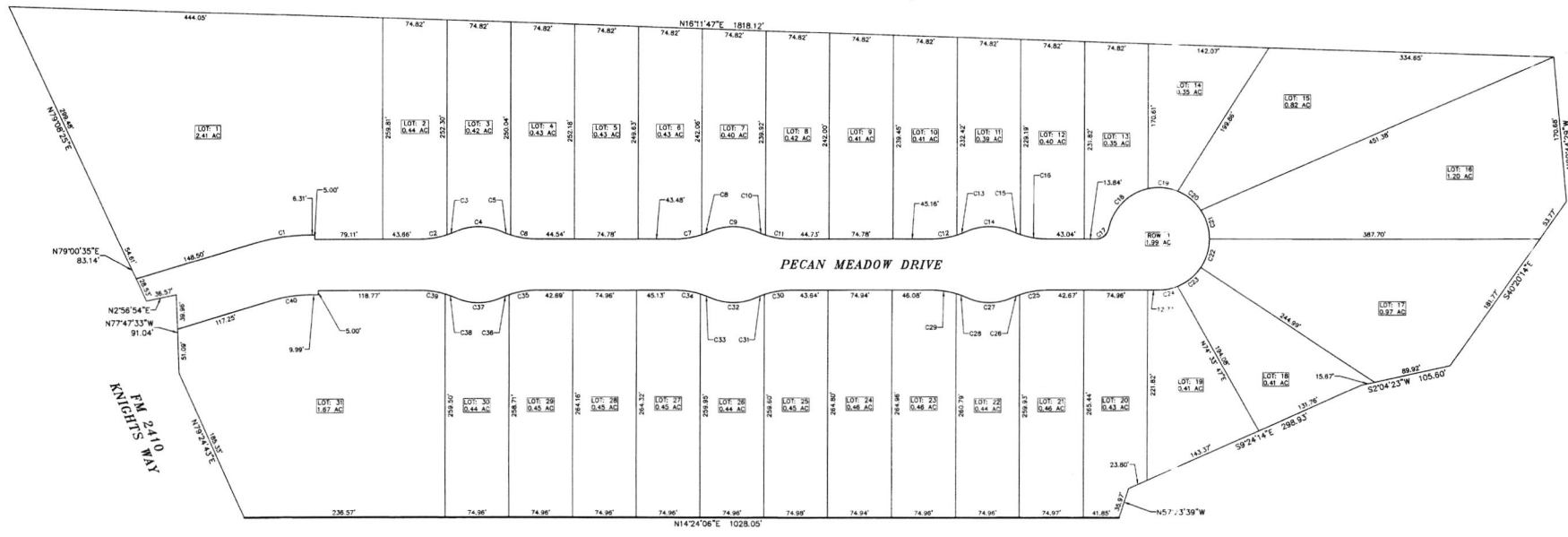
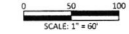
PECAN MEADOW SUBDIVISION
BOBBY WHITSON, DEVELOPER
HARKER HEIGHTS, TX

EXHIBIT "C"
PARCELS

BANDAS ENGINEERING CO.
CIVIL ENGINEERING FIRM # F-3782
415 COTTINGHAM DRIVE
TEMPLE, TEXAS 76504
www.bandasengineering.com
john.bandas@bandasengineering.com
FAX (254) 778-3940
(254) 778-8728



DATE: SEPT. 6, 2018
DRAWN BY: VAF
DESIGNED BY: JHB
CHECKED BY: JHB
PROJECT #: 329
SHT. #
EXH. "C"



- ZONING NOTE:**
1. CURRENT ZONING IS "PDM, MIXED USE"
 2. LOT 1 & LOT 31 WILL REMAIN B3 USAGE (APPROXIMATELY 4.00 ACRES)
 3. LOT 2 THROUGH 30 WILL BE ZONED TO R1 USAGE (APPROXIMATELY 14.00 ACRES)
 4. THE FOLLOWING LOTS ARE ENTITLED TO RESIDENTIAL ACCESSORY BUILDINGS: 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29

