



September 13, 2022

5:00 P.M.

CITY COUNCIL

MEETING AGENDA





**NOTICE OF MEETING OF THE CITY COUNCIL OF THE
CITY OF HARKER HEIGHTS, TEXAS**

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, September 13, 2022 and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

MEETING AGENDA

I. INVOCATION:

II. PLEDGE OF ALLEGIANCE:

I Pledge Allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Honor the Texas Flag. I pledge allegiance to thee Texas; one State under God, one and indivisible.

III. ROLL CALL:

IV. CONSENT ITEMS:

1. Discuss and consider approving the minutes of the meeting held on August 23, 2022, and take the appropriate action.

[Minutes](#)

V. PRESENTATIONS BY CITIZENS:

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

VI. PUBLIC HEARINGS:

1. Conduct a public hearing to discuss and consider approving an Ordinance of the City Council of the City of Harker Heights, Texas, levying a tax rate of \$0.5800 per \$100 valuation, comprised of \$0.4511 for maintenance and operations and \$0.1289 for interest and sinking, for Fiscal Year 2022-2023 (Tax Year 2022) and take the appropriate action. (Finance Director)

[Staff Report - Pdf](#)

2. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to amend §154.01 Definitions of the Harker Heights Code of Ordinances to update and clarify definitions and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
3. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting B-3 (Local Business District) with a Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck on property described as Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548, and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
4. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill District) on property described as A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr. and East of Jamie Rd., Harker Heights, Bell County, Texas, 76548 and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
5. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in zoning designation from R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill District) on properties described as Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548 and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
6. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill District) on property described as Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)

VII. **REGULAR BUSINESS:**

1. Discuss and consider a resolution of the City Council of the City of Harker Heights, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2022 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meeting Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the Company and the ACSC's legal counsel and take the appropriate action. (Finance Director)
[Staff Report - Pdf](#)

2. Discuss and consider approving a Preliminary Plat referred to as Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, plat records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a general warrant deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.) and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
3. Discuss and consider approving a Final Plat referred to as Indian Land Addition, on property described as being a 1.312 acre tract of land in Bell County, Texas, being part of the E. Dawson survey, Abstract No. 258 and the H.B. Littlefield survey, Abstract No. 511, being all of Lots 11-14, Block 23, Comanche Land Second Land, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, plat records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a deed reserving life estate to the Mary Jayrene Horn Revocable Living Trust dated June 20, 2005, being described of record in Volume 5762, Page 289, Official Public Records of Real Property, Bell county, Texas, and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
4. Discuss and consider approving a Final Plat referred to as Heights City Center, on property described as 3.496 acres, situated in the Martin Smith survey, abstract 750, Bell County, Texas, embracing all of lot 1, block 4, park addition, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in cabinet c, slide 178-b, plat records of Bell County, Texas and all of lot 3, block 1, Union State Bank addition, phase two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in cabinet d, slide 67-c, of said plat records and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
5. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, authorizing the Mayor to sign an Interlocal Agreement between the City of Harker Heights, Texas, the City of Killeen, Texas, and Bell County, Texas, that establishes the scope of the Chaparral Road Realignment/Reconstruction Project and responsibilities of each of the parties as it relates to the project; and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
6. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, to authorize an agreement with Vigilant Solutions to provide services and equipment related to the digital license plate reader program in the amount of \$61,210.00 through the Homeland Security Grant; Authorize the City Manager to act and sign on behalf of the City, and take the appropriate action. (Chief of Police)
[Staff Report - Pdf](#)
7. Receive and discuss the City Manager's Report. (City Manager)

VIII. ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.
2. Updates and announcements from the Mayor.

IX. ADJOURNMENT:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on 9th of September 2022, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Julie Helsham
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov for further information.

Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary.

Note: On occasion the City Council may consider agenda items out of order.

Minutes of the City of Harker Heights Council Meeting that was called to order on Tuesday, August 23, 2022, at 5:00 p.m., in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548, with the following members present:

ROLL CALL: Mayor Spencer H Smith
Mayor Pro Tem Jennifer McCann
Councilmember Tony Canterino
Councilmember Lynda Nash
Councilmember Sam Halabi

City Manager David Mitchell
City Secretary Julie Helsham

EXCUSED: Councilmember Michael Blomquist

MAYORAL PROCLAMATIONS AND PRESENTATIONS:

1. Mayor Smith presented a Proclamation to Amelia Rabroker and Tap Tap Art Studios, declaring them to be "Bright Stars of Central Texas".

CONSENT ITEMS:

1. Council discussed and considered approving the minutes of the meeting held on August 9, 2022.

Mayor Pro Tem McCann made a motion to approve the minutes of the meeting held on August 9, 2022, as presented. Councilmember Halabi seconded the motion. Carried unanimously.

PRESENTATIONS BY CITIZENS:

The following citizens made a presentation to Council:

- Mathew Jones, 1206 Stonewall Ridge, Harker Heights, Texas 76548
- Stan Golaboff, 2404 Catawba Loop, Harker Heights, Texas 76548
- Howard Arey, 2027 Sandy Point, Harker Heights, Texas 76548

PUBLIC HEARINGS:

1. Council conducted a public hearing to discuss and consider establishing a public hearing date to discuss and consider approving the adoption of an ordinance amending Title V of the City's Code of Ordinances; establishing Chapter 55 "Impact Fees"; Adopting, imposing, and establishing wastewater impact fees on new developments in the impact fee service area to the extent allowable by law; Adopting assessment and collection rates for wastewater impact fees; providing a cumulative clause, providing a severability clause; Establishing a penalty and specifically negating a requirement of a culpable mental state; Establishing a penalty for violations; Providing and establishing an effective date. Kristina Ramirez, Planning and Development Director, made the presentation.

The following Harker Heights citizens were present at the meeting and presented verbal comments regarding Impact Fees:

- John T. Haun, 4392 Betty Place, Salado, Texas
- Lauren Reider-Hallmark, 919-A Ramblewood Street, Harker Heights, Texas
- Raymond Hamden, P. O. Box 2008, Harker Heights, Texas
- Brandi Stokes, P. O. Box 787, Killeen, Texas
- Howard Arey, 2027 Sandy, Point, Harker Heights, Texas

Mayor Pro Tem McCann made a motion to establish the September 27, 2022, City Council meeting as the public hearing date to discuss and consider approving the adoption of an ordinance amending Title V of the City's code of ordinances; establishing Chapter 55 "Impact Fees"; adopting, imposing, and establishing wastewater impact fees on new developments in the impact fee service area to the extent allowable by law; adopting assessment and collection rates for wastewater impact fees; providing a cumulative clause, providing a severability clause; establishing a penalty and specifically negating a requirement of a culpable mental state; establishing a penalty for violations; and providing and establishing an effective date. Councilmember Halabi seconded the motion. Carried unanimously.

2. Council conducted a public hearing to discuss and consider approving an ordinance of the City Council of the City of Harker Heights, Texas, adopting the budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023. Ayesha Lealiiee, Finance Director, made the presentation.

The following Harker Heights citizens were present at the meeting and presented verbal comments regarding the Budget:

- Alysha Pacheco, 621 S. Roy Reynolds Drive, Harker Heights, Texas
- Howard Arey, 2027 Sandy Point, Harker Heights, Texas
- Lisa Williams, 405 Cattail Circle, Harker Heights, Texas

Councilmember Canterino made a motion to approve an Ordinance of the City Council of the City of Harker Heights, Texas adopting the Budget for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023. Mayor Pro Tem McCann seconded the motion. Mayor Smith conducted a record vote. The results are as follows: McCann voted aye, Blomquist had an excused absence, Canterino voted aye, Nash voted aye, and Halabi voted aye. All in favor. Motion approved 4-0. Carried unanimously.

3. Council conducted a public hearing to discuss and consider approving an ordinance of the City Council of the City of Harker Heights, Texas, prescribing and setting the Fiscal Year 2022-2023 Rates and Charges; Penalties for non-payment; Providing for an effective date. Ayesha Lealiiee, Finance Director, made the presentation.

Mayor Pro Tem McCann made a motion to approve an Ordinance of the City Council of the City of Harker Heights, Texas, prescribing and setting the Fiscal Year 2022-2023 rates and charges; penalties for non-payment; and providing for an effective date. Councilmember Halabi seconded the motion. Mayor Smith conducted a record vote. The results are as follows: McCann voted aye, Blomquist had an excused absence, Canterino voted aye, Nash voted aye, and Halabi voted aye. All in favor. Motion approved 4-0. Carried unanimously.

At 6:12 p.m. Mayor Smith called for a short break.

Mayor Smith reconvened the meeting at 6:30 p.m.

REGULAR BUSINESS:

1. Council discussed and considered ratifying the property tax increase reflected in the Fiscal Year 2022-2023 Budget. Ayesha Lealiiee, Finance Director, made the presentation.

Councilmember Halabi made a motion to ratify the property tax increase reflected in the Fiscal Year 2022-2023 Budget. Councilmember Canterino seconded the motion. Mayor Smith conducted a record vote. The results are as follows: McCann voted aye, Blomquist had an excused absence, Canterino voted aye, Nash voted aye, and Halabi voted aye. All in favor. Motion approved 4-0. Carried unanimously.

2. Council discussed and considered approving an appeal of the False Robbery Alarm service charge for Matthew Miller at 2532 Boxwood Drive, Harker Heights, Texas. David Mitchell, City Manager, made the presentation. Matthew Miller, requestor, was present to represent the appeal.

Councilmember Canterino made a motion to approve the Appeal to dismiss the False Robbery Alarm Service Charge for Matthew Miller at 2532 Boxwood Drive, Harker Heights, Texas. Mayor Pro Tem McCann seconded the motion. Carried unanimously.

3. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a contract for the Stillhouse Lake Road (FM 3481) pedestrian improvements project in the amount of \$275,078.00 to TTG Utilities, LP; Authorize the City Manager to act and sign on behalf of the City. Mark Hyde, Public Works Director, made the presentation.

Councilmember Halabi made a motion to approve a Resolution awarding a contract for the Stillhouse Lake Road (FM 3481) Pedestrian Improvements Project in the amount of \$275,078.00 to TTG Utilities, LP. Councilmember Canterino seconded the motion. Carried unanimously.

4. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a contract for the 2022 Street Improvement Projects in the amount of \$814,137.90 to TTG Utilities, LP; Authorize the City Manager to act and sign on behalf of the City. Mark Hyde, Public Works Director, made the presentation.

Mayor Pro Tem McCann made a motion to approve a Resolution awarding a contract for the 2022 Street Improvement Projects, Parts "A" through "E" in the amount of \$814,137.90 to TTG Utilities, LP. Councilmember Canterino seconded the motion. Carried unanimously.

5. Council received and discussed the City Manager's Report. David Mitchell, City Manager, made the presentation. No action taken.

RECESS INTO EXECUTIVE SESSION:

At 6:56 p.m. the Mayor announced a closed meeting for the following purposes:

1. Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551, the Council may convene into executive session to discuss the following:
 - A) Section §551.074 of the Texas Government Code to discuss and deliberate the reappointment of the Alternate Municipal Judge.

RECONVENE INTO OPEN SESSION:

Mayor Smith reconvened the Regular Meeting at 7:13 p.m.

1. Council took the following action on matters discussed in Executive Session.

Councilmember Canterino made a motion to approve a two (2) year contract extension with a twenty percent (20%) increase in salary for Alternate Municipal Judge Garland Potvin. Mayor Pro Tem McCann seconded the motion. Carried unanimously.

ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.

Councilmember Blomquist provided the following list of events he read due to his absence. City Manager David Mitchell read Councilmember Blomquist's comments as follows:

- Attended the Harker Heights Chamber of Commerce Business After Hours Social at Harker Heights SouthStar Bank on August 11th 2022.
- Attended the Harker Heights Farmers Market at City Hall on August 13th. Lots of great local vendors and fun events for all.
- On August 15th, Chaired the Bell County Health District Meeting that Harker Heights hosted at City Hall at 6:00 p.m. Notable take-aways:
 - Budget for FY 22-23 approved; member contributions remained the same.
 - COVID still at "high" transmission levels within Bell County.
 - 2nd confirmed case of Monkeypox in Bell County.
- On August 16th, attended the Harker Heights Council Workshop at City Hall.
- On August 20th, started the day at the Harker Heights Farmers Market. Later that evening on the 20th, attended the 1st IBCC Banquet in Temple.
- Sadly will miss the Harker Heights Farmers Market on August 27th but will return for the September 3rd Farmers Market.

Councilmember Canterino stated that about 9-10 months ago, he toured the Fire Station and noticed a busted-up boat with a blown motor. He was able to facilitate finding a brand new Yamaha 90 horse power outboard engine and getting it installed. It was really difficult with the supply chain issues right now. That boat can be utilized along the shoreline of Stillhouse Hollow Lake. There is also a diesel powered pump that can be looked at fixing up to add a second pump to where you can pump water directly out of the lake and shoot it about 100 to 200 yards into the woods to help take care of the fires. That is almost always where fires start, along the lake shore. People out there camping or they are fishing and light a fire to keep warm or just to burn stuff and it spreads.

2. Updates and announcements from the Mayor.

Mayor Smith stated that he attended the following events:

- August 13th – Harker Heights Farmer's Market.
- August 16th – Harker Heights City Council Workshop.
- August 16th – Master Gardeners Garden Education Series Monarchs and Plants at the Harker Heights Activities Center.
- August 17th – Killeen Temple Metropolitan Planning Organization (KTMPO) Transportation Policy Planning Board in Belton. Chairman
- August 17th – Harker Heights Chamber of Commerce Board Meeting.
- August 17th – Meeting with the Director of the Harker Heights Community Resource Center.
- August 22nd – Phantom Honors Ceremony at III Corps Headquarters Christopher Beck Promotion to Major General.
- August 23rd – Central Texas College Luncheon and Board Meeting. Presentation with President and CEO Harker Heights Chamber of Commerce.

ADJOURNMENT:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:18 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, LEVYING A TAX RATE OF \$0.5800 PER \$100 VALUATION, COMPRISED OF \$0.4511 FOR MAINTENANCE AND OPERATIONS AND \$0.1289 FOR INTEREST AND SINKING, FOR FISCAL YEAR 2022-2023 (TAX YEAR 2022) AND TAKE THE APPROPRIATE ACTION. (FINANCE DIRECTOR)

EXPLANATION:

In accordance with Texas Tax Code §26.06, Staff published a Notice of Public Hearing on Tax Increase in the September 4 and September 11, 2022, editions of the Killeen Daily Herald as well as on the City's website.

Following is a comparison of Harker Heights and its surrounding cities:

	Harker Heights	Killeen	Temple	Belton	Copperas Cove
Proposed Rate:	\$ 0.5800	\$ 0.6233	\$ 0.6235	\$ 0.5850	\$ 0.721028
Change in:					
Total Tax Rate Average	- 11.02%	- 11.01%	- 2.58%	- 7.14%	- 5.13%
Homestead Taxable Value	+ 11.39%	+ 12.63%	+ 9.81%	+ 14.01%	+ 13.36%
Tax on Average Homestead	- 0.86%	+ 0.27%	+ 6.98%	+ 5.88%	+ 7.57%
Total Tax Levy on All Properties	+ 4.56%	+ 5.27%	+ 18.19%	+ 11.25%	+ 19.05%

*Copperas Cove levied a rate of \$ 0.721028 on August 9, Temple levied a rate of \$ 0.6130 on August 18, and Belton took their tax rate for approval on September 6. Killeen's tax rate is being heard at a public hearing on September 13, 2022 as well.

RECOMMENDATION:

Staff recommends approving the Ordinance. Per Texas Tax Code Section 26.05(b), the second motion must be made whenever the tax rate set exceeds the no new revenue rate. Each motion must be approved by a record vote.

ACTION BY THE COUNCIL:

1. Motion to Approve/Disapprove an Ordinance of the City Council of the City of Harker Heights, Texas, levying a tax rate of \$0.5800 per \$100 valuation, comprised of \$0.4511 for maintenance and operations and \$0.1289 for interest and sinking, for Fiscal Year 2022-2023 (Tax Year 2022).
2. Motion that the property tax rate be increased by the adoption of a tax rate of \$0.5800, which is effectively a 2.87% increase in the tax rate.
3. Any other action desired.

ATTACHMENTS:

[Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, LEVYING A TAX RATE OF \$0.5800 PER \$100 VALUATION, COMPRISED OF \$0.4511 FOR MAINTENANCE AND OPERATIONS AND \$0.1289 FOR INTEREST AND SINKING, FOR FISCAL YEAR 2022-2023 (TAX YEAR 2022)

WHEREAS, a public hearing was held on September 13, 2022 after public notices were duly and legally published as required by law on September 4 and September 11, 2022, and

WHEREAS, after full and final consideration and the public hearing on said tax rate, it is the consensus that the tax rate should be levied.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Harker Heights, Texas:

SECTION 1: That we do hereby levy the tax rate for Tax Year 2022 as follows:
\$0.4511 for the purpose of maintenance and operations,
\$0.1289 for the payment of principal and interest of debt, and
\$0.5800 per \$100 valuation for the total tax rate.

SECTION 2: That a \$10,000 exemption is adopted for residents who are at least sixty-five (65) years old and who are owners of an occupied homestead.

SECTION 3: THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

SECTION 4: THIS TAX RATE WILL EFFECTIVELY BE RAISED BY 1.99% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$8.80.

SECTION 5: That the tax assessor-collector is hereby authorized to assess and collect the taxes of the City of Harker Heights in accordance with this ordinance.

SECTION 6: That Table VIII of the Table of Special Ordinances, Code of Harker Heights is hereby amended by adding the following entry:

Ordinance No:

Date Passed: September 13, 2022

Description: An Ordinance of the City Council of the City of Harker Heights, Texas, Levying a Tax Rate of \$0.5800 per \$100 Valuation, Comprised of \$0.4511 for Maintenance and Operations and \$0.1289 for Interest and Sinking, for Fiscal Year 2022-2023 (Tax Year 2022)

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 13, 2022.

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO AMEND §154.01 DEFINITIONS OF THE HARKER HEIGHTS CODE OF ORDINANCES TO UPDATE AND CLARIFY DEFINITIONS AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The City is currently in the process of updating the Thoroughfare Plan, Mobility 2030, and the Comprehensive Plan. The Planning and Zoning Commission (P&Z) held workshops in beginning in January of 2022 to discuss and receive input on these topics. The P&Z decided to update the above mentioned plans over the next year in sections. The first section focused on is definitions for roadways.

The existing street definitions in §154.01 of the City's code of ordinances are not consistent with the wording found in the Thoroughfare Plan, Mobility 2030, and the Comprehensive Plan. The P&Z reviewed the City's existing code of ordinances and plans and also compared them to those within our region and municipalities of similar size. As proposed, the ordinance amendment will offer consistent definitions to ensure consistent standards are being used.

RECOMMENDATION:

Staff recommended to the Planning & Zoning Commission approval of an amendment to §154.01 Definitions of the Harker Heights Code of Ordinances to update and clarify definitions.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning and Zoning Commission meeting held on August 31, 2022, the Planning & Zoning Commission voted (9-0) to recommend approval of the changes to §154.01 Definitions, as presented by staff and based on staff's recommendations and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve / approve with conditions / disapprove** an Ordinance to amend Section 154.01 Definitions of the Harker Heights Code of Ordinances to update and clarify definitions, based upon staff's recommendations and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

[ProposedOrdinance-Streets-091322](#)

[154.01-StreetsOrdinanceRevisions-StrikeThruVersion-091322](#)

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS AMENDING §154.01 DEFINITIONS OF THE CODE OF ORDINANCES; UPDATING AND CLARIFYING DEFINITIONS; AND PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENT.

WHEREAS, the City Council (“*Council*”) of the City of Harker Heights (“*City*”) finds that it is necessary and desirable to amend the Code of Harker Heights (“*Code*”) as hereinafter provided in order to provide for clarification of roadway classifications and design requirements; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The City Council officially finds and declares that the facts and recitations set forth in the preamble to this ordinance are true and correct.

SECTION 2: SUBDIVISION REGULATIONS §154.01 Definitions of the Code of Ordinances of the City of Harker Heights is hereby amended to read as follows:

§ 154.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS. The means by which property is connected to a public street. **ACCESS** to/from TXDOT facilities must be approved by TXDOT prior to approval of a plat. **ACCESS** to/from nonresidential property through or to residential streets must be avoided.

AMENDING PLAT. A subdivision plat that reflects changes to an original filed final plat.

ARTERIAL SYSTEM. The roadway system comprised of Major and Minor Arterials.

BENCHMARK. A monument that is part of a leveling network and is a point of precisely measured elevation. See **MONUMENT**.

BUILDING. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered a separate building.

CITY ATTORNEY. The attorney employed as City Attorney of the city.

CITY COUNCIL. The duly and constitutionally elected governing body of the city.

CITY MANAGER. The person employed as the chief administrative officer of the city, and duly appointed by the City Council.

COMPREHENSIVE PLAN. The plan and adaptations, thoroughfare plan, bikeway plan, future land use plan, gateways and corridors, amendments or supplements thereto,

adopted by the City Council and used as a guide for future development of the city and surrounding areas.

CONCEPT PLAN. The Concept Plan is the initial project layout that provides an opportunity to review and evaluate the impact of a proposed development on the character of the surrounding area in which it is proposed to be located. The process takes into consideration the general form of the land before and after development, as well as the spatial relationship of the proposed structures, open space, landscape areas, parking, and general access and circulation patterns as they relate to the proposed development and the surrounding areas.

COUNTY COMMISSIONERS COURT. The duly and constitutionally elected governing body of Bell County, Texas.

COVENANT. A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

DENSITY. The number of dwelling units per acre in a residential development.

DEVELOPER. Any person or persons, firm or corporation subdividing or developing a tract or parcel of land to be sold or otherwise marketed.

DEVELOPMENT. Any activity initiated or directed to improve real estate and requiring a permit from a city, county, or government agency, including without limitation intensive brush and or tree removal of a significant amount.

EASEMENT OR PUBLIC UTILITY EASEMENT. A strip of land reserved for public use by the grantor and accepted by the city for the installation and maintenance of utility lines, improved drainage infrastructure, or for other city or public services or for access to property. The ownership or title to the land encompassed by the easement being retained by the owner.

- (A) **ACCESS OR PASSAGE. EASEMENT**, as defined above, for the purposes of pedestrian and/or vehicular mobility between parcels or through a parcel.
- (B) **PEDESTRIAN. EASEMENT**, as defined above, for the purposes of pedestrian traffic (i.e. for sidewalks, bike paths).
- (C) **VEHICULAR. EASEMENT**, as defined above, for the purposes of vehicular traffic.

ENGINEER. A person duly authorized and licensed under the provisions of the Texas Engineering Practice Act (V.T.C.A., Tex. Occupations Code Ch. 1001), as heretofore or hereinafter amended, to practice the profession of engineerings

ENGINEERING DRAWINGS. Engineering drawings support and provide greater detail to a plat. ENGINEERING DRAWINGS typically, where applicable, include, but are not limited to, water layout, sewer layout, drainage and topography, street light layout, street plan and profile sheets, sewer main plan and profile, water utility details, sewer utility details, paving details, drainage details, erosion and sedimentation control plan and standard construction details. ENGINEERING DRAWINGS shall be prepared, signed, and sealed by a Texas Licensed Professional Engineer and shall conform to the general requirements and minimum standards of design and requirements as presented in this chapter.

EXTRATERRITORIAL JURISDICTION (ETJ). Under the terms of V.T.C.A., Tex. Loc. Gov't Code Ch. 42, the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for a distance of two

miles, except where it overlaps the ETJ, of other municipalities. Such overlaps are apportioned by mutual agreement with the other municipalities, adopted by resolution and shown on the official ETJ map.

FLAG LOT. A large lot not meeting minimum frontage requirements where access to the public road is by a narrow 30 foot wide strip of land which is part of the lot. Flag lots should be avoided if at all possible.

INFRASTRUCTURE IMPROVEMENTS. Any public facility, service or amenity, constructed to sustain a proposed land use activity. INFRASTRUCTURE includes, but is not limited to, streets, alleys, sidewalks, crosswalks, sanitary sewers, sewage lift stations, septic tanks or other sewage facilities to include water mains, water systems, drainage culverts, lined channels, storm sewers, bridges, streetlights and fire hydrants.

LAY DOWN OR RIBBON CURB. A curb constructed of concrete that is a lower height to promote drainage, allow access onto property or into a driveway or allows for handicap access to a sidewalk.

LOT. A physically undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer, lease or improvement, which is designated as a distinct and separate tract and which is identified by a lot number or tract symbol on an approved subdivision plat which has been officially recorded.

(A) **CORNER LOT.** A lot abutting two or more streets at their intersection.

(B) **LOT DEPTH.** The average depth of the lot.

(C) **DOUBLE FRONTAGE LOT.** A lot that fronts and backs on two streets.

(D) **LOT FRONT OR FRONTAGE.** That portion of a lot or tract of land which is the principal side of a property and which abuts on a public street. This shall be the same side in which direction a building will face and the side on which there is the main entrance.

(E) **LOT WIDTH.** The average width of the lot.

MAINTENANCE BOND. Bond or letter of credit guaranteeing against defects in public roads, utilities, drainage features or other public infrastructure for a specified time period following the approval of the final plat by the city.

MAY. Deemed permissible.

MONUMENT. A reference point, line or plane used as a basis for measurements.

OPEN SPACE. A public or common ownership property designated for a recreation area, private park, building setback and ornamental areas open to general view within the development. OPEN SPACE does not include streets or alleys.

PARCEL. A tract of land owned and recorded as the property of the same persons or controlled by a single entity.

PAVEMENT WIDTH. The width from the back of curb to the back of curb of a street.

PERFORMANCE BOND. A surety bond posted by a developer guaranteeing full performance as specified in plans approved by the city with the proceeds to be used by the city to complete the improvements on the plans in the event of the developers nonperformance.

PERSON. Any individual, association, firm, corporation, governmental agency, partnership or political subdivision.

PLANNING AND ZONING COMMISSION. A board comprised of citizens of the city appointed by the City Council as an advisory body, charged to recommend changes in the zoning and other planning functions as delegated by the City Council.

PLAT. A map of a subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys and the like, and drawn to scale. As used in this chapter, a PLAT includes final plats, replats, amending plats and minor plats.

RESERVE STRIP OR PARCEL. Any lot, tract, parcel, strip or any other land which prohibits access from public or private tracts or parcels of land dedicated or intended to be dedicated to public use.

RE-SUBDIVISION. The replacement of all or a part of a recorded plat with a new plat which alters the lines within the perimeter boundary of the previous plat.

RIGHT-OF-WAY. A strip of land dedicated to the public for public streets or to accommodate access and/or utilities to lots or tracts.

SERVICE LINES, PRIVATE. That portion of the utility service line from the property line at the right-of-way to the structure itself.

SERVICE LINES, PUBLIC. That portion of the utility service line that is completely contained within the right-of-way.

SHALL. Deemed as mandatory.

SIDEWALK. A paved pedestrian walkway constructed within a street right-of-way and generally parallel to the street.

SITE DEVELOPMENT REVIEW COMMITTEE (SDRC). A committee consisting of representatives from various city departments, impacted public entities, and private utility companies which reviews plats and development proposals for compliance with applicable codes and ordinances.

STREET, ROAD, OR ROADWAY. A way for vehicular traffic, whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or other designation. See § 154.37 for specific standards associated with the different classifications of streets. Streets may be classified as follows:

- (A) **ALLEY.** A narrow public passage easement or minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a public street.
- (B) **CUL-DE-SAC.** Street with only one outlet which terminates in a vehicular turnaround at the other end.
- (C) **DEAD-END.** Street with only one outlet but with no vehicular turnaround at the other end.
- (D) **FRONTAGE OR SERVICE ROAD.** A Frontage road is usually parallel to a Major Arterial(highway), designed to reduce the number of driveways and streets that intersect the highway.
- (E) **INTERNAL STREET.** Street within a subdivision that begins at an intersection and ends in a cul-de-sac or dead-end, or connects to the same street of origin. This street does not provide for the through movement of traffic.
- (F) **MAJOR ARTERIAL.** High volume streets with multiple lanes which facilitate travel between major destinations or activity centers, as well as long-distance

traffic that goes through or bypasses an area. These are limited access roads on which no driveway access for single-family or two-family residential lots may be allowed.

- (G) **MAJOR COLLECTORS.** Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the Arterial System. These are limited access roads on which no driveway access for single-family or two-family residential lots may be allowed.
- (H) **MINOR ARTERIALS.** High volume streets with multiple lanes which facilitate traffic into and between Major Arterials. These are limited access roads on which no driveway access for single-family or two-family residential lots may be allowed.
- (I) **MINOR COLLECTORS.** Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to Major Collectors or Arterials. Residential lots may front on these streets.
- (J) **PRIVATE ROAD.** A roadway that is not dedicated for public use nor accepted by the City for maintenance. A Private Road typically provides access to two (2) or more properties or structures.
- (K) **RESIDENTIAL OR LOCAL STREETS.** Streets whose primary function is to serve individual residential lots. They carry low traffic volumes at low speeds.
- (L) **RURAL ROAD.** Streets that serve individual residential lots and carry surface water runoff via bar ditches. Rural Roads shall not serve individual residential lots which are smaller than 0.5 acres per lot. They carry low traffic volumes at low speeds.

STRUCTURE. Anything that is built or constructed with a roof covering.

SUBDIVISION. Any division of land for which a plat is required to be approved and recorded under the provision of V.T.C.A., Tex. Loc. Gov't. Code, § 212.004. This includes the division of land situated within the corporate limits of the city, or within the city's extraterritorial jurisdiction, into two or more parts for any purpose no matter how it is conveyed. However, it does not include the division of land into parts greater than five acres where each part has access and no public improvement is being dedicated. No subdivision of land within the city or its extraterritorial jurisdiction may be recorded with the County Clerk until a final plat, accurately describing the property to be subdivided and platted, has been approved by the city in accordance with this chapter, signed and dated by the Mayor, Chair of the Planning and Zoning Commission and/or other designated officers of the city.

- (A) **MAJOR SUBDIVISION.** Any subdivision consisting of five or more lots and/or a subdivision requiring extension of municipal facilities. MAJOR SUBDIVISIONS may incorporate more than one phase of development.
- (B) **MINOR SUBDIVISION.** A subdivision of four or fewer lots fronting on existing streets and not requiring the creation of any new street or extension of municipal facilities.

SURVEYOR. A licensed state land surveyor or a registered professional land surveyor, as authorized by the Professional Land Surveying Practices Act (V.T.C.A., Tex. Occupations Code, Ch. 1071).

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). The environmental agency for the state.

THOROUGHFARE PLAN. The plan of major and secondary streets and highways, which is the part of the comprehensive plan adopted by the City Council.

SECTION 3: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 4: All regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the City in the discharge of official duties, shall not thereby become personally liable, and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

SECTION 5: The change in the law made by this Ordinance applies only to an offense committed on or after the effective date of this Ordinance. For purposes of this section, an offense is committed on or after the effective date of this Ordinance if every element of the offense occurs on or after that date.

SECTION 6: An offense committed before the effective date of this Ordinance is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 7: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days of approval as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on **September 13, 2022.**

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

§ 154.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESS. The means by which property is connected to a public street. ACCESS to/from TXDOT facilities must be approved by TXDOT prior to approval of a plat. ACCESS to/from nonresidential property through or to residential streets must be avoided.

~~**ALLEY.** A narrow public passage which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a public street.~~

~~**—AMENDING PLAT.** A subdivision plat that reflects changes to an original filed final plat.~~

~~**ARTERIAL SYSTEM.** The roadway system comprised of Major and Minor Arterials.~~

—BENCHMARK. A monument that is part of a leveling network and is a point of precisely measured elevation. See MONUMENT.

BUILDING. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered a separate building.

CITY ATTORNEY. The attorney employed as City Attorney of the city.

CITY COUNCIL. The duly and constitutionally elected governing body of the city.

CITY MANAGER. The person employed as the chief administrative officer of the city, and duly appointed by the City Council.

COMPREHENSIVE PLAN. The plan and adaptations, thoroughfare plan, bikeway plan, future land use plan, gateways and corridors, amendments or supplements thereto, adopted by the City Council and used as a guide for future development of the city and surrounding areas.

CONCEPT PLAN. The Concept Plan is the initial project layout that provides an opportunity to review and evaluate the impact of a proposed development on the character of the surrounding area in which it is proposed to be located. The process takes into consideration the general form of the land before and after development, as well as the spatial relationship of the proposed structures, open space, landscape areas, parking, and general access and circulation patterns as they relate to the proposed development and the surrounding areas.

COUNTY COMMISSIONERS COURT. The duly and constitutionally elected governing body of Bell County, Texas.

COVENANT. A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

DENSITY. The number of dwelling units per acre in a residential development.

DEVELOPER. Any person or persons, firm or corporation subdividing or developing a tract or parcel of land to be sold or otherwise marketed.

DEVELOPMENT. Any activity initiated or directed to improve real estate and requiring a permit from a city, county, or government agency, including without limitation intensive brush and or tree removal of a significant amount.

EASEMENT OR PUBLIC UTILITY EASEMENT. A strip of land reserved for public use by the grantor and accepted by the city for the installation and maintenance of utility lines, improved drainage ~~ditches or channels~~ **infrastructure**, or for other city or public services or for access to property. The ownership or title to the land encompassed by the easement being retained by the owner.

~~(A)~~ **ACCESS OR PASSAGE. EASEMENT, as defined above, for the purposes of pedestrian and/or vehicular mobility between parcels or through a parcel.**

~~(A)~~**(B) EASEMENT, PEDESTRIAN.** EASEMENT, as defined above, for the purposes of pedestrian traffic (i.e. for sidewalks, bike paths).

~~(C)~~ **EASEMENT, VEHICULAR.** EASEMENT, as defined above, for the purposes of vehicular traffic.

ENGINEER. A person duly authorized and licensed under the provisions of the Texas Engineering Practice Act (V.T.C.A., Tex. Occupations Code Ch. 1001), as heretofore or hereinafter amended, to practice the profession of engineerings

ENGINEERING DRAWINGS. Engineering drawings support and provide greater detail to a plat. ENGINEERING DRAWINGS typically, where applicable, include, but are not limited to, water layout, sewer layout, drainage and topography, street light layout, street plan and profile sheets, sewer main plan and profile, water utility details, sewer utility details, paving details, drainage details, erosion and sedimentation control plan and standard construction details. ENGINEERING DRAWINGS shall be prepared, **signed**, and sealed by a Texas Licensed Professional Engineer and shall conform to the general requirements and minimum standards of design and requirements as presented in this chapter.

EXTRATERRITORIAL JURISDICTION (ETJ). Under the terms of V.T.C.A., Tex. Loc. Gov't Code Ch. 42, the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for a distance of two miles, except where it overlaps the ETJ, of other municipalities. Such overlaps are apportioned by mutual agreement with the other municipalities, adopted by resolution and shown on the official ETJ map.

FLAG LOT. A large lot not meeting minimum frontage requirements where access to the public road is by a narrow 30 foot wide strip of land which is part of the lot. Flag lots should be avoided if at all possible.

INFRASTRUCTURE IMPROVEMENTS. Any public facility, service or amenity, constructed to sustain a proposed land use activity. INFRASTRUCTURE includes, but is not limited to, streets, alleys, sidewalks, crosswalks, sanitary sewers, sewage lift stations, septic tanks or other sewage facilities to include water mains, water systems, drainage culverts, lined channels, storm sewers, bridges, streetlights and fire hydrants.

LAY DOWN OR RIBBON CURB. A curb constructed of concrete that is a lower height to promote drainage, allow access onto property or into a driveway or allows for handicap access to a sidewalk.

LOT. A physically undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer, lease or improvement, which is designated as a distinct and separate tract and which is identified

by a lot number or tract symbol on an approved subdivision plat which has been officially recorded.

- (A) ~~LOT~~, CORNER LOT. A lot abutting two or more streets at their intersection.
- (B) ~~LOT~~ DEPTH. The average depth of the lot.
- (C) ~~LOT~~, DOUBLE FRONTAGE LOT. A lot that fronts and backs on two streets.
- (D) ~~LOT~~ FRONT OR FRONTAGE. That portion of a lot or tract of land which is the principal side of a property and which abuts on a public street. This shall be the same side in which direction a building will face and the side on which there is the main entrance.
- (E) ~~LOT~~ WIDTH. The average width of the lot.

MAINTENANCE BOND. Bond or letter of credit guaranteeing against defects in public roads, utilities, drainage features or other public infrastructure for a specified time period following the approval of the final plat by the city.

MAY. Deemed permissible.

~~MINOR SUBDIVISIONS. See SUBDIVISIONS, MINOR.~~

~~MONUMENT.~~ A reference point, line or plane used as a basis for measurements.

OPEN SPACE. A public or common ownership property designated for a recreation area, private park, building setback and ornamental areas open to general view within the development. OPEN SPACE does not include streets or alleys.

PARCEL. A tract of land owned and recorded as the property of the same persons or controlled by a single entity.

PAVEMENT WIDTH. The width from the back of curb to the back of curb of a street.

PERFORMANCE BOND. A surety bond posted by a developer guaranteeing full performance as specified in plans approved by the city with the proceeds to be used by the city to complete the improvements on the plans in the event of the developers nonperformance.

PERSON. Any individual, association, firm, corporation, governmental agency, partnership or political subdivision.

PLANNING AND ZONING COMMISSION. A board comprised of citizens of the city appointed by the City Council as an advisory body, charged to recommend changes in the zoning and other planning functions as delegated by the City Council.

PLAT. A map of a subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys and the like, and drawn to scale. As used in this chapter, a PLAT includes final plats, replats, amending plats and minor plats.

~~PRELIMINARY PLAT. A map indicating the proposed layout of all phases of development of an area of land under the same ownership that is submitted to city staff for preliminary approval.~~

~~REPLAT. The process of re-subdividing property.~~

~~RESERVE STRIP OR PARCEL.~~ Any lot, tract, parcel, strip or any other land which prohibits access from public or private tracts or parcels of land dedicated or intended to be dedicated to public use.

RE-SUBDIVISION. The replacement of all or a part of a recorded plat with a new plat which alters the lines within the perimeter boundary of the previous plat.

RIGHT-OF-WAY. A strip of land dedicated to the public for public streets or to accommodate access and/or utilities to lots or tracts.

SERVICE LINES, PRIVATE. That portion of the utility service line from the property line at the right-of-way to the structure itself.

