



*Minutes of the Teleconference Meeting
of the Harker Heights Planning & Zoning Commission
October 28, 2020*

Present:

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

Absent:

Kay Carey	Commissioner
Nuala Taylor	Alternate Commissioner
Chris Albus	Alternate Commissioner

Staff:

Joseph Molis	Director of Planning & Development
Michael Beard	Building Official
Kristina Ramirez	Assistant Public Works Director
Brad Alley	Fire Marshal
Tiffany Dake	Planning & Development Administrative Assistant
Wilson Everett	Building Official Secretary
Yvonne Spell	Customer Relations Supervisor

Agenda Item I: A quorum was established, and the teleconference meeting was called to order at 6:31 PM.

Agenda Item II: Approval of minutes from the September 30, 2020 regular Planning and Zoning Commission meeting. Secretary Parker made the motion to approve the minutes and Vice Chairman Robinson seconded the motion. **The motion passed unanimously (7-0).**

Agenda Item III: Mr. Molis made a report from the October 13th City Council actions regarding recommendations resulting from the September 30, 2020 Planning & Zoning meeting.

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

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

Agenda Item VI Public Hearings:

1. **Z20-23** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow for a greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

Mr. Molis explained the applicant's request for a Conditional Use Permit (CUP) to have a greenhouse structure on his property.

The applicant, Mr. Robert Amaya, 12696 E. Knights Way, Harker Heights, TX 76548 was present to speak on his Conditional Use Permit (CUP) request. Mr. Amaya stated he bought the property in June 2019 and had recently replatted the property into three (3) lots. Mr. Amaya explained his intent was to build a greenhouse for sustainable farming and aquaponic farming. To include, Mr. Amaya stated he constructed the greenhouse at the beginning of the year out of frustration, knowing full well he needed a permit prior to starting construction. He could not obtain financing prior to starting construction due to COVID-19. Mr. Amaya included there is nothing currently growing in the greenhouse and that he has had no prior experience with aquaponics. It was also mentioned, the barn currently has four (4) five-hundred-gallon fish tanks in it; about eighty percent complete. Mr. Amaya stated he knew he did need approval for the construction, but since the property was not his primary residence, he knew his permit would not be approved. Commissioner Webster asked to be recused at this point from this case because he had not realized who was representing the case and there was a conflict of interest. Secretary Parker asked Mr. Molis what the four (4) conditions were. Mr. Molis stated Condition 1) Conditional Use Permit for greenhouse structure, Condition 2) Permit a greenhouse structure prior to having an occupied primary structure on the premises, Condition 3) Allow an accessory (greenhouse) structure to be placed in front of the proposed primary structure and Condition 4) Allow an accessory (greenhouse) structure to be larger than what is allowed for properties greater than one (1) acre in size. Secretary Parker asked if there was a time limit for these requirements and Mr. Molis stated that would be up to the member who would make the motion. Secretary Parker asked if the property were to be zoned to a commercial property, then could the greenhouse be considered a nursery. Mr. Molis stated if the property were rezoned to commercial, it would have to be built to commercial codes and standards.

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

Chairman Robinson closed the public hearing.

A motion was made by Commissioner McCann to recommend approval for an ordinance granting a Conditional Use Permit (CUP) to allow for a greenhouse on property described as Amaya Addition, Lot Two (2), Block One (1), 5.364 acres, generally located at 12696 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas. Vice Chairman Robinson seconded the motion. **The motion failed (4-2).** Vice Chairman Robinson and Commissioner McCann voted in favor of the motion to approve. Chairman Robison, Commissioner Shine,

Secretary Parker, and Commissioner Watford voting against the motion. Commissioner Webster abstained.

2. **Z20-24** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas.

Mr. Molis explained the applicants' request for a Conditional Use Permit was for the applicants aging mother. Mr. Molis noted to the Commission that the structure would be required to have water and sewer utilities to meet building codes. To include, Mr. Molis stated staff has not seen the final plans for the proposed structure and that staff will look into it more during the permitting process. Commissioner Webster questioned the owner does not want to make an addition to the house, instead of building a separate structure. Mr. Molis responded that staff and the owner did not discuss that option and that most aging parents still want to be independent and have their own living space and privacy.

The applicant, Ms. Deborah Fischer of 1614 Beaver Trail, Harker Heights, TX 76548 spoke on behalf of her request for the Conditional Use Permit (CUP). Ms. Fischer stated the purpose of this request is for her aging mother to be able to move in with her and for her to have her own space and privacy. Chairman Robison asked what the square footage of the building was, and Ms. Fischer stated the building will be 180 square feet or less. Ms. Fischer explained the building will be built to code and contain only a bedroom and bathroom. To include, Ms. Fischer stated a kitchen will not be necessary, as her mother can access the kitchen in the main residence.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item.