Curve Table				
Curve #	Length	Radius	Delta	Chord Direction
C1	66.25'	235.00'	16°09'06"	N6°12'11"E
C2	31.64'	100.00'	18°07'39"	N5°12'58"E
C3	10.34'	100.00'	5°55'31"	N8°48'37"W
C4	56.25'	67.00'	48°06'21"	N14°16'47"E
C5	11.26'	100.00'	6°27'02"	N35°06'27"E
C6	30.72'	100.00'	17°36'09"	N23°04'52"E
C7	31.84'	100.00'	18°14'31"	N5°09'29"E
C8	10.14'	100.00'	5°48'40"	N6°52'06"W
C9	56.23'	67.44'	47°48'35"	N14°16'44"E
C10	11.46'	100.00'	6°33'42"	N35°02'46"E
C11	30.52'	100.00'	17°28'53"	N23°01'29"E
C12	30.07'	100.00'	17°13'37"	N5°39'56"E
C13	11.91'	100.00'	6°49'34"	N6°21'39"W
C14	56.25'	67.00'	48°06'21"	N14°16'44"E
C15	9.68'	100.00'	5°32'53"	N35°33'28"E
C16	32.30'	100.00'	18°30'18"	N23°31'53"E
C17	20.54'	15.00'	78°27'47"	N24°57'02"W
C18	69.52'	60.00'	66°23'16"	N30°59'17"W
C19	35.65'	60.00'	34°02'20"	N19°13'31"E
C20	35.65'	60.00'	34°02'20"	N5°15'51"E

Curve Table				
Curve #	Length	Radius	Delta	Chord Direction
C21	35.65'	60.00'	34°02'20"	N8°18'11"E
C22	35.65'	60.00'	34°02'20"	S58°39'29"E
C23	35.65'	60.00'	34°02'20"	S24°37'09"E
C24	22.91'	60.00'	21°52'50"	S3°20'28"W
C25	32.88'	100.00'	18°50'21"	S4°51'34"W
C26	9.10'	100.00'	5°12'49"	S71°00'1"E
C27	56.36'	65.11'	49°35'53"	S14°16'44"W
C28	12.86'	103.77'	6°59'24"	S34°23'40"W
C29	29.30'	103.77'	16°10'40"	S22°48'38"W
C30	31.88'	100.00'	18°15'54"	S5°08'47"W
C31	10.10'	100.00'	5°47'16"	S6°52'48"E
C32	55.42'	66.50'	47°45'02"	S14°00'41"W
C33	12.52'	102.38'	7°00'28"	S34°53'25"W
C34	30.28'	102.38'	16°56'47"	S22°54'47"W
C35	32.67'	100.00'	18°43'16"	S4°55'09"W
C36	9.31'	100.00'	5°19'54"	S7°08'26"E
C37	56.40'	64.43'	50°09'14"	S14°16'47"W
C38	12.63'	103.79'	6°58'26"	S34°24'00"W
C39	29.32'	103.79'	16°11'16"	S22°49'10"W
C40	46.51'	165.00'	16°09'06"	S6°12'11"W