SERVICE LINES, PUBLIC. That portion of the utility service line that is completely contained within the right-of-way.

SHALL. Deemed as mandatory.

SIDEWALK. A paved pedestrian walkway constructed within a street right-of-way and generally parallel to the street.

SITE DEVELOPMENT REVIEW COMMITTEE (SDRC). A committee consisting of representatives from various city departments, impacted public entities, and private utility companies which reviews ~~all~~ plats and development proposals for compliance with applicable codes and ordinances.

STREET, ROAD, OR ROADWAY. A way for vehicular traffic, whether designed as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or other designation. See § 154.37 for specific standards associated with the different classifications of streets. ~~STREETS~~ Streets may be classified as follows:-

- (A) — ALLEY. A narrow public passage easement or Minor-minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a public street.
- (B) — CUL-DE-SAC. Street with only one outlet which terminates in a vehicular turnaround at the other end. ~~See § 154.37 for specific standards associated with cul-de-sac streets.~~
- (C) — DEAD-END. Street with only one outlet but with no vehicular turnaround at the other end ~~(see STREET and/or CUL-DE-SAC). See § 154.37 for specific standards associated with dead-end streets.~~
- (D) — FRONTAGE OR SERVICE ROAD. ~~A FrontageService~~ road, ~~is~~ usually parallel to a Major Arterial(highway), designed to reduce the number of driveways and streets that intersect the highway. ~~See § 154.37 for specific standards associated with frontage roads.~~
- (E) — INTERNAL STREET. Street within a subdivision that begins at an intersection and ends in a cul-de-sac or dead-end, or connects to the same street of origin. This street does not provide for the through movement of traffic. ~~See § 154.37 for specific standards associated with internal streets.~~
- ~~(F) — LOCAL STREET. Street whose primary function is to provide access to individual lots or tracts. See § 154.37 for specific standards associated with local streets.~~
- (G)(F) — MAJOR ARTERIAL. High volume streets with multiple lanes which facilitate travel between major destinations or activity centers, as well as long-distance traffic that goes through or bypasses an area. Arterials shall be between 60 and 80 feet wide, depending on the needs and the design as determined by the city. The right-of-way shall be between 90 and 120 feet, depending on the design requirements as determined by the city. These are high volume streets with five or

~~more lanes.~~ These are limited access roads on which no driveway access for single-family or two-family residential lots may ~~front be allowed.~~

~~(H)(G)~~ — MAJOR COLLECTORS. Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the Arterial Ssystem. ~~MAJOR COLLECTORS shall be 48 feet wide with a minimum of 80 feet of right-of-way.~~ These are limited access roads on which no driveway access for single-family or two-family residential lots may ~~front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot be allowed.~~

~~(H)(H)~~ — MINOR ARTERIALS. High volume streets with multiple lanes which facilitate that conduct traffic into and between ~~communities and activity centers and connect to major state and interstate highways~~ Major Arterials. ~~Arterials shall be between 60 and 80 feet wide, depending on the needs and the design as determined by the city. The right-of-way shall be between 90 and 120 feet, depending on the design requirements as determined by the city. These are high volume streets with five or more lanes.~~ These are limited access roads on which no driveway access for single-family or two-family residential lots may ~~front be allowed.~~

~~(H)(I)~~ — MINOR COLLECTORS. Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to Mmajor Ccollectors or Arterials. Residential lots may front on these streets. ~~MINOR COLLECTORS shall be 42 feet wide, with a minimum of 70 feet of right-of-way.~~

~~(J)~~ PRIVATE ROAD. A roadway that is not dedicated for public use nor accepted by the City for maintenance. A Private Road typically provides access to two (2) or more properties or structures.

~~(K)~~ RESIDENTIAL OR LOCAL STREETS. Streets whose primary function is to serve individual residential lots. They carry low traffic volumes at low speeds.

~~(K)(L)~~ — RESIDENTIAL STREETS RURAL ROAD. Streets that serve individual residential lots and carry surface water runoff via bar ditches. Rural Roads shall not serve individual residential lots which are smaller than 0.5 acres per lot. They carry low traffic volumes at low speeds. ~~RESIDENTIAL STREETS shall be 36 feet in width back of curb to back of curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots. Where entrances to subdivisions are not part of a collector street, they shall be 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection.~~

STRUCTURE. Anything that is built or constructed with a roof covering.

SUBDIVISION. Any division of land for which a plat is required to be approved and recorded under the provision of V.T.C.A., Tex. Loc. Gov't. Code, § 212.004. This includes the division of land situated within the corporate limits of the city, or within the city's extraterritorial jurisdiction, into two or more parts for any purpose no matter how it is conveyed. However, it does not include the division of land into parts greater than five acres where each part has access and no public improvement is being dedicated. No subdivision of land within the city or its extraterritorial jurisdiction may be recorded with the County Clerk until a final plat, accurately describing the property to be subdivided and platted, has been approved by the city in accordance with this chapter, signed and dated by

the Mayor, Chair of the Planning and Zoning Commission and/or other designated officers of the city.

(A) — ~~SUBDIVISION~~, MAJOR SUBDIVISION. Any subdivision consisting of five or more lots and/or a subdivision requiring extension of municipal facilities. ~~Typically~~, MAJOR SUBDIVISIONS may incorporate more than one phase of development.

(B) — ~~SUBDIVISION~~, MINOR SUBDIVISION. A subdivision of four or fewer lots fronting on existing streets and not requiring the creation of any new street or extension of municipal facilities.

SURVEYOR. A licensed state land surveyor or a registered professional land surveyor, as authorized by the Professional Land Surveying Practices Act (V.T.C.A., Tex. Occupations Code, Ch. 1071).

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). The environmental agency for the state.

THOROUGHFARE PLAN. The plan of major and secondary streets and highways, which is the part of the comprehensive plan adopted by the City Council.



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING B-3 (LOCAL BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A MOBILE FOOD VENDOR COURT FOR ONE MOBILE FOOD TRUCK ON PROPERTY DESCRIBED AS MEADOW ACRES, BLOCK 006, LOT PT 7, 8, (E 14.5' OF N 130' OF 7 & W 85.5' OF N 130' OF 8), GENERALLY LOCATED AT 808 S. ANN BLVD., HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548, AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant is requesting a change from the current zoning of B-3 (Local Business District) to B-3 (Local Business District) with a Conditional use Permit (CUP) to allow for mobile food vendor court for one mobile food truck on property generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548.

Parcel History

This property is located within the original area of the city incorporation (1960) and was platted as part of the Meadow Acres plat in 1959.

A building application to add an electrical outlet to operate a mobile food truck at 808 S. Ann Blvd. was applied for on July 7, 2022. Per City of Harker Heights Code of Ordinances, a mobile food truck may operate on a generator OR a permanent connection in a mobile food court:

§126.31 (B) (2) Electricity shall be from a generator or permanent connection in a mobile food court and the mobile food vendor shall utilize electrical cords in conformance with the National Electrical Code and other codes as adopted and amended by the city.

Staff conducted a pre-development meeting with the applicant on August 4, 2022 to discuss options for a mobile food truck to be allowed on this property. The applicant was presented with two options:

1. To operate the food truck from a generator connection, with the unit being removed per the statues set forth in City of Harker Heights Code of Ordinances Section: §126.34 (H) A mobile food vending unit may not remain at any location for more than 24 consecutive hours at a time.
2. Apply for a Conditional Use Permit to allow for a mobile food vendor court for one mobile food truck as allowed by City of Harker Heights Code of Ordinances Section: §126.35 (A) A mobile food vendor food court shall be located in a B-3 (Local Business District) zoning district or higher and requires a Conditional Use Permit (CUP) with an approved lot diagram plan.

The applicant proceeded with the application to request a Conditional Use Permit for a mobile food vendor court as presented in this report

STAFF ANALYSIS:

Surrounding Land Uses

Adjacent land uses and zoning districts include those identified in the table below:

R-1 (One-Family Dwelling District)

	Existing Land Use	Land Use Plan	Zoning
North	Regional Center	Community Center	B-4 Secondary and Highway Business District
South	Community Center	Community Center	B-3 Local Business District
East	Regional Center	Community Center	B-4 Secondary and Highway Business District
West	Community Center	Community Center	B-3 Local Business District

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Community Center use. The proposed B-3 with a Conditional Use Permit (CUP) with its intended use will not likely have an adverse impact on the neighborhood and is consistent with the 2021 updates to the City of Harker Heights' Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

S. Ann Boulevard is classified as a collector street per the most recently adopted Comprehensive Plan. Per City of Harker Heights Code of Ordinances §154.01:

- Minor Collectors are defined as: Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to major collectors. Residential lots may front on these streets. MINOR COLLECTORS shall be 42 feet wide, with a minimum of 70 feet of right-of-way.
- Major Collectors are defined as: Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the arterial system. MAJOR COLLECTORS shall be 48 feet wide with a minimum of 80 feet of right-of-way. These are limited access roads on which no single-family or two-family residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

Flood Damage Prevention

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

Pharr vs. Tippet Considerations

1. The proposed use and rezoning are compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will likely not have an adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.

4. The proposed use and rezoning will likely not pose an adverse impact to the public health, safety, or general welfare.

NOTICES:

Based on the most recently approved tax roll available, staff sent out forty-four (44) notices to property owners within the 400-foot notification area. As of September 6, 2022, six (6) responses were received in favor of the request, and zero (0) responses were received in opposition of the request.

Total area of land within the 200-foot notification area is: 251,213.44 sq. ft.

Total area of land within the 200-foot notification area recommending denial is: 0 sq. Ft.

Percentage of land area recommending denial: 0.00%

Per Texas Local Government Code Section 211.006, opposition that is written and signed by the owners of at least 20% of the area of the lots within the 200-foot buffer requires a super majority vote for approval. Note that when 20% of the number of landowners within the 200 foot buffer have provided written and signed opposition, there is not a requirement of Texas Local Government Code nor the City's Code of Ordinances for a super majority vote by the Planning & Zoning Commission.

Any additional responses received after the above date will be provided during the meeting.

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

1. Recommend approval of the applicant's zoning request as presented.
2. Recommend disapproval of the applicants zoning request based on Pharr & Tippett.
3. Recommend the applicant proceed with a more restrictive zoning classification for this parcel.

Staff Recommendation

Staff recommended approval to the Planning & Zoning Commission of an ordinance to change zoning designation from B-3 (Local Business District) to B-3 (Local Business District) with a Conditional use Permit (CUP) for the property in this case with the following conditions:

1. Modifications to this conditional use permit will require a Planning and Zoning Commission recommendation and City Council approval via a public hearing.
2. Food vendors and customers shall have access to restroom facilities on site via an active agreement with the property owner and business located in brick and mortar structure on site.
3. Hours of operation shall coincide with the business located in brick and mortar structure on site that provides access to the restroom facilities.
4. The signage, accessories and mobile food unit shall be placed on the site such that they do not interfere with the fire lane, garbage services, or required parking spaces for the site.
5. This Conditional Use Permit (CUP) automatically renews for successive two (2) year periods unless an objection is raised based on either:
 - a. A history of poor code compliance; or
 - b. A revision to the Comprehensive Plan that renders the CUP incompatible.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on August 31, 2022, the Planning & Zoning Commission voted (9-0) on case #Z22-20 to recommend approval of an ordinance to change zoning designation from B-3 (Local Business District) to B-3 (Local Business District) with a Conditional use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck on property generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548, with the five conditions presented by staff and based on staff's recommendation and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve with conditions** an ordinance for B-3 (Local Business District) with a Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck on property described as Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548, **with the five conditions presented by staff and based on staff's recommendation and findings.**
2. Motion to **approve / disapprove with explanation** an ordinance for B-3 (Local Business District) with a Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck on property described as Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548, **based on the City Council's recommendation and findings.**
3. Any other action deemed necessary.

ATTACHMENTS:

[Z22-20-PropOrdinance](#)

[Z22-20-Attachments](#)

ORDINANCE NO. 2022 - ____

AN ORDINANCE GRANTING B-3 (LOCAL BUSINESS DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A MOBILE FOOD VENDOR COURT FOR ONE MOBILE FOOD TRUCK ON PROPERTY DESCRIBED AS MEADOW ACRES, BLOCK 006, LOT PT 7, 8, (E 14.5' OF N 130' OF 7 & W 85.5 OF N 130' OF 8), GENERALLY LOCATED AT 808 S. ANN BLVD., HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548.

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, as previously zoned B-3 (Local Business District) to B-3 (Local Business District) with a Conditional use Permit (CUP) to allow for mobile food vendor court for one mobile food truck on property described as Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548, with the following conditions:

1. Modifications to this conditional use permit will require a Planning and Zoning Commission recommendation and City Council approval via a public hearing.
2. Food vendors and customers shall have access to restroom facilities on site via an active agreement with the property owner and business located in brick and mortar structure on site.
3. Hours of operation shall coincide with the business located in brick and mortar structure on site that provides access to the restroom facilities.
4. The signage, accessories and mobile food unit shall be placed on the site such that they do not interfere with the fire lane, garbage services, or required parking spaces for the site.
5. This Conditional Use Permit (CUP) automatically renews for successive two (2) year periods unless an objection is raised based on either:
 - a. A history of poor code compliance; or

b. A revision to the Comprehensive Plan that renders the CUP incompatible.

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022 - ____	9/13/2022	Granting B-3 (Local Business District) with a Conditional use Permit (CUP) to allow for mobile food vendor court for one mobile food truck on property described as Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd., Harker Heights, Bell County, Texas, 76548.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

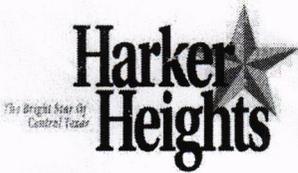
PASSED AND APPROVED by the City Council of the City of Harker Heights on September 13, 2022.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary

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
5. Please thoroughly read Section 155.201 - Conditional Use Permits (see attached)

City of Harker Heights
 Planning & Development
 305 Millers Crossing
 Harker Heights, TX 76548
 Phone: (254) 953-5647
 Fax: (254) 953-5666

Owner Information:

Property Owner(s) Name: MARYAM & SARA 2 Date: 08/02/2022
 Address: 808 S ANN BLVD City/State/Zip: HARKER HEIGHTS, TX
 Phone: (512) 909-6775 E-mail: RAF169485@GMAIL.COM 78641

Property Information:

Site Address or General Location: 808 S Ann Blvd Harker Heights Tx 76548
 Lot: _____ Block: _____ Subdivision: _____
 Acres: _____ Property ID: _____ Survey: _____

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: B3 Future Land Use Designation: B3 w/CUP

Applicant's Representative (if applicable):

Applicant's Representative: _____
 Phone: _____ E-Mail: _____

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.

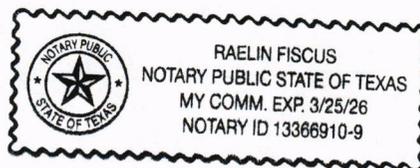
I, being the undersigned applicant of the property herein described, hereby make application for approval of plans submitted and made a part of the application in accordance with the provisions of the City of Harker Heights Ordinances, and hereby certify that the information provided is true and correct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

Chaudry Reputia
MARYAM & SARA 2 INC
 Printed Name of Property Owner
ALTAF PRASLA
ASIF MOHAMMAD
RAY ALI
 Printed Name of Representative

Chaudry Reputia
 Signature of Property Owner
 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 4th DAY OF August, 2022.
Raelin Fiscus
 Signature of Notary Public



STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 8/4/22 Receipt #: _____
 Received By: RF Pre-Application Meeting 8/4/2022 Case #: _____ Page 33 of 221

Letter of Intent for Conditional Use Permit

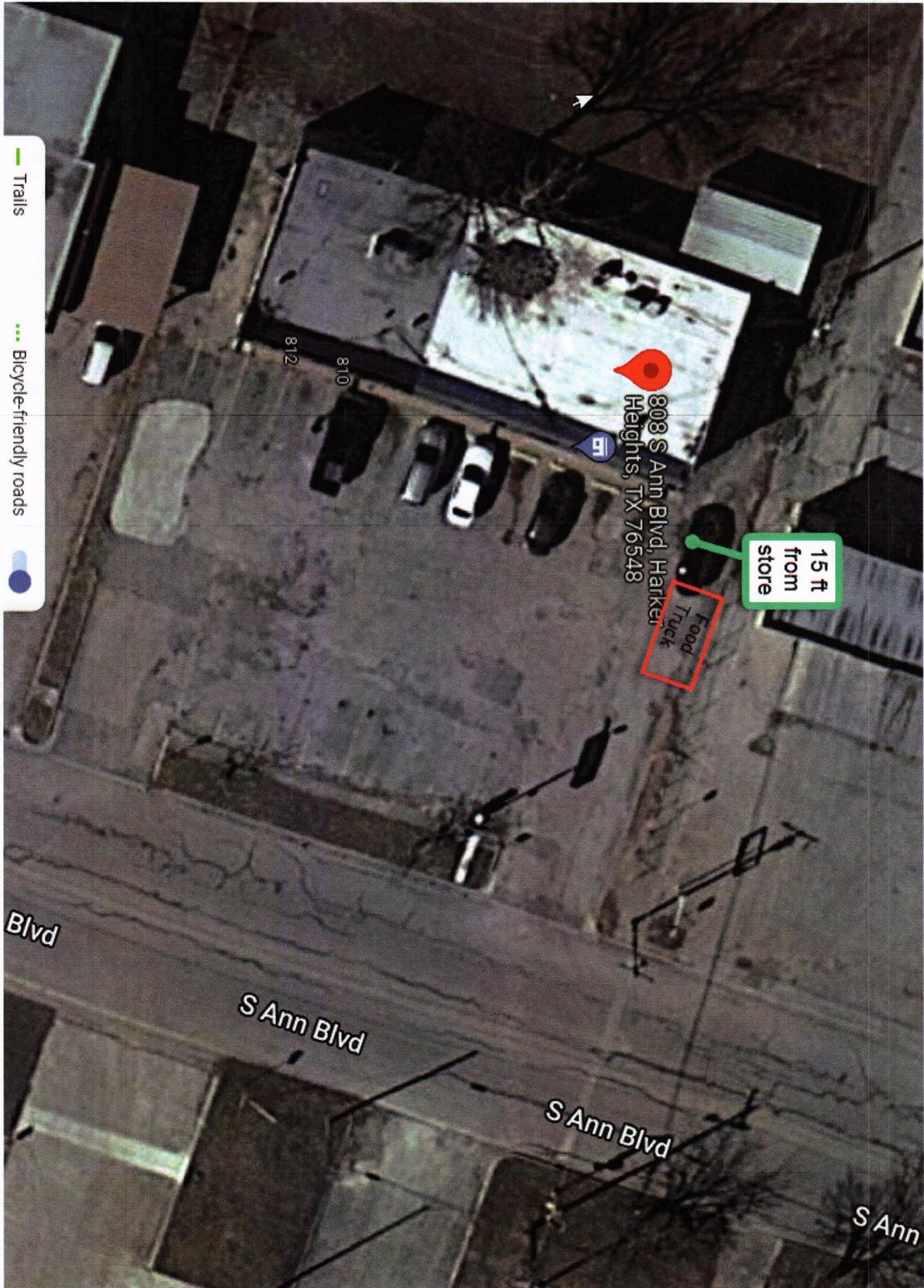
808 S. Ann Blvd
Harker Heights, Tx 76548

August 01, 2022

Harker Height City Planner
City of Harker Heights
Harker Heights, Tx 76548

This letter is written to state Creative Acquisition's intent to apply and use Conditional Use Permit as a food vendor court. We want to apply for a food vendor court conditional use permit [126.35] because as a mobile food vendor per ordinance [126.31^(b)] we cannot be plugged into an outlet and must run off of a generator. A generator is not feasible for long-term use and therefore we would hinder in our daily operations. A majority of our customers do not have access to a car or a way to get around except walk and we want to provide a service that is beneficial to the community. This does not affect any structural, landscaping and/or parking spaces.

Sincerely,
~~Kwick Stop~~





S & M VACUUM AND WASTE, LTD
PO BOX 817
KILLEEN, TEXAS 76540
254-589-6014 / 254-589-6027
Fax 254-589-6019
smvacuumandwaste@hotmail.com

July 11, 2022

QUICK STOP
Attn: Altaf Prasla
808 South Ann Boulevard
Harker Heights, Texas 76548
512-905-0166
Harkerheights22@gmail.com

Mr. Prasla,

We will pump, transport and dispose of the grease/gray water trap material from your food truck at the above address on an on call basis. Our TCEQ transporters permit number is 20089.

The waste material will be disposed of at our TECQ permitted Class V Liquid Processing Facility located at 508 Jackrabbit Flat Road, Belton, Texas. The permit number is 2368.

If any further information is needed or to schedule service please let me know.

Sincerely;



David McGinnis
Managing Partner

CHAPTER 126: MOBILE FOOD VENDOR BUSINESS REGULATIONS

Section

General Provisions

- 126.01 Short title and purpose
- 126.02 Definitions
- 126.03 Administrative rules

Permits

- 126.10 Permit required
- 126.11 Permit application
- 126.12 Permit approval or denial
- 126.13 Permit not transferable
- 126.14 Permit not a right
- 126.15 Permit expiration; renewal
- 126.16 Requirement to supplement information
- 126.17 Permit suspension
- 126.18 Permit revocation
- 126.19 Appeal

Regulations for Mobile Food Vendor Operation

- 126.30 Document posting required
- 126.31 Regulations for all mobile food vendors
- 126.32 Regulations for mobile food vendors operating on public streets and rights-of-way
- 126.33 Regulations for mobile food vendors operating on public property (other than streets or rights-of-way)
- 126.34 Regulations for mobile food vendors operating on private property
- 126.35 Regulations for mobile food vendor courts

Enforcement

- 126.50 Enforcement

- 126.99 Penalty

Cross-reference:

Food establishments, see Chapter 113

GENERAL PROVISIONS

§ 126.01 SHORT TITLE AND PURPOSE.

(A) This chapter may be known and cited as “Mobile Food Vendor Regulation.”

(B) The purpose of this chapter is to protect the welfare of the citizens of the City of Harker Heights by monitoring and regulating mobile food vendor businesses. To this end, this chapter establishes a permit program for mobile food vendor businesses, imposes regulations of business operations of mobile food vendor businesses, and imposes civil penalties for violations of this chapter by mobile food vendor businesses.

(Ord. 2020-32, passed 8-25-20)

§ 126.02 DEFINITIONS.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSARY. A central preparation facility or other fixed food establishment that stores, prepares, packages, serves,

vends, or otherwise provides food for human consumption to mobile, temporary, and portable food vendors.

DIRECTOR. The Director of Planning and Development.

EVENT. Any occasion or activity where one or more vendors offer goods, services, entertainments, amusements or other like products or activities to the public for profit or for free.

FOOD BOOTH. A food vending unit that is generally a temporary structure used to prepare and sell food to the public.

FRANCHISEE. A business entity with whom the city has a current contractual agreement, which entitles the entity to use city rights-of-way or easements for the provision of the entity's services to citizens of the community.

HEALTH AUTHORITY. The Bell County Health Department, or its designee, or any other agency charged with enforcement of regulations applicable to establishments regulated under this chapter.

LOT DIAGRAM PLAN. A diagramed plan that includes property lines, adjacent rights-of-way, location of all mobile food vending units, parking areas and surface material, maneuvering areas and surface material, seating areas, and any other information reasonably required by the Director of Planning and Development.

MOBILE CONCESSION TRAILER. A vending unit selling items defined as edible goods, which is pulled by a motorized unit and has no power to move on its own.

MOBILE FOOD CART OR CONCESSION CART. A mobile vending unit, selling items defined as edible goods, that must be moved by non-motorized means.

MOBILE FOOD TRUCK. A self-contained motorized unit selling items defined as edible goods.

MOBILE FOOD VENDING UNIT. A mobile food truck, mobile food cart, concession cart, or mobile concession trailer.

MOBILE FOOD VENDOR. Any business that operates or sells food for human consumption, hot or cold, from a mobile food vending unit.

MOBILE FOOD VENDOR FOOD COURT. A site designed for the operation of one or more mobile food vendors as the primary use.

MOBILE FOOD VENDOR PERMIT. The document(s) issued by the city authorizing the peddling, soliciting, or vending activities, pursuant to this chapter.

MOTOR VEHICLE. Any vehicle used for the displaying, storing, or transporting of articles for sale by a peddler, solicitor, and/or vendor, which is required to be permitted and registered by the state. The term also includes trailers, trucks, and automobiles.

PERMITTEE. The holder of a permit issued by the city issued pursuant to this chapter.

TEXAS FOOD ESTABLISHMENT RULES OR THE RULES. Refers to Tex. Administrative Code, Ch. 228, as amended.

(B) Terms appearing in this chapter but not defined herein shall have the meanings provided in this code of ordinances, or if not defined by the city, then the common meanings in accordance with ordinary usage.

(Ord. 2020-32, passed 8-25-20)

§ 126.03 ADMINISTRATIVE RULES.

The Director shall adopt administrative rules to implement, administer, and enforce this chapter.

(Ord. 2020-32, passed 8-25-20)

PERMITS

§ 126.10 PERMIT REQUIRED.

(A) All mobile food vendors shall obtain a mobile food vendor permit issued by the Fire Department for a mobile food vending unit before the mobile food vendor may operate in the city.

(B) A mobile food vendor must obtain a separate mobile food vendor permit for each mobile food vending unit.

(C) A mobile food vendor permit is void if the applicant obtains the mobile food vendor permit by knowingly providing false information on the application.

(Ord. 2020-32, passed 8-25-20)

§ 126.11 PERMIT APPLICATION.

(A) A mobile food vendor who seeks a mobile food vendor permit for a mobile food vending unit must submit an application to the Fire Department on a form provided by the Fire Marshal. The application must include:

(1) The names, mailing addresses, email addresses, and telephone numbers of all persons who have an ownership interest in, or who will manage the proposed mobile food vending unit;

- (2) The mobile vending unit name and type;
- (3) The mobile vending unit vehicle data, including make, model, VIN number, color, and license information;
- (4) A submitted business registration application for the mobile food vendor issued by the Director;
- (5) Information required by administrative rule; and
- (6) Other information reasonably required by the Fire Marshal or Director to confirm compliance with the requirements of this chapter.

(B) The applicant shall pay the nonrefundable permit fee established by §126.12.

(Ord. 2020-32, passed 8-25-20)

§ 126.12 PERMIT APPROVAL OR DENIAL.

(A) The Fire Marshal shall issue a mobile food vendor permit for a mobile food vending unit when:

(1) The mobile food vendor permit application has been completed and submitted with all necessary information as required in this section to confirm compliance with the provisions of this chapter;

(2) The mobile food vending unit has passed an inspection by the Fire Marshal's Office to confirm compliance with the requirements of this chapter including specifically the provisions of § 126.31;

(3) The mobile food vendor is in compliance with all provisions of this chapter, including specifically the provisions of § 126.31; and

(4) The mobile food vending unit has at minimum one portable fire extinguisher (2A-10BC) that has a current tag from a licensed extinguisher company that indicates that it has been serviced and inspected.

(B) The Fire Marshal shall deny a mobile food vendor permit application if the Fire Marshal determines that the mobile food vendor or mobile food vending unit as proposed would not comply with the requirements of this chapter.

(C) If the mobile food vending unit does not meet the provisions of this chapter, including specifically the provisions of § 126.31, the potential exists for it to be issued a temporary non-conforming mobile food vendor permit to operate subject to the following conditions:

(1) Upon a determination by the Fire Marshal that no risk or danger to public health or safety will result, some code requirements may be waived for a short duration; others such as exterior 1/4-turn shutoff valves for fuel sources may not be waived. Due to the number of variables the waiver of established code requirements for a temporary, non-conforming mobile food vendor permit is a case by case review, based on health and safety risks and conditions.

(2) If under the currently adopted code, a mobile food vending unit would normally be required to have a Type I hood and does not have one, the mobile food vending unit must then have the correct size and number of Class K fire extinguishers as defined by the current adopted model codes.

(3) Fuel sources for compressed gasses such as liquefied petroleum gas (LPG) and compressed natural gas (CNG) shall be limited to an aggregate total of 40 pounds.

(4) This temporary non-conforming mobile food vendor permit is not applicable to food booths.

(5) Temporary non-conforming mobile food vendor permits issued shall be valid for only 24 specified hours.

(6) Temporary non-conforming mobile food vendor permits may only be issued twice per calendar year.

(7) The mobile food vending unit must be placed with a separation distance of 15 feet from any permanent or temporary structures on all sides.

(8) A fire watch, as defined by current adopted code must be initiated and funded to monitor the mobile food vending unit during its entire operations, including setup and teardown, when two or more mobile food vending units are operating at the same time and location.

(9) Granting of a temporary non-conforming mobile food vendor permit by the City of Harker Heights does not exempt or excuse the applicant or responsible person from the consequences, damages, or injuries resulting from the operation listed above and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the above listed operation is otherwise conducted in compliance with this chapter.

(D) The Fire Marshal shall deny an application for a temporary non-conforming mobile food vendor permit if the Fire Marshal determines that the mobile food vending unit as proposed would not comply with the requirements of this chapter or the granting of a waiver to authorize a temporary non-conforming mobile food vendor permit would pose a risk or danger to the public health or safety.

(E) The Fire Marshal shall deny a mobile food vendor permit or temporary non-conforming mobile food vendor permit application if the Fire Marshal determines that the applicant provided incorrect or incomplete information on the application.

(F) If the Fire Marshal does not approve or deny an application within 45 days of the date it is filed, the application is

denied.

(G) The Fire Marshal shall give written notice of a denial of an application to the applicant.

(H) An applicant may appeal to the Board of Adjustment a denial of a mobile food vendor permit application in accordance with § 126.19.

(Ord. 2020-32, passed 8-25-20)

§ 126.13 PERMIT NOT TRANSFERABLE.

A mobile food vendor permit issued under this chapter is not transferable to another person, mobile food vendor, or mobile food vending unit.

(Ord. 2020-32, passed 8-25-20)

§ 126.14 PERMIT NOT A RIGHT.

A mobile food vendor permit issued under this chapter is a grant of a privilege and is not a property right.

(Ord. 2020-32, passed 8-25-20)

§ 126.15 PERMIT EXPIRATION; RENEWAL.

A mobile food vendor permit issued under this chapter expires one year after the date it is issued. A mobile food vendor permit holder shall file an application for mobile food vendor permit renewal not sooner than the ninetieth day and not later than the forty-fifth day before the mobile food vendor permit expires.

(Ord. 2020-32, passed 8-25-20)

§ 126.16 REQUIREMENT TO SUPPLEMENT INFORMATION.

While a mobile food vendor permit application is pending or a mobile food vendor permit is in effect, an applicant or permit holder shall immediately supplement the information provided to the Fire Marshal or Director in the mobile food vendor permit application if the information is or becomes inaccurate, incomplete, or misleading.

(Ord. 2020-32, passed 8-25-20)

§ 126.17 PERMIT SUSPENSION.

(A) The Fire Marshal or Director may suspend a mobile food vendor permit issued under this chapter without prior notice or hearing if the Fire Marshal or Director determines that:

(1) The mobile food vendor permit holder, the manager, or an employee of the mobile food vendor has violated a requirement of this chapter;

(2) The mobile food vendor or mobile food vending unit does not comply with this chapter; or

(3) The mobile food vendor permit holder does not qualify for a permit under this chapter.

(B) If the Fire Marshal or Director suspends a mobile food vendor permit:

(1) The Director shall give written notice to the mobile food vendor permit holder that the mobile food vendor permit is immediately suspended on receipt of the notice.

(2) The mobile food vendor permit holder shall immediately close the mobile food vending unit.

(3) Any mobile food vendor permit which has been suspended under this chapter shall be surrendered upon demand to the Director. At the end of the period of suspension, in the absence of further violations, the surrendered mobile food vendor permit shall be returned to the mobile food vendor permit holder and shall be valid under the provisions of this code. If the period of suspension extends beyond the normal expiration date of the mobile food vendor permit, the mobile food vendor permit holder shall pay all mobile food vendor permit fees without proration in order to receive a valid mobile food vendor permit.

(C) Suspension of a mobile food vendor permit is effective on receipt of notice.

(D) A mobile food vendor permit holder may file with the Director a written request for a hearing on a mobile food vendor permit suspension. The request must be filed not later than the tenth day after the date of receipt of notice of suspension.

(E) If a mobile food vendor permit holder timely files a hearing request:

(1) The Director shall hold a hearing on the permit suspension not later than the fourteenth day after the date the hearing request is filed.

(2) At such hearing, the mobile food vendor permit holder may present information to the Director addressing the Director's suspension of a mobile food vendor permit and reasons, if any, that the mobile food vendor permit holder believes the suspension is not warranted.

(F) If a hearing request is not timely filed, a suspension continues in effect.

(G) After hearing, the Director shall give written notice to the mobile food vendor permit holder as to whether suspension is continued in effect after a hearing under division (E).

(H) The Director may reinstate a permit if the reason for suspension no longer exists.

(Ord. 2020-32, passed 8-25-20)

§ 126.18 PERMIT REVOCATION.

(A) The Fire Marshal or Director may revoke a mobile food vendor permit issued under this chapter if the Fire Marshal or Director determines that:

(1) The mobile food vendor permit holder, the manager, or an employee of the mobile food vendor has engaged in serious or repeated violations of this chapter;

(2) The mobile food vendor or mobile food vending unit does not comply with this chapter; or

(3) The mobile food vendor permit holder does not qualify for a permit under this chapter.

(B) Before revoking a mobile food vendor permit, the Director shall provide the mobile food vendor permit holder with written notice of the pending permit revocation. The written notice shall include:

(1) The reason the mobile food vendor permit is subject to revocation;

(2) The date on which the mobile food vendor permit is scheduled to be revoked; and

(3) A statement that the mobile food vendor permit will be revoked on the scheduled date unless the mobile food vendor permit holder files a written request for a hearing with the Director not later than the tenth day after the date the notice is received.

(C) A mobile food vendor permit revocation becomes effective on expiration of the time period prescribed by the notice if the mobile food vendor permit holder does not file a written request for hearing with the Director not later than the tenth day after the notice is received.

(D) If a mobile food vendor permit holder timely files a hearing request:

(1) The Director shall hold a hearing on the mobile food vendor permit revocation not later than the fourteenth day after the date the hearing request is filed.

(2) At such hearing, the mobile food vendor permit holder may present information to the Director addressing the Director's intent to revoke the mobile food vendor permit and reasons, if any, that the mobile food vendor permit holder believes the revocation is not warranted.

(E) The Director shall give written notice to the mobile food vendor permit holder of a decision regarding the revocation of the mobile food vendor permit or a revocation that becomes effective under division (C).

(Ord. 2020-32, passed 8-25-20)

§ 126.19 APPEAL.

An applicant or a mobile food vendor permit holder may appeal to the Board of Adjustment a mobile food vendor permit application denial, a mobile food vendor permit suspension, or a mobile food vendor permit revocation. Such appeal must be made within 10 days after the applicant/mobile food vendor permit holder receives written notice of the decision that it is appealing.

(Ord. 2020-32, passed 8-25-20)

REGULATIONS FOR MOBILE FOOD VENDOR OPERATION

§ 126.30 DOCUMENT POSTING REQUIRED.

(A) Each mobile food vending unit shall have displayed at all times in a conspicuous place where it can be read by the general public:

(1) City of Harker Heights mobile food vendor permit under this chapter;

(2) A health permit for the mobile food vendor from Bell County; and

(3) A copy of a Texas sales tax and use certificate for the mobile food vendor.

(B) If applicable, each mobile food vending unit shall display at all times in a conspicuous place where it can be read by the general public, a Texas Alcoholic Beverage Commission (TABC) authorization.

(C) A copy of required records for the mobile food vendor or mobile food vending unit shall be immediately available for inspection by the city.

(D) A sign stating that the owner or operator has purchased liability insurance to cover activities at the mobile food vending unit.

(Ord. 2020-32, passed 8-25-20)

§ 126.31 REGULATIONS FOR ALL MOBILE FOOD VENDORS.

(A) Food preparation.

(1) Any mobile food vendors that prepare food outside of the mobile food vending unit must operate from an approved commissary in good standing as defined in and required by the Texas Food Establishment Rules. The commissary shall comply with all Food Establishment Rules and hold all current licenses and permits as required by the rules. Mobile food vendors shall provide documentation of each visit to or service by the commissary and shall have that documentation immediately available for inspection by the city.

(2) All employees of the mobile food vendor permit holder must have a valid food handler's certificate.

(3) Except as shown on an approved lot diagram plan, the mobile food vendor shall prepare, serve, store, and display food and beverages on or in the mobile food vending unit itself; and shall not attach, set up, or use any other device or equipment intended to increase the selling, serving, storing, or displaying capacity of the mobile food vending unit.

(B) Model code requirements.

(1) Mobile food vending units must meet all applicable laws regarding mobile food vendors as required by, but not limited to, the National Electric Code (NEC), International Building Code (IBC), International Fire Code (IFC), International Mechanical Code, International Plumbing Code, and International Fuel Gas Code as adopted and amended by the city or required by this chapter.

(2) Electricity shall be from a generator or permanent connection in a mobile food court and the mobile food vendor shall utilize electrical cords in conformance with the National Electrical Code and other codes as adopted and amended by the city.

(3) The mobile food vending unit must meet the following plumbing standards:

(a) All liquid waste shall be discharged to an approved sanitary sewage disposal system at the commissary or through an authorized service provider. All used fats, oil, or grease shall be discharged to an approved grease interceptor at the commissary or through an authorized service provider. Used fats, oils or grease shall not be directly discharged to any unauthorized food establishment grease interceptor.

(b) Liquid waste shall not be discharged from the retention tank when the mobile food vending unit is open to the public or in the process of preparing food.

(c) The waste connection shall be located below the water connection to preclude contamination of the potable water system.

(d) Connections to a water or sewage system on site is only allowed when the connections have been properly permitted and inspected by the Building Official or designee.

(C) Placement.

(1) Mobile food vending units shall not obstruct or set up in fire lanes, driveways, or parking spaces that are required for the use of an existing business.

(2) Mobile food vending units shall be separated from existing buildings and other mobile food vehicles by a minimum of ten feet and separated from any building entrances or exits by 20 feet.

(3) A mobile food vending unit may not operate within 200 feet of any existing restaurant, when measured in a straight line, unless:

(a) The mobile food vending unit is owned by the restaurant; or

(b) The mobile food vending unit has acquired the written consent to operate by the owner or agent of the restaurant.