A motion was made by Commissioner Shine to recommend approval of an ordinance granting a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Indian Trails Section One (1), Block Three (3), Lot Eleven (11), generally located at 1614 Beaver Trail, Harker Heights, Bell County, Texas. Vice Chairman Robinson seconded the motion. **The motion passed unanimously (7-0).**

3. **Z20-25** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow for a modular storage container business park and to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 with a Tavern Overlay on properties described as Kern Acres Second Extension and Revision, part of Block Two (2), and part of Lots Nine (9) and Twenty-one (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 E. Veterans Memorial Boulevard, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas.

Mr. Molis explained the applicants' request for the Conditional Use Permit for storage container retail spaces and the Tavern Overlay request was to move the applicant's current business Daiquiri Express to the new location at 128 E. Veterans Memorial Boulevard.

The applicant Mr. Robert Cavazos, of 9795 Arroyo Dr., Belton, TX 76513 was representing the request. Mr. Cavazos stated he did not have any plans to construct a two-story building and was unsure of what material would be used for the façade of the building. The owner stated he would like to construct a building aesthetically pleasing to the City and meet current code and standards. There was discussion in reference to the site plan and proposed parking spaces and fire lanes. Mr. Cavazos explain although the site plan is still preliminary, the proposed drive-thru is to go around the whole complex and will meet fire code. The existing building is 1000 square feet and would be used for a drive through and would have an outdoor seating area. The use for the container portion would be professional space catered specifically to small businesses.

Chairman Robison then opened the public hearing and asked if there was anyone to speak in favor or against the agenda item.

A motion was made by Vice Chairman Robinson to recommend approval of an ordinance granting a Conditional Use Permit (CUP) to allow for a modular storage container business park and to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 with a Tavern Overlay on properties described as Kern Acres Second Extension and Revision, part of Block Two (2), and part of Lots Nine (9) and Twenty-one (21), according to the Plat of Record in Cabinet A, Slide 224-B, generally located at 126 E. Veterans Memorial Boulevard, and 0.692 acres of land out of the C. Keele Survey, Abstract No. 991, generally located at 128 E. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas. Commissioner Watford seconded the motion. **The motion passed unanimously (7-0).**

4. **Z20-26** Conduct a public hearing to discuss and consider recommending an ordinance granting a Conditional Use Permit (CUP) to allow for a salvage yard on property described as four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

Mr. Molis explained the applicant is seeking a CUP to allow for a tow/salvage yard on the property. Mr. Molis explained that The Code of Ordinances does not specifically address the zoning district for the use being requested in the case. With that, staff researched other tow/salvaged yards in the city and noticed in the code of ordinances, other similar uses are accompanied with a CUP. The property appears to have the appropriate zoning but is not specially called out in the code of ordinances; to include, staff recommended the applicant apply for a CUP. Mr. Molis stated the proposed use is in line with the future land use map. Mr. Molis stated it was important to note that of the eight properties that were notified within the 400-foot buffer area, we did receive three recommendations for denial. Furthermore, the threshold has been met of more than twenty percent of the properties within the 200 ft buffer have recommended dial; thus, a super majority vote of the city council will be required.

The applicant was not present to represent this request.

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

A motion was made by Secretary Parker to deny a Conditional Use Permit (CUP) to allow for a salvage yard on property described as four individual tracts consisting of a total of 2.903 acres of land in Bell County, Texas, part of the J. T. W. J. Hallmark Survey, Abstract No. 413, recorded in Volume 5870, Page 734, Official Public Records of Real Property, Bell County, Texas, Instrument No. 2008-049474, generally located at 1100 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas. Commissioner Shine seconded the motion. **The motion was unanimously denied (7-0).**

Agenda Item VII New Business:

1. **P20-18** Discuss and consider a request by Jerome Gomer for Preliminary Plat approval for the proposed plat, Abooha Toklo Addition Phase Two, on property described as 1.807 acres of land being all of Lot Three (3), Block One (1), Abooha Toklo Addition Phase One, of record in Plat No. 2020-38421, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas.

Mr. Molis explained this is a vacant piece of property adjacent to Pueblo Trace. The applicant is requesting a duplex community phase two into two sub-phases.

The applicant was not present to represent this request.

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

A motion was made by Secretary Parker to deny the proposed preliminary plat, Abooha Toklo Addition Phase Two, on property described as 1.807 acres of land being all of Lot Three (3), Block One (1), Abooha Toklo Addition Phase One, of record in Plat No. 2020-38421, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas. Commissioner McCann seconded the motion. **The motion unanimously denied (7-0).**

Chairman Robison then adjourned the teleconference meeting of the Planning and Zoning Commission at 8:12 P.M.

Larry Robison, Chairman

DATE:

12-7-2020

Adam Parker, Secretary

DATE:

12/2/20