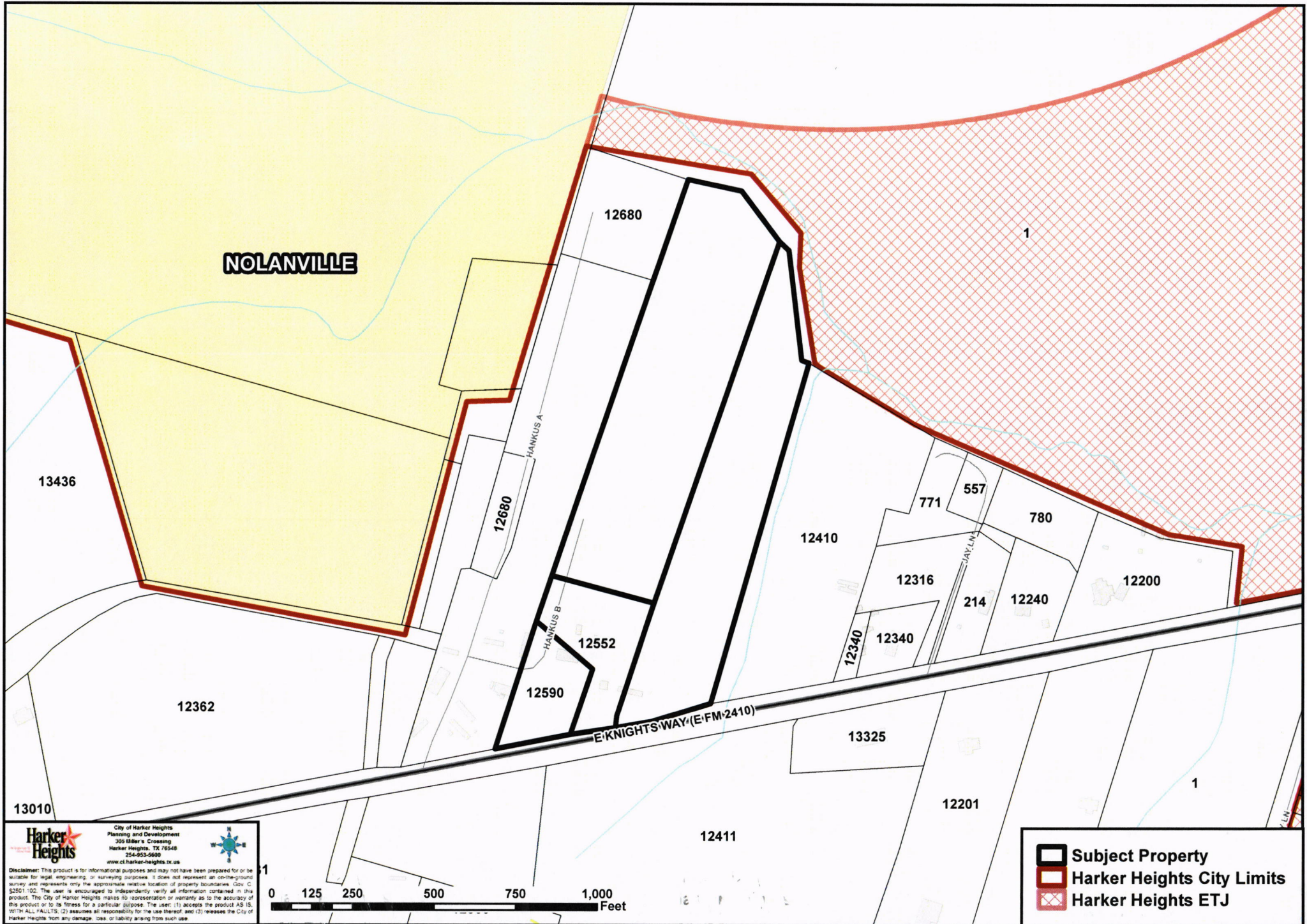


Conditions for PD-M

Z18-13 – 12950 E. FM 2410

1. Front and rear setbacks of residential lots shall be 10 feet, any side containing a garage will require a 20 foot setback.
2. All residential units shall be at least 3-sides masonry with a rear façade of masonry/cementations material combination. Gables may be a cementations material.
3. The Developer shall create an HOA, which will include but not be limited to the following duties:
 - Maintenance of all green spaces, including medians and drainage easements on site.
 - Maintenance of all subdivision entry signage, which shall meet the requirements of the District 1 Overlay Manual.
 - The HOA may not be terminated, nor may the foregoing duties be modified, without the prior written consent of the City.
4. Per City ordinance, a sidewalk along FM 2410 will be constructed at the time of the development of the commercial lots fronting FM 2410.
5. The masonry wall used to screen commercial property from residential property shall be required per the District 1 Overlay Manual, however, retaining walls, berms, or other earthworks may be used as part of the height requirements for the masonry screening walls.
6. Accessory Dwelling Unit lots, as designated on the attached site plan, shall be allowed by right and not require a Conditional Use Permit.