(4) Mobile food vendors should attempt to avoid locating near restaurants or other mobile food vendors which serve similar foods.

(D) Signage.

(1) Each mobile food vending unit shall be clearly marked with the food establishment's name or a distinctive identifying symbol and shall display the name while in service within the city. All other signage on the mobile food vending unit shall be mounted flush to the surface of the unit.

(2) Each mobile food vending unit shall be permitted two freestanding signs:

(a) Two sandwich board signs not to exceed four feet in height and eight square feet; or

(b) One sandwich board sign not to exceed four feet in height and eight square feet and one feather flag not to exceed eight feet in height.

(3) Freestanding signs shall be for use on site and only during business operational hours.

(E) *Insurance requirement.*

(1) Each mobile food vendor shall maintain a commercial general liability insurance policy providing minimum premises/operations coverage of \$500,000 per occurrence and \$1,000,000 in the aggregate on an occurrence basis.

(2) The policy must be provided by an insurer licensed by the Texas Department of Insurance, and must be endorsed to name the City of Harker Heights as additionally insured.

(3) Prior to opening for business, the mobile food vendor permit holder, manager, or owner shall deliver a certificate of insurance and copies of all endorsements for additional insured to the Director, and thereafter at least ten days prior to the expiration of such policies.

(F) Drive-through service from mobile food vending units is prohibited.

(G) Mobile food vending units must be movable by motorized or non-motorized means.

(Ord. 2020-32, passed 8-25-20)

Cross-reference:

Food handler's registration, see §§ 113.20 - 113.23

§ 126.32 REGULATIONS FOR MOBILE FOOD VENDORS OPERATING ON PUBLIC STREETS AND RIGHTS-OF-WAY.

(A) The mobile food vendor and mobile food vending unit shall be in compliance with all provisions of this chapter, including specifically the provisions of §§ 126.30 and 126.31.

(B) A mobile food vendor may not operate on a public street or right-of-way unless:

(1) The mobile food vending unit is not obstructing pedestrian or vehicular traffic, is equal to or less than 20 feet in length, is not a mobile concession trailer, and is on site for 15 minutes or fewer; or

(2) The mobile food vendor has obtained a special event permit from the City Manager.

(Ord. 2020-32, passed 8-25-20)

§ 126.33 REGULATIONS FOR MOBILE FOOD VENDORS OPERATING ON PUBLIC PROPERTY (OTHER THAN STREETS OR RIGHTS-OF-WAY).

(A) The mobile food vendor and mobile food vending unit shall be in compliance with all provisions of this chapter, including specifically the provisions of §§ 126.30 and 126.31.

(B) A mobile food vendor may not operate in a city park or on city property without a special event permit or written permission from the City Manager or designee.

(C) A mobile food vendor may only operate within a city park or city property at locations approved by the City Manager or designee.

(Ord. 2020-32, passed 8-25-20)

§ 126.34 REGULATIONS FOR MOBILE FOOD VENDORS OPERATING ON PRIVATE PROPERTY.

(A) The mobile food vendor and mobile food vending unit shall be in compliance with all provisions of this chapter, including specifically the provisions of §§ 126.30 and 126.31.

(B) A mobile food vendor may operate on private property in Commercial (B) or Industrial (M) zoning districts.

(C) A mobile food vendor may not operate in a residential (R) zoning district unless:

(1) The mobile food vending unit remains on site for 15 minutes or fewer; or

(2) The mobile food vendor has obtained a special event permit from the City Manager.

(D) A mobile food vending unit must be located on an improved, all-weather surface.

(E) No permanent seating areas shall be established. Temporary seating which is removed and stored daily within the mobile food vending unit or existing permanent structure may be allowed.

(F) Any mobile food vendor that will operate in one location for more than four hours shall provide access to restroom facilities for employees and customers.

(1) Written proof of a restroom facility agreement that provides the availability of a fixed establishment restroom located in a business establishment within 150 feet, along the path of travel, of each location where the mobile food vending unit will be in operation shall be required; and

(2) Such proof shall be provided to city employees when requested.

(G) Mobile food vendors shall provide covered garbage and storage facilities for employee and customer use of sufficient size that refuse is fully contained in a manner that prevents litter and remains insect- and rodent-proof.

(H) A mobile food vending unit may not remain at any location for more than 24 consecutive hours at a time.

(Ord. 2020-32, passed 8-25-20)

§ 126.35 REGULATIONS FOR MOBILE FOOD VENDOR COURTS.

(A) A mobile food vendor food court shall be located in a B-3 (Local Business District) zoning district or higher and requires a Conditional Use Permit (CUP) with an approved lot diagram plan.

(B) The mobile food vendor court shall be considered a commercial business and shall meet all applicable state and local laws and regulations, including but not limited to the requirements of this code and chapter, or as governed by a Conditional Use Permit (CUP).

(C) All mobile food vendors and mobile food vending units operating in a mobile food vendor court shall be in compliance with all provisions of this chapter, including specifically the provisions of §§ 126.30 and 126.31.

(D) Utility hookups for water, wastewater, and electric must be provided by the property owner for each mobile food vending unit.

(E) The mobile food vendor food court shall provide restroom facilities on site.

(F) Any permanent structure will require a building permit and be subject to any applicable regulations.

(Ord. 2020-32, passed 8-25-20)

Cross-reference:

Food establishments, see Chapter 113

ENFORCEMENT

§ 126.50 ENFORCEMENT.

(A) The city may inspect a mobile food vending unit during regular business hours and at other reasonable times to determine compliance with this chapter.

(1) By accepting a mobile food vendor permit under this chapter, the mobile food vendor permit holder consents that the City Manager, the City Manager's representative, law enforcement personnel, code enforcement personnel, and other on-duty governmental personnel may enter the mobile food vending unit during the hours of operation to conduct an investigation or inspect the mobile food vending unit to determine compliance with this chapter.

(2) A mobile food vendor permit holder shall provide the City Manager, the City Manager's representative, law enforcement personnel, code enforcement personnel, and other on-duty governmental personnel with immediate access to all portions of the mobile food vending unit.

(B) After conducting an inspection, the city shall inform the mobile food vendor permit holder of its findings in writing.

(C) If a violation is found, the city is authorized to:

(1) Revoke the mobile food vendor permit; or

(2) Suspend the mobile food vendor permit until such time as the violation has been remedied. Re-inspections at prescribed time intervals will be conducted to determine whether required corrections have been made.

(Ord. 2020-32, passed 8-25-20)

§ 126.99 PENALTY

(A) The City Council has determined that this chapter is necessary to protect health, life, and property and to preserve the good government, order, and security of the city and its inhabitants.

(B) A person who continues to violate this chapter after being notified of the offense in writing by an authorized city representative is subject to a civil penalty not to exceed \$2,000 for each day or part of a day the violation occurs.

(C) The city may file suit to enforce this chapter to collect a civil penalty.

(D) The city may seek to enjoin violations of this chapter.

(Ord. 2020-32, passed 8-25-20)

Cross-reference:

General penalty, see § 10.99



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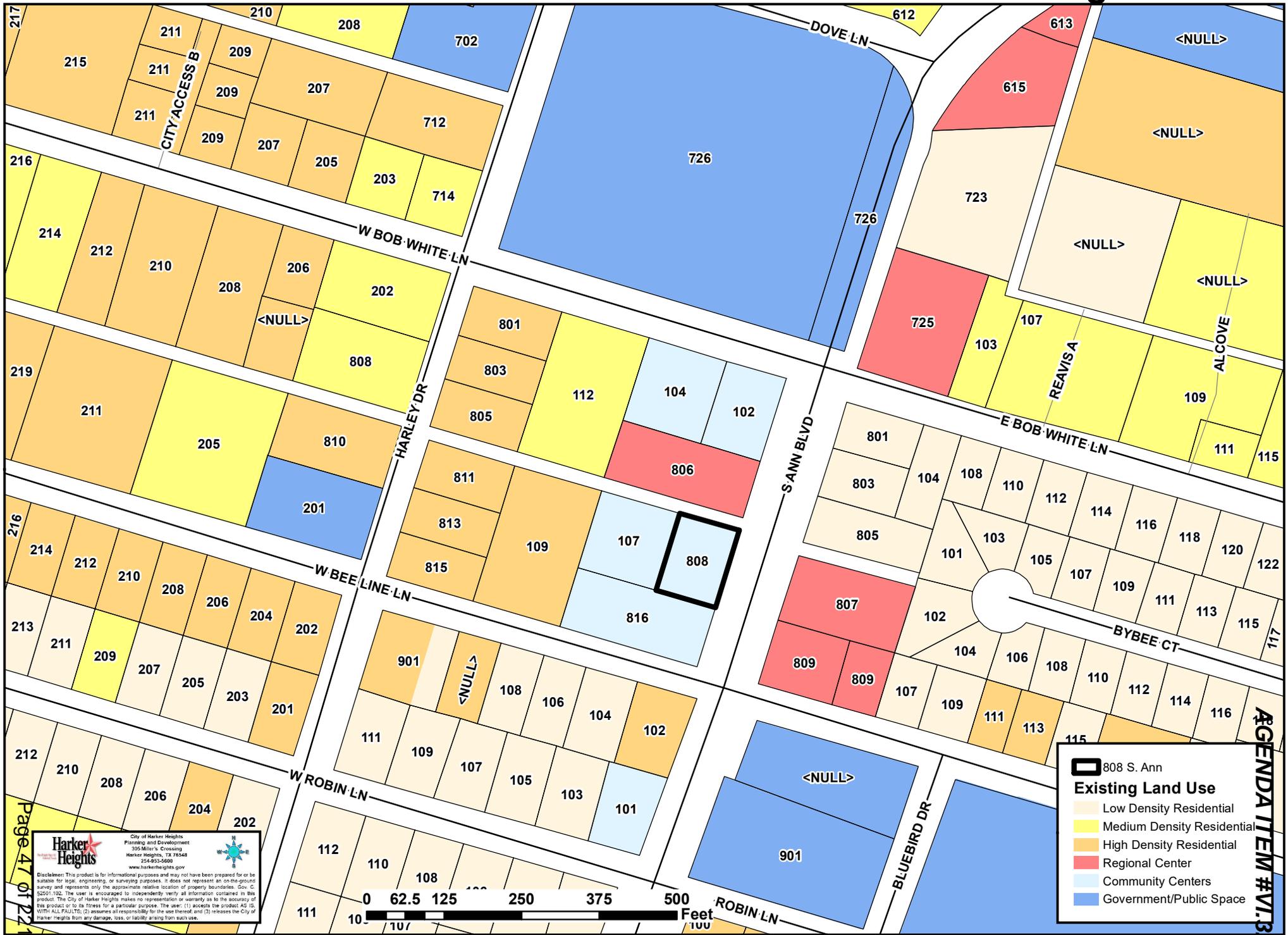
Harker Heights
 City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-853-5690
 www.harkerheights.gov

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. 52201-102. 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 FAILURES; (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.



808 S. Ann

AGENDA ITEM #13



808 S. Ann

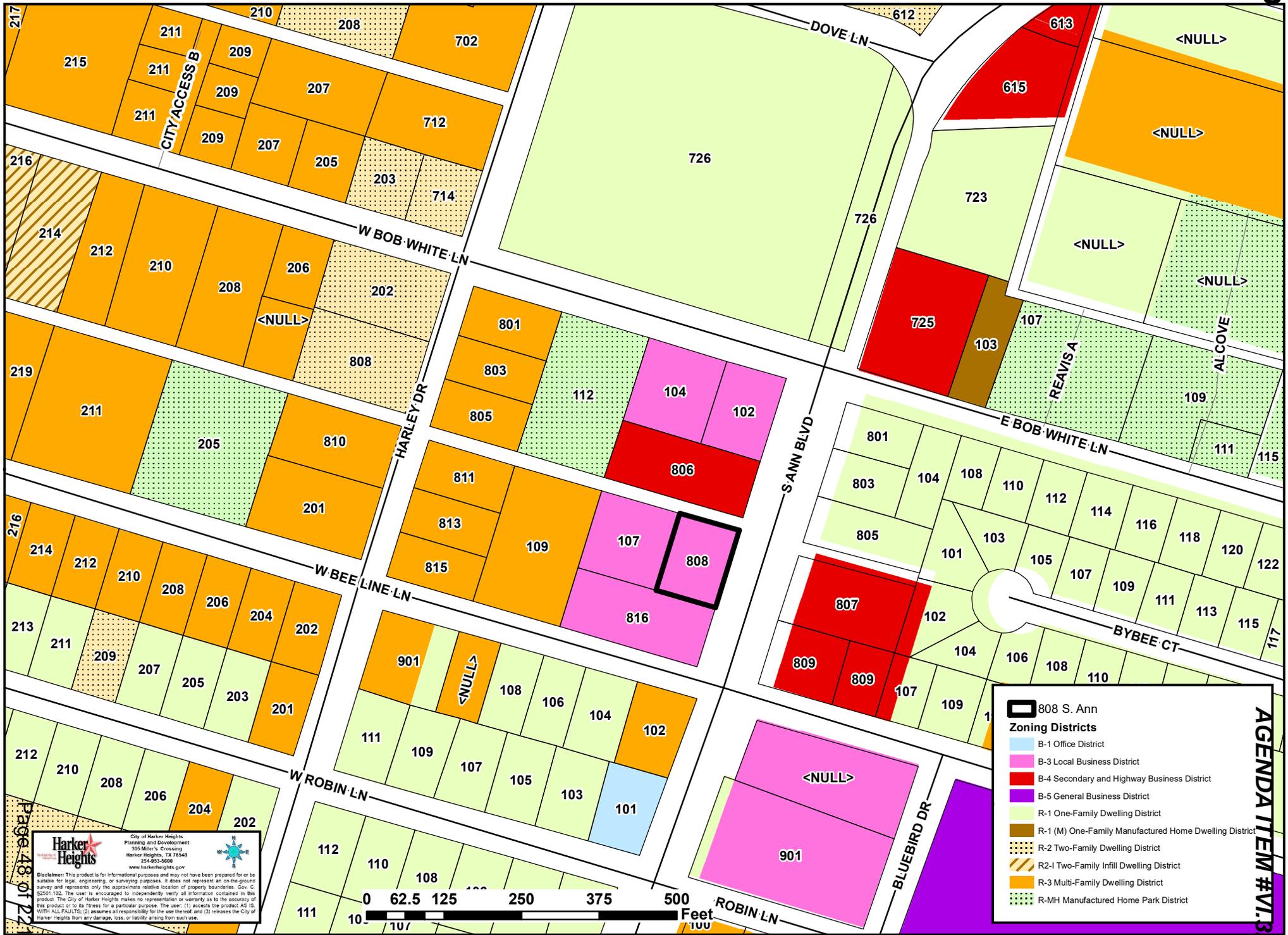
Existing Land Use

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Centers
- Government/Public Space

Harker Heights

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 Planning and Development
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808 S. Ann

Zoning Districts

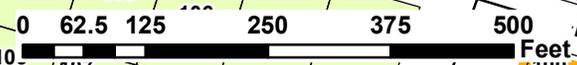
- B-1 Office District
- B-3 Local Business District
- B-4 Secondary and Highway Business District
- B-5 General Business District
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R2-1 Two-Family Infill Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District

AGENDA ITEM #V1.3

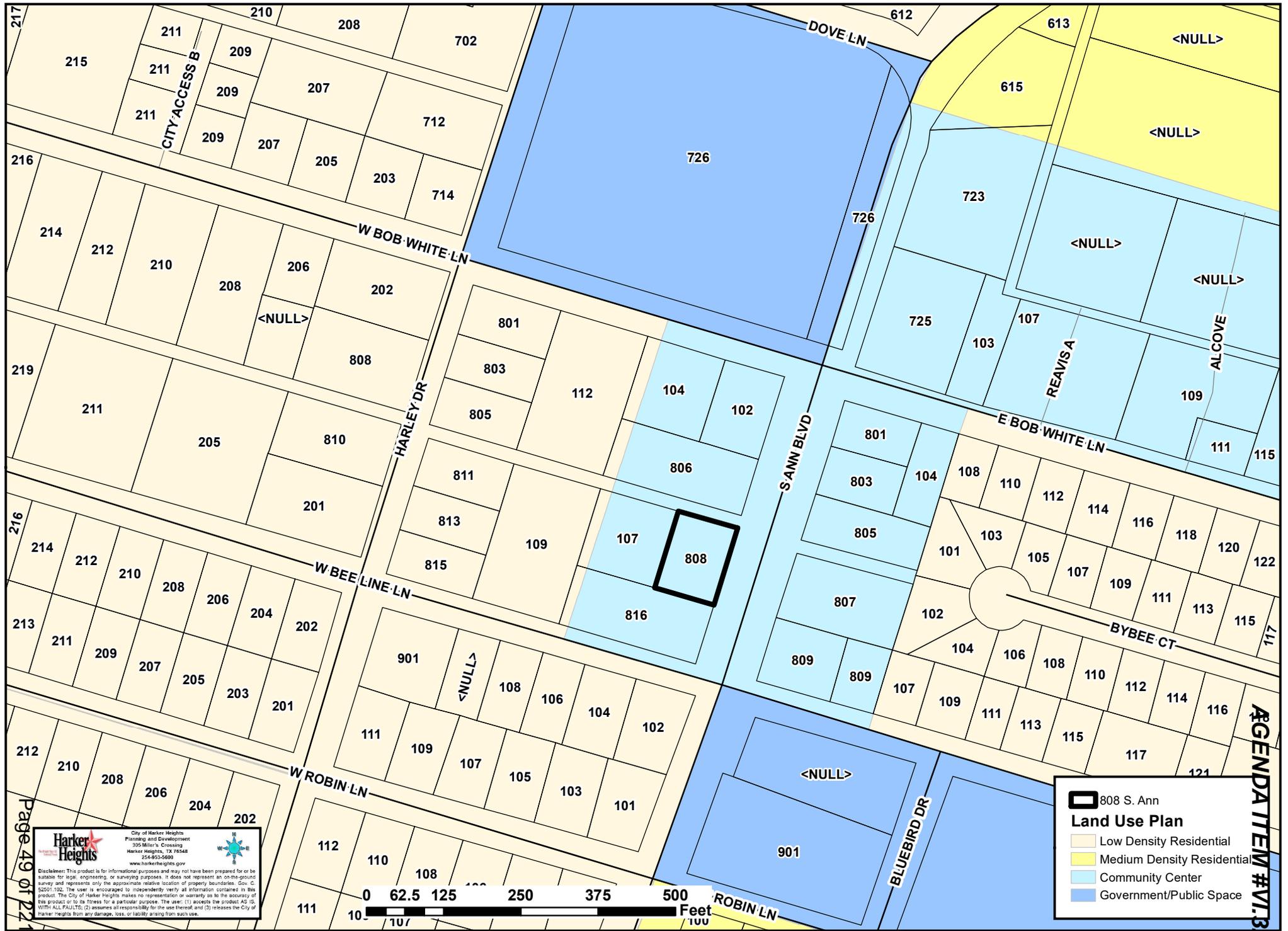
Harker Heights

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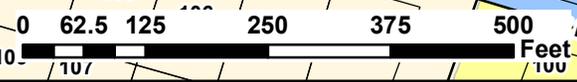
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808 S. Ann

Land Use Plan

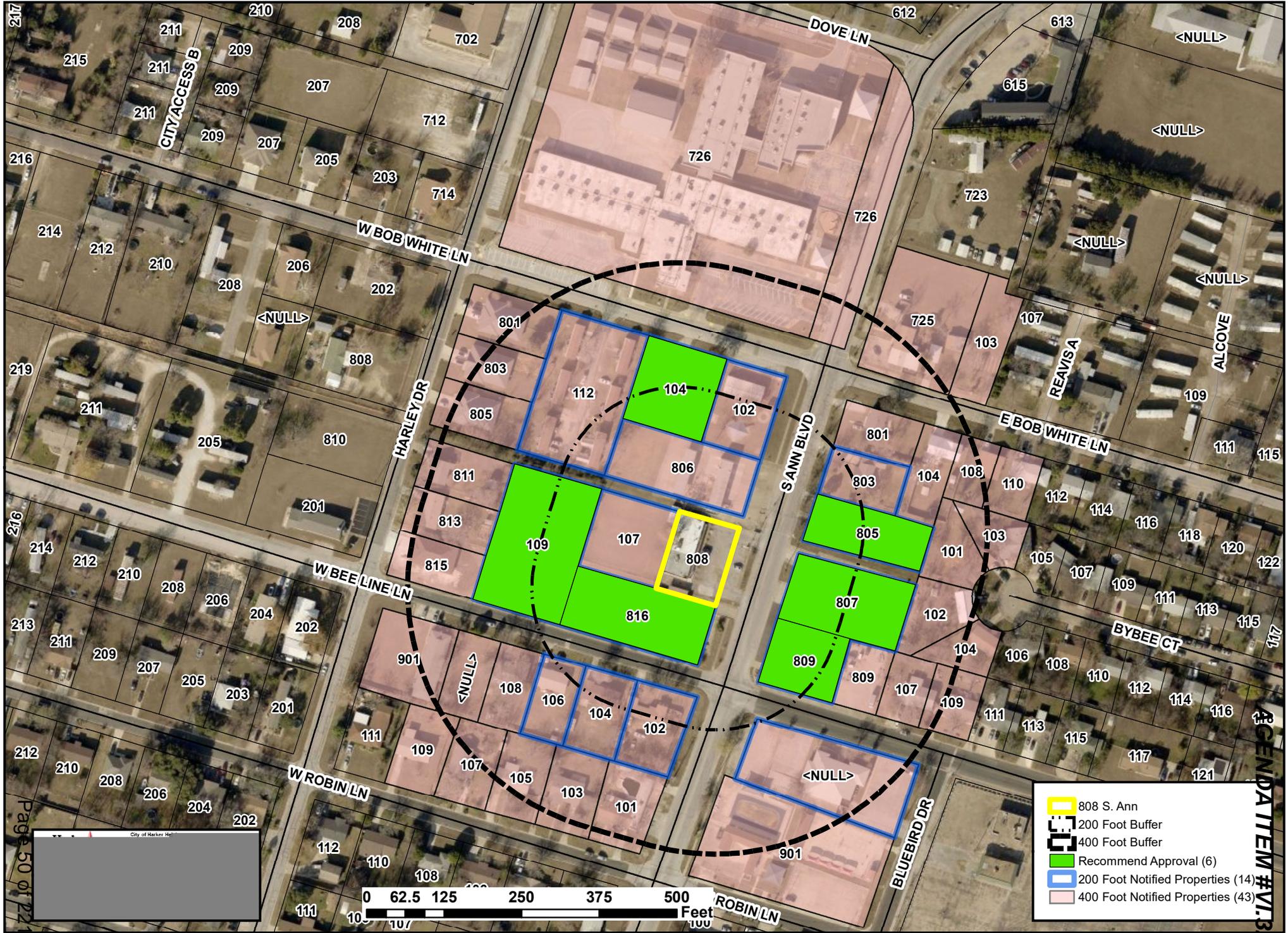
- Low Density Residential
- Medium Density Residential
- Community Center
- Government/Public Space



Harker Heights

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- 808 S. Ann
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Approval (6)
- 200 Foot Notified Properties (14)
- 400 Foot Notified Properties (43)



SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: CODRA COMMERCIAL LTD

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
104 W BOBWHITE LN	52883

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd., (see attached notification map)*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Codra Commercial, Ltd

[Signature]

Sam Wright

8-9-22

Printed Name

Signature

Date

Received

AUG 12 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: KWICK MOTORS INC

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
109 W BEELINE LN	15294

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd., (see attached notification map)*

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

Comments:

MUHAMMAD USMAN
Printed Name

Na [Signature]
Signature

08/08/2022
Date

Received
AUG 15 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: KWICK MOTORS INC

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
805 S ANN BLVD	33114

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5' of N 130' of 8), generally located at 808 S. Ann Blvd.,* (see attached notification map)

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

Comments:

MUHAMMAD USMAN
Printed Name

NA [Signature]
Signature

08/08/2022
Date

Received
AUG 15 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: KWICK MOTORS INC

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
807 S ANN BLVD	48098

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd.,* (see attached notification map)

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

Comments:

MUHAMMAD USMAN
Printed Name

[Handwritten Signature]
Signature

08/08/2022
Date

Received
AUG 15 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: KWICK MOTORS INC

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
809 S ANN BLVD	4127

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd.* (see attached notification map)

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

Comments:

MUHAMMAD USMAN
Printed Name

[Handwritten Signature]
Signature

08/08/2022
Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: KWICK MOTORS INC

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
816 S ANN BLVD	97681

Z22-20 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for a mobile food vendor court for one mobile food truck** on property described as *Meadow Acres, Block 006, Lot PT 7, 8, (E 14.5' of N 130' of 7 & W 85.5 of N 130' of 8), generally located at 808 S. Ann Blvd.,* (see attached notification map)

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

MUHAMMAD USMAN
Printed Name

NA [Signature]
Signature

08/08/2022
Date

Received
AUG 15 2022
Planning & Development



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO R1-I (SINGLE-FAMILY INFILL DISTRICT) ON PROPERTY DESCRIBED AS A0288BC V L EVANS, UNIT 11-BRAD MOR APTS ACRES 2.8, GENERALLY LOCATED NORTH OF NORTHSIDE DR. AND EAST OF JAMIE RD., HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548 AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located North of Northside Drive and East of Jamie Road.

Parcel History

This property is located within the original incorporation area of the city(1960). The parcel is currently not platted. The owner will be required to plat and have an approved plat on file with Bell County prior to building permits being issued.

STAFF ANALYSIS:

Surrounding Land Uses

Adjacent land uses and zoning districts include those identified in the table below:

	Existing Land Use	Land Use Plan	Zoning
North	Low Density Residential	Medium Density Residential	R-1 One-Family Dwelling District
	Medium Density Residential		R-1(M) One-Family Manufactured Home Dwelling District
South	Low Density Residential	Medium Density Residential	R-1 One-Family Dwelling District
	High Density Residential		R-3 Multi-Family Dwelling District
East	Low Density Residential	Medium Density Residential	R-1 One-Family Dwelling District
West	High Density Residential	Medium Density Residential	R2-I Two-Family Infill Dwelling District

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Medium Density Residential. The proposed R1-I zoning with its intended use will not likely have an adverse impact on the neighborhood and is consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

Jaime Road and Northside Drive are both classified as a residential street. Per §154.01 of the City's code of ordinances, Residential Streets are defined as: "Streets that serve individual residential lots. They carry low traffic volumes at low speeds. RESIDENTIAL STREETS shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots".

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will likely not have an adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning will likely not pose an adverse impact to the public health, safety, or general welfare.

NOTICES:

Based on the most recently approved tax roll available, staff sent out ninety-five (95) notices to property owners within the 400-foot notification area. As of September 6, 2022, six (6) responses were received in favor of the request, and one (1) response was received in opposition of the request.

Four (4) responses were received from a neighboring property owner that did not select recommending either approval or disapproval. However this particular property owner did recommend approval of the other two similar zoning cases in the near vicinity (Z22-21& Z22-22). Therefore, it could safely be assumed that the intent was to recommend approval of this zoning request also.

Total area of land within the 200-foot notification area is: 581,444.93 sq. ft.

Total area of land within the 200-foot notification area recommending denial is: 0.00 sq. ft.

Percentage of land area recommending denial: 0.00%

Per Texas Local Government Code Section 211.006, opposition that is written and signed by the owners of at least 20% of the area of the lots within the 200-foot buffer requires a super majority vote for approval. Note that when 20% of the number of landowners within the 200 foot buffer have provided written and signed opposition, there is not a requirement of Texas Local Government Code nor the City's Code of Ordinances for a super majority vote by the Planning & Zoning Commission.

Any additional responses received after the above date will be provided during the meeting.

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

1. Recommend approval of the applicant's zoning request as presented.
2. Recommend disapproval of the applicants zoning request based on Pharr & Tippett.
3. Recommend the applicant proceed with a more restrictive zoning classification for this parcel.

Staff Recommendation

Staff recommended approval to the Planning & Zoning Commission of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located north of Northside Drive and east of Jamie Road.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on August 31, 2022, the Planning & Zoning Commission voted (9-0) on case #Z22-19 to recommend approval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located north of Northside Drive and east of Jamie Road, based on staff's recommendation and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve / approve with conditions/ disapprove with explanation** an ordinance to change zoning designation R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located north of Northside Drive and east of Jamie Road, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

[Z22-19-PropOrdinance](#)

[Z22-19-Attachments](#)

ORDINANCE NO. 2022 - ____

AN ORDINANCE GRANTING R1-I (SINGLE-FAMILY INFILL DWELLING DISTRICT) ON PROPERTY DESCRIBED AS A0288BC V L EVANS, UNIT 11-BRAD MOR APTS ACRES 2.8, GENERALLY LOCATED NORTH OF NORTHSIDE DR. AND EAST OF JAMIE ROAD.

WHEREAS, the City Council (“*Council*”) of the City of Harker Heights (“*City*”) finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights (“*Code*”) as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, as previously zoned R-1 (One Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located north of Northside Drive and east of Jamie Road.

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022 - ____	9/13/2022	Granting R1-I (Single-Family Infill Dwelling District) on property described as A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located north of Northside Drive and east of Jamie Road.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 13, 2022.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



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
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

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

Email:
planning@harkerheights.gov

Property Owner(s) Name: Fort Hood Area Habitat for Humanity **Date:** 07/29/2022

Address: 2601 Atkinson Avenue

City/State/Zip: Killeen, TX 76543

Phone: 254-392-2037 **E-mail:** admin@fhahfh.org

Legal Description of Property:

Location of Property (Address if available): Northside Dr.

Lot: _____ Block: _____ Subdivision: _____

Acres: 2.8 Property ID: 12474 Survey: V.L.EVANS

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: Single Family Residential

Current Zoning Classification: R-1 **Proposed Zoning:** R1-I

Current Land Use: Vacant **Proposed Land Use:** Single Family Residential

Applicant's Representative (if applicable):

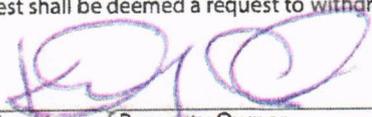
Applicant's Representative: Joseph Theriot

Phone: 512-665-8910 **E-Mail:** jtheriot@republiceds.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 Joseph Theriot will represent the owner.

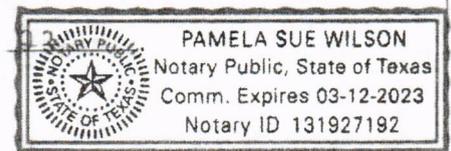
Kenneth Cates
 Printed Name of Property Owner


 Signature of Property Owner

Joseph Theriot
 Printed Name of Representative


 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 29th DAY OF July, 20




 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 3-12-2023

STAFF ONLY – DO NOT FILL OUT BELOW

Date Submitted: _____

Pre-Application Meeting

Receipt #: _____

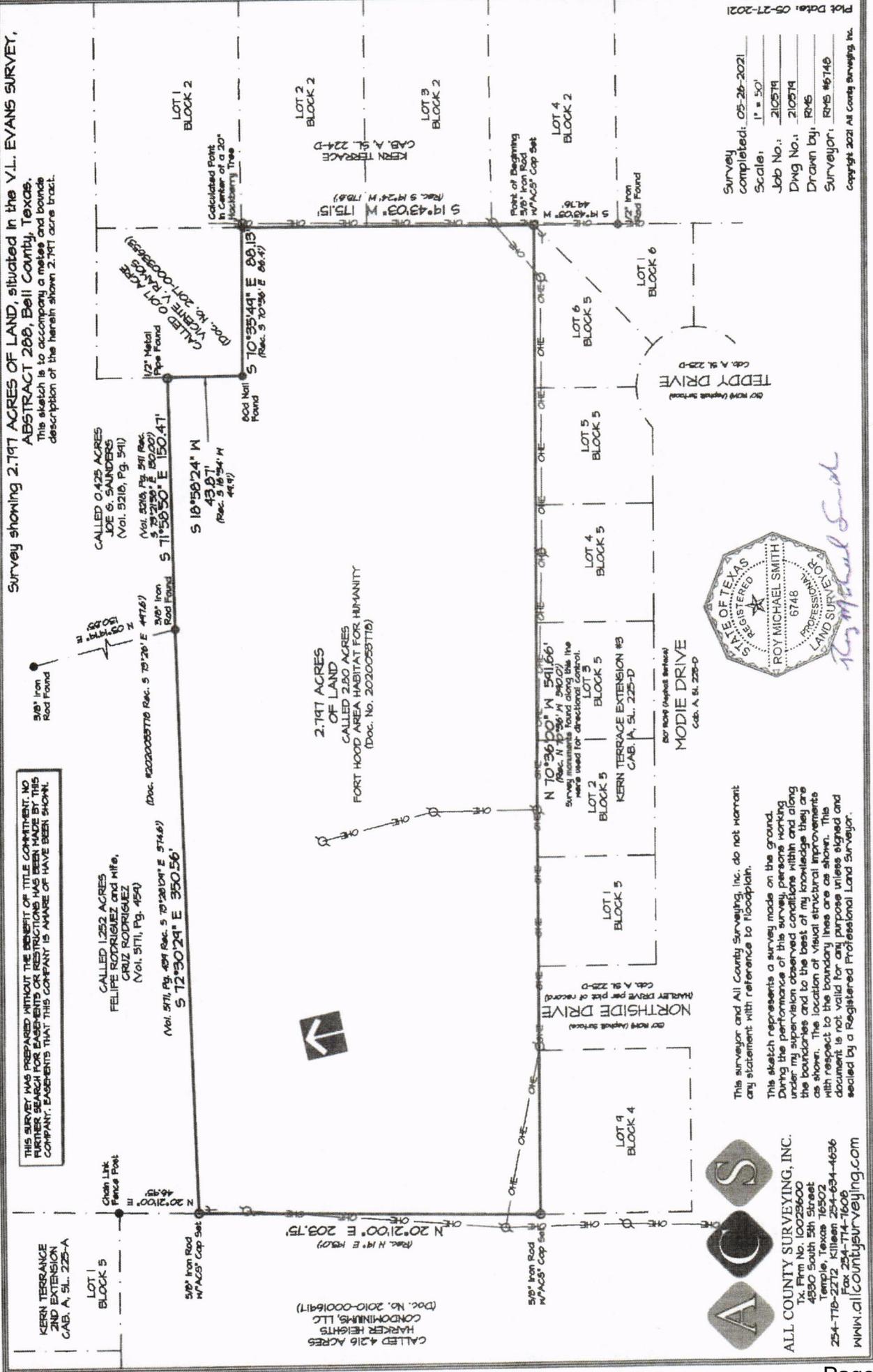
Received By: _____

Revised: 10/2021

Case #: _____

Survey showing 2.747 ACRES OF LAND, situated in the V.L. EVANS SURVEY, ABSTRACT 288, Bell County, Texas. This sketch is to accompany a metes and bounds description of the herein shown 2.747 acre tract.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF TITLE COMMITMENT. NO WARRANTY IS MADE FOR EXISTENCE OF RESTRICTIONS HAS BEEN MADE BY THIS COMPANY. EASEMENTS THAT THIS COMPANY IS AWARE OF HAVE BEEN SHOWN.



Survey completed: 05-26-2021
 Scale: 1" = 50'
 Job No.: 2105714
 Dwg No.: 2105714
 Drawn by: RM6
 Surveyor: RME 167146
 Copyright 2021 All County Surveying, Inc.



This surveyor and All County Surveying, Inc. do not warrant any statement with reference to floodplain.
 This sketch represents a survey made on the ground. During the performance of this survey, persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. The location of visual structural improvements with respect to the boundary lines are as shown. This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

ALL COUNTY SURVEYING, INC.
 P.O. Box No. 10022600
 4830 South 5th Street
 Dallas, Texas 75202
 254-778-2712 Cell: 254-634-4636
 Fax: 254-774-7608
 WWW.allcountysurveying.com

S 17°38'51" W
46.95'

S 75°12'38" E 350.56'

S 74°40'59" E 150.47'

S 16°16'15" W
43.87'

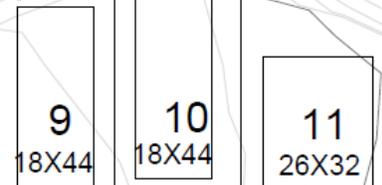
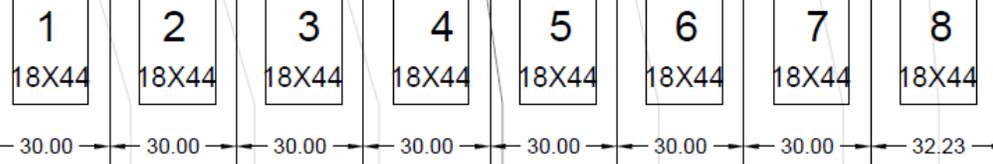
S 73°17'58" E 88.13'

S 17°00'54" W 175.15'

12.87%
SLOPE

4.67%
SLOPE

5.19%
SLOPE

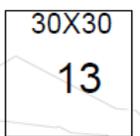
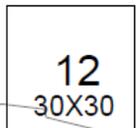


2.04%
SLOPE

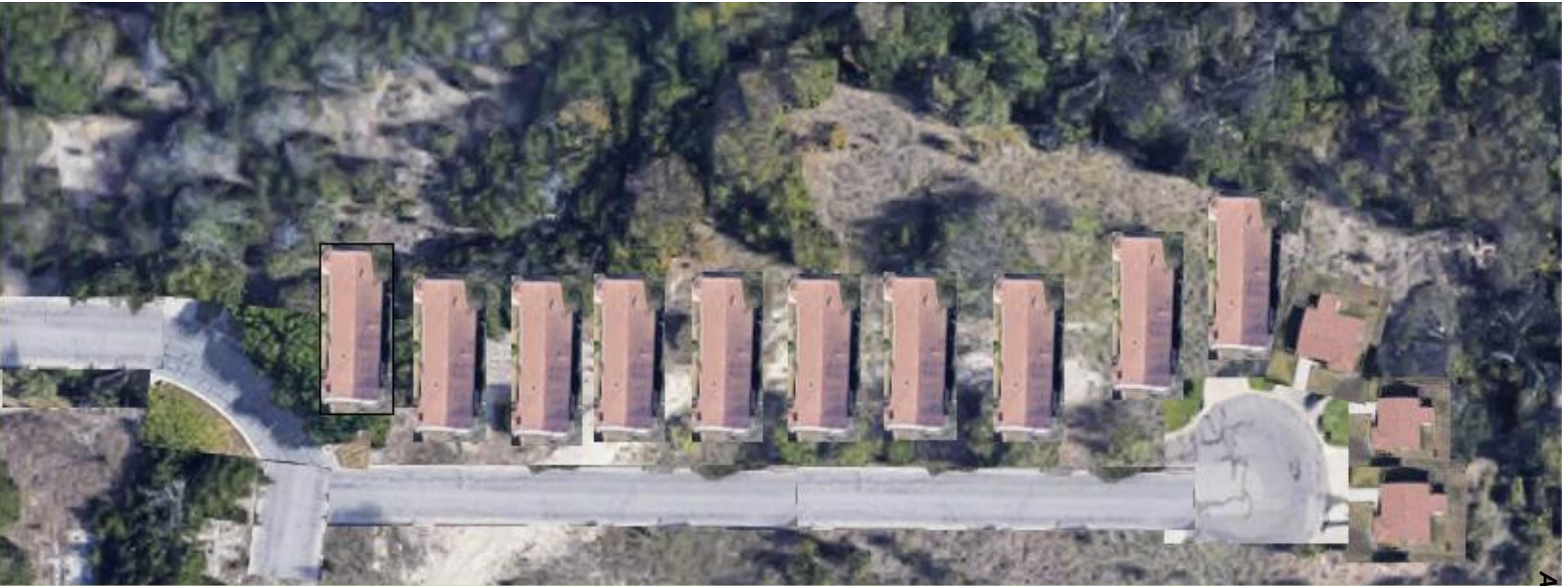
3.41%
SLOPE

2.30%
SLOPE

5.40%
SLOPE



N 73°18'09" W 591.66'



§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

(A) *Permitted uses.* The following uses are permitted by right:

- (1) Site-built, single-family dwellings and industrialized housing.
- (2) Church or other place of worship.
- (3) Municipal buildings, non-profit libraries or museums, police and fire stations, public utilities (without outside storage yards or electric substations), public parks, playgrounds, municipal golf courses, public recreation facilities, and community buildings.
- (4) Customary home occupations as defined in §155.003.
- (5) *Accessory structure.*

(a) One small accessory building (not exceeding 144 square feet) per residence customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

- 1. Structure must be built upon a moveable foundation;
- 2. Structure cannot exceed 12 feet in height;
- 3. Structure must set behind the rear facade of the main residence building and must be setback five feet from the rear property line and six feet from the side property line; and
- 4. Materials, building design, and construction must comply with the requirements of Ch. 150.