Location



NOLANVILLE

13436

12680

1

HANKUS A

12680

HANKUS B

12552

12590

12410

771

557

780

12316

214

12240

12200

12340

12340

12201

13325

12411

E KNIGHTS WAY (E-FM-2410)

13010

12362

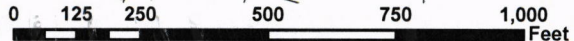
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City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76548
254-853-5600
www.ci.harker-heights.tx.us



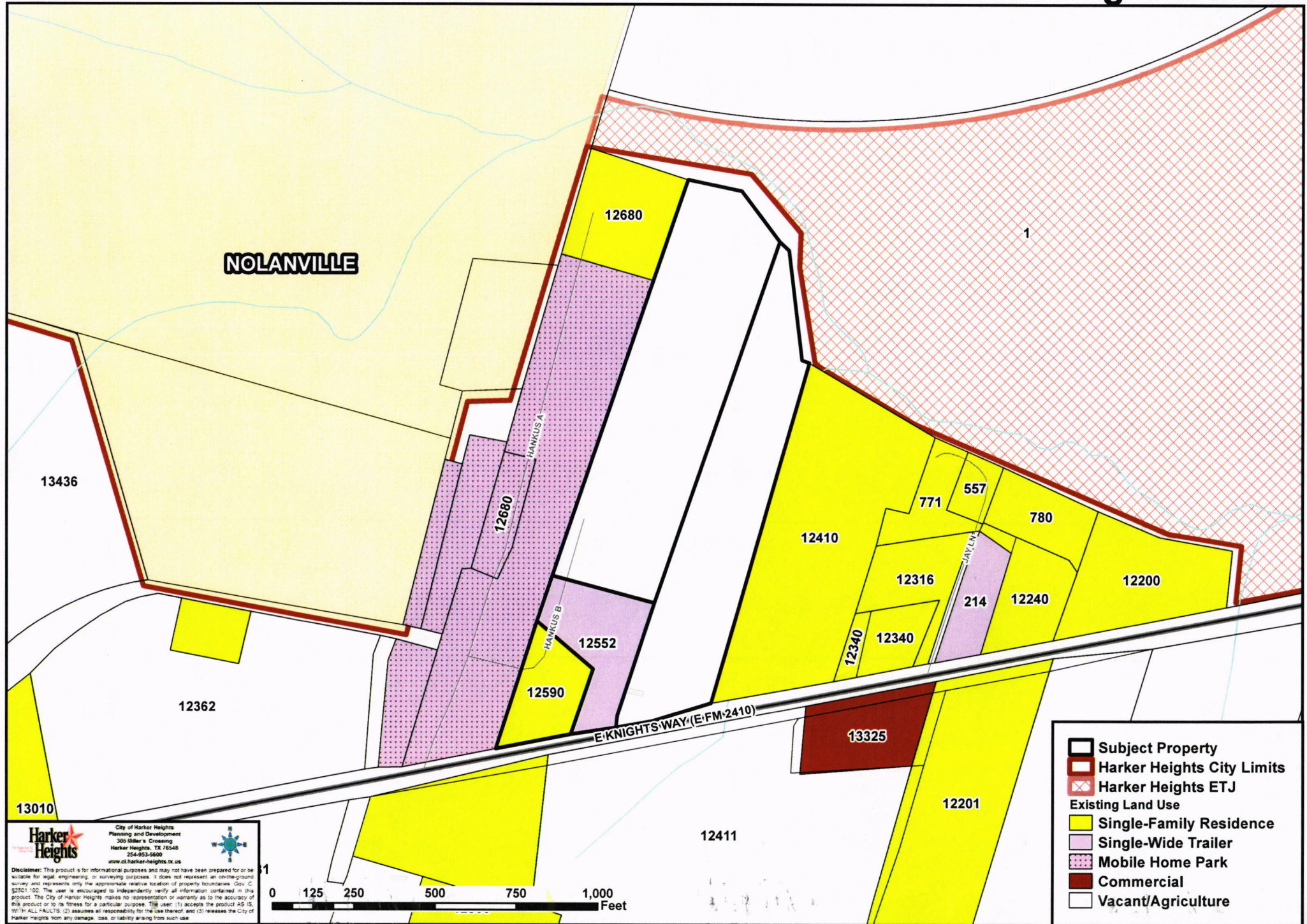
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- Subject Property
- Harker Heights City Limits
- Harker Heights ETJ