(b) Large accessory buildings customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

- 1. Building materials and facade must be consistent with the main residence building materials and facade;
- 2. Large accessory building must be behind the front facade of the main residence;
- 3. The height of the large accessory building cannot exceed that of the main residence building;
- 4. Number, size, setbacks and height requirements based on the size of the lot as follows:

Lot Size	Number of Large Accessory Structures Allowed	Maximum Aggregate Size of All Accessory Structures	Setbacks	Maximum Height
< 10,000 square feet	1	250 square feet	Front: 25 feet Side: 6 feet Rear: 10 feet	15 feet
> 10,000 square feet < .5 acre	1	500 square feet	Front: 25 feet Side: 6 feet Rear: 10 feet	15 feet
> .5 acre < 1 acre	2	1,000 square feet	Front: 25 feet Side: 6 feet Rear: 20 feet	24 feet
> 1 acre	4	1,500 square feet	Front: 25 feet Side: 6 feet Rear: 20 feet	24 feet

- (6) Private garage.
- (7) Home based child care.
- (8) Real estate sales office, or temporary living quarters to provide security during the development of residential subdivisions, but not to exceed two years.
- (9) Low impact telecommunication towers.
- (10) Public schools.

(B) *Conditional uses.* The following require conditional use permits:

- (1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).

(2) Neighborhood association facilities.

(3) Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.

(4) Accessory dwelling for a relative or servant (not for rent).

(5) Accessory structure as provided by § 155.040.

(C) *Height regulations.* No building shall exceed two and one-half stories or 35 feet in height.

(D) *Front yard, side yard, and rear yard.* As per Table 21-A.

(E) *Intensity of use.* Every lot or tract of land shall have an area of not less than 8,400 square feet and an average overall width of not less than 70 feet and a minimum lot frontage of not less than 45 feet. Except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this chapter and shall not have changed since the date, such parcel of land may be used for a single family dwelling.

(F) *Additional use, height, and area regulation.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(G) *R-1(M) zoning designation.* R-1(M) is a one family residential lot that also allows manufactured homes. All manufactured housing structures installed after December 31, 1999, must be installed on a permanent foundation, as that term is defined in § 152.01.

(1) In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the neighborhood.

(2) The following standards apply to any placement of a manufactured home on a lot after December 31, 1999:

(a) Roofing shall be similar in color, material and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the neighborhood.

Materials shall include asphalt composition, shingle, tile, crushed rock, standing seam metal or similar materials (except all other metal). Roof pitch shall be a minimum of 3/12.

(b) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to predominant materials used on dwellings within the neighborhood. Exterior siding shall be of brick, wood, stucco, plaster, concrete or other material which is finished in a non-glossy and non-reflective manner.

(c) If a garage/carport is constructed, it must be similar in appearance to others in the neighborhood and constructed of like materials as that of the primary home.

(d) Two all-weather surface off street parking spaces meeting the requirements of §155.061 shall be provided.

(3) Every manufactured home shall be placed so that the entrance or front of the home faces or parallels the principal street frontage, except:

(a) In cases where the lot is one acre or greater and the home is located more than 50 feet from the street; or

(b) Where the lot width is 60 feet or less.

(4) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

(5) The lot must meet all applicable requirements of Chapter 154, and shall comply with the area regulations in (D) of this section. Variance in setbacks may be given in inches not to exceed one foot at the Building Official's discretion.

(H) *Signs* As per Chapter 151.

(I) *Parking.* As per §§ 155.061 through 155.068.

(J) *Storage.* Open storage is prohibited except for materials for the residents' use, such as firewood, gardening materials, and similar materials.

(K) *Landscaping.* All yards shall have vegetative groundcover of sufficient quality and quantity, or other city-approved groundcover, to control dust, erosion and sediment upon final inspections. In addition, a minimum of two six-foot-tall trees, measuring two inches or more in caliper (diameter) when measured 12 inches from the base of the trunk, and eight three-gallon shrubs, are required in the front yard.

(L) *Industrialized housing.*

(1) Industrialized housing shall be considered real property and must:

(a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county;

(b) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(c) Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings;

(d) Be securely fixed to a permanent foundation; and

(e) Have all local permits and licenses that are applicable to site-built housing.

For purposes of this division, **VALUE** means the taxable **VALUE** of the industrialized housing and lot after installation of the housing.

(2) Any owner or authorized agent who intends to construct, erect, install or move any industrialized housing into the city shall first make application to the Building Official and obtain the required permits. In addition to any other information otherwise required for such permits, the application shall:

(a) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling, as determined by the most recent certified tax appraisal roll for the county;

(b) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

(c) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and

(d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(3) A person commits an offense if the person:

(a) Constructs, erects, installs or moves any industrialized housing in the city without first obtaining a permit as required by this section; or

(b) Constructs, erects, installs or moves any industrialized housing into the city unless such industrialized housing complies with this section.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2002-28, passed 11-12-02; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2010-32, passed 10-12-10; Am. Ord. 2011-08, passed 4-19-11)

§ 155.0221 R1-I SINGLE-FAMILY INFILL DWELLING DISTRICT.

(A) *Location requirements.* The R1-I Single-Family Infill Dwelling District shall be restricted to specific geographic locations as designated in the map attached hereto as Exhibit "A" and incorporated by reference, an official copy of which map shall be filed in the office of the City Secretary. This copy shall be the official map and shall not be changed in any manner except as the Council may amend from time to time. In case of any question, such copy, together with any amending ordinances, shall be controlling. Additional copies of the map may be placed in the offices of the Planning and Development Director and the Public Works Director.

(B) *Permitted uses.* Any use permitted by right in the R-I District, if it meets required standards.

(C) *Conditional uses.* Any conditional use permitted in the R-I District, if it meets required standards.

(D) *Height regulations.* The main residence building may not exceed the lesser of three stories or 40 feet in height.

(E) *Design regulations.*

(1) *Materials and appearance.* Building facade must be of masonry or other cementitious materials approved by the Building Official. Varying textures, colors, materials and architectural treatments are required on adjacent houses to avoid repetition and add visual interests to the area. Windows must be configured to break the line of sight between adjacent residences.

(2) *Fences.* No masonry fences will be permitted between units that are less than 12 feet apart as measured from wall to wall. All front facing fences when located between units less than 12 feet apart must have a minimum three foot wide gate.

(3) *Spacing.* If units are less than 12 feet apart, eaves between the units may not protrude beyond 16 inches from the wall.

(F) *Area regulations.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet if there is a garage in the front, or ten feet in all other circumstances. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.

(2) *Side yard.* The minimum side yard setback for any corner lot shall be ten feet. Other residences may be located such that one of the side yards will be zero; that is, the building may be constructed on the property line, provided that:

(a) A five foot wide maintenance easement, shown on an approved subdivision plat, shall be provided across the full

depth of the adjacent lot abutting the wall on the property line; and

(b) There is required a minimum ten foot separation between neighboring residences.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than ten feet.

(G) *Intensity of use.*

(1) *Lot area.* No building shall be constructed on any lot less than 3,500 square feet in area.

(2) *Lot width.* The minimum width of the lot shall be not less than 30 feet at the front street building line.

(H) *Additional requirements.* Additional use, height, and area regulations and exceptions are found in §155.040.

(I) *Parking regulations.* As per §§ 155.061 through 155.068.

(J) *Landscaping.* All yards shall have vegetative groundcover of sufficient quality and quantity, or other groundcover approved by the Director of Planning and Development, to control dust, erosion and sediment upon final inspections. In addition, a minimum of one six-foot-tall tree, measuring three inches or more in caliper (diameter) when measured 12 inches from the base of the trunk and 16 three-gallon shrubs, are required in the front yard.

(K) *Storage.* Open storage is prohibited except for materials for the resident's use, such as firewood, gardening materials, and similar materials.

(L) *Accessory structures.* The following accessory structures are permitted:

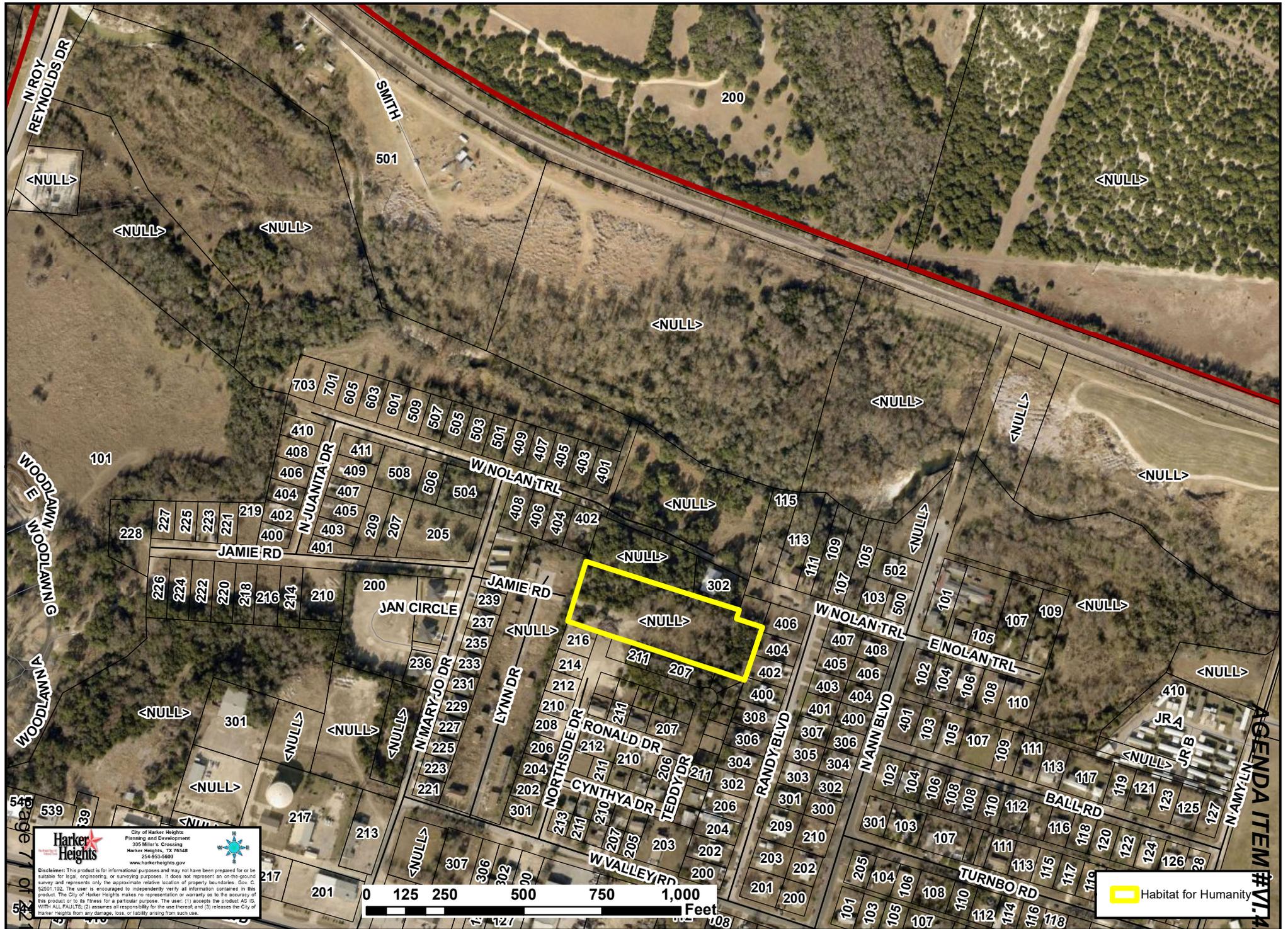
(1) Any accessory structure permitted in the R-I District;

(2) Detached garages and carports do not count against the number of accessory structures permitted. Such structures must be behind the rear facade of the main residence building, must be set back ten feet from the rear property line, and must comply with R1-I side yard setback requirements. Building materials and facade must be consistent with the main residence building materials and facade.

(3) One garage apartment will be allowed on site provided that it is above a detached garage and served by a paved driveway. The apartment may be taller than the primary residence, but may not exceed the lesser of 35 feet or two and one half stories in height. The structure may not exceed a gross floor area of 850 total square feet, or 550 square feet on the second floor, if any.

(M) *Zoning incentives.* The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps, and water taps hereafter paid in connection with lots zoned R1-I, provided that such zoning, platting or permitting is unconditionally approved, and such taps are satisfactorily installed, not later than September 30, 2018.

(Ord. 2016-24, passed 10-11-16; Am. Ord. 2017-27, passed 10-10-17)



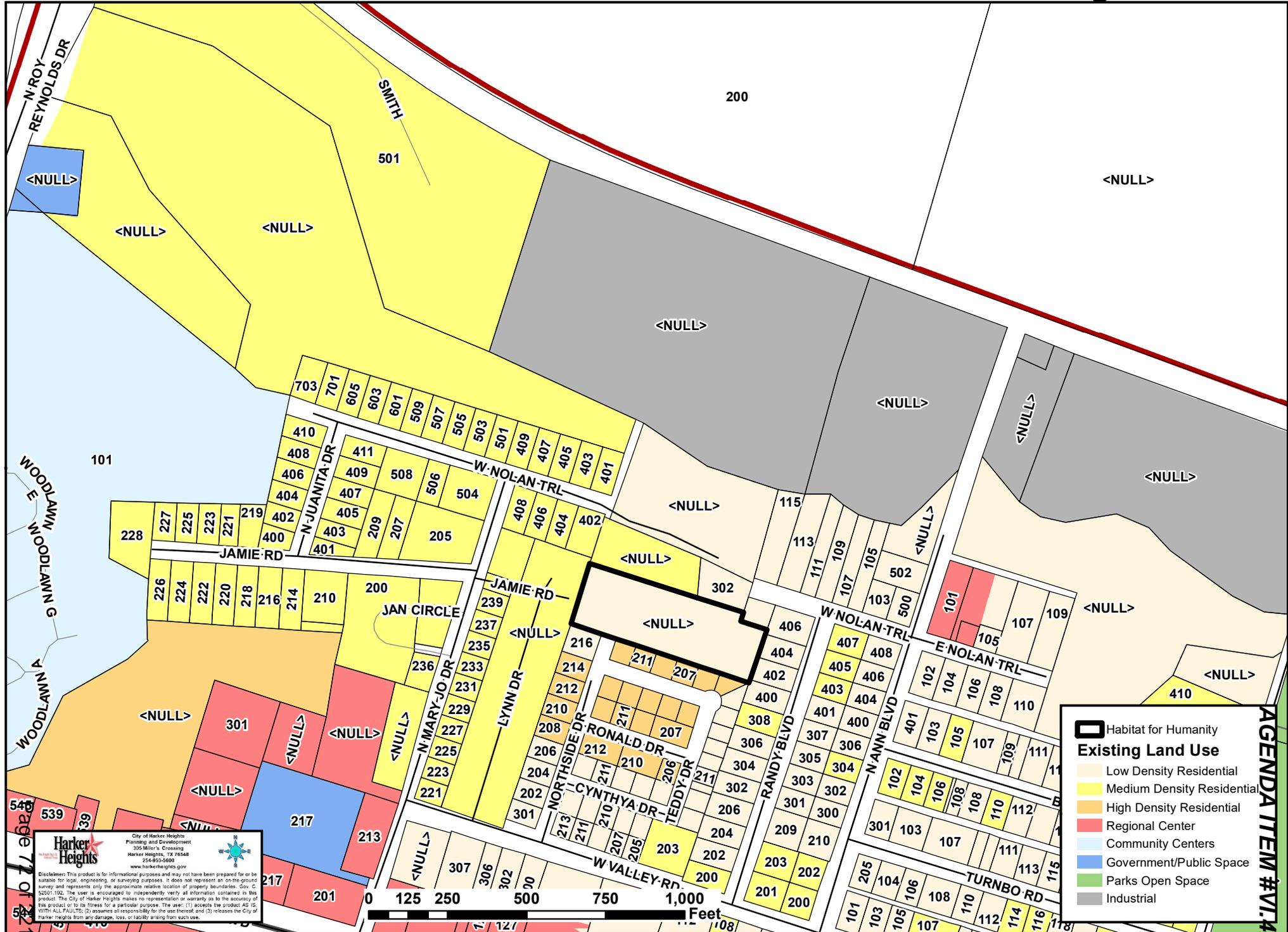
Harker Heights
 City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-853-5699
 www.harkerheights.gov

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. 52201.102. 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 FAILURES; (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.



Habitat for Humanity

AGENDA ITEM #14



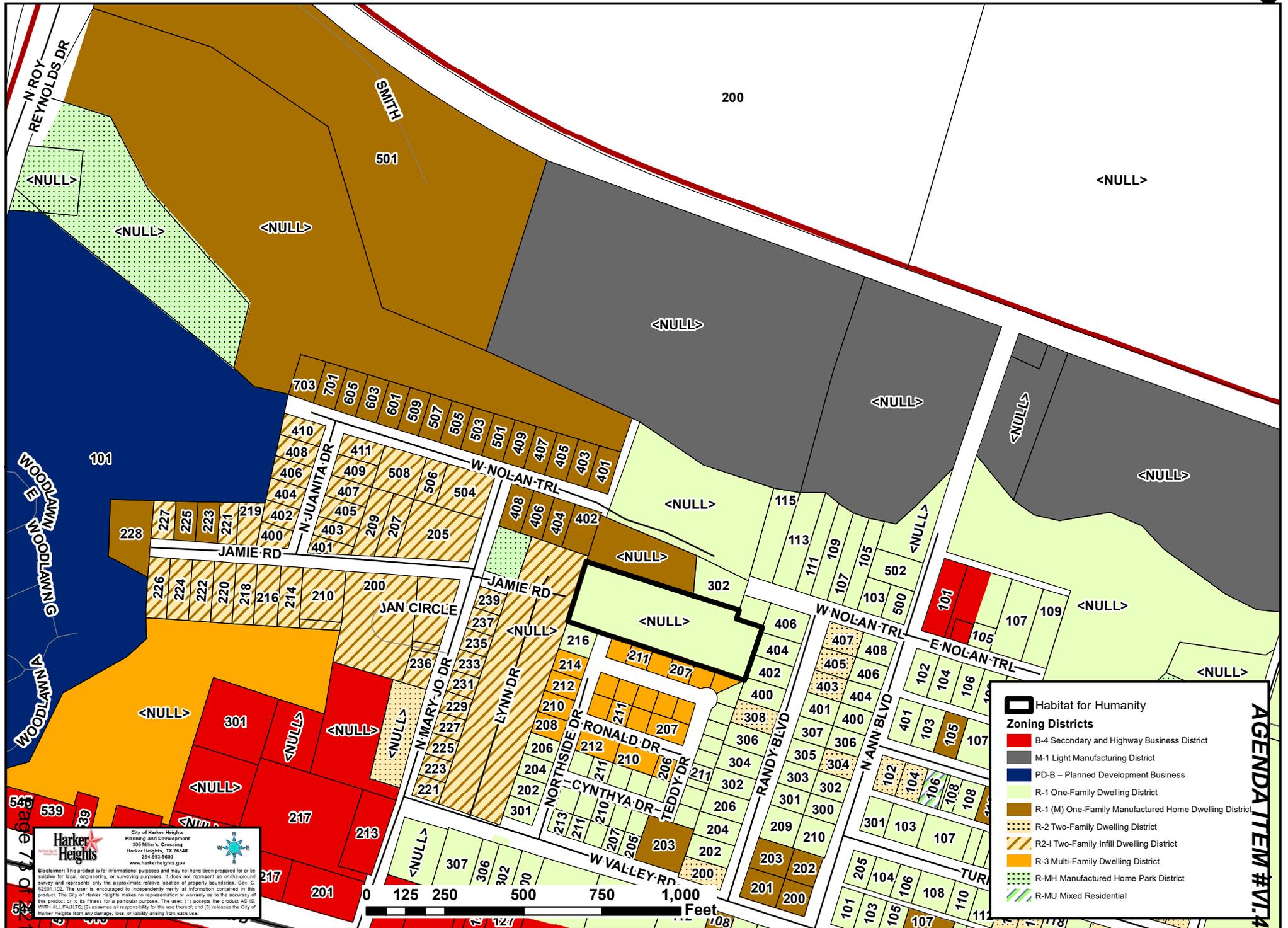
- Habitat for Humanity**
- Existing Land Use**
- Low Density Residential
 - Medium Density Residential
 - High Density Residential
 - Regional Center
 - Community Centers
 - Government/Public Space
 - Parks Open Space
 - Industrial

Harker Heights

City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-853-5690
 www.harkerheights.gov

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AGENDA ITEM #V1.4



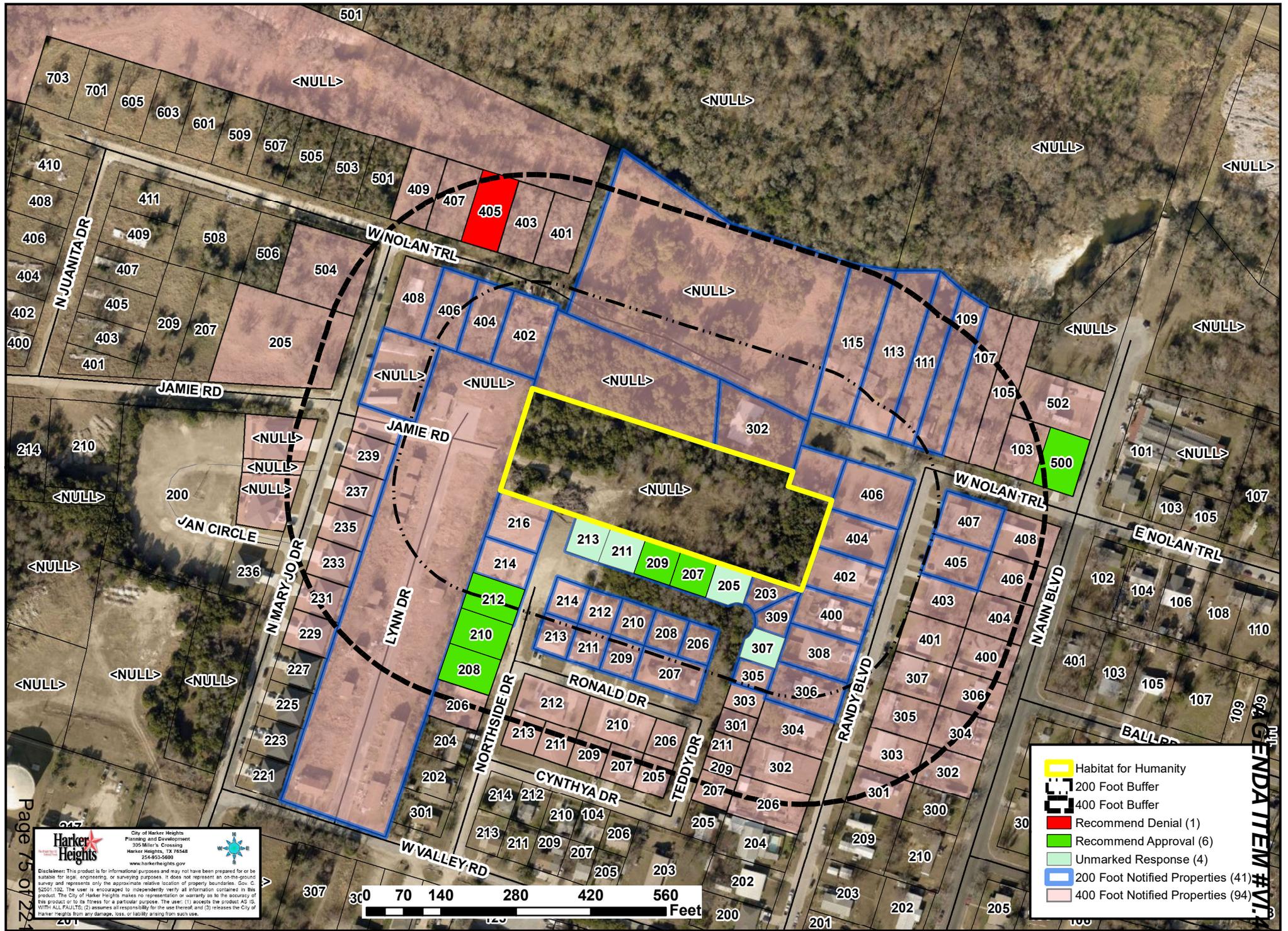
- Habitat for Humanity
- Zoning Districts**
- B-4 Secondary and Highway Business District
- M-1 Light Manufacturing District
- PD-B - Planned Development Business
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R2-1 Two-Family Infill Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District
- R-MU Mixed Residential

Harker Heights

City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
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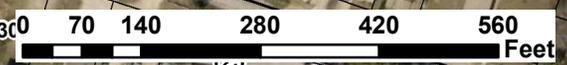
AGENDA ITEM #V1.4



Page 75 of 224


 City of Harker Heights
 Planning and Development
 300 Miner's Crossing
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 Habitat for Humanity
 200 Foot Buffer
 400 Foot Buffer
 Recommend Denial (1)
 Recommend Approval (6)
 Unmarked Response (4)
 200 Foot Notified Properties (41)
 400 Foot Notified Properties (94)

64 GENDATEM #V1

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
205 MODIE DR	95937

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Mark D Robert

Printed Name



Signature

8-9-22

Date

Received
AUG 15 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
207 MODIE DR	95936

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Mark D. Robert
Printed Name

[Handwritten Signature]
Signature

8-9-22
Date

Received
AUG 15 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
208 NORTHSIDE DR	39738

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Kristin Smith
Printed Name

[Handwritten Signature]
Signature

8/9/22
Date

Received
AUG 17 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
209 MODIE DR	95935

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Mark D Robert
Printed Name

[Handwritten Signature]
Signature

8-9-22
Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
210 NORTHSIDE DR	39739

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Kristin Smith *Kristin Smith* 8/19/22
 Printed Name Signature Date

Received

AUG 17 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
211 MODIE DR	95934

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Mark D Robert
Printed Name

[Handwritten Signature]
Signature

8-9-22
Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
212 NORTHSIDE DR	39740

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Kristin Smith
Printed Name

Kristin Smith
Signature

8/19/22
Date

Received
AUG 17 2022
Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
307 TEDDY DR	95938

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

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

Comments:

Mark D Robert

Printed Name

[Handwritten Signature]

Signature

8-9-22

Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 05, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: FRANZONI, PHILIP C

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
500 N ANN BLVD	10855

Z22-19 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *A0288BC V L Evans, Unit 11-Brad Mor Apts Acres 2.8, generally located North of Northside Dr and East of Jamie Rd, Harker Heights, Bell County, Texas, 76548.* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

I am glad to see the development it is a much needed thing in this area.

Philip Franzoni
Printed Name

Philip Franzoni
Signature

August 15, 22
Date

Received

AUG 15 2022

Planning & Development



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN ZONING DESIGNATION FROM R-3 (MULTI-FAMILY DWELLING DISTRICT) TO R1-I (SINGLE-FAMILY INFILL DISTRICT) ON PROPERTIES DESCRIBED AS KERN TERRACE 3RD EXT., BLOCK 004, LOTS 0005-0008, GENERALLY LOCATED AT 208-214 NORTHSIDE DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548 AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant is requesting a change from the current zoning of R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located at 208-214 Northside Drive.

Parcel History

This property is located within the original incorporation area of the city(1960). The properties were platted as part of the Kern Terrace 3rd Extension plat, recorded with Bell County in 1963.

STAFF ANALYSIS:

Surrounding Land Uses

Adjacent land uses and zoning districts include those identified in the table below:

	Existing Land Use	Land Use Plan	Zoning
North	Low Density Residential	Medium Density Residential	R-1 One-Family Dwelling District
South	Low Density Residential	Medium Density Residential	R-1 One-Family Dwelling District
East	High Density Residential	Medium Density Residential	R-3 Multi-Family Dwelling District
West	Medium Density Residential	Medium Density Residential	R2-I Two-Family Infill Dwelling District

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Medium Density Residential. The proposed R1-I zoning with its intended use will not likely have an adverse impact on the neighborhood and is consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

Northside Drive is classified as a residential street. Per §154.01 of the City’s code of ordinances, Residential Streets are defined as: “Streets that serve individual residential lots. They carry low traffic volumes at low speeds. RESIDENTIAL STREETS shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots”.

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will likely not have an adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning will likely not pose an adverse impact to the public health, safety, or general welfare.

NOTICES:

Based on the most recently approved tax roll available, staff sent out seventy-one (71) notices to property owners within the 400-foot notification area. As of September 6, 2022, six (6) responses were received in favor of the request, and zero (0) response were received in opposition of the request.

Total area of land within the 200-foot notification area is: 416,366.83 sq. ft.

Total area of land within the 200-foot notification area recommending denial is: 0.00 sq. ft.

Percentage of land area recommending denial: 0.00%

Per Texas Local Government Code Section 211.006, opposition that is written and signed by the owners of at least 20% of the area of the lots within the 200-foot buffer requires a super majority vote for approval. Note that when 20% of the number of landowners within the 200 foot buffer have provided written and signed opposition, there is not a requirement of Texas Local Government Code nor the City’s Code of Ordinances for a super majority vote by the Planning & Zoning Commission.

Any additional responses received after the above date will be provided during the meeting.

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

1. Recommend approval of the applicant’s zoning request as presented.
2. Recommend disapproval of the applicants zoning request based on Pharr & Tippett.
3. Recommend the applicant proceed with a more restrictive zoning classification for this parcel.

Staff Recommendation

Staff recommended approval to the Planning & Zoning Commission of an ordinance to change zoning designation from R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on August 31, 2022, the Planning & Zoning Commission voted (9-0) on case #Z22-21 to recommend approval of an ordinance to change zoning designation from R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located north of Northside Drive and east of Jamie Road, based on staff's recommendation and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve / approve with conditions/ disapprove with explanation** an ordinance to change zoning designation R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

[Z22-21-PropOrdinance](#)

[Z22-21 Attachments](#)

ORDINANCE NO. 2022 - ____

AN ORDINANCE GRANTING R1-I (SINGLE-FAMILY INFILL DWELLING DISTRICT) ON PROPERTY DESCRIBED AS KERN TERRACE 3RD EXT., BLOCK 004, LOTS 0005-0008, GENERALLY LOCATED AT 208-214 NORTHSIDE DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548.

WHEREAS, the City Council (“*Council*”) of the City of Harker Heights (“*City*”) finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights (“*Code*”) as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, as previously zoned R-3 (Multi-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548.

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022 - ____	9/13/2022	Granting R1-I (Single-Family Infill Dwelling District) on property described as Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 13, 2022.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



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
- 3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

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

planning@harkerheights.gov

Property Owner(s) Name: Fort Hood Area Habitat for Humanity **Date:** 08/09/2022

Address: 2601 Atkinson Ave

City/State/Zip: Killeen, TX 76543

Phone: 254-392-2037 **E-mail:** admin@thahth.org

Legal Description of Property:

Location of Property (Address if available): 208 - 216 Northside Drive Harker Heights, TX 76548

Lot: ~~005~~ - 009 Block: 004 Subdivision: Kern Terrace Third Extension

Acres: _____ Property ID: _____ Survey: _____

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: Single Family Housing

Current Zoning Classification: R3 & R2 **Proposed Zoning:** R1 I

Current Land Use: _____ **Proposed Land Use:** Single-family Housing

Applicant's Representative (if applicable):

Applicant's Representative: Kristin Smith

Phone: 254-392-2037 **E-Mail:** admin@thahth.org

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 Kristin Smith will represent the owner.

Printed Name of Property Owner _____

Signature of Property Owner _____

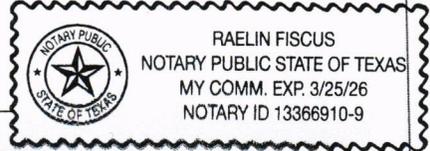
Kristin Smith
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 9th DAY OF August, 2022

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 3/25/24



Date Submitted: 8/9/22

STAFF ONLY - DO NOT FILL OUT BELOW

Receipt #: _____

Received By: RF

Pre-Application Meeting

Case #: _____

Revised: 10/2021

§ 155.0221 R1-I SINGLE-FAMILY INFILL DWELLING DISTRICT.

(A) *Location requirements.* The R1-I Single-Family Infill Dwelling District shall be restricted to specific geographic locations as designated in the map attached hereto as Exhibit "A" and incorporated by reference, an official copy of which map shall be filed in the office of the City Secretary. This copy shall be the official map and shall not be changed in any manner except as the Council may amend from time to time. In case of any question, such copy, together with any amending ordinances, shall be controlling. Additional copies of the map may be placed in the offices of the Planning and Development Director and the Public Works Director.

(B) *Permitted uses.* Any use permitted by right in the R-I District, if it meets required standards.

(C) *Conditional uses.* Any conditional use permitted in the R-I District, if it meets required standards.

(D) *Height regulations.* The main residence building may not exceed the lesser of three stories or 40 feet in height.

(E) *Design regulations.*

(1) *Materials and appearance.* Building facade must be of masonry or other cementitious materials approved by the Building Official. Varying textures, colors, materials and architectural treatments are required on adjacent houses to avoid repetition and add visual interests to the area. Windows must be configured to break the line of sight between adjacent residences.

(2) *Fences.* No masonry fences will be permitted between units that are less than 12 feet apart as measured from wall to wall. All front facing fences when located between units less than 12 feet apart must have a minimum three foot wide gate.

(3) *Spacing.* If units are less than 12 feet apart, eaves between the units may not protrude beyond 16 inches from the wall.

(F) *Area regulations.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet if there is a garage in the front, or ten feet in all other circumstances. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.

(2) *Side yard.* The minimum side yard setback for any corner lot shall be ten feet. Other residences may be located such that one of the side yards will be zero; that is, the building may be constructed on the property line, provided that:

(a) A five foot wide maintenance easement, shown on an approved subdivision plat, shall be provided across the full depth of the adjacent lot abutting the wall on the property line; and

(b) There is required a minimum ten foot separation between neighboring residences.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than ten feet.

(G) *Intensity of use.*

(1) *Lot area.* No building shall be constructed on any lot less than 3,500 square feet in area.

(2) *Lot width.* The minimum width of the lot shall be not less than 30 feet at the front street building line.

(H) *Additional requirements.* Additional use, height, and area regulations and exceptions are found in §155.040.

(I) *Parking regulations.* As per §§ 155.061 through 155.068.

(J) *Landscaping.* All yards shall have vegetative groundcover of sufficient quality and quantity, or other groundcover approved by the Director of Planning and Development, to control dust, erosion and sediment upon final inspections. In addition, a minimum of one six-foot-tall tree, measuring three inches or more in caliper (diameter) when measured 12 inches from the base of the trunk and 16 three-gallon shrubs, are required in the front yard.

(K) *Storage.* Open storage is prohibited except for materials for the resident's use, such as firewood, gardening materials, and similar materials.

(L) *Accessory structures.* The following accessory structures are permitted:

(1) Any accessory structure permitted in the R-I District;

(2) Detached garages and carports do not count against the number of accessory structures permitted. Such structures must be behind the rear facade of the main residence building, must be set back ten feet from the rear property line, and must comply with R1-I side yard setback requirements. Building materials and facade must be consistent with the main residence building materials and facade.

(3) One garage apartment will be allowed on site provided that it is above a detached garage and served by a paved driveway. The apartment may be taller than the primary residence, but may not exceed the lesser of 35 feet or two and one half stories in height. The structure may not exceed a gross floor area of 850 total square feet, or 550 square feet on the second floor, if any.

(M) *Zoning incentives.* The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps, and water taps hereafter paid in connection with lots zoned R1-I, provided that

such zoning, platting or permitting is unconditionally approved, and such taps are satisfactorily installed, not later than September 30, 2018.

(Ord. 2016-24, passed 10-11-16; Am. Ord. 2017-27, passed 10-10-17)

§ 155.025 R-3 MULTI-FAMILY DWELLING DISTRICT.

(A) *Permitted uses.*

- (1) Any use permitted by right in the R-2 District.
- (2) Multi-family dwellings.
- (3) Apartment houses.
- (4) Boarding, lodging, and rooming houses.
- (5) Dormitories for students.
- (6) Neighborhood association facilities.
- (7) Institutions of a religious, educational, charitable, or philanthropic nature, but not a penal or mental institution.

(B) *Conditional uses.*

- (1) Fraternity/sorority house.
- (2) Fitness center.
- (3) Any conditional use permitted in the R-1 and R-2 Districts.

(C) *Height regulations.* When adjacent to one or more single-family detached homes, the height shall not exceed that of the shortest adjacent house, except that an additional setback of one foot shall be exchanged for each additional foot in height. However, in no event may a building exceed three and one-half stories or 45 feet in height.

(D) *Area regulations.* Front building setbacks shall be a minimum of 25 feet. Side setbacks shall be a minimum of ten feet, except when siding on a street they shall be a minimum of 15 feet. Rear setbacks shall be no less than 20 feet. See also Table 21-A.

(E) *Intensity of use.*

(1) A lot on which there is erected a single-family dwelling shall conform to the same intensity of use requirements as those in the R-1 (Single-Family Dwelling District) as noted in § 155.020(E).

(2) A lot for a two-family dwelling shall contain an area of not less than 8,400 square feet, and an average width of not less than 70 feet.

(3) A lot for a four-plex shall contain an area of not less than 10,000 square feet. The minimum lot area shall be increased by 2,500 square feet per additional dwelling unit.

(4) Where a lot or tract has less area than herein required and its boundary lines along their entire length touches lands under other ownership on the effective date of this chapter and have not since been changed, such parcel of land may be used for a single-family dwelling.

(5) In no case shall more than 40% of the total lot area be covered by a main building.

(F) *Parking regulations.* As per §§ 155.061 through 155.068. In addition, parking is prohibited within the front 25-foot building setback.

(G) *Additional use, height, and area regulations.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(H) *Storage.* Open storage is prohibited, except for materials for the residents' use such as firewood, gardening materials, and similar materials. Trash shall be stored only in approved dumpsters located on private property.

(I) *Landscaping.* All yards shall have vegetative groundcover of sufficient quality and quantity, or other city-approved groundcover, to control dust, erosion and sediment. For each dwelling unit, a minimum of one six-foot-tall tree with two-inch caliper, and three three-gallon shrubs, are required. All landscaping must be in place upon final inspection.

(J) *Architectural design.*

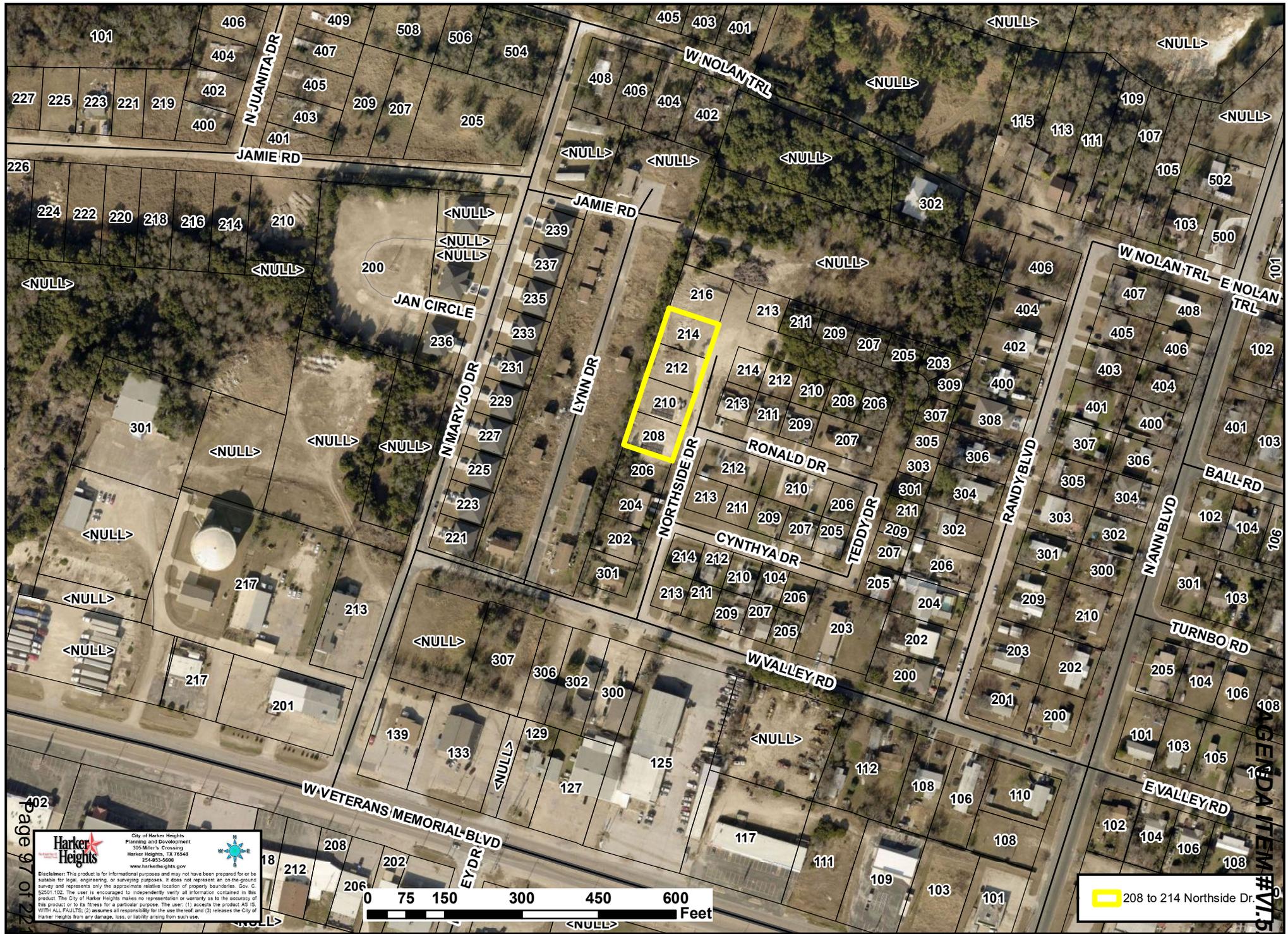
(1) Facades should be articulated to minimize the massive scale appearance of the building. At least 25% of the facade of the wall facing the street shall consist of doors or windows in buildings that are located within 30 feet of the property line adjacent to a front yard. Primary entrances shall face the public street. Windows shall be provided with trim or recesses, rather than flush with exterior wall treatment.

(2) The same elevation may not be used within any five lot groupings.

(3) Developments of 20 or more units shall have an area equal to at least 8% of the lot area, excepting required

setbacks, dedicated to open space for recreational use by the occupants of the development.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2012-01, passed 2-14-12; Am. Ord. 2012-04, passed 3-27-12)



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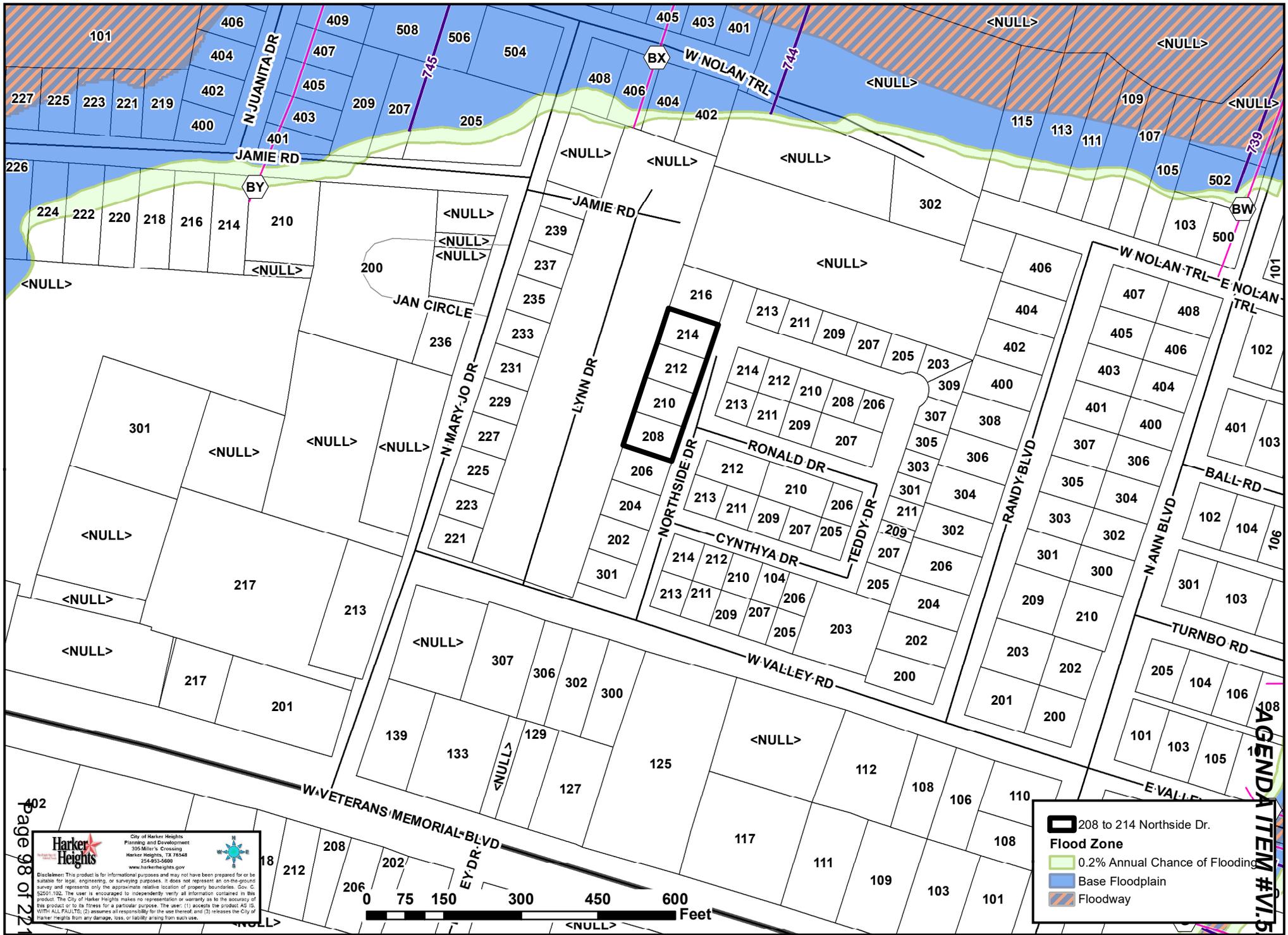
Harker Heights
 City of Harker Heights
 Planning and Development
 300 Milam's Crossing
 Harker Heights, TX 78548
 254-853-5690
 www.harkerheights.gov

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. 52201-102. 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 FAILURES; (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.



 208 to 214 Northside Dr.

AGENDA ITEM #11



208 to 214 Northside Dr.

Flood Zone

- 0.2% Annual Chance of Flooding
- Base Floodplain
- Floodway

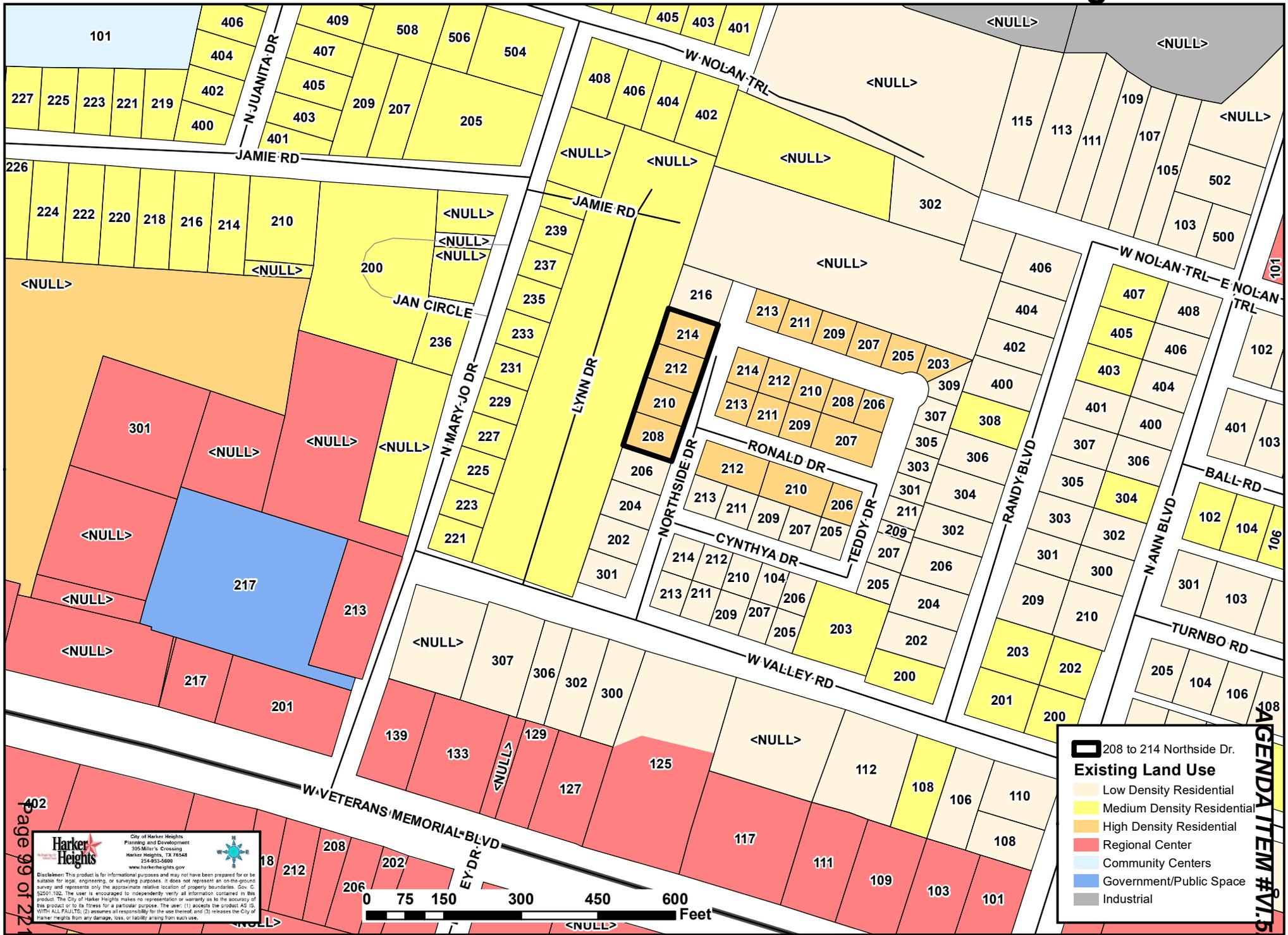
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Harker Heights

City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-853-5690
 www.harkerheights.gov

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PAGENDA ITEM #V1.5



208 to 214 Northside Dr.

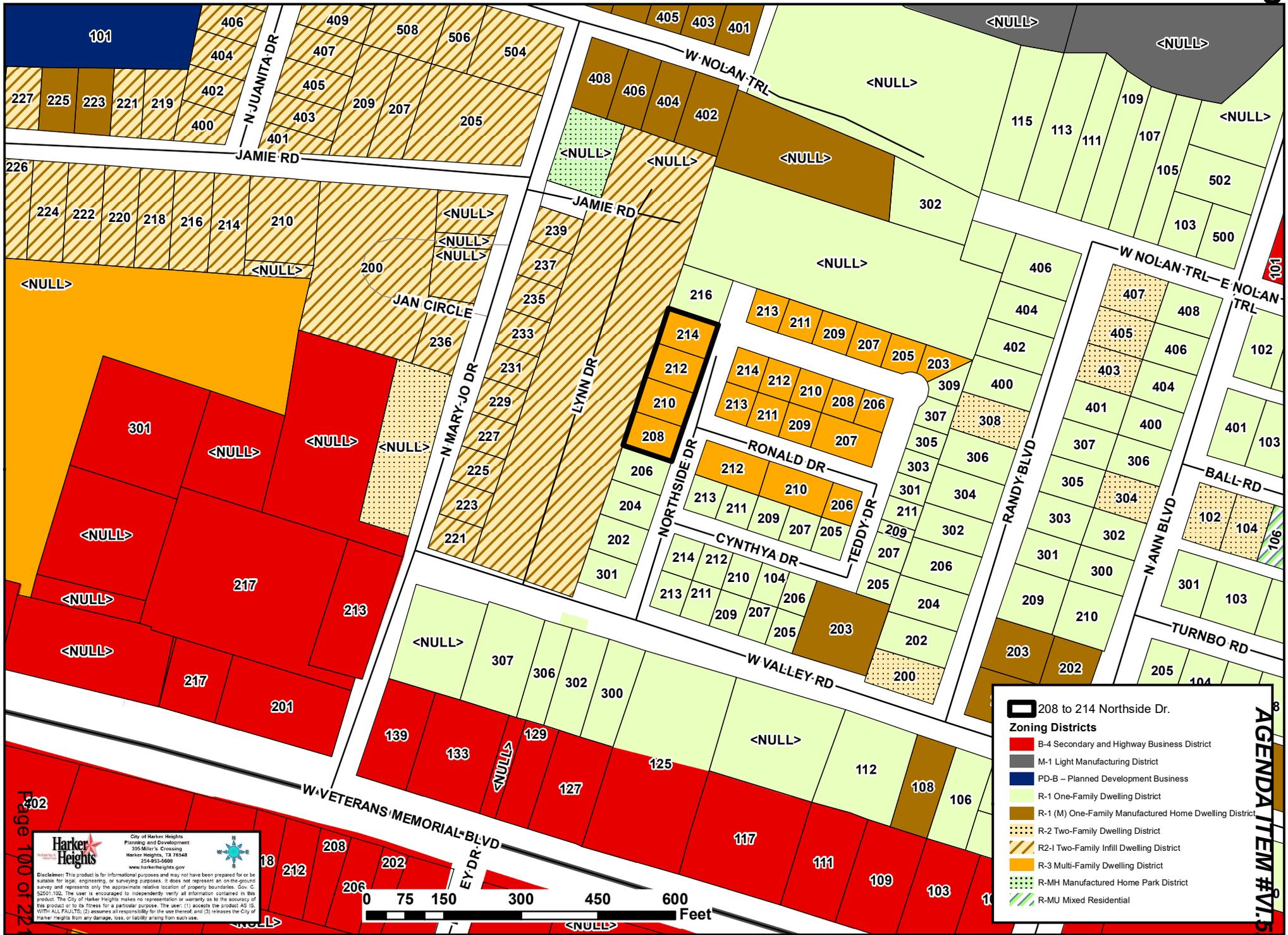
Existing Land Use

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Centers
- Government/Public Space
- Industrial

Harker Heights

City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
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208 to 214 Northside Dr.

Zoning Districts

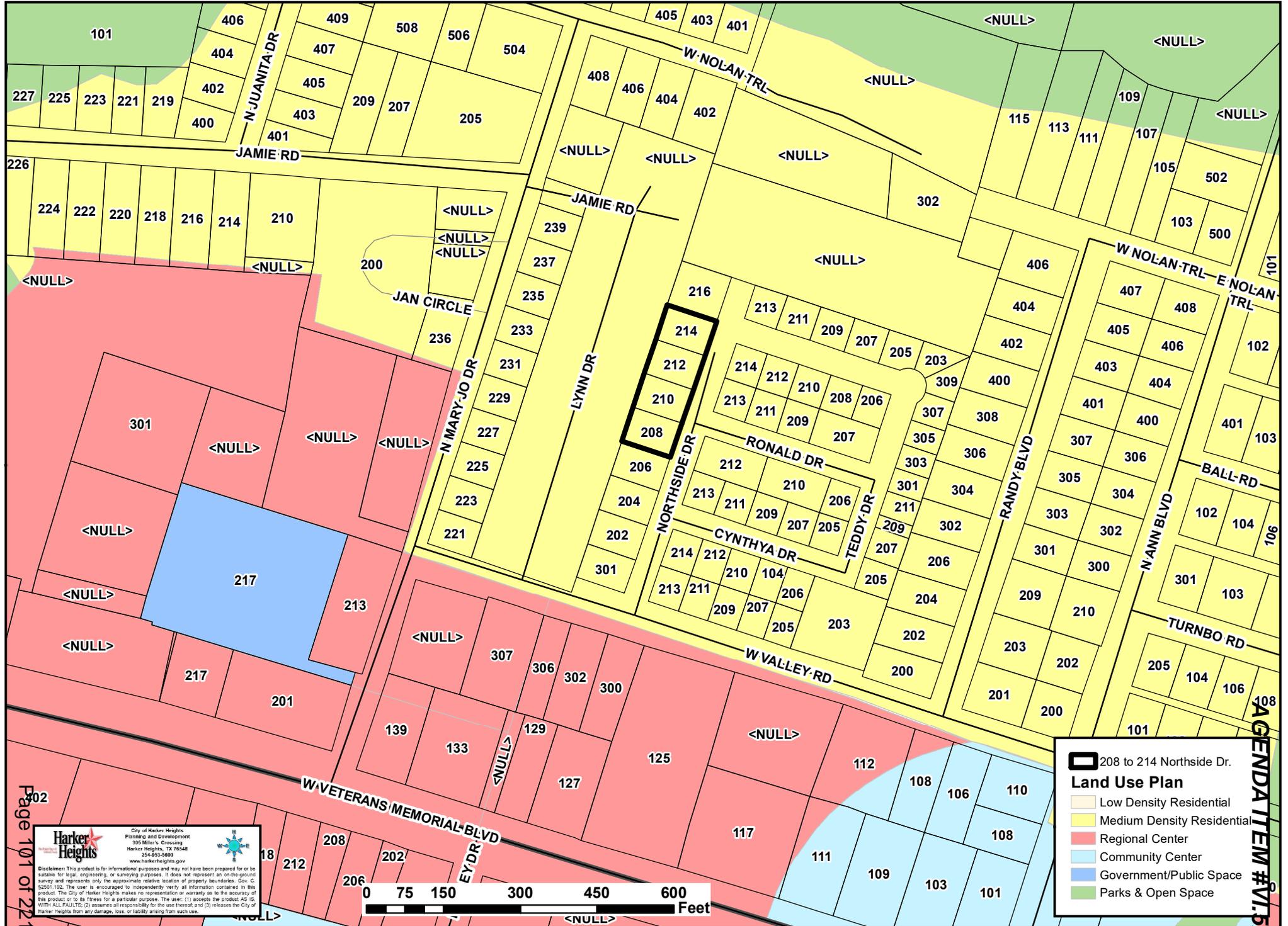
- B-4 Secondary and Highway Business District
- M-1 Light Manufacturing District
- PD-B - Planned Development Business
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R-2-1 Two-Family Infill Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District
- R-MU Mixed Residential

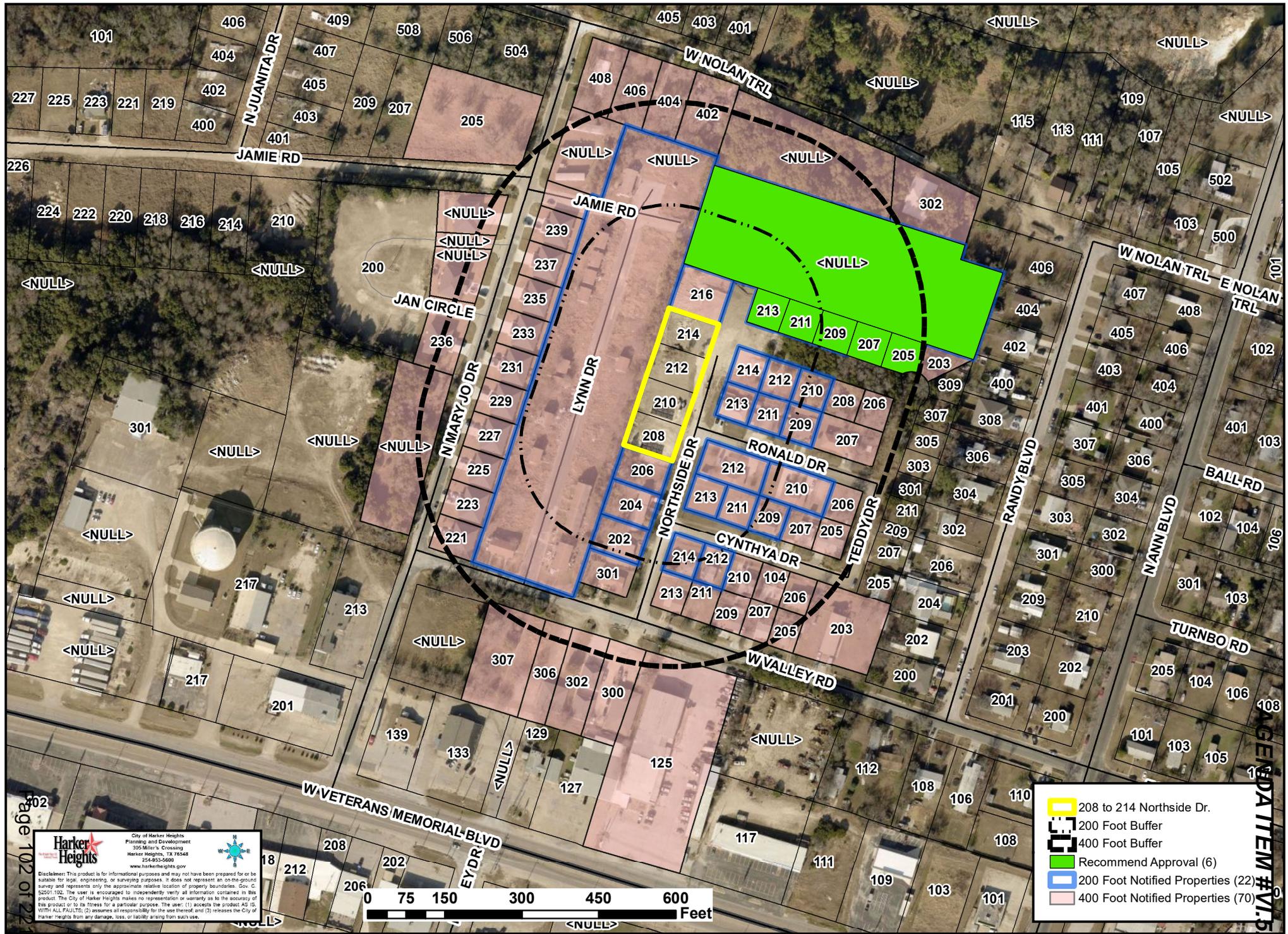
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 254-853-5690
 www.harkerheights.gov

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. 52201.102. 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 FAILURES; (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.







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Harker Heights
City of Harker Heights
Planning and Development
300 Milam's Crossing
Harker Heights, TX 78548
254-853-5699
www.harkerheights.gov

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- 208 to 214 Northside Dr.
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Approval (6)
- 200 Foot Notified Properties (22)
- 400 Foot Notified Properties (70)

AGENDA ITEM #115

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
207 MODIE DR	95936

Z22-21 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on properties described as *Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Mark D Robert

8/13/22

Printed Name

Signature

Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
209 MODIE DR	95935

Z22-21 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on properties described as *Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

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

Comments:





Printed Name Signature Date

Received
AUG 15 2022
Planning & Development

SENT: AUGUST 09, 2022
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RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
211 MODIE DR	95934

Z22-21 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on properties described as *Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

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

Comments:

Mark D Robert
Printed Name

[Handwritten Signature]
Signature

8-13-22
Date

Receiver
AUG 15 2022
Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
213 MODIE DR	95933

Z22-21 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on properties described as *Kern Terrace 3rd Ext., Block 004, Lots 0005-0008, generally located at 208-214 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

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

Comments:

Mark D Robert

Printed Name

[Handwritten Signature]

Signature

8-13-22

Date

Received

AUG 15 2022

Planning & Development



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO R1-I (SINGLE-FAMILY INFILL DISTRICT) ON PROPERTY DESCRIBED AS KERN TERRACE 3RD EXT., BLOCK 004, LOT 0009, GENERALLY LOCATED AT 216 NORTHSIDE DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548, AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548.

Parcel History

This property is located within the original incorporation area of the city(1960). The parcel is platted as part of the Kern Terrace 3rd Extension plat, recorded with Bell County in 1963.

STAFF ANALYSIS:

Surrounding Land Uses

Adjacent land uses and zoning districts include those identified in the table below:

	Existing Land Use	Land Use Plan	Zoning
North	Low Density Residential	Medium Density Residential	R-1 One-Family Dwelling District
South	High Density Residential	Medium Density Residential	R-1 One-Family Dwelling District
East	High Density Residential	Medium Density Residential	R-3 Multi-Family Dwelling District
West	Medium Density Residential	Medium Density Residential	R2-I Two-Family Infill Dwelling District

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Medium Density Residential. The proposed R1-I zoning with its intended use will not likely have an adverse impact on the neighborhood and is consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

Northside Drive is classified as a residential street. Per §154.01 of the City's code of ordinances, Residential Streets are defined as: "Streets that serve individual residential lots. They carry low traffic volumes at low speeds. RESIDENTIAL STREETS shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots".

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will likely not have an adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning will likely not pose an adverse impact to the public health, safety, or general welfare.

NOTICES:

Based on the most recently approved tax roll available, staff sent out ninety-five (95) notices to property owners within the 400-foot notification area. As of September 6, 2022, nine (9) responses were received in favor of the request, and zero (0) response were received in opposition of the request.

Total area of land within the 200-foot notification area is: 409,391.32 sq. ft.

Total area of land within the 200-foot notification area recommending denial is: 0.00 sq. ft.

Percentage of land area recommending denial: 0.00%

Per Texas Local Government Code Section 211.006, opposition that is written and signed by the owners of at least 20% of the area of the lots within the 200-foot buffer requires a super majority vote for approval. Note that when 20% of the number of landowners within the 200 foot buffer have provided written and signed opposition, there is not a requirement of Texas Local Government Code nor the City's Code of Ordinances for a super majority vote by the Planning & Zoning Commission.

Any additional responses received after the above date will be provided during the meeting.

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

1. Recommend approval of the applicant's zoning request as presented.
2. Recommend disapproval of the applicants zoning request based on Pharr & Tippett.
3. Recommend the applicant proceed with a more restrictive zoning classification for this parcel.

Staff Recommendation

Staff recommended approval to the Planning & Zoning Commission of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on August 31, 2022, the Planning & Zoning Commission voted (9-0) on case #Z22-22 to recommend approval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, based on staff's recommendation and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve / approve with conditions/ disapprove with explanation** an ordinance to change zoning designation R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

[Z22-22-PropOrdinance](#)

[Z22-22-Attachments](#)

ORDINANCE NO. 2022 - ____

AN ORDINANCE GRANTING R1-I (SINGLE-FAMILY INFILL DWELLING DISTRICT) ON PROPERTY DESCRIBED AS KERN TERRACE 3RD EXT., BLOCK 004, LOT 0009, GENERALLY LOCATED AT 216 NORTHSIDE DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, 76548.

WHEREAS, the City Council (“*Council*”) of the City of Harker Heights (“*City*”) finds that after due notice and public hearings as required by law, and after consideration of the recommendation of the Planning and Zoning Commission, it is necessary and desirable to amend the Code of Harker Heights (“*Code*”) as hereinafter provided; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The Council officially finds and declares that the facts and recitations set forth in the preamble to this Ordinance are true and correct.

SECTION 2: The hereinafter-described property, as previously zoned R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) on property described as Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548.

SECTION 3: Table VII, Table of Special Ordinances, of the Code is hereby supplemented by adding the following entry:

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022 - ____	9/13/2022	Granting R1-I (Single-Family Infill Dwelling District) on property described as Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548.

SECTION 4: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 5: This Ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 13, 2022.

Spencer H. Smith, Mayor

ATTEST:

Juliette Helsham, City Secretary



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
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

City of Harker Heights
 Planning & Development
 305 Millers Crossing
 Harker Heights, TX 76548
 Phone: (254) 953-5600
 Email:
 planning@harkerheights.gov

Property Owner(s) Name: Fort Hood Area Habitat for Humanity **Date:** 08/09/2022

Address: 2601 Atkinson Ave

City/State/Zip: Killeen, TX 76543

Phone: 254-392-2037 **E-mail:** admin@fhahfh.org

Legal Description of Property:

Location of Property (Address if available): 216 Northside Drive, Harker Heights, TX 76548

Lot: 009 Block: 004 Subdivision: Kern Terrace Third Edition

Acres: _____ Property ID: _____ Survey: _____

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: Single Family Housing

Current Zoning Classification: R3 & R1 **Proposed Zoning:** R1-l

Current Land Use: _____ **Proposed Land Use:** Single Family Housing

Applicant's Representative (if applicable):

Applicant's Representative: Kristin Smith

Phone: 254-392-2037 **E-Mail:** admin@fhahfh.org

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.

Amy Millsap
Printed Name of Property Owner

[Signature]
Signature of Property Owner

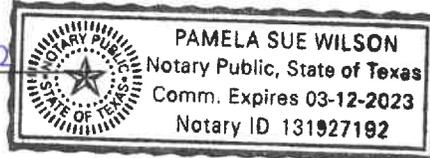
Kristin Smith
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 15th DAY OF August, 20 22

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 3-12-2023



STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: _____

Pre-Application Meeting

Receipt #: _____

Received By: _____

Revised: 10/2021

Case #: _____

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

(A) *Permitted uses.* The following uses are permitted by right:

- (1) Site-built, single-family dwellings and industrialized housing.
- (2) Church or other place of worship.
- (3) Municipal buildings, non-profit libraries or museums, police and fire stations, public utilities (without outside storage yards or electric substations), public parks, playgrounds, municipal golf courses, public recreation facilities, and community buildings.
- (4) Customary home occupations as defined in §155.003.
- (5) *Accessory structure.*

(a) One small accessory building (not exceeding 144 square feet) per residence customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

- 1. Structure must be built upon a moveable foundation;
- 2. Structure cannot exceed 12 feet in height;
- 3. Structure must set behind the rear facade of the main residence building and must be setback five feet from the rear property line and six feet from the side property line; and
- 4. Materials, building design, and construction must comply with the requirements of Ch. 150.

(b) Large accessory buildings customarily incident to the above uses (not involving the conduct of a business) subject to the following requirements:

- 1. Building materials and facade must be consistent with the main residence building materials and facade;
- 2. Large accessory building must be behind the front facade of the main residence;
- 3. The height of the large accessory building cannot exceed that of the main residence building;
- 4. Number, size, setbacks and height requirements based on the size of the lot as follows:

Lot Size	Number of Large Accessory Structures Allowed	Maximum Aggregate Size of All Accessory Structures	Setbacks	Maximum Height
< 10,000 square feet	1	250 square feet	Front: 25 feet Side: 6 feet Rear: 10 feet	15 feet
> 10,000 square feet < .5 acre	1	500 square feet	Front: 25 feet Side: 6 feet Rear: 10 feet	15 feet
> .5 acre < 1 acre	2	1,000 square feet	Front: 25 feet Side: 6 feet Rear: 20 feet	24 feet
> 1 acre	4	1,500 square feet	Front: 25 feet Side: 6 feet Rear: 20 feet	24 feet

- (6) Private garage.
- (7) Home based child care.
- (8) Real estate sales office, or temporary living quarters to provide security during the development of residential subdivisions, but not to exceed two years.
- (9) Low impact telecommunication towers.
- (10) Public schools.

(B) *Conditional uses.* The following require conditional use permits:

- (1) Private schools having a curriculum equal to a public elementary, high school, or institution of higher learning (except home schooling).

(2) Neighborhood association facilities.

(3) Farms, nurseries, truck gardens and greenhouses, provided no sales offices are maintained and no livestock are kept within 250 feet of a residence of any person other than the farm owner.

(4) Accessory dwelling for a relative or servant (not for rent).

(5) Accessory structure as provided by § 155.040.

(C) *Height regulations.* No building shall exceed two and one-half stories or 35 feet in height.

(D) *Front yard, side yard, and rear yard.* As per Table 21-A.

(E) *Intensity of use.* Every lot or tract of land shall have an area of not less than 8,400 square feet and an average overall width of not less than 70 feet and a minimum lot frontage of not less than 45 feet. Except that if a lot or tract should have less area or width than is herein required and its boundary lines along their entire length should touch lands under other ownership on the effective date of this chapter and shall not have changed since the date, such parcel of land may be used for a single family dwelling.

(F) *Additional use, height, and area regulation.* Additional use, height, and area regulations and exceptions are found in § 155.040.

(G) *R-1(M) zoning designation.* R-1(M) is a one family residential lot that also allows manufactured homes. All manufactured housing structures installed after December 31, 1999, must be installed on a permanent foundation, as that term is defined in § 152.01.

(1) In order to be approved, the manufactured home must be found to have design compatibility with other dwellings in the neighborhood.

(2) The following standards apply to any placement of a manufactured home on a lot after December 31, 1999:

(a) Roofing shall be similar in color, material and appearance to the roofing material commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the neighborhood.

Materials shall include asphalt composition, shingle, tile, crushed rock, standing seam metal or similar materials (except all other metal). Roof pitch shall be a minimum of 3/12.

(b) Exterior siding shall be similar in color, material, and appearance to the exterior siding material commonly used on residential dwellings within the community or comparable to predominant materials used on dwellings within the neighborhood. Exterior siding shall be of brick, wood, stucco, plaster, concrete or other material which is finished in a non-glossy and non-reflective manner.

(c) If a garage/carport is constructed, it must be similar in appearance to others in the neighborhood and constructed of like materials as that of the primary home.

(d) Two all-weather surface off street parking spaces meeting the requirements of §155.061 shall be provided.

(3) Every manufactured home shall be placed so that the entrance or front of the home faces or parallels the principal street frontage, except:

(a) In cases where the lot is one acre or greater and the home is located more than 50 feet from the street; or

(b) Where the lot width is 60 feet or less.

(4) All entrances to a manufactured home shall be provided with permanent steps, porch or similar suitable entry.

(5) The lot must meet all applicable requirements of Chapter 154, and shall comply with the area regulations in (D) of this section. Variance in setbacks may be given in inches not to exceed one foot at the Building Official's discretion.

(H) *Signs* As per Chapter 151.

(I) *Parking.* As per §§ 155.061 through 155.068.

(J) *Storage.* Open storage is prohibited except for materials for the residents' use, such as firewood, gardening materials, and similar materials.