Map Date: 9/12/2018

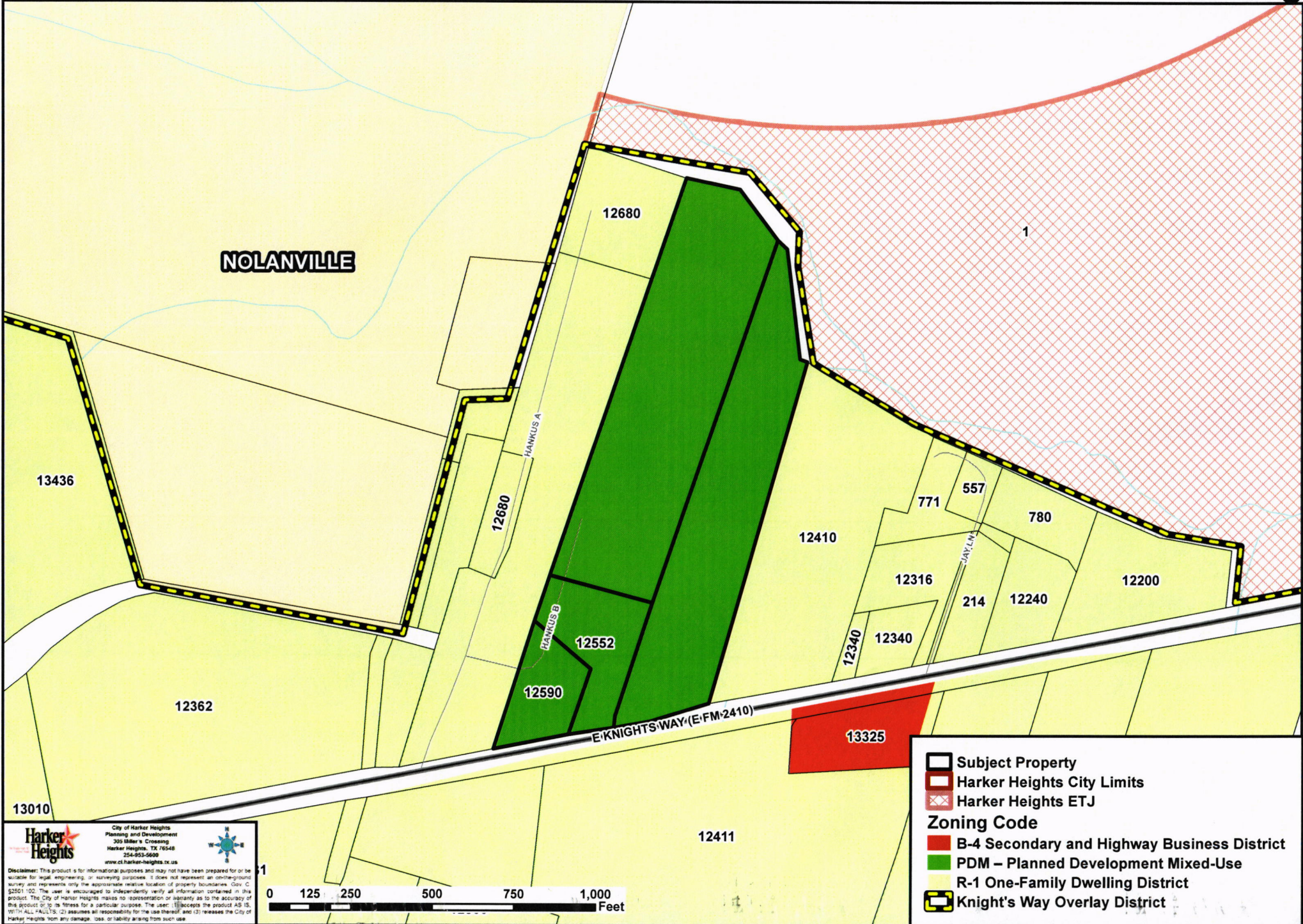
Existing Land Use



Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 78548
 254-953-5600
 www.ci.harker-heights.tx.us

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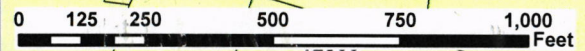
Zoning



- Subject Property
- Harker Heights City Limits
- Harker Heights ETJ
- Zoning Code**
- B-4 Secondary and Highway Business District
- PDM - Planned Development Mixed-Use
- R-1 One-Family Dwelling District
- Knight's Way Overlay District