(K) *Landscaping.* All yards shall have vegetative groundcover of sufficient quality and quantity, or other city-approved groundcover, to control dust, erosion and sediment upon final inspections. In addition, a minimum of two six-foot-tall trees, measuring two inches or more in caliper (diameter) when measured 12 inches from the base of the trunk, and eight three-gallon shrubs, are required in the front yard.

(L) *Industrialized housing.*

(1) Industrialized housing shall be considered real property and must:

(a) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the county;

(b) Have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(c) Comply with city aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings;

(d) Be securely fixed to a permanent foundation; and

(e) Have all local permits and licenses that are applicable to site-built housing.

For purposes of this division, **VALUE** means the taxable **VALUE** of the industrialized housing and lot after installation of the housing.

(2) Any owner or authorized agent who intends to construct, erect, install or move any industrialized housing into the city shall first make application to the Building Official and obtain the required permits. In addition to any other information otherwise required for such permits, the application shall:

(a) Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located, and show the taxable value for each such dwelling, as determined by the most recent certified tax appraisal roll for the county;

(b) Describe the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;

(c) Describe the permanent foundation and method of attachment proposed for the industrialized housing; and

(d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

(3) A person commits an offense if the person:

(a) Constructs, erects, installs or moves any industrialized housing in the city without first obtaining a permit as required by this section; or

(b) Constructs, erects, installs or moves any industrialized housing into the city unless such industrialized housing complies with this section.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2002-28, passed 11-12-02; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2010-32, passed 10-12-10; Am. Ord. 2011-08, passed 4-19-11)

§ 155.0221 R1-I SINGLE-FAMILY INFILL DWELLING DISTRICT.

(A) *Location requirements.* The R1-I Single-Family Infill Dwelling District shall be restricted to specific geographic locations as designated in the map attached hereto as Exhibit "A" and incorporated by reference, an official copy of which map shall be filed in the office of the City Secretary. This copy shall be the official map and shall not be changed in any manner except as the Council may amend from time to time. In case of any question, such copy, together with any amending ordinances, shall be controlling. Additional copies of the map may be placed in the offices of the Planning and Development Director and the Public Works Director.

(B) *Permitted uses.* Any use permitted by right in the R-I District, if it meets required standards.

(C) *Conditional uses.* Any conditional use permitted in the R-I District, if it meets required standards.

(D) *Height regulations.* The main residence building may not exceed the lesser of three stories or 40 feet in height.

(E) *Design regulations.*

(1) *Materials and appearance.* Building facade must be of masonry or other cementitious materials approved by the Building Official. Varying textures, colors, materials and architectural treatments are required on adjacent houses to avoid repetition and add visual interests to the area. Windows must be configured to break the line of sight between adjacent residences.

(2) *Fences.* No masonry fences will be permitted between units that are less than 12 feet apart as measured from wall to wall. All front facing fences when located between units less than 12 feet apart must have a minimum three foot wide gate.

(3) *Spacing.* If units are less than 12 feet apart, eaves between the units may not protrude beyond 16 inches from the wall.

(F) *Area regulations.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 20 feet if there is a garage in the front, or ten feet in all other circumstances. Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.

(2) *Side yard.* The minimum side yard setback for any corner lot shall be ten feet. Other residences may be located such that one of the side yards will be zero; that is, the building may be constructed on the property line, provided that:

(a) A five foot wide maintenance easement, shown on an approved subdivision plat, shall be provided across the full

depth of the adjacent lot abutting the wall on the property line; and

(b) There is required a minimum ten foot separation between neighboring residences.

(3) *Rear yard.* There shall be a rear yard having a depth of not less than ten feet.

(G) *Intensity of use.*

(1) *Lot area.* No building shall be constructed on any lot less than 3,500 square feet in area.

(2) *Lot width.* The minimum width of the lot shall be not less than 30 feet at the front street building line.

(H) *Additional requirements.* Additional use, height, and area regulations and exceptions are found in §155.040.

(I) *Parking regulations.* As per §§ 155.061 through 155.068.

(J) *Landscaping.* All yards shall have vegetative groundcover of sufficient quality and quantity, or other groundcover approved by the Director of Planning and Development, to control dust, erosion and sediment upon final inspections. In addition, a minimum of one six-foot-tall tree, measuring three inches or more in caliper (diameter) when measured 12 inches from the base of the trunk and 16 three-gallon shrubs, are required in the front yard.

(K) *Storage.* Open storage is prohibited except for materials for the resident's use, such as firewood, gardening materials, and similar materials.

(L) *Accessory structures.* The following accessory structures are permitted:

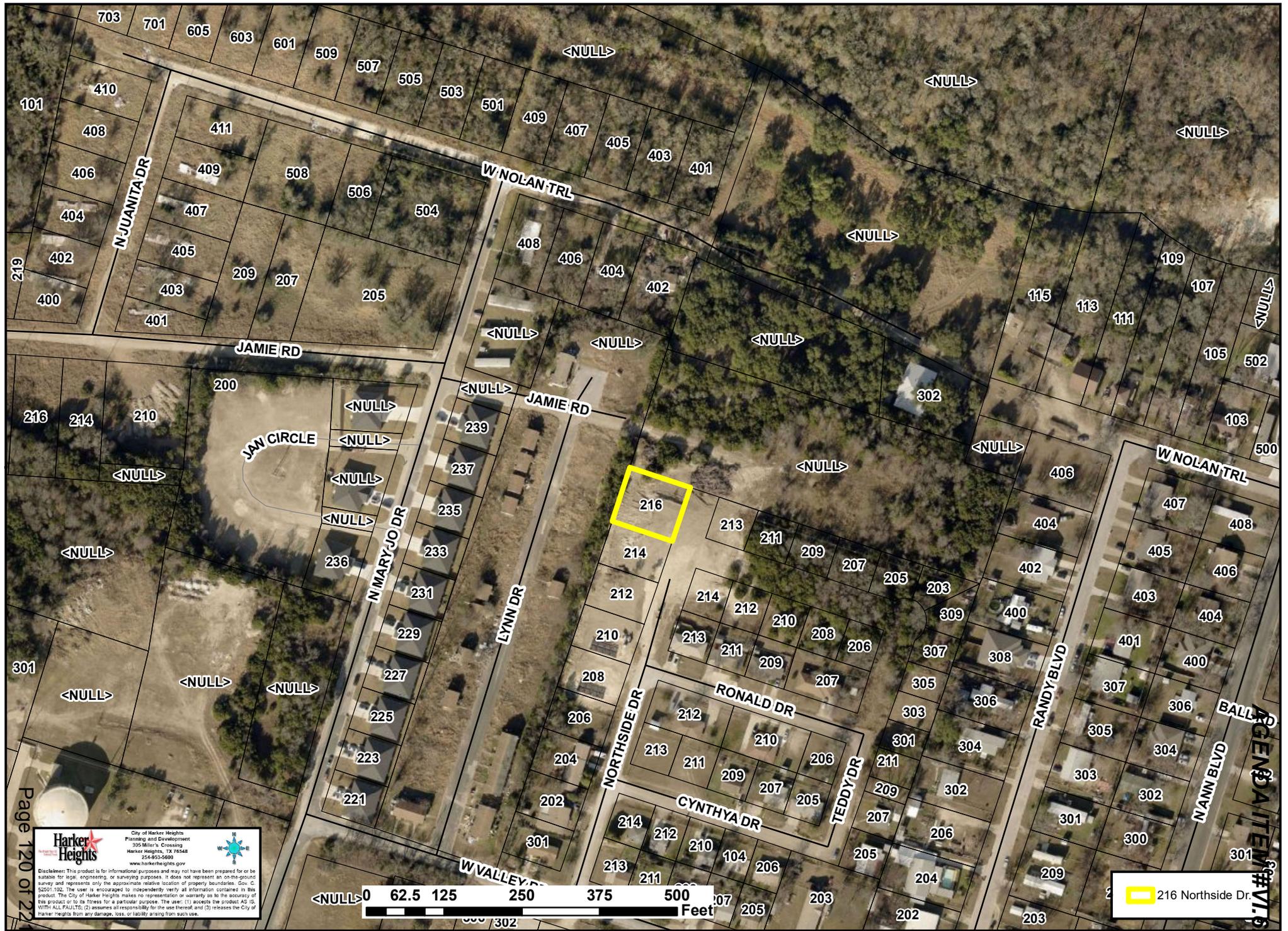
(1) Any accessory structure permitted in the R-I District;

(2) Detached garages and carports do not count against the number of accessory structures permitted. Such structures must be behind the rear facade of the main residence building, must be set back ten feet from the rear property line, and must comply with R1-I side yard setback requirements. Building materials and facade must be consistent with the main residence building materials and facade.

(3) One garage apartment will be allowed on site provided that it is above a detached garage and served by a paved driveway. The apartment may be taller than the primary residence, but may not exceed the lesser of 35 feet or two and one half stories in height. The structure may not exceed a gross floor area of 850 total square feet, or 550 square feet on the second floor, if any.

(M) *Zoning incentives.* The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps, and water taps hereafter paid in connection with lots zoned R1-I, provided that such zoning, platting or permitting is unconditionally approved, and such taps are satisfactorily installed, not later than September 30, 2018.

(Ord. 2016-24, passed 10-11-16; Am. Ord. 2017-27, passed 10-10-17)



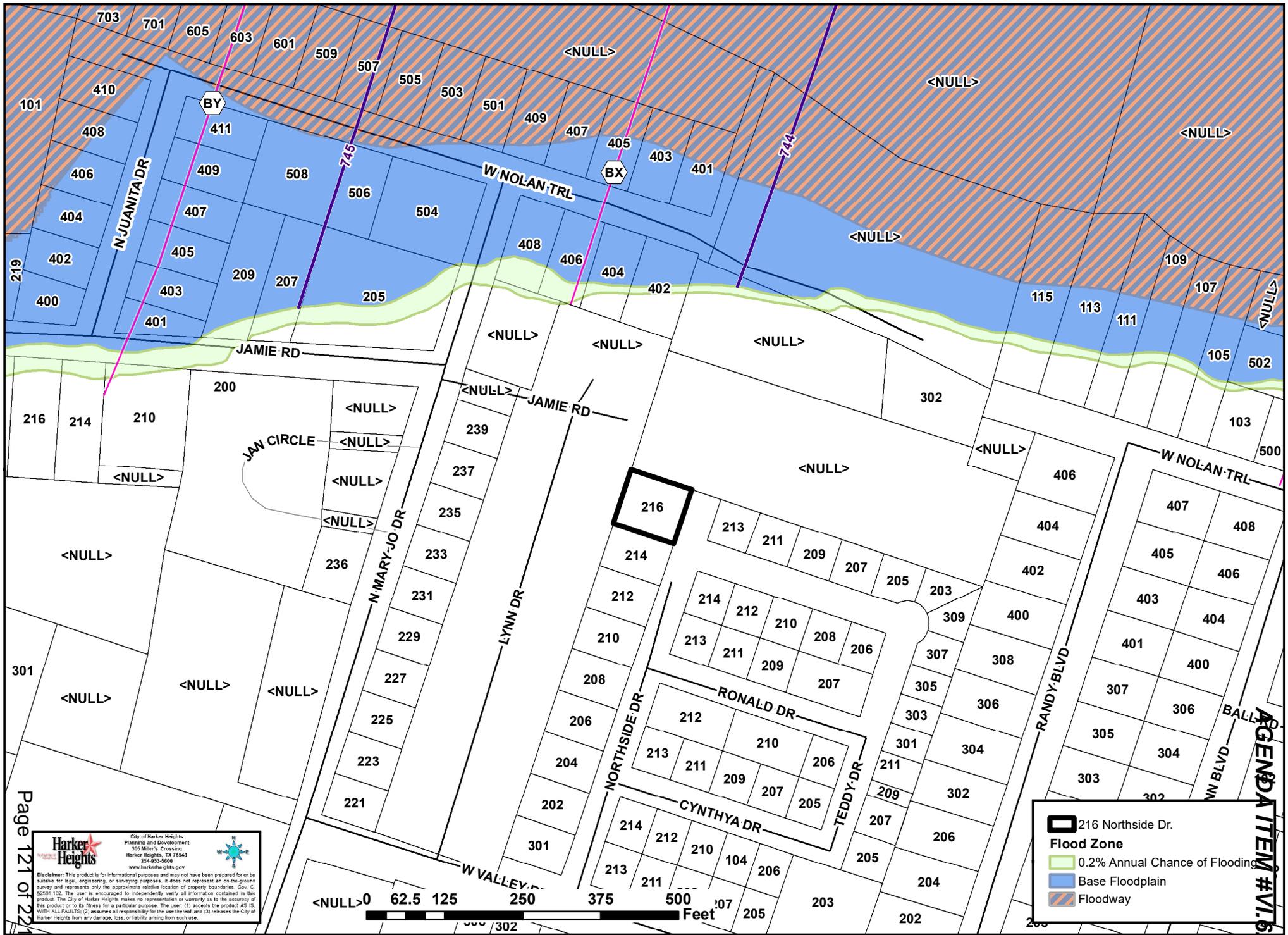
Page 120 of 224

Harker Heights
 City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-853-5690
 www.harkerheights.gov

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. 52201-102. 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 FAILURES; (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.

216 Northside Dr.

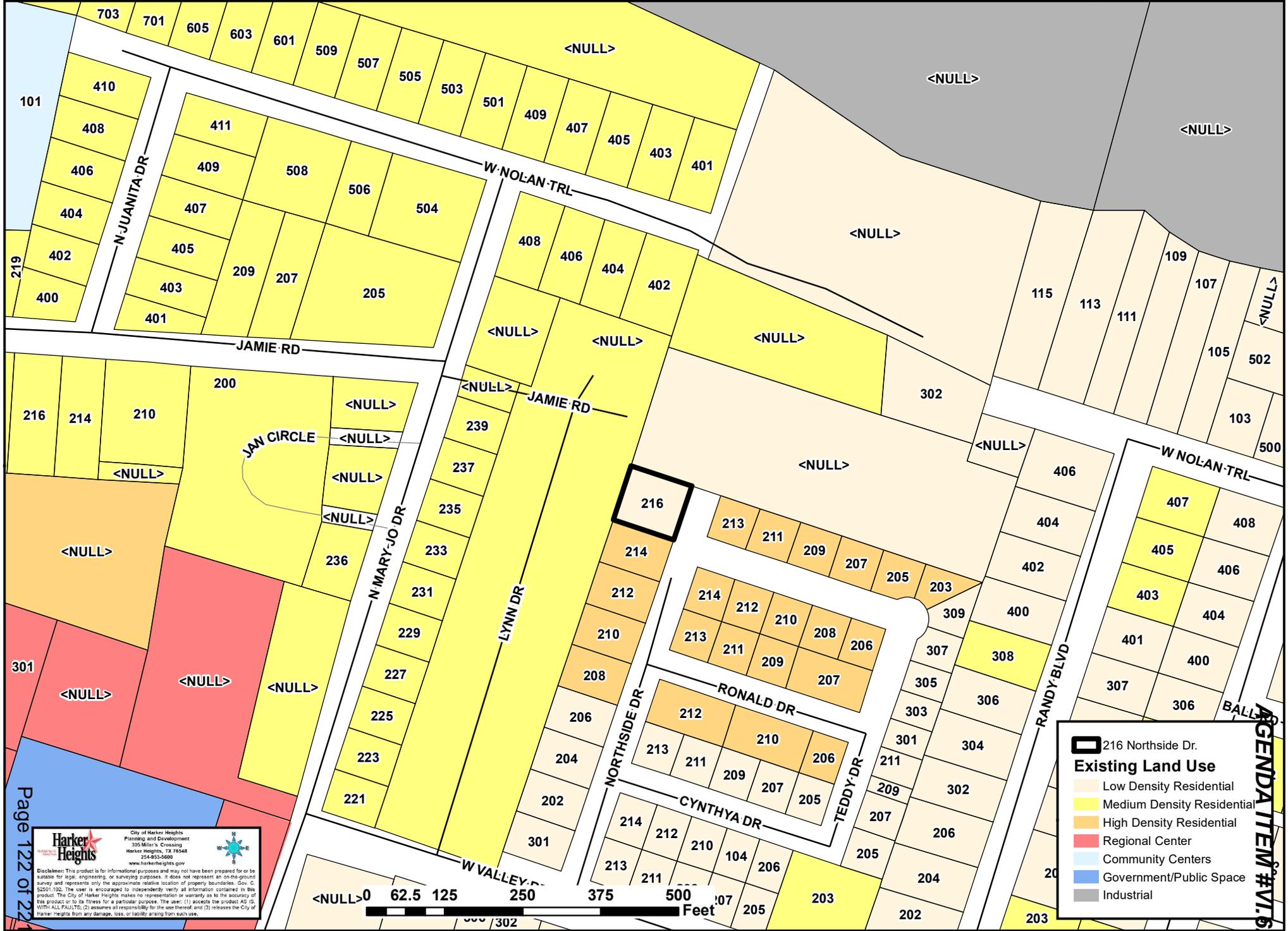
AGENDA ITEM #110



216 Northside Dr.
Flood Zone
 0.2% Annual Chance of Flooding
 Base Floodplain
 Floodway

Harker Heights
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 216 Northside Dr.

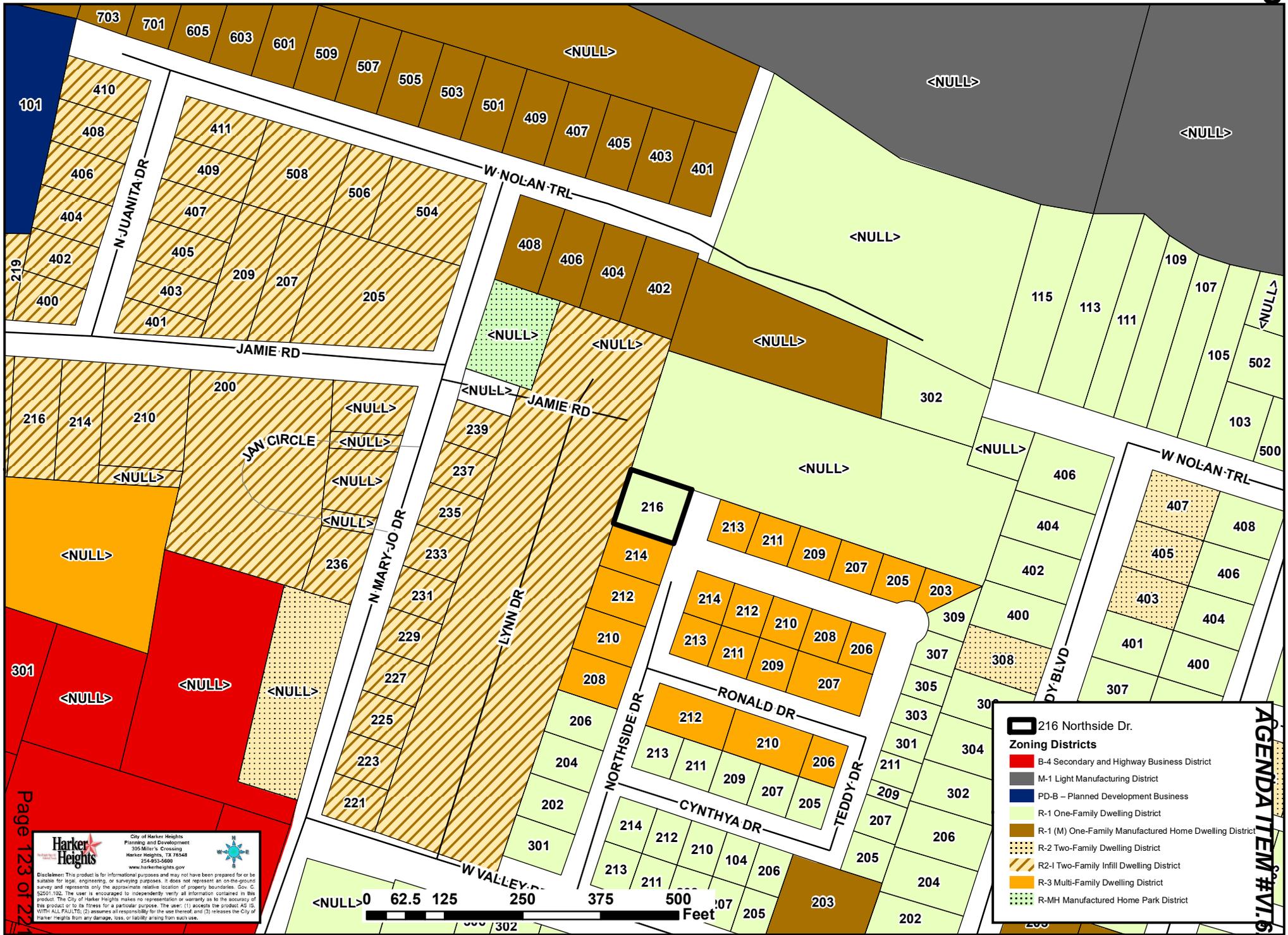
Existing Land Use

-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Regional Center
-  Community Centers
-  Government/Public Space
-  Industrial

Harker Heights

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216 Northside Dr.

Zoning Districts

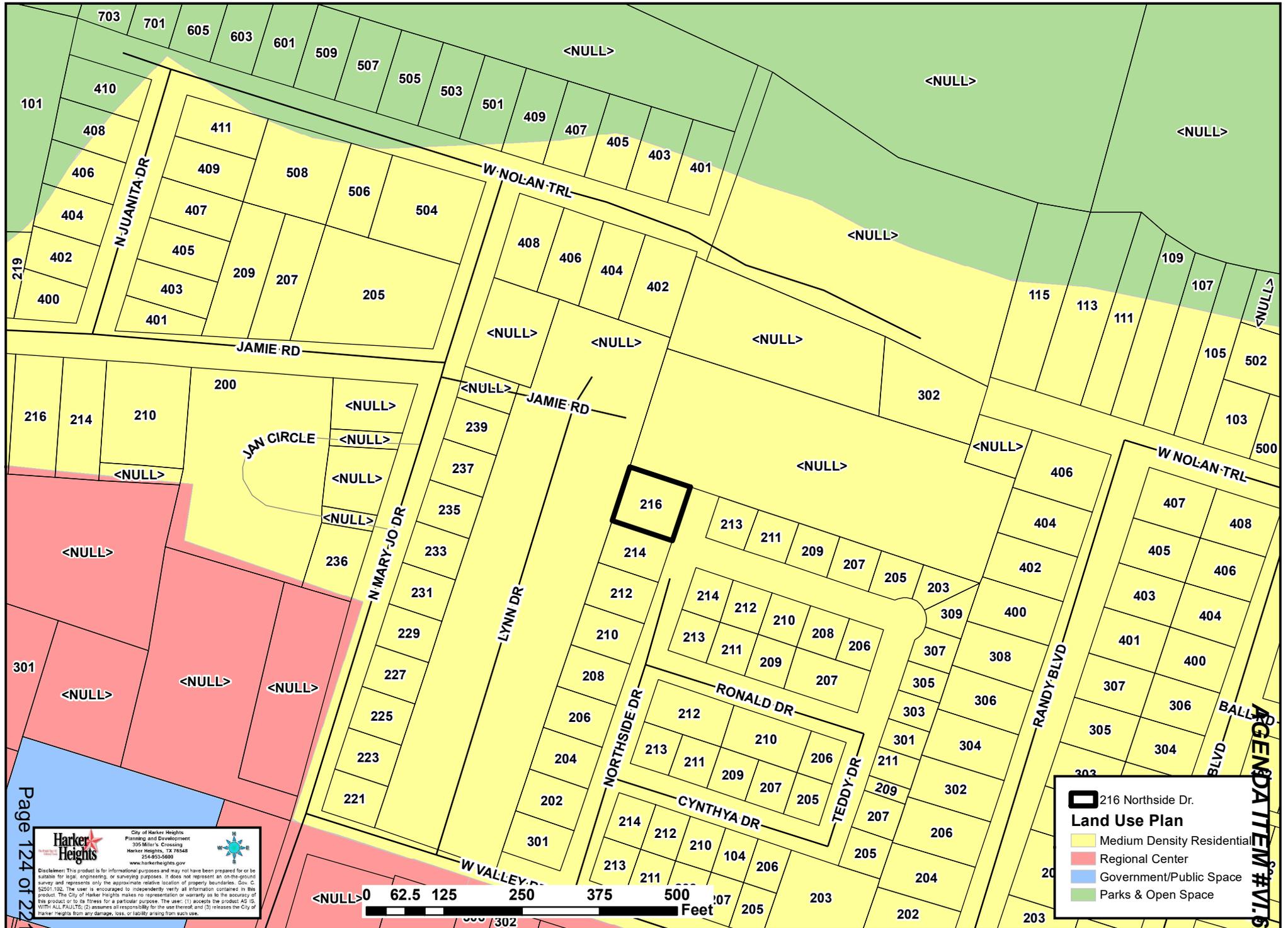
- B-4 Secondary and Highway Business District
- M-1 Light Manufacturing District
- PD-B - Planned Development Business
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R-2-1 Two-Family Infill Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District

AGENDA ITEM #11.5

Harker Heights

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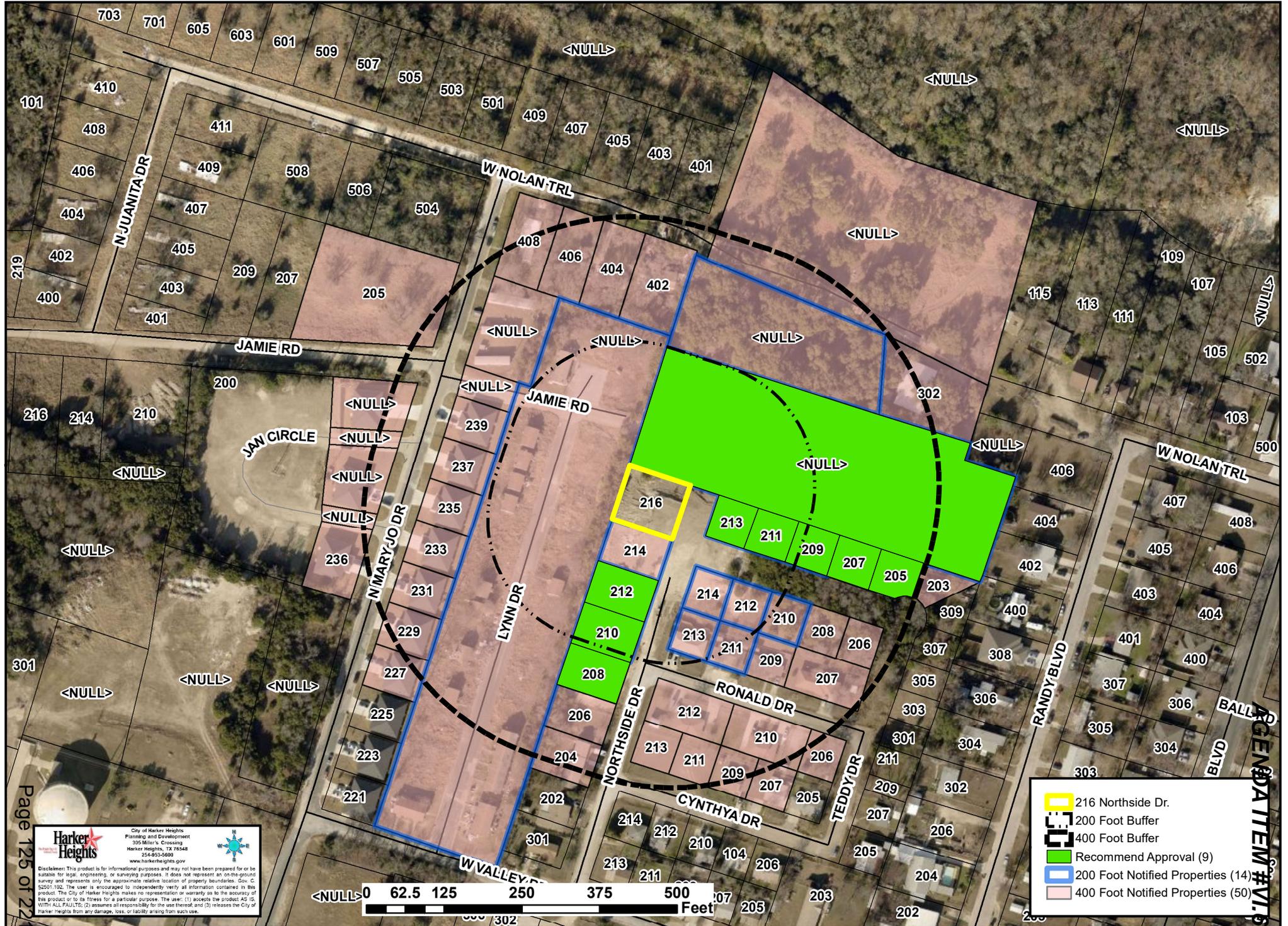
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Harker Heights

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AGENDA ITEM #11.5



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216 Northside Dr.
 200 Foot Buffer
 400 Foot Buffer
 Recommend Approval (9)
 200 Foot Notified Properties (14)
 400 Foot Notified Properties (50)

AGENDA ITEM # 11.0

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
205 MODIE DR	95937

Z22-22 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

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

Comments:

Mark D Robert



8-13-22

Printed Name

Signature

Date

Receive

AUG 15 2022

Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
210 NORTHSIDE DR	39739

Z22-22 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

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

Comments:

Kristin Smith

Printed Name

[Handwritten Signature]

Signature

08/12/2022

Date

Received

AUG 17 2022

Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: ROBERT, MARK

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
213 MODIE DR	95933

Z22-22 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Mark D Robert



8-13-22

Printed Name

Signature

Date

Received

AUG 15 2022

Planning & Development

SENT: AUGUST 09, 2022
DUE BACK: AUGUST 24, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON AUGUST 24, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: **City of Harker Heights
Planning & Development Department**

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
LYNN DR	12474

Z22-22 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** on property described as *Kern Terrace 3rd Ext., Block 004, Lot 0009, generally located at 216 Northside Drive, Harker Heights, Bell County, Texas, 76548, (see attached notification map).*

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

Comments:

Kristin Smith

Printed Name

Kristin Smith

Signature

08/12/2022

Date

Received

AUG 17 2022

Planning & Development



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

DISCUSS AND CONSIDER A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETING ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL AND TAKE THE APPROPRIATE ACTION. (FINANCE DIRECTOR)

EXPLANATION:

The City of Harker Heights, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division (Atmos) is a member of the Atmos Cities Steering Committee (ACSC). In 2007, ACSC and Atmos settled a rate application filed by Atmos for an interim rate adjustment referred to as a GRIP filing (Gas Reliability Infrastructure Program). That settlement created a substitute rate review process referred to as a Rate Review Mechanism (RRM) for future filings made under the GRIP statute.

On or about April 1, 2022, Atmos filed a rate request pursuant to the RRM Tariff adopted by ACSC members claiming that its cost of service in a test year ending December 31, 2021 entitled it to additional system-wide revenues of \$141.3 million. Application of the standards set forth in ACSC's RRM Tariff reduces this request to \$115 million.

ACSC's Executive Committee agrees with the consultants and recommends a settlement at \$115 million. The effective date for the new rates is October 1, 2022. The impact of this settlement on average residential rates is an increase of \$4.60 a month or 6.7%; the increase on the average commercial usage will be \$14.34 or 4.3%.

RECOMMENDATION:

Staff recommends approving the Resolution.

ACTION BY THE COUNCIL:

1. Motion to Approve/Disapprove a Resolution of the City Council of the City of Harker Heights, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2022 Rate Review Mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits; requiring the Company to reimburse ACSC's reasonable ratemaking expenses; determining that this resolution was passed in accordance with the requirements of the Texas Open Meeting Act; adopting a savings clause; declaring an effective date; and requiring delivery of this resolution to the Company and the ACSC's legal counsel and take the appropriate action.

ATTACHMENTS:

[Resolution](#)

[RRM - Tariffs](#)

[RRM - Pension Benchmark](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CITY OF HARKER HEIGHTS, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Harker Heights, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2022, Atmos Mid-Tex filed its 2022 RRM rate request with ACSC Cities based on a test year ending December 31, 2021; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2022 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$115 million on a system-wide basis with an Effective Date of October 1, 2022; and **WHEREAS**, ACSC agrees that Atmos' plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$115 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2022 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$115 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company’s 2022 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 8. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2022.

Section 11. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 13th DAY OF SEPTEMBER 2022.

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 21.55 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 21.60 per month
Commodity Charge – All <u>Ccf</u>	\$0.36223 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 63.50 per month
Rider CEE Surcharge	(\$ 0.01) per month ¹
Total Customer Charge	\$ 63.49 per month
Commodity Charge – All Ccf	\$ 0.14137 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailement Overpull Fee

Upon notification by Company of an event of curtailement or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailement or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer’s deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled “Daily Price Survey.”

Replacement Index

In the event the “midpoint” or “common” price for the Katy point listed in *Platts Gas Daily* in the table entitled “Daily Price Survey” is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company’s Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.58	0.1422	88.85	0.6666
Austin	9.90	0.1372	233.56	0.7819
Dallas	14.17	0.1938	186.38	0.9394
Waco	10.07	0.1308	140.10	0.7170
Wichita Falls	11.43	0.1398	131.57	0.5610

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2021**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2022 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,715,323	\$ 982,708	\$ 3,137,022	\$ 313,319	\$ (341,412)	
2	Allocation to Mid-Tex	44.72%	44.72%	76.88%	100.00%	76.88%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)	\$ 3,669,182
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	79.88%	79.88%	38.60%	11.00%	38.60%	
11							
12							
13	Total Pension Account Plan	\$ 612,700		\$ 931,100			\$ 1,543,800
14	Total Post-Employment Benefit Plan		\$ 351,016			\$ (101,335)	249,681
15	Total Supplemental Executive Benefit Plan				\$ 34,465		34,465
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 612,700	\$ 351,016	\$ 931,100	\$ 34,465	\$ (101,335)	\$ 1,827,946

18 Notes:

- 19 1. Studies not applicable to Mid-Tex or Shared Services are omitted.
- 20 2. Mid-Tex is proposing that the Fiscal Year 2022 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount.
- 21 3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

DISCUSS AND CONSIDER APPROVING A PRELIMINARY PLAT REFERRED TO AS MEADOW WHITE ADDITION, ON PROPERTY DESCRIBED AS BEING A 1.021 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE JOHN T. TUMLINSON SURVEY, ABSTRACT NO. 831, THE LAND HEREIN BEING PART OF LOT 2, BLOCK 5, MEADOW ACRES, AN ADDITION TO THE CITY OF HARKER HEIGHTS, TEXAS, BEING OF RECORD IN CABINET A, SLIDE 143-C, PLAT RECORDS OF BELL COUNTY, TEXAS (P.R.B.C.T.), AND BEING THAT ALL CERTAIN TRACT OF LAND CONVEYED IN A GENERAL WARRANT DEED TO BFF CONSTRUCTION, LLC, A TEXAS LIMITED LIABILITY COMPANY, BEING DESCRIBED OF RECORD UNDER INSTRUMENT NO. 2022035043, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BELL COUNTY, TEXAS (O.P.R.P.B.C.T.) AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant submitted an application for a preliminary plat for 1.021 acres of land generally located at 214 & 216 W. Bob White Lane (original parcels). This preliminary plat provides for the subdivision of the original parcels into a total of six (6) Two-Family Infill Lots. This is in conformance with the July 19, 2022 zoning reclassification of the original parcels from R1 to R2-I. The most recently amended Land Use Plan designates this area for Medium Density Residential use which supports the proposed preliminary plat layout.

Staff has met with the applicant on multiple occasions over the last few months to discuss this development. The applicant submitted the plat for review on August 3, 2022. Comments were compiled and submitted to the applicant on August 15, 2022. The applicant provided responses to comments on August 19, 2022, which substantially meet the city's code requirements for preliminary plat approval.

RECOMMENDATION:

Discussions on street width, fire safety and the concern for appropriate disposal of refuse resulted in the attached plat layout and engineering plan sheets. However, the submission does not meet current city standards as specified in the city's code of ordinances. Therefore, the applicant submitted a request for a waiver from specific design standards (see attachment).

The first portion of the applicant's request is to allow the required 36' back-of-curb to back-of-curb street width to be reduced to 31' back-of-curb to back. The applicant's request includes limiting parking to one side of the road. This allows for 22 feet of clearance instead of the required 18 feet of clearance in the 36' wide residential road section.

The second portion of the applicant's request is to reduce the required 60' right of way (ROW) to a 33' ROW with a 15' public utility easement (PUE) on each side of the ROW. Within each proposed 15' PUE there is a 10' pedestrian easement called out for the placement of a sidewalk. The total proposed width for public infrastructure would be the equivalent of 63'. This proposed waiver exceeds the intent of the ROW requirements in the code.

Below are the specific code sections for which the applicant is requesting a design standards waiver:

§154.21(C)(1)(h) Location of existing and proposed streets, alleys, bikeways and sidewalks on or adjoining the site. Such information shall include name, right-of-way widths, type and width of surfacing. All private streets shall be clearly labeled;

§154.21(C)(2)(d) Street and sidewalk layout plan view; and

§154.37(A)(3) Entrances to subdivisions. In no case shall platted lots have their sole access through an adjacent jurisdiction. As a rule, new subdivisions must have at least two access streets. Entrances shall be 42 feet wide with a 70-foot right-of-way for a minimum distance of 100 feet from the intersection. A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family structures. In addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:

- (a) Traffic circulation and emergency vehicle access;
- (b) Traffic and pedestrian safety with due consideration given to school bus routes; and
- (c) Topography and visibility distances.

§154.37(C)(1) Residential streets. Residential streets shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots. They carry low traffic volumes. Where entrances to subdivisions are not part of a collector street, they shall be 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection.

City of Harker Heights Code of Ordinances allows for a waiver from design standards to be authorized by the Planning and Zoning Commission and the City Council.

§ 154.60 WAIVERS.

(A) The Planning and Zoning Commission and the City Council may authorize waivers from design standards. In granting a waiver, the city shall prescribe only conditions that it deems necessary or desirable in the public interest.

(B) In making the findings required under § 154.61, the Planning and Zoning Commission and the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such

waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

Based on review of the code requirements and correspondence with the applicant's engineer regarding utility and drainage easements, public infrastructure, and public safety, staff recommended approval of the Preliminary Plat referred to as Meadow White Addition to the Planning & Zoning Commission with the following conditions:

1. All outstanding comments have been addressed per staff recommendation prior to filing of plat with Bell County Public Records.
2. Approval of Waiver from design standards for City of Harker Heights Code of Ordinances Sections: §154.21(C)(1)(h), §154.21(C)(2)(d), §154.37(A)(3), and §154.37(C)(1)

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning and Zoning Commission meeting held on August 31, 2022, the Planning & Zoning Commission voted (8-1) to recommend approval of a Preliminary Plat referred to as Meadow White Addition with the two conditions as presented by staff and based on staff's recommendations and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve with conditions** a Preliminary Plat referred to as Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warrant Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.), **with the two conditions as presented by staff, and based on staff's recommendations and findings.**
2. Motion to **approve**, or **disapprove with explanation** a Preliminary Plat referred to as Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warrant Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.) **based on the discussed recommendations and findings.**
3. Any other action desired.

ATTACHMENTS:

[P22-22-Attachments](#)

[P22-22-Codes](#)



City of Harker Heights
Planning & Development
305 Millers Crossing
Harker Heights, TX 76548
Phone: (254) 953-5647
Fax: (254) 953-5666

Preliminary Plat Application

*** Requirements - APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED ***

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

1. Pre-Application Meeting with Staff to ensure applicability
2. Payment of \$500.00 + \$25/per lot
3. Signed Original Field Notes and Dedication Pages
4. Paper Plan Submissions: Ten (10) Copies of the Plat and Seven (7) Copies of Preliminary Engineering Drawings
5. Electronic Submission of all documents for review delivered to Planning Administrative Assistant

Property Information:

Plat Name: MEADOW WHITE ADDITION Date Submitted: Aug 3, 2022

Existing Lot Count: 2 Proposed Lot Count: 6 Proposed Units: 12 Acreage: 1.021

Existing Land Use: Double-Wide Trailer Proposed Land Use: Duplex

Site Address or General Location: 214 & 216 W. Bob White, Harker Heights, TX 76548

Public Infrastructure Proposed with Subdivision: Water Wastewater Streets (including Private) Stormwater

Owner Information & Authorization:

Property Owner: BFF Construction LLC
Address: 508 S Main St., Copperas Cove, TX
Phone: 254-423-7349 E-Mail: chucksmmg@gmail.com

Developer: Same As Owner
Address: _____
Phone: _____ E-Mail: _____

Engineer/Surveyor: Mitchell & Associates, Inc.
Address: PO Box 1088, Killeen, TX 76540
Phone: 2546345541 E-Mail: areneau@mitchellinc.net

CHECK ONE OF THE FOLLOWING:

- I will represent the application myself.
- I hereby designate Mitchell & Associates, Inc (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this development application.

The property owner and/or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear during a meeting may be deemed a withdrawal of the plat or plan.

Charles Amundson
Printed Name of Owner

[Signature]
Signature of Owner

SWORN AND SUBSCRIBED BEFORE ME ON THIS 3rd
DAY OF August

[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 2024, Sept 6

KEVYN BROWN
MY COMMISSION EXPIRES
SEPTEMBER 6, 2024
NOTARY ID: 129040713

STAFF ONLY -- DO NOT FILL OUT

Date Submitted: _____ Received By: _____ Receipt #: _____

Mitchell & Associates, Inc.
Engineering & Surveying

August 19, 2022

Mark Hyde
Public Works Director
Public Works Department
City of Harker Heights
305 Millers Crossing
Harker Heights, TX. 76548

Dear Mr. Hyde:

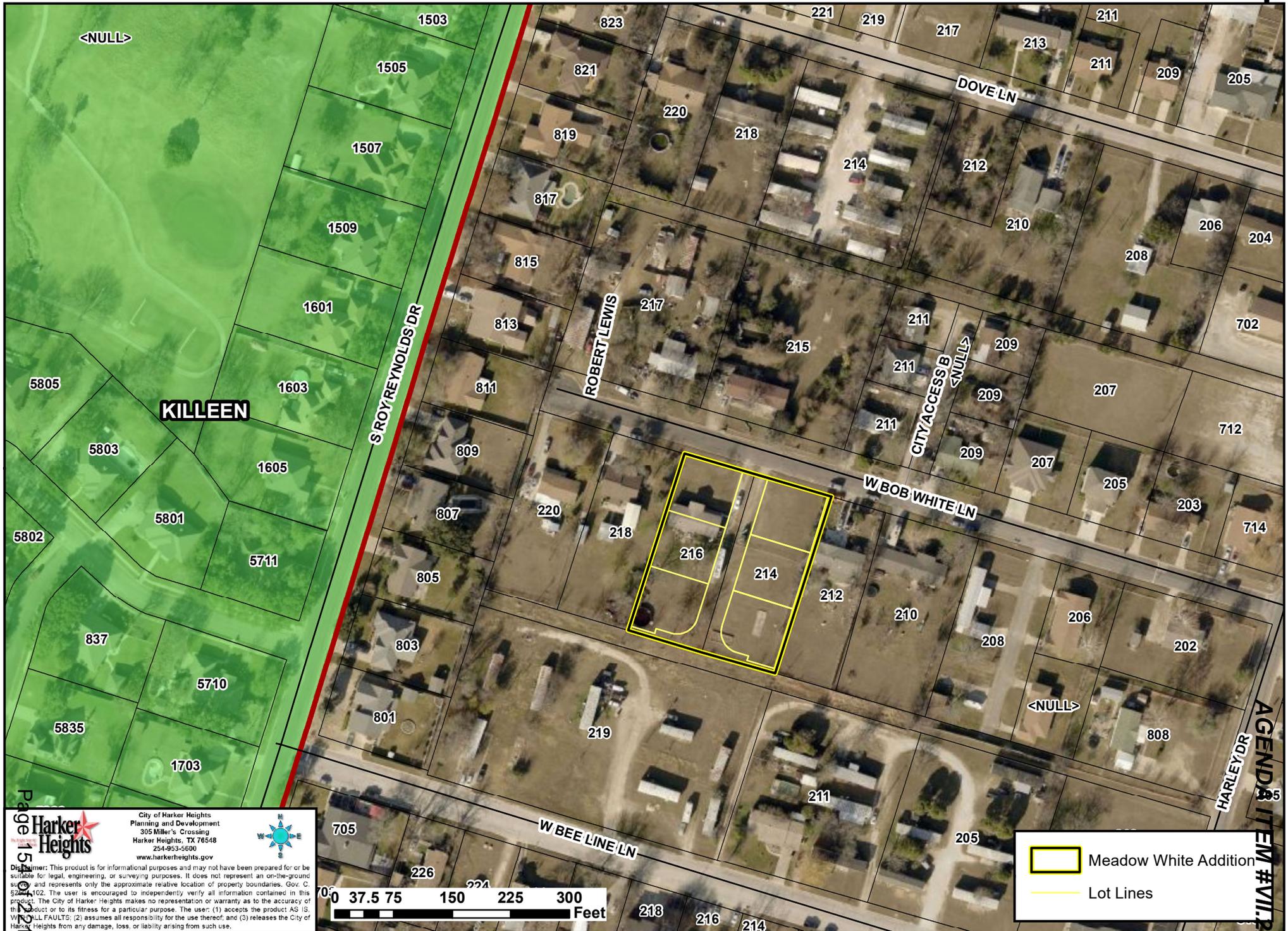
BFF Construction, LLC has engaged Mitchell & Associates for professional services to assist in development of their property located at 214 and 216 W Bobwhite Lane. The owner has determined the most appropriate use of the property is the construction of six compact duplex structures. Based on multiple meetings with staff, it was determined public access, via a publicly dedicated roadway, for each lot was a preferred alternative to the original concept that included a shared drive within a passage easement.

To achieve the preferred layout, we request a waiver of §154.21(C)(1)(h), §154.21(C)(2)(d), §154.37(A)(3), and §154.37(C)(1). These variations from the city standards will allow the proposed lots to achieve the ordinance mandated lot sized for the current zoning, R-2I, without negatively impacting the health, safety, and welfare of the citizens of Harker Heights. The right-of-way is proposed to be 33-feet in width with a 10-foot pedestrian passage easement along each side for a total width of 53-feet, a reduction from the city standard of 60-feet. The road is proposed to be 31-feet from back of curb to back of curb, a reduction from the city standard of 36-feet from back of curb to back of curb. To account for the reduced width, we propose the east side of the road be marked for No Parking. The proposed road termination is a hammerhead instead of the city standard cul-de-sac. The hammer head is proposed to meet or exceed the standards of Section D103 in the 2021 International Fire Code to support emergency vehicle mobility. Limited transient vehicle traffic is anticipated thus limited impact is anticipated.

Regards,



Ace Reneau, P.E.
Mitchell & Associates, Inc.



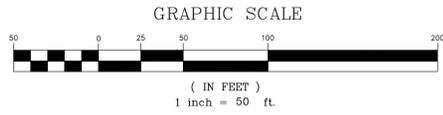
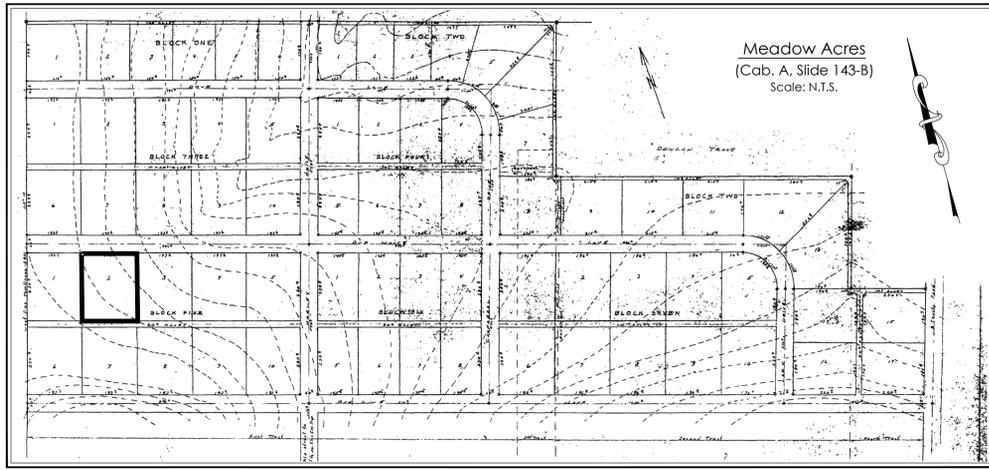
Page 15 of 17

Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-963-6600
 www.harkerheights.gov

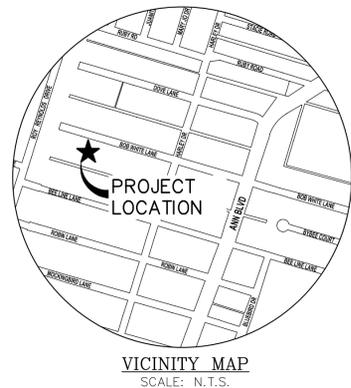
Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §224.102. The user 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.

Meadow White Addition
 Lot Lines

AGENDA ITEM #VII.2



CURVE TABLE						
CURVE	BEARING	CHORD	LENGTH	RADIUS	DELTA	TANGENT
C1	N61°48'38"E	37.88'	41.99'	27.00'	89°06'09"	26.58'
C2	S28°11'22"E	38.48'	42.83'	27.00'	90°53'51"	27.43'



MEADOW WHITE ADDITION

KNOW ALL MEN BY THESE PRESENTS, that **BFF Construction, LLC, a Texas limited liability company**, whose address is 508 S. Main Street, Copperas Cove, TX 76522, being the sole owner of that certain 1.021 acre tract of land in the City of Harker Heights, Texas, being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that certain tract of land conveyed in a General Warranty Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property, Bell County, Texas, shown and attached hereto and incorporated herein for all purposes, does hereby subdivide the herein described property into lots and blocks, according to the plat hereof, to be known as **MEADOW WHITE ADDITION**, to the City of Harker Heights, Bell County, Texas, as shown by the plat hereof, attached hereto, and made part hereof, and approved by the City of Harker Heights, Bell County, Texas, and for the purpose of selling lots and blocks of land with reference thereto and for the property development of said land by its owners and for all other purposes; and do hereby dedicate to the City of Harker Heights, all right of way, as shown on said plat, to be used as public thoroughfares and public utilities when and as authorized by the City of Harker Heights, Texas.

The utility and drainage easements shown on said plat are dedicated to the **City of Harker Heights** for installation and maintenance of any and all public utilities, which the **city** may elect to install and maintain or permit to be installed or maintained.

WITNESS the execution hereof, on this ____ day of _____, 20__.

For: **BFF Construction, LLC, a Texas limited liability company**

CHARLES AMUNDSON

Before me, the undersigned authority, on this day personally appeared **Charles Amundson** known to me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that **he** executed the foregoing instrument as the owner of the property described hereon.

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires: _____

APPROVED this the ____ day of _____, 20__ by the Planning and Zoning Commission of the City of Harker Heights, Bell County, Texas.

Chairperson, Planning and Zoning Commission

Secretary, Planning and Zoning Commission

APPROVED this the ____ day of _____, 20__ by the City Council of the City of Harker Heights, Bell County, Texas.

Mayor, City of Harker Heights

City Secretary

APPROVED this the ____ day of _____, 20__ by the Director of Planning and Development of the City of Harker Heights, Bell County, Texas.

Director of Planning and Development

KNOW ALL MEN BY THESE PRESENTS,

That I, Mike W. Kriegel, Registered Professional Land Surveyor, do hereby certify that I did prepare this plat from an actual and accurate survey of the land, that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the Subdivision and Property Development Regulations of the **City of Harker Heights, Texas**, and this subdivision is within the **City Limits** of Harker Heights, Texas.



Mike W. Kriegel
Registered Professional
Land Surveyor, No. 4330

AFFIDAVIT:
The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.
Dated this the ____ day of _____, 20__ A. D.
By: _____
Bell County Tax Appraisal District

FILED FOR RECORD this ____ day of _____, 20__.
Plat Records of Bell County, Texas, and Dedication Instrument # _____
Official Records of Real Property, Bell County, Texas

No.	DATE	REMARKS	BY
1	8/18/2022	CITY OF HARKER HEIGHTS COMMENTS	FRB
			BY

MEADOW WHITE ADDITION
BEING A REPLAT OF ALL OF LOT 2, BLOCK 5, MEADOW ACRES
HARKER HEIGHTS, BELL COUNTY, TEXAS
PRELIMINARY PLAT

PROPERTY OWNER:
BFF Construction LLC
508 S Main St.
Copperas Cove, TX
76522

SUBDIVISION ENGINEER:
BFF Construction LLC
Associate Inc.
P.O. Box 088
Killeen, TX
76541

DELEGATE:
BFF Construction LLC
Associate Inc.
P.O. Box 088
Killeen, TX
76541

MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141
TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241
T. E. L. S. FIRM REGISTRATION NO. 102004-00

DWG No.: 22-039-D-5
DRAWN BY: FRB
DATE: AUG. 2022
SCALE: AS SHOWN
FB/LB: ---
6 LOTS
1 BLOCK
AREA: 1.021 Ac.

MEADOW WHITE ADDITION
1.021 ACRE

FIELD NOTES for a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warranty Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.), said 1.021 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the south right-of-way line of W. Bob White Lane, also being at the northeast corner of that certain tract of land conveyed to Eberta P. Cardoza, being described of record in Volume 2483, Page 678, O.P.R.R.P.B.C.T., and at the northwest corner of said BFF Construction tract, for the northwest corner of this tract;

THENCE S. 73° 36' 11" E., 193.43 feet, continuing along said south right-of-way line of W. Bob White Lane and with the north line of said BFF Construction tract, to a 1/2" iron rod found at the northwest corner of that certain tract of land conveyed to Pamela Flohr, being described of record under Instrument No. 2022021117, O.P.R.R.P.B.C.T., and at the northeast corner of said BFF Construction tract, for the northeast corner of this tract;

THENCE S. 17° 19' 04" W., 230.10 feet, departing the south right-of-way line of said W. Bob White Lane, with the west line of said Flohr tract, and the east line of said BFF Construction tract, to a 1/2" iron rod found on the north margin of a 20-foot alley, said Meadow Acres, same being at the southwest corner of said Flohr tract, and the southeast corner of said BFF Construction tract, for the southeast corner of this tract;

THENCE N. 73° 38' 17" W., 192.96 feet, continuing along the north margin of said 20' alley way and with the south line of said BFF Construction tract, to a 1/2" iron rod found on the north margin of a 20-foot alley, said Meadow Acres, same being at the southwest corner of said Cardoza tract, and the southwest corner of said BFF Construction tract, for the southwest corner of this tract;

THENCE N. 17° 12' 02" E., 230.22 feet, departing the said north margin of 20' alley way and with the west line of said BFF Construction tract, to the **POINT OF BEGINNING** and containing a 1.021 acre tract of land.

The bearings for the above description are grid bearings based on the Texas Coordinate System, Central Zone (NAD 83), as determined by Leica Texas SmartNet GPS observations.

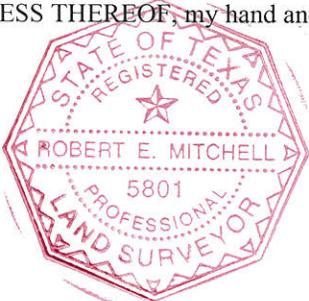
See accompanying drawing.

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS, that I, Robert E. Mitchell, Registered Professional Land Surveyor, do hereby certify that the above described tract was surveyed on the ground and that this description is true and correct to the best of my knowledge and belief.

COUNTY OF BELL

IN WITNESS THEREOF, my hand and seal this the 3rd of August, 2022



Robert E. Mitchell
Robert E. Mitchell
Registered Professional
Land Surveyor, No. 5801

S:\SUBDIVISIONS\22-039-D-S (216 W Bob White - Meadow White Addition - Concept Plan - HH)\Survey\Field Notes\Meadow White Addition (1.021 Acre).doc
Mitchell & Associates, Inc., 102 N. College St. Killeen, Texas 76541 (254)-634-5541

DEDICATION

STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

That **BFF Construction, LLC, a Texas limited liability company**, being the sole owner of that certain 1.021 acre tract of land in the City of Harker Heights, Texas, being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that certain tract of land conveyed in a General Warranty Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property, Bell County, Texas, shown and attached hereto and incorporated herein for all purposes, does hereby subdivide the herein described property into lots and blocks, according to the plat hereof, to be known as **MEADOW WHITE ADDITION**, to the City of Harker Heights, Bell County, Texas, as shown by the plat hereof, attached hereto, and made apart hereof, and approved by the City of Harker Heights, Bell County, Texas, and **BFF Construction, LLC, a Texas limited liability company**, does hereby adopt said **MEADOW WHITE ADDITION** as an addition to the City of Harker Heights, Bell County, Texas, and for the purpose of selling lots and blocks of land with reference thereto and for the property development of said land by its owners and for all other purposes; and do hereby dedicate to **the City of Harker Heights**, all streets, avenues, roads, drives, alleys and associated potable water, sanitary sewer, and storm sewer systems as shown on said plat, and final construction drawings the same to be used as public thoroughfares and public utilities when and as authorized by **the City of Harker Heights**, Texas.

The utility and drainage easements shown on said plat are dedicated to **the City of Harker Heights** for installation and maintenance of any and all public utilities, which the **city** may elect to install and maintain or permit to be installed or maintained.

W I T N E S S the execution hereof, on this _____ day of _____, 2022.

For: BFF Construction, LLC, a Texas limited liability company

CHARLES AMUNDSON

Before me, the undersigned authority, on this day personally appeared **Charles Amundson** known to me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that **he** executed the foregoing instrument as the owner of the property described hereon.

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires: _____

MEADOW WHITE ADDITION – PRELIMINARY

P22-22 Preliminary Plat – Meadow White Addition

Plat Distributed to Reviewers: 08/05/2022

Comments sent to Engineer: 8/15/2022

Response: 8/19/2022

Planning & Development

1. ~~Per §154.21(C)(1), please provide copy of deed as referenced in dedication statement on face of plat since the property owner per Bell CAD on 8/5/2022 indicates the owner to be Pamela Flohr. Current property deed has been provided. Comment met 8/19/2022~~
2. ~~Per §154.21(C)(1), provide LLC documentation indicating who is an authorized agent allowed to sign for BFF Construction, LLC. A corporate resolution is being submitted. Comment met 8/19/2022~~
3. ~~Per §154.21(C)(1)(k), annotate owner information for Meadow Acres, Part of Lot 1 Block 5 (western most lot on South side of W. Bob White Lane). Annotation has been provided. Comment met 8/19/2022~~
4. ~~Per §154.21(C)(1), indicate the size/dimensions of the street/hammerhead to be constructed as part of this subdivision that will be located within the existing 20' public alley. Dimensions of the hammerhead have been provided. Comment met 8/19/2022~~
5. ~~Per §154.21(C)(1)(d), on the Utility plan sheet clarify (annotate/label/linetypes) the line work on the lots (ie. on Lots 1 & 2 there appears to be a building footprint on the lots that crosses the lot lines). If the intent is to have one uniform pour between the lots for the driveways then an agreement between lots for maintenance and use may be necessary. Building footprint shown between lots 1 & 2, block 2, is existing and based on City of Harker Heights topographic information by Williams Stackhouse, Inc. Building will be removed. Comment met 8/19/2022~~

Public Works, Mark Hyde

1. Per §154.21(C)(1)(h), §154.21(C)(2)(d), §154.37(A)(3), and §154.37(C)(1), residential streets are required to have 36' BC/BC streets within a 60' Right-of-Way (ROW) and end in a cul-de-sac. Per §154.60, the applicant must submit a formal request for a waiver with justification for reduced street width (31' BC/BC), reduced Right-of-Way width (33' ROW with 15' PEs), and termination in a hammerhead in lieu of a cul-de-sac.
Comment pending as of 8/26/2022; Request for waiver from design standards provided for review.
2. Construction Plans Advisory Note: The flush assembly can be installed in the pavement as shown on the plat. A 2-inch water line must be installed from the flush assembly past the edge of the pavement for an automatic flush box installation. Please see the attached drawing. Once we know the desired location of the automatic flush box, an additional drainage easement may

be required.

Noted. Comment Pending as of 08/26/2022. Formal construction plans review will determine location of flush box and potential required drainage easement.

City Engineer, Otto Wiederhold

1. No comments at this time.

Fire Marshal, Brad Alley

1. ~~Per §154.21(C)(2)(b) and §154.36(F)(3), provide a hydrant at intersection of White Meadow Lane and Bob White such that spacing requirements are met.~~

~~A fire hydrant has been proposed. Comment met 8/19/2022~~

ONCOR, Steven Huggins

1. As of 8/15/22, no comments have been received and may be forthcoming.

Century Link, Chris McGuire

1. As of 8/15/22, no comments have been received and may be forthcoming.

Time Warner Cable/Spectrum, Shaun Whitehead

1. As of 8/15/22, no comments have been received and may be forthcoming.

ATMOS, Rusty Fischer

1. As of 8/15/22, no comments have been received and may be forthcoming.

Clearwater UWCD, Dirk Aaron

1. As of 8/15/22, no comments have been received and may be forthcoming.

§ 154.21 PRELIMINARY PLAT.

(A) *General.* The preliminary plat and preliminary engineering drawings shall show all proposed phases of development of an area of land under the same ownership. Approval or conditional approval of the concept plan (if required), the preliminary plat and preliminary engineering drawings is required by the Planning and Zoning Commission and City Council prior to consideration of the final plat and final engineering drawings by the Director of Planning and Development. Preliminary plats and preliminary engineering drawings shall be deemed approved if no action is taken by the Planning and Zoning Commission within 30 days of submittal, and if no action is taken by the City Council within 30 days of Planning and Zoning Commission approval.

(B) *Changes to preliminary plat.* An approved preliminary plat and/or preliminary engineering drawings is binding and must be complied with; however, it may be amended at the request of the developer, or required by the city per this section. Substantial amendments or changes to an approved preliminary plat or preliminary engineering drawings must be reviewed and approved by the Planning and Zoning Commission as well as by the City Council. Minor amendments may be approved by the Planning and Development Director. Minor amendments are those that:

- (1) Increase by 10% or less the number of lots or potential structures that can be accommodated by the infrastructure;
- (2) Reduce the number of lots; and
- (3) Any proposed change in infrastructure is considered a major amendment, unless deemed by the Public Works Director as a minor amendment.

(C) *Form and content.* A complete submission for approval shall contain ten paper copies of the plat and seven paper copies of the engineering drawings. Failure to submit the plat and engineering drawings together in the quantities as stated herein at the time of submission shall be deemed an incomplete submission. The submission shall not be considered complete until all required documents (plat and engineering documents) in their respective quantities as stated herein are submitted.

(1) *Preliminary plat.* The preliminary plat shall be prepared and sealed by a Texas Licensed Professional Engineer or Texas Registered Professional Land Surveyor and plotted on 22 inch by 34 inch sheets at a scale of one inch to 100 feet or larger. The plat shall conform to the general requirements and minimum standards of design and requirements, and shall include the following elements as applicable:

(a) A cover sheet is required for all plats involving three or more sheets. All plan sheet numbers shall be placed on the cover along with the corresponding plan sheet titles. This cover sheet should include a listing of all plan sheet numbers and plan sheet titles in the engineering drawings as well. A vicinity map should always be included on the cover sheet to show the project location;

(b) Title block including proposed subdivision name, phase, block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the plat;

(c) Index sheet for plats with more than one sheet that shows the entire subdivision drawn to a scale of not less than one inch equals 100 feet;

(d) Legal description, existing boundary, lot lines and right-of-way lines of streets and easements with accurate dimensions, bearings, deflection angles, radii and central angles of all curves;

(e) Phasing plan if subdivision is to be constructed in phases;

(f) Lot lines shall have line dimensions clearly displayed within the lot along with the lot's respective lot number. Groups of lots that are considered within a block shall have the block number clearly displayed;

(g) All right-of-way lines and easements shall be clearly displayed on the plat. The plat shall clearly display the location, size and purpose of all existing and proposed easements on or adjoining the property;

(h) Location of existing and proposed streets, alleys, bikeways and sidewalks on or adjoining the site. Such information shall include name, right-of-way widths, type and width of surfacing. All private streets shall be clearly labeled;

(i) Any areas reserved or dedicated for public uses;

(j) Easements and street stub-outs necessary to serve adjacent properties;

(k) Adjacent property information including present ownership, legal descriptions (recorded volume and page) and property lines within 100 feet;

(l) Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data shall be referred. The plat shall be located with respect to a corner of the surveyor tract, or an original corner of the original survey of which it is a part. Temporary benchmarks and NGS datum shall be described on each sheet;

(m) Scale, basis of bearing and benchmarks (datum) and description shall all be clearly displayed on the plat; and

(n) A north arrow is required on all sheets and should be oriented either upward or to the right. It is the intent of this requirement that all stationing should start from cardinal points of the compass and proceed in the direction of construction.

(2) *Preliminary engineering drawings.* Preliminary engineering drawings shall be prepared and sealed by a Texas Licensed Professional Engineer and plotted on 22 inch by 34 inch sheets at a scale of one inch to 100 feet or larger. The preliminary engineering drawings shall match the features found on the preliminary plat and they shall conform to the general requirements and minimum standards of design and requirements in accordance with the most current edition of the *Standard Specifications for Public Works Construction, North Central Texas* adopted by the city, and shall include the following elements as applicable:

(a) Title block including proposed subdivision name, phase(s), block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the preliminary engineering drawings;

(b) Water layout plan view to include rough locations of service connections, pipe diameters, valves, hydrants and flush assemblies;

(c) Sanitary sewer layout plan to include rough locations of service connections, pipe diameters, cleanouts and manholes;

(d) Street and sidewalk layout plan view; and

(e) Storm water drainage layout plan (drainage calculations are only necessary on major drainage structures at this step).

(D) *Processing preliminary plat.*

(1) Submission of preliminary plat application along with all items required in § 154.20 (B)(3)(a).

(2) The preliminary plat and preliminary engineering drawings shall be reviewed by the Planning and Development Department for conformity with the city's plans, thoroughfare plan, utility master plan, engineering standards and specifications, city ordinances and other applicable city standards. Upon completion of this review, the preliminary plat and preliminary engineering drawings shall be submitted to the Planning and Zoning Commission.

(3) The Planning and Zoning Commission shall review the preliminary plat, preliminary engineering drawings and all staff's recommendations. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement, water and sewer lines, drainage, the further development of adjoining lands and the requirements of city ordinances, policies and plans.

(4) The Planning and Zoning Commission shall act on the preliminary plat and preliminary engineering drawings and may advise the developer of any specific changes or additions they will require in the layout, or comment on the character and extent of improvements and dedications that will be required prior to infrastructure construction and as a prerequisite to the approval of the final plat and final engineering drawings.

(5) The Planning and Zoning Commission shall forward the preliminary plat and preliminary engineering drawings with their approval to the City Council for their consideration. The Planning and Development Director shall inform the developer in writing of the decision of the Planning and Zoning Commission and City Council including any conditions for approval or reasons for disapproval. If disapproved by the Planning and Zoning Commission or the City Council, the applicant may resubmit a preliminary plat and preliminary engineering drawings addressing the concerns of the Planning and Zoning Commission and the City Council for reconsideration.

(6) A preliminary plat and preliminary engineering drawings shall expire 24 months after approval unless:

(a) An extension is applied for and granted by the Director of Planning and Development if the city's regulations and requirements have not changed;

(b) Final plat submittal, on at least one phase, occurs within 24 months following the initial approval; or

(c) Preliminary plats and preliminary engineering drawings will also expire if there is a more than a 24 month period of time between approval and submittal of any phase of the preliminary plat.

(7) Submittal shall be 28 days prior to the scheduled Planning and Zoning Commission meeting. The plat and engineering drawings shall be presented to the Council within 30 days of action being taken by the Planning and Zoning Commission for their consideration. The plat and engineering drawings shall be considered approved if the Council does not act on it within 30 days after the Planning and Zoning Commission has acted on it.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2012-21, passed 10-9-12; Am. Ord. 2014-25, passed 10-28-14)

§ 154.35 DESIGN STANDARDS WITHIN CITY LIMITS.

No plat shall be approved and no improvements shall be accepted by the city unless they conform to or exceed the following standards and specifications and all other applicable standards unless an exception/variance is granted.

(A) *Conformity with zoning.* Parcels must be consistent with zoning standards of the zoning district the parcels are located in.

(B) *Conformity with land use plan.* The subdivision shall conform to the plans of the city and any parts, amendments and/or supplements thereto.

(C) *Conformity with design and construction standards for streets, sidewalks, drainage, water and sanitary sewer construction.* All construction of infrastructure improvements shall be in accordance with the city's design guidelines, utility master plans and engineering standards and specifications.

(D) *Certain detailed standards and specifications not covered herein.* In circumstances where public health and safety issues are identified, city staff shall specify additional requirements for a requested subdivision that are not covered within this chapter. No such requirements shall conflict with this or any other ordinances of the city.

(E) *Reserve strips.* There shall be no reserve strips of property that create unusable tracts added properties, and/or other non-conformities.

(F) *Provision for future re-subdivision.* If a tract is subdivided into parcels larger than ordinary building lot sizes, such parcels shall be arranged so as to allow for the opening of future streets and future subdivisions.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2014-25, passed 10-28-14)

§ 154.36 PUBLIC INFRASTRUCTURE IMPROVEMENTS.

(A) *Development costs.* The developer/property owner shall install, at his or her own expense, all water lines, streets, sidewalks, sewer lines, storm sewer lines, drainage facilities and structures within the subdivision, in accordance with city standards governing the same, including all engineering costs covering design, layout and construction.

(B) *Development mains.* Developers shall pay the actual cost of water and sewer main extensions, water towers and associated facilities and equipment, force mains and lift stations required to serve their development area including costs of right-of-way and easements acquisition. Required facilities shall be extended to the edge of adjacent land along street sides or as determined by the city.

(C) *Street over-sizing.* Where street over-sizing in excess of 42 feet in width is required by the city, the city shall reimburse the actual and reasonable cost directly attributable to such over-sizing (including the cost of additional pavement, additional subgrade and additional cross-drainage costs) as herein provided.

(1) *Reimbursement request.* In order to initiate a reimbursement request, the owner must establish a per linear foot oversize cost for the reimbursable public improvements. Requests for the reimbursement to the owner shall include owner's name and mailing address. The requests must include as built drawings showing the reimbursable items with quantities and unit costs, and other supporting or explanatory documentation. The cost for over-sizing shall be mutually agreed upon by the city and the developer.

(2) *Over-sizing requirements.* Upon acceptance of the infrastructure by the city, refunds for approved over-sizing shall be scheduled as of the next year's capital improvements program, unless funds are available earlier. If payment is not made within 60 days after acceptance by the city, interest will accrue at an agreed upon rate between the developer and the city.

(3) *Exceptions.* The City Council may modify the requirements of this section and may elect to participate in the cost of such developments if it finds that the circumstances taken as a whole would make it inappropriate to require the subdivider to comply with this section, or any portion thereof, and such modification or participation would accomplish a legitimate public purpose which would benefit the city. Each request by a subdivider pursuant to this section shall be considered separately in accordance with such criteria as may be defined by the City Council, and the approval of any such request shall be accompanied by such conditions as may be necessary to ensure that a legitimate public purpose beneficial to the city is accomplished. Nothing in this section is intended to authorize the use of public funds or credit for a private purpose.

(D) *Inadequate or substandard streets.* Inadequate or substandard existing streets shall be upgraded to city standards by the developer, including dedication of additional right-of-way if necessary. If development is on one side of such a street, the developer shall dedicate additional right-of-way if necessary, upgrade the street pavement and associated infrastructure on the side that is being platted. Sidewalks shall be constructed or upgraded (if needed) to city standards by the builder/owner prior to the issuance of a certificate of occupancy.

(E) *Inspection.* All infrastructure improvements shall meet or exceed city design criteria and specifications to include being in accordance with the Third Edition (or more current edition) of the *Standard Specifications for Public Works Construction, North Central Texas*. The city will inspect the construction work as it progresses and will make final inspection to assure compliance with city standards. Upon acceptance by the city, all infrastructure improvements constructed for subdivision within the city limits shall become the property of the city unless otherwise noted on the plat.

(F) *Water and wastewater service.* All subdivisions shall provide water distribution and wastewater collection systems that are approved by the city. Design should be consistent with the city standards of construction, engineering standards and specifications and the utility master plans.

(1) *Water connection.* All subdivisions shall connect with the publicly owned water distribution and wastewater collection systems unless a waiver is approved by the city. If the waiver is approved, the developer must submit evidence of conformance with TCEQ, Bell County Health Department, and the city fire flow requirements.

(2) *Extending water distribution.* The developer shall extend water distribution and wastewater collection lines from the nearest city-approved point of connection to the furthest boundary line of the platted subdivision along the right-of-way line or within an abutting dedicated easement specified for the exclusive use of the particular utility. These municipal utilities shall not be located in combination easements without the specific approval of the Public Works Director. This is required in order to provide a point of connection for adjacent properties not having access to such services. Where the developer is not required to extend utilities to adjacent property, an easement shall be required to accommodate future development on adjacent property.

(3) *Fire hydrants.* Fire hydrants shall be installed pursuant to the most currently amended and adopted edition of the International Fire Code. In areas not served by the city, the developer must perform a fire flow test on the system with the city staff as witnesses to assure adequate fire protection is provided.

(4) *Underground conduits.* Underground conduits shall be of sufficient size, as determined by generally accepted and good engineering principals, to accommodate and/or deliver current and anticipated future loads and/or flows and pressures, as the case may be, but in no case less than that specified below for each particular application.

(5) *Water mains.* In no case shall any water main be less than six inches in residential areas and eight inches in nonresidential areas. Water mains shall be sized as shown on the master water plan; in the absence of such a plan, or when the plan does not indicate requirements for a water main in the same location as the proposed water main, the water main shall be designed and sized to deliver the following pressures/flows.

(a) At each building service, the minimum pressure set forth by the Texas Commission on Environmental Quality, Water Supply Division.

(b) Private service lines shall be defined as the service line extending from water system meter to an individual customer. Public service lines shall be defined as the line extending from a water main to a single meter. **BULLHEADS** shall be defined as a public service line with branches to serve two or more customers.

(c) Public service lines will become the property of the city when completed and will be maintained by the developer/builder at his or her expense until accepted by the city. Public service lines will not be less than three-quarter inch or larger than two inches in diameter. Bullheads shall be no less than one inch in diameter. All public service lines shall be sized to deliver the pressures required by the Texas Commission on Environmental Quality. In no case will public service lines exceed 150 feet in length without prior approval of the Public Works Department.

(d) If an existing water main is within 300 feet of the boundary of any lot or tract of land proposed for development and/or improvement through the erection of buildings, then the water main shall be extended to the lot or tract in question. From the point of connection with the existing main, the water main shall be installed in accordance with all applicable regulations.

(6) *Sewer lines.* If an existing sewer main is within 300 feet of the boundary of any lot or tract of land proposed for development and/or improvement through the erection of buildings, then the sewer main shall be extended, in accordance with all applicable regulations, to the lot or tract in question.

(7) *Service line.* Whenever a water or sewer main is required to be extended to a lot or tract, an appropriate service line (tap) shall be extended to serve the lot or tract, and buildings located thereon shall be connected thereto whether they are pre-existing or are subsequently erected. The provisions of divisions (F)(1) and (2) above and any other ordinance notwithstanding, any subdivision or re-subdivision of a lot or tract of land shall be required to provide water and/or sewer service to the subdivision or re-subdivision, regardless of whether a subdivision plat is required to be prepared and approved by the city.

(8) *Extending requirements.* All utilities shall be required to extend across the full width of the development lot (defined by plat or lot of record) in such an alignment that it can be extended to the next property. Properties already served by water and sewer shall not be required to install additional facilities unless the current lines are not of adequate capacity to serve the proposed development in which case the developer will be required to install adequate facilities. Once a utility meter is installed, movement required due to changes in grade/landscape will be the responsibility of the developer/builder.

(9) *Other utilities.* All other utilities (i.e. electric, gas, communications and cable TV) shall be located in perimeter lot easements. These utilities shall not be located in a public right-of-way or a specified easement, prohibiting its use, without the approval of the Public Works Director.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2014-25, passed 10-28-14; Am. Ord. 2020-12, passed 4-28-20)

§ 154.37 STREETS.

(A) Street layout.

(1) *Thoroughfare plan.* Proposed streets must be in conformance with the city thoroughfare plan. All arterial and collector street locations, alignments, right-of-way widths, pavement widths and cross-sections shall be in accordance with the adopted plans and standards. Streets that are not on the thoroughfare plan and are proposed to collect traffic from residential streets shall be designed and constructed as collectors.