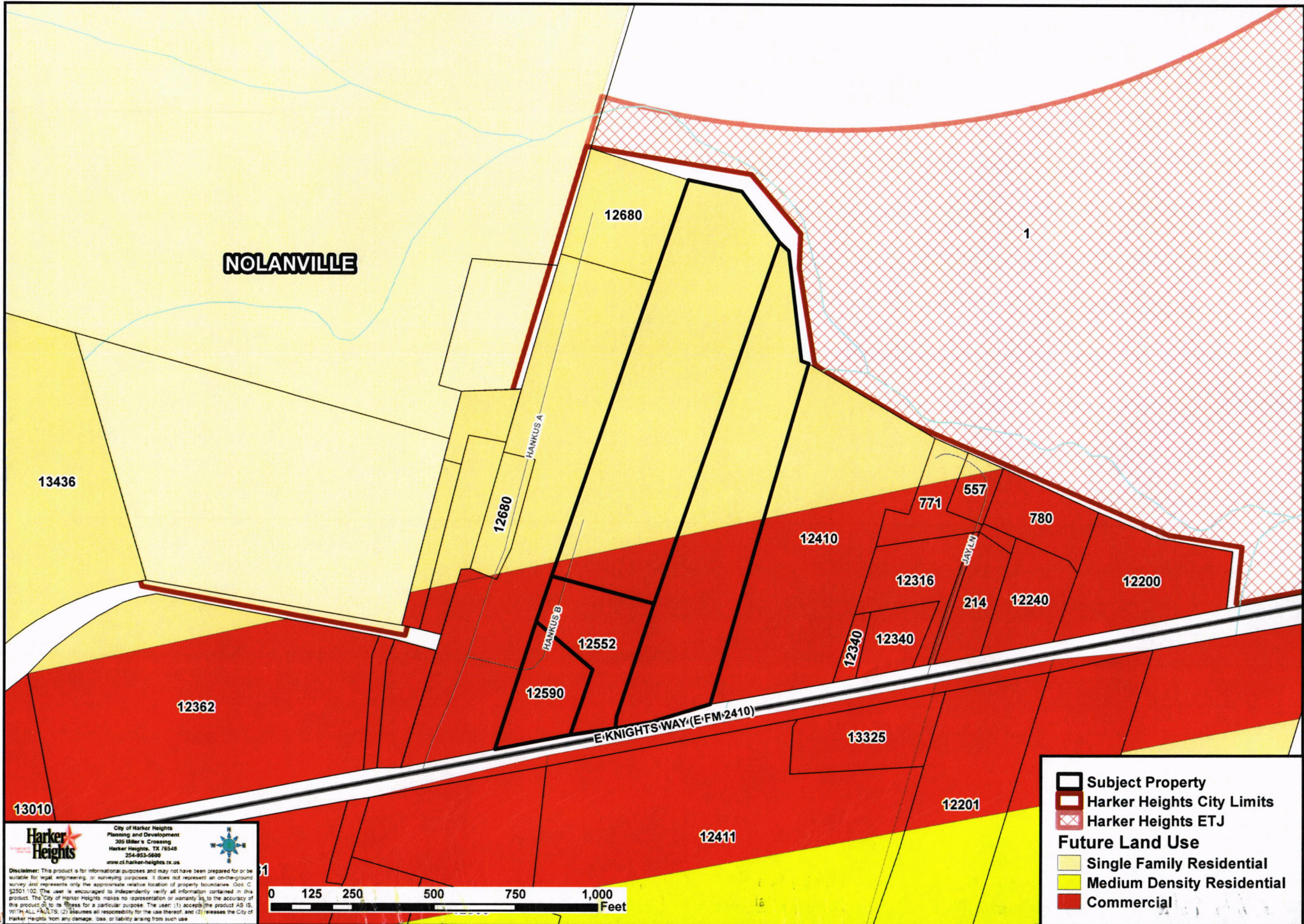
Harker Heights
 City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 76048
 254-953-5600
 www.ci.harker-heights.tx.us

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




Map Date: 9/12/2018

Future Land Use



NOLANVILLE

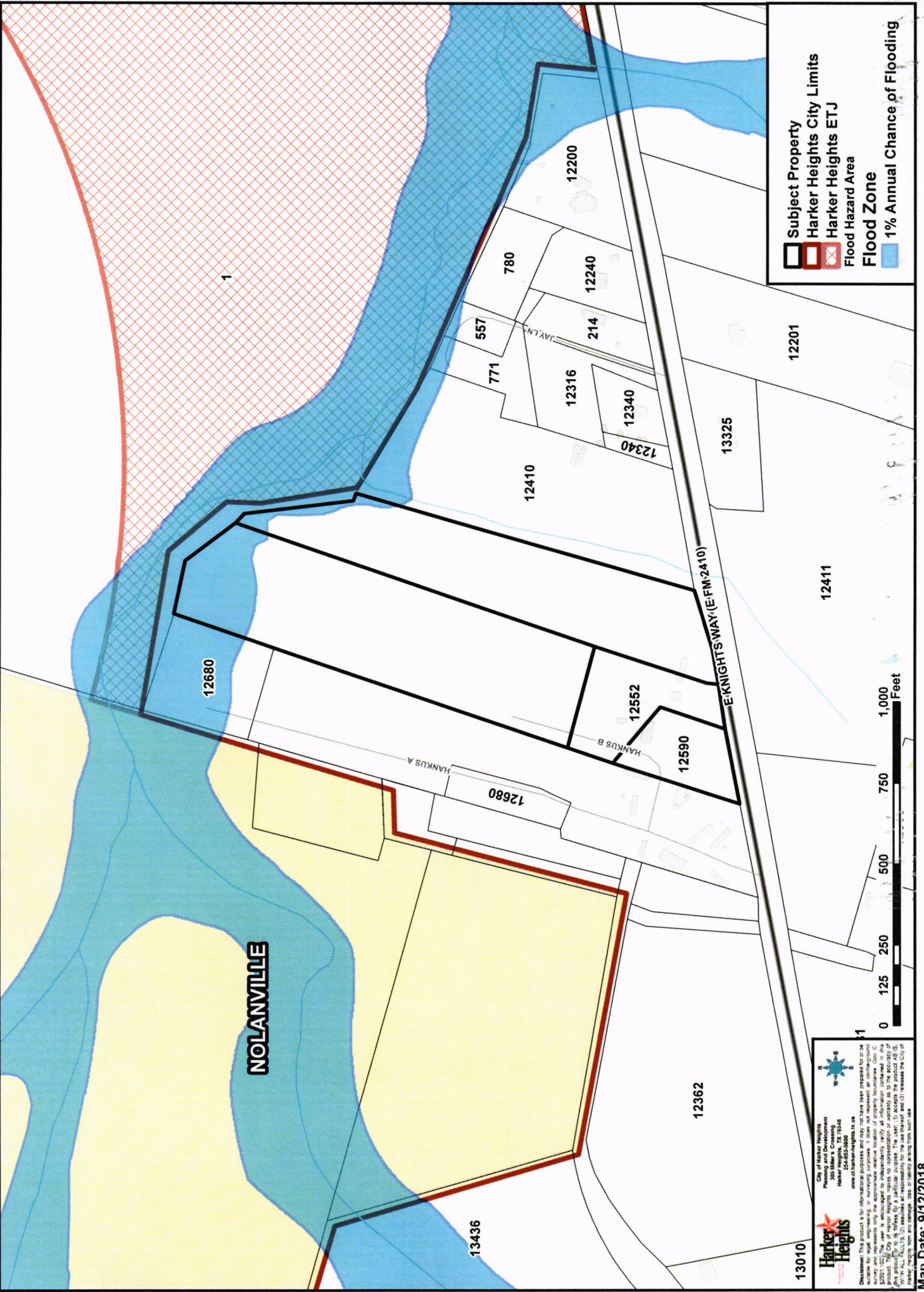
-  Subject Property
-  Harker Heights City Limits
-  Harker Heights ETJ
- Future Land Use**
-  Single Family Residential
-  Medium Density Residential
-  Commercial

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

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Map Date: 9/12/2018

FEMA Flood Map



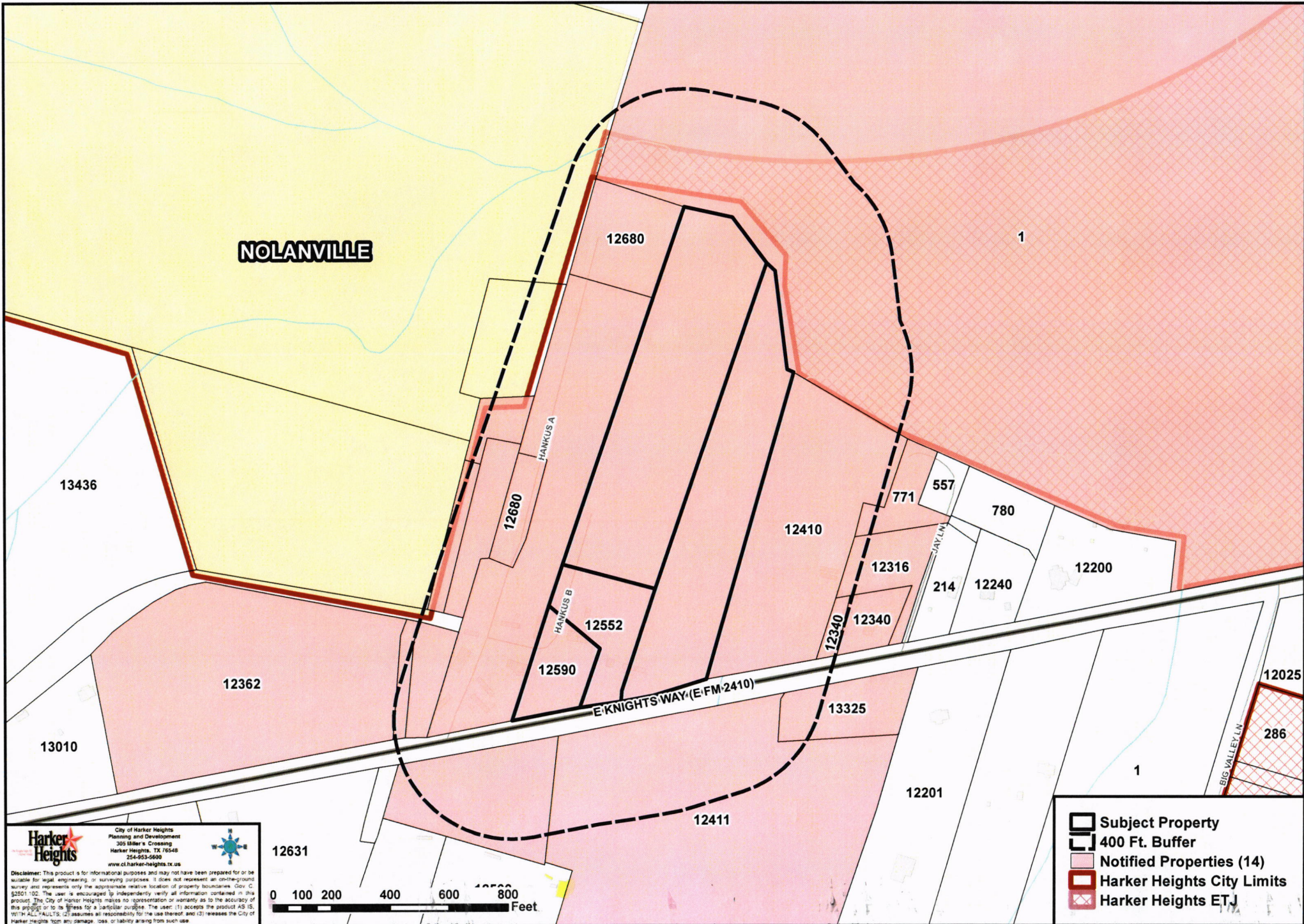
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, Texas 76048
www.ci.harkerheights.tx.us



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Notification



NOLANVILLE

13436

12680

1

13010

12362

12590

12552

12410

771

557

780

12200

12316

214

12240

12340

12340

13325

12025

286

1

EKNIGHTS WAY (E-FM-2410)

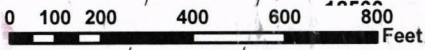
12411

12201

12631

Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 75648
 254-953-5600
 www.ci.harker-heights.tx.us

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- Subject Property
- 400 Ft. Buffer
- Notified Properties (14)
- Harker Heights City Limits
- Harker Heights ETJ

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