(2) *Consistency with existing streets.* The arrangement, character, extent, width, grade and location of each proposed street shall be consistent with streets in the immediate area. However, new streets must meet the minimum current standards. Consideration shall be made for topographical conditions, public safety, convenience and the proposed use of land to be served by such streets.

(3) *Entrances to subdivisions.* In no case shall platted lots have their sole access through an adjacent jurisdiction. As a rule, new subdivisions must have at least two access streets. Entrances shall be 42 feet wide with a 70-foot right-of-way for a minimum distance of 100 feet from the

intersection. A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family structures. In addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:

- (a) Traffic circulation and emergency vehicle access;
- (b) Traffic and pedestrian safety with due consideration given to school bus routes; and
- (c) Topography and visibility distances.

(4) *Residential streets.* Internal local streets shall be laid out so as to discourage then-use by through traffic when possible.

(5) *Secondary access streets.* Where a subdivision has frontage on an arterial street, the city may require a secondary access street to facilitate the sharing of curb cuts and/or to separate access to lots from through traffic.

(6) *Projection of streets.* Where adjoining areas are not subdivided, the developer shall design and construct abutting short stub-outs or temporary turnarounds for the projection of streets at proper block intervals into such unsubdivided areas.

(7) *Inadequate or substandard streets.* Inadequate or substandard existing streets and other infrastructure shall be upgraded to city standards by the developer, including dedication of an additional right-of-way if necessary. If development is on one side of such a street, the developer shall dedicate an additional right-of-way if necessary, upgrade the street pavement and associated infrastructure on the side that is being platted. Sidewalks shall be constructed or upgraded (if needed) to city standards by the builder/owner prior to the issuance of a certificate of occupancy.

(B) *Street design standards.*

(1) *Street design.* Street design shall be in accordance with the city's standards and specifications.

(2) *Curbs and gutters.* The developer shall install curbs and gutters on all new streets except as provided in § 154.45, unless required in special situations determined by the city.

(3) *Curb cuts.* Restrictions to location, design, size and/or number of curb cuts are as required in the Zoning Code.

(4) *Pavement standards.* Streets shall be paved in accordance with city standards. The city may require increased right-of-way or pavement widths if traffic impacts of the proposed development or conditions in the area merit such changes.

(C) *Street classification.* All streets within the city shall be located and constructed as shown on the thoroughfare plan and, where not otherwise shown thereon, shall be designed as follows.

(1) *Residential streets.* Residential streets shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots. They carry low traffic volumes. Where entrances to subdivisions are not part of a collector street, they shall be 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection.

(2) *Minor collectors.* Minor collectors shall be 42 feet wide, with a minimum of 70 feet of right-of-way. These are streets generally located within subdivisions or between subdivisions to collect traffic from minor (residential) streets and to channel this traffic to the major collectors. Residential lots may front on these streets.

(3) *Major collectors.* Major collectors shall be 48 feet wide with a minimum of 80 feet of right-of-way. These streets are generally located along borders of neighborhoods and within commercial areas to collect traffic from residential areas and to channel this traffic to the arterial system. These are limited access roads on which no residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

(4) *Arterials.* Arterials shall be between 60 and 80 feet wide, depending on the needs and the design as determined by the city. The right-of-way shall be between 90 and 120 feet, depending on the design requirements as determined by the city. These are high volume streets with five or more lanes. These are limited access roads on which no residential lots may front.

(D) *Miscellaneous street requirements.*

(1) *Property abutting arterials.* Where a subdivision abuts or contains an existing or proposed arterial, the Planning and Zoning Commission may require access streets, reverse frontage with a screening buffer containing a non-access easement along the rear property line, deep lots with rear service alleys or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(2) *Property abutting railroads.* Where a subdivision abuts or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on the side of such right-of-way.

(3) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is dedicated to the city, under conditions approved by the Planning and Zoning Commission.

(4) *Street jogs.* Street jogs with centerline off-sets of less than 125 feet shall be avoided.

(5) *Street intersections.* Streets shall be laid out so as to intersect at right angles, or as nearly as possible to 90 degrees. Six foot concrete valley gutters are required at street intersections where cross drainage will occur.

(6) *Non-cul-de-sac designed dead-end streets.* Dead-end streets shall be prohibited except for short stub-outs for future roadway extensions. Short stub-out streets may require special terminus treatments for drainage concerns and street integrity. Temporary turnarounds are required if they exceed 150 feet in length.

(7) *Cul-des-sac design.* For subdivisions with lots of less than one acre, cul-de-sac streets shall not exceed 800 feet in length (as measured from the right-of-way line of the intersecting roadway to the center of the turnaround). For single-family subdivisions with lots greater than one acre, the length may not exceed 1,200 feet. All cul-de-sacs shall be provided at the closed end with a turnaround having a minimum radius of 38 feet back of curb to back of curb with a 50 foot right-of-way required.

(8) *Street names.* No street names shall be used which will duplicate or be confused with names of existing streets. Street extensions shall use the existing street names. Street names shall be subject to the approval of the Planning and Zoning Commission.

(9) *Street signs.* The city, at the developer's expense, shall install all street signs. The developer shall be charged for the cost of materials only.

(E) *Alleys.*

(1) Alleys shall generally be parallel to the street.

(2) Alley intersections and sharp changes in alignment shall be avoided. Where two alleys intersect, or where an alley turns, additional width may be required to allow for the turning of vehicles or guying of utility poles.

(3) Easements may be required on either side of the alley or alleys for utility placement.

(4) The width of an alley shall not be less than 20 feet.

(5) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the terminus, as determined by the Planning and Zoning Commission.

(6) Alleys shall paved in the same manner as streets.

(F) *Construction standards.*

(1) *Design.* Pavement section design shall be accomplished by a professional engineer and shall be based upon a geo-technical analysis performed by a qualified geo-technical professional. All construction shall conform to Appendix A, Tables I through IV and the following adopted regulations where applicable: § 50.02, Chapter 50 of this Code of Ordinances, adoption of "Standard Specifications for Public Works Construction".

(2) *Street surfaces.* All street wearing surfaces shall consist of concrete or hot mixed asphaltic concrete (HMAC) laid over a base course of crushed stone which has been designed, and compacted in accordance with city standards and requirements.

(3) *Curb and gutter.* All curb and gutter, integral curbs, valley gutters, driveway approaches, drainage structures and the like shall be constructed of Class "A" (3,600 PSI) Portland Cement Concrete per city standards.

(Ord. 2010-08, passed 3-9-10)

§ 154.40 SIDEWALKS.

(A) In developments in which the original application for approval is filed after the effective date hereof, the developer/property owner shall construct sidewalks on both sides of all streets, private access drives, passage easements and other circulation routes. Sidewalks shall be installed by the developer at the time of development, and owners of lots that remain undeveloped must construct sidewalks within two years after the date of approval of the final plat. Sidewalks must be constructed and accepted by the city prior to the issuance of a certificate of occupancy.

(B) Sidewalks shall be constructed one foot from the property line in the rights-of-way adjacent to their lots, whether on the front, side, or rear of the lots, with a minimum six foot buffer strip behind the back of the curb or edge of pavement. Sidewalks shall be properly connected with existing sidewalks and constructed according to city standards. Streets designated by the Thoroughfare Plan for use as a collector or larger shall require a minimum six foot wide sidewalk. All other sidewalks shall be a minimum of five feet in width.

(C) The appearance of a sidewalk (scoring pattern or special paving) shall be maintained across commercial driveways and alley access points, and crosswalks shall be marked at all legs of the intersection. Obstructions such as, but not limited to, fire hydrants, telephone poles, and street signs, shall not be located within a sidewalk, unless written approval of such is obtained from the Director of Public Works.

(D) Sidewalks constructed to the requirements in this section shall include a standard sidewalk pedestrian ramp whenever a curb return or other structure may present an architectural barrier to handicapped access within a pedestrian path or at street/sidewalk intersections constructed in accordance with ADA requirements.

(E) An alternative sidewalk design may be approved in writing by the Director of Public Works where there are unusual and practical difficulties in carrying out the provisions set forth by this code, provided the alternate design will not adversely affect any adjoining property or the general public.

(F) Exemptions. Division (A) of this section shall not apply to:

- (1) Large-lot residential subdivisions, where lots are one acre or larger in size;
- (2) Cul-de-sacs with a throat length of one lot or fewer; or
- (3) Improvements to existing developments on streets not identified in the sidewalk network, where the majority of the developed portions of the street do not have sidewalks present.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2014-25, passed 10-28-14; Am. Ord. 2017-11, passed 6-13-17)

§ 154.42 EASEMENTS.

(A) Easements across lots or centered on rear or side lots lines shall be provided for utilities where necessary. Drainage, utility and access easements of adequate size, as determined by the Public Works Director or other designated staff, are required to provide for development of adjacent land.

- (1) The width for all water and sanitary sewer utilities shall be a minimum of 15 feet.
- (2) Where electrical utilities will be installed, these utility easements shall be a minimum of ten feet in width.
- (3) Depending on services required and project design, easement width may be increased.
- (4) Where any public or private utility line is required by the developer to be adjusted in location or elevation, the developer shall cause such changes to be made with the approval of the appropriate city representatives and the developer shall bear all costs of such changes.
- (5) Easements with multiple utilities may require additional width.
- (6) Additional easements may be required for the placement of guy wires.

(B) *Streetlight easements.* Streetlight easements of 15 feet in width shall be provided between interior lots, where electrical service is from the rear.

(C) *Access easements.*

(1) *Vehicular access easements.* Vehicular access easements may be required to facilitate the sharing of curb cuts between adjacent owners of property fronting on collector and/or arterial streets. Vehicular access easements 30 feet wide may also be used, if there is no other way possible, to provide access for properties which do not have direct frontage on public rights-of-way.

(2) *Pedestrian access easements.* Pedestrian easements may be required where deemed necessary by the Planning and Zoning Commission or City Council to provide pedestrian circulation within the subdivision or access to schools, shopping centers, recreation, transportation or other community facilities. Such easements shall be at least 15 feet in width and include a minimum five foot sidewalk.

(Ord. 2010-08, passed 3-9-10)

ADMINISTRATION AND ENFORCEMENT

§ 154.60 WAIVERS.

(A) The Planning and Zoning Commission and the City Council may authorize waivers from design standards. In granting a waiver, the city shall prescribe only conditions that it deems necessary or desirable in the public interest.

(B) In making the findings required under § 154.61, the Planning and Zoning Commission and the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(Ord. 2010-08, passed 3-9-10)

§ 154.61 FINDINGS.

No waiver to the findings set forth by the city shall be granted unless:

(A) There are special circumstances or conditions affecting the land involved use that the strict application of the provision of standards would deprive the applicant of the reasonable use of his or her land;

(B) The waiver is necessary for line preservation and enjoyment of the property;

(C) The granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(D) The granting of the waiver will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of this chapter.

(Ord. 2010-08, passed 3-9-10)

§ 154.62 CONFLICT WITH OTHER PROVISIONS.

(A) *Public provisions.* The regulations are not intended to interfere with, abrogate or annul any rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(B) *Private provisions.* These regulations are not intended to abrogate any private easement, covenant or any other private agreement or restriction; however, where the provisions of these regulations are more restrictive or impose higher standards or regulations than such private easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern.

(Ord. 2010-08, passed 3-9-10)

§ 154.63 ENFORCEMENT OF REGULATIONS.

(A) At the request of the city, the City Attorney, or his or her designated representative, shall institute appropriate action in a court of competent jurisdiction to enforce these regulations.

(B) Any person violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and is punishable by a fine of up to \$2,000 and each day such violation continues shall be considered a separate offense and punishable accordingly.

(C) In the event any provision of this chapter is violated within the area of extraterritorial jurisdiction outside its corporate limits, the city may institute any appropriate action or proceedings in the district court to enjoin the violation.

(Ord. 2010-08, passed 3-9-10)



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

DISCUSS AND CONSIDER APPROVING A FINAL PLAT REFERRED TO AS INDIAN LAND ADDITION, ON PROPERTY DESCRIBED AS BEING A 1.312 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE E. DAWSON SURVEY, ABSTRACT NO. 258 AND THE H.B. LITTLEFIELD SURVEY, ABSTRACT NO. 511, BEING ALL OF LOTS 11-14, BLOCK 23, COMANCHE LAND SECOND LAND, AN ADDITION TO THE CITY OF HARKER HEIGHTS, TEXAS, BEING OF RECORD IN CABINET A, SLIDE 184-A, PLAT RECORDS OF BELL COUNTY, TEXAS (P.R.B.C.T.), AND BEING PART OF THAT CERTAIN TRACT OF LAND CONVEYED IN A DEED RESERVING LIFE ESTATE TO THE MARY JAYRENE HORN REVOCABLE LIVING TRUST DATED JUNE 20, 2005, BEING DESCRIBED OF RECORD IN VOLUME 5762, PAGE 289, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant submitted an application for an amending plat for 1.312 acres of land generally located at the northwest corner of Shoshoni Trail and Indian Trail Drive. Due to outstanding comments at the time of consideration by the Planning & Zoning Commission, this plat was required to be processed as a final plat. This plat provides for the separation of the owner's existing home and amenities from the existing mobile home park. The most recently amended Land Use Plan designates this area for Medium Density Residential use which supports the proposed preliminary plat layout.

The application for this case was originally received on June 29, 2022. After a meeting with staff, the original application was withdrawn by the applicant on July 1, 2022. Staff has since met with the applicant on multiple occasions to discuss this development. The applicant resubmitted the plat application on August 3, 2022. Comments were compiled and submitted to the applicant on August 15, 2022. The applicant provided responses to comments on August 18, 2022, which substantially meet the city's code requirements for final plat approval.

RECOMMENDATION:

Discussion on existing and amended passage and utility easements proved to be challenging due to the unknown locations of private service lines for the existing mobile home park. Staff forwarded the 8/18/22 comment responses to the public utilities. As of 9/6/22 two of the entities had not responded.

Based on review of the code requirements and correspondence with the applicant's engineer regarding passage easements, utility easements, public infrastructure, and public safety, staff recommended approval of a **Final Plat** referred to as Indian Land Addition to the Planning & Zoning Commission with the following condition:

1. All outstanding comments have been addressed per staff recommendation prior to filing of plat with Bell County Public Records.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning and Zoning Commission meeting held on August 31, 2022, the Planning & Zoning Commission voted (9-0) to recommend approval of a Final Plat referred to as Indian Land Addition with the condition as presented by staff and based on staff's recommendations and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve with conditions** a Final Plat referred to as Indian Land Addition, on property described as being a 1.312 acre tract of land in Bell County, Texas, being part of the E. Dawson Survey, Abstract No. 258 and the H.B. Littlefield Survey, Abstract No. 511, being all of Lots 11-14, Block 23, Comanche Land Second Land, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, Plat Records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a Deed Reserving Life Estate to The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being described of record in Volume 5762, Page 289, Official Public Records of Real Property, Bell County, Texas **with the condition as presented by staff, and based on staff's recommendations and findings.**
2. Motion to **approve, or disapprove with explanation** a Final Plat referred to as Indian Land Addition, on property described as being a 1.312 acre tract of land in Bell County, Texas, being part of the E. Dawson Survey, Abstract No. 258 and the H.B. Littlefield Survey, Abstract No. 511, being all of Lots 11-14, Block 23, Comanche Land Second Land, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, Plat Records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a Deed Reserving Life Estate to The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being described of record in Volume 5762, Page 289, Official Public Records of Real Property, Bell County, Texas **based on the discussed recommendations and findings.**
3. Any other action desired.

ATTACHMENTS:

[P22-23-Attachments](#)



Minor/Amending Plat Application AGENDA ITEM #VII.3.

*** Requirements - APPLICATION MUST BE FULLY COMPLETED 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 with Staff to ensure applicability
2. Payment of \$150.00 +\$3.00 per acre
3. Signed & Original Field Notes and Dedication

Property Information:

Plat Name: INDIAN LAND ADDITION Date Submitted: 8/3/2022

Existing Lot Count: 4 Proposed Lot Count: 3 Acreage: 1.312

Site Address or General Location: 2100 Indian Trail, Harker Heights, TX 76548

Reason for Amendment/
Description of Subdivision:

Zoning Classification: R1 Existing Land Use: Residential

Located in Overlay District?: Yes No

Owner Information/Authorization:

Property Owner: The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005

Address: 2100 Indian Trail, Harker Heights, TX 76548

Phone: (254) 698-3783 E-mail: _____

Developer: SAME AS ABOVE

Address: _____

Phone: _____ E-mail: _____

Engineer/Surveyor: Mitchell & Associates, Inc.

Address: 102 N. College/P.O. Box 1088 Killeen, TX 76540

Phone: 254-634-5541 E-mail: areneau@mitchellinc.net

I HEREBY UNDERSTAND AND ACKNOWLEDGE:
 THE MINOR PLAT INVOLVES **FOUR OR FEWER LOTS** FRONTING ONTO AN EXISTING STREET WHERE THE CREATION OF A NEW STREET OR THE EXTENSION OF MUNICIPAL FACILITIES ARE NOT REQUIRED
 OR
 THE AMENDEND PLAT DOES NOT INCREASE THE NUMBER OF LOTS AND DOES NOT REQUIRE A NEW STREET OR EXTENSION OF MUNICIPAL FACILITIES.

MARY J. HORN

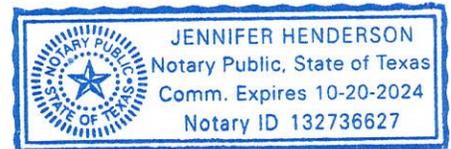
PRINTED NAME OF OWNER:

Mary J. Horn

OWNER SIGNATURE:

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS 1st DAY OF June, 2022

Jennifer Henderson MY COMMISSION EXPIRES: 10-20-2024
NOTARY PUBLIC SIGNATURE



STAFF ONLY - - DO NOT FILL OUT BELOW

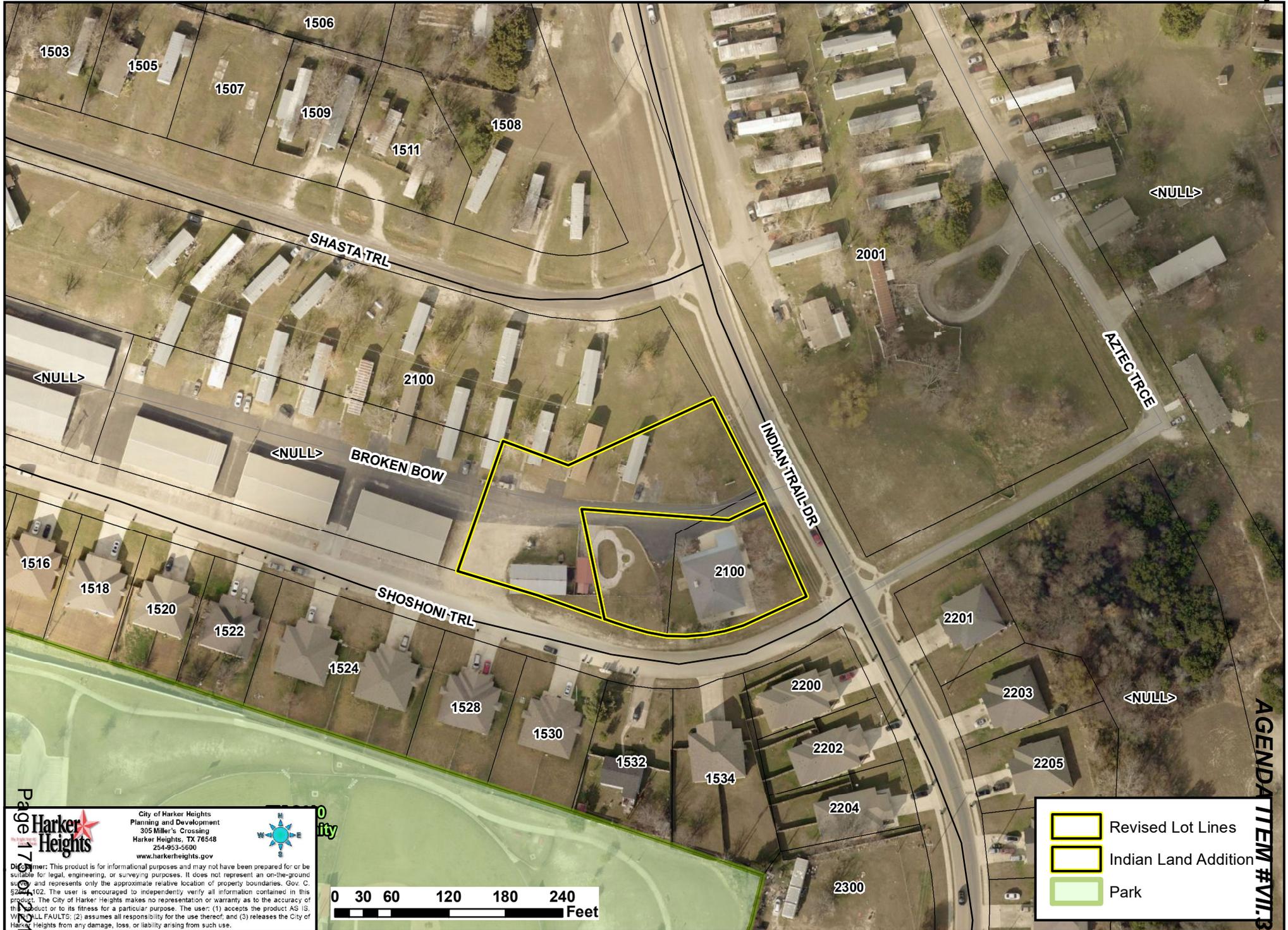
Date Submitted: _____

Receipt #: _____

Received By: _____

Pre-Application Meeting

Case #: _____



Page 17 of 21



City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-953-5600
 www.harkerheights.gov

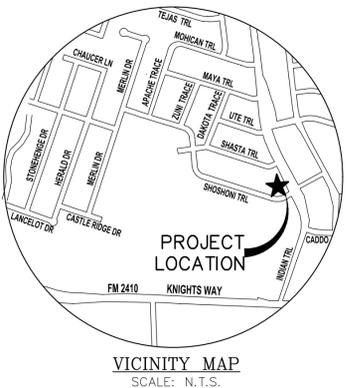
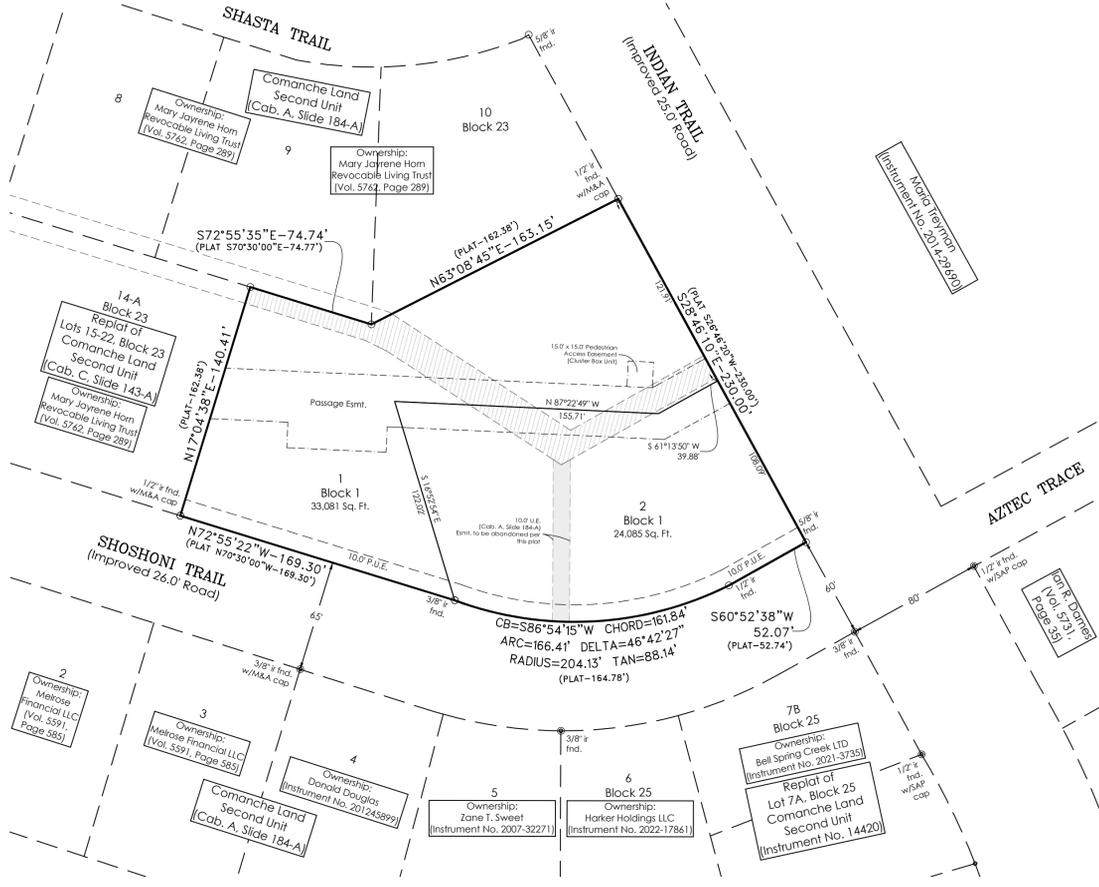
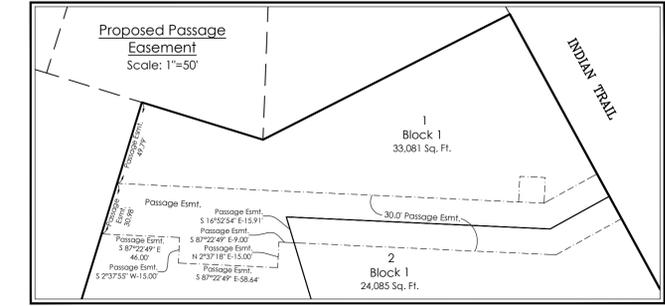
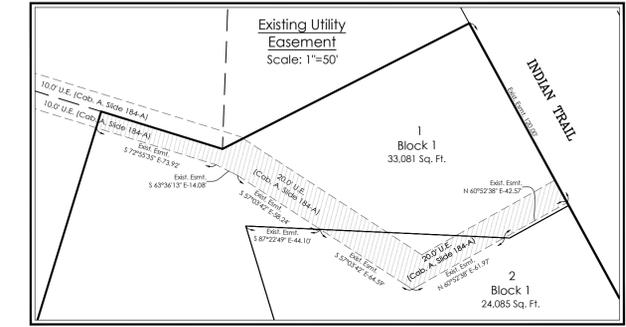
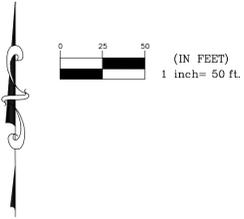


Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §22.0102. The user 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.



	Revised Lot Lines
	Indian Land Addition
	Park

AGENDA ITEM #VII.3



NOTES:

- All bearings are based upon the Texas Coordinate System, NAD 83 (CORS 96), Texas Central Zone as determined by Leica Texas Smartnet GPS observations. All distances are surface distance. Combined scale factor: 1.0001168.
- This subdivision is located in zone X, areas determined to be outside the 0.2% annual chance floodplain, as indicated on the U.S. FEMA Agency Boundary Map, (Flood Insurance Rate Map), Map No. 48027C0295E, effective date September 26, 2008 for Bell County, Texas.
- U.P.U.E. = Underground Public Utility Easement.
P.U.E. = Public Utility Easement.
U.E. = Utility Easement.
- Unidentified private services may exist within or crossing Lot 1, Block 1. Owner shall provide access to service line, if found.

INDIAN LAND ADDITION

KNOW ALL MEN BY THESE PRESENTS, that **The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005**, whose address is **2100 Indian Trail, Harker Heights, Texas, 76548**, being the sole owner of that certain **1.312 acre tract of land in Bell County, Texas, being all of Lots 11-14, Block 23, Comanche Land Second Unit, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, Plat Records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a Deed Reserving Life Estate to The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being described in record in Volume 5762, Page 289, Official Public Records of Real Property, Bell County, Texas, which is more fully described in the dedication of **INDIAN LAND ADDITION** as shown by the plat hereof, attached hereto, and made a part hereon, and approved by the City of Harker Heights, Bell County, Texas, **The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005** does hereby adopt said **INDIAN LAND ADDITION** as an addition to the City of Harker Heights, Bell County, Texas, and hereby dedicates to said city all streets, avenues, roads, drives and alleys shown on said plat, the same to be used as public thoroughfares and for the installation and maintenance of public utilities when and as authorized by the City of Harker Heights. The utility and drainage easements shown on said plat are dedicated to said city for the installation and maintenance of any and all public utilities, which the city may install or permit to be installed or maintained.**

WITNESS the execution hereof, on this ____ day of _____, 20__.

For: **The Mary Jayrene Horn Revocable Living Trust**
Dated June 20, 2005

Mary Jayrene Horn

Before me, the undersigned authority, on this day personally appeared **Mary Jayrene Horn**, known to me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that **she** executed the foregoing instrument as the owner of the property described hereon.

NOTARY PUBLIC STATE OF TEXAS
My Commission Expires: _____

APPROVED this the ____ day of _____, 20__ by the Planning and Zoning Commission of the City of Harker Heights, Bell County, Texas.

Chairperson, Planning and Zoning Commission

Secretary, Planning and Zoning Commission

APPROVED this the ____ day of _____, 20__ by the City Council of the City of Harker Heights, Bell County, Texas.

Mayor, City of Harker Heights

City Secretary

APPROVED this the ____ day of _____, 20__ by the Director of Planning and Development of the City of Harker Heights, Bell County, Texas.

Director of Planning and Development

KNOW ALL MEN BY THESE PRESENTS,

That I, Mike W. Kriegel, Registered Professional Land Surveyor, do hereby certify that I did prepare this plat from an actual and accurate survey of the land, that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the Subdivision and Property Development Regulations of the **City of Harker Heights, Texas**, and this subdivision is within the **City Limits** of Harker Heights, Texas.



Mike W. Kriegel
Registered Professional
Land Surveyor, No. 433

AFFIDAVIT:

The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.

Dated this the ____ day of _____, 20__ A. D.

By: _____
Bell County Tax Appraisal District

FILED FOR RECORD this ____ day of _____, 20__
Plat Records of Bell County, Texas, and Dedication Instrument # _____
Official Records of Real Property, Bell County, Texas

NO.	DATE	CITY OF HH COMMENTS	REVISIONS
2	8/19/2022	CITY OF HH COMMENTS	FRB
1	8/12/2022	NEW SUBMITTAL	FRB
		REMARKS	BY

INDIAN LAND ADDITION
BEING A REPLAT OF ALL OF LOTS 11, 12, 13 & 14, BLOCK 23,
COMANCHE LAND, SECOND UNIT
HARKER HEIGHTS, BELL COUNTY, TEXAS

FINAL PLAT

SHEET TITLE:

PROPERTY OWNER:
MARY JAYRENE HORN
REVOCABLE LIVING TRUST
2100 INDIAN TRAIL
HARKER HEIGHTS, TX 76548

SURVEYOR/ENGINEER:
MITCHELL & ASSOCIATES, INC.
P.O. BOX 1088
KILLEEN, TX 76540

MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141

TEXAS BOARD OF PROFESSIONAL ENGINEERS FIRM REGISTRATION NO. 3241
T. E. L. S. FIRM REGISTRATION NO. 10204-00

DWG No.	DATE	SCALE	FB/AB	AS SHOWN	1999/31	1	BLOCK	1.312	Ac.
22-052-D-S	AUGUST 2022								

AGENDA ITEM #11.3

SHEET P1

INDIAN LAND ADDITION
1.312 ACRES

FIELD NOTES for a 1.312 acre tract of land in Bell County, Texas, being part of the E. Dawson Survey, Abstract No. 258 and the H.B. Littlefield Survey, Abstract No. 511, being all of Lots 11-14, Block 23, Comanche Land Second Unit, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 184-A, Plat Records of Bell County, Texas (P.R.B.C.T.), and being part of that certain tract of land conveyed in a Deed Reserving Life Estate to The Mary Jayrene Horn Revocable Living Trust Dated June 20, 2005, being described of record in Volume 5762, Page 289, Official Public Records of Real Property, Bell County, Texas, said 1.312 acre tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the intersection on the west right-of-way line of Indian Trail and the north right-of-way line of Shoshoni Trail, and being at the southeast corner of Lot 12, Block 23, said Comanche Land Second Unit, for the southeast corner of this tract;

THENCE departing the said west right-of-way line of Indian Trail, continuing along said north right-of-way line of Shoshoni Trail, and with the south line of Lot 12, Block 23, said Comanche Land Second Unit; the following three (3) calls:

1. **S. 60° 52' 38" W., 52.07 feet**, to a 1/2" iron rod found at the beginning of a curve to the right, for an angle corner of this tract;
2. Along said curve to the right, having a radius of 204.13 feet, an arc length of 166.41 feet and a long chord bearing of **S 86° 54' 15" W., 161.84 feet**, a 3/8" iron rod found at the end of said curve, for an angle corner of this tract;
3. **N. 72° 55' 22" W., 169.30 feet**, to a 1/2" iron rod with cap stamped "M&A" found at the southeast corner of Lot 14-A, Block 23, Replat of Lots 15-22, Block 23, Comanche Land Second Unit, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-A, P.R.B.C.T., and being the southwest corner of Lot 14, Block 23, said Comanche Land Second Unit, for the southwest corner of this tract;

THENCE **N. 17° 04' 38" E., 140.41 feet**, departing the north right-of-way line of said Shoshoni Trail, with the east line of said Lot 14-A, and the west line of said Lot 14, to a 1/2" iron rod with cap stamped "M&A" found on the south line of Lot 9, Block 23, said Comanche Land Second Unit, same being at the northeast corner of said Lot 14-A, and the northwest corner of said Lot 14, for the northwest corner of this tract;

THENCE **S. 72° 55' 35" E., 74.74 feet**, with the south line of said Lot 9 and the north line of said Lot 14, to a 1/2" iron rod with cap stamped "M&A" found at the southwest corner of Lot 10, Block 23, same being the northwest corner of Lot 11, Block 23, also the northwest corner of Lot 13, Block 23, all of said Comanche Land Second Unit, and the northeast corner of said Lot 14, for an angle corner of this tract;

THENCE **N. 63° 08' 45" E., 163.15 feet**, with the south line of said Lot 10 and the north line of said Lot 11, to a 1/2" iron rod with cap stamped "M&A" found on the west right-of-way line of said Indian Trail, being at the southeast corner of said Lot 10, and the northeast corner of said Lot 11, for the northeast corner of this tract;

THENCE **S. 28° 46' 10" E., 230.00 feet**, continuing along the west right-of-way line of said Indian Trail and with the east line of said Lot 11, to the **POINT OF BEGINNING** containing a 1.312 acre tract of land.

The bearings and coordinates recited in the above description are based on the Texas Coordinate System, North Central Zone, NAD 83 (CORS 96), as determined by Leica Texas SmartNet GPS observations.

See accompanying drawing.

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Mike W. Kriegel, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract and that this description is true and correct to the best of my knowledge and belief.

IN WITNESS THEREOF, my hand and seal this the 29th day of June, 2022.

Mike W. Kriegel
Registered Professional
Land Surveyor, No. 4330



S:\SUBDIVISIONS\22-052-D-S (2100 Indian Trl - Indian Land Addition - HH)\Survey\Field Notes\1.312 Acres (Indian Land Addition).docx

Mitchell & Associates, Inc., 102 N. College St. Killeen, Texas 76541 (254)-634-5541

INDIAN LAND ADDITION - ADMINISTRATIVE

P22-23 – Indian Land Addition

Plat Distributed to Reviewers: 08/05/2022

Comments sent to Engineer: 08/15/2022

Response: 8/18/2022

Updated: 9/6/22

Planning & Development

1. ~~Per §154.22(B)(1)(g), the applicant shall correct spelling in dedication statement and dedication instrument: Deed Reserving Life Estate.~~
~~Spelling has been corrected.~~ **Comment met 08/18/2022**
2. ~~Per §154.22(B)(1)(f), the applicant shall provide hatching/linework/clear labels to indicate limits of existing utility easements and the limits of the new utility easements. Insets can be utilized to accomplish this.~~
~~Easement details have been added.~~ **Comment met 08/18/2022**
3. ~~Per §154.26(A)(3)(j-k), the applicant shall amend the title box on the plat to read "Final Plat" since there is an abandonment of an existing utility easement and the creation of new utility easements.~~
~~Title block has been amended.~~ **Comment met 08/18/2022**
4. ~~Per §154.22(B)(2)(b), the applicant shall annotate the square feet of each proposed lot within the subdivision on the plat dedication page.~~
~~Area of each lot has been added.~~ **Comment met 08/18/2022**
5. ~~Per §154.22(B)(1)(k), the applicant shall clarify how the proposed 30' passage easement (PE) will connect to the existing Broken Bow Storage & Mobile Home Park driveway to the commercial development to the west and the existing manufactured homes within the Manufactured Housing District/Mobile Home Park. Additionally, the called new PUEs and existing utility easements within said PE are not limited to underground utilities only. Applicant shall address how passage will be protected through the PE.~~
~~Passage easement has been extended across the subject property of the plat and runs along the existing, historical shared drive.~~ **Comment met 08/18/2022**
6. ~~Per §154.22(B)(1)(h), the applicant shall provide easements (location and access) for the common structures within the platted area (community mailbox, dumpster, monument sign) or clarify how those items will be addressed.~~
~~Easements have been added for the mailbox & dumpster.~~ **Comment met 08/18/2022**
7. ~~Per §154.22(B)(1)(h), the applicant shall annotate the ROW widths for the adjacent ROWs (Shoshoni Trail, Indian Trail) along this development.~~
~~Right of way width has been annotated.~~ **Comment met 08/18/2022**
8. ~~Per §154.22(B)(2), the applicant shall remove the utility information from the plat dedication page and place it on a final engineering drawing/plan sheet.~~
~~A utility sheet has been provided.~~ **Comment met 08/18/2022**
9. ~~The parcels being platted are part of an existing Manufactured Home Park zoning district. Applicant shall clarify how the requirements for the existing Manufactured Home Park will still be met with this platting action (zoning, garbage/dumpster, community mail box service, access,~~

spacing, existing manufactured homes & parking spaces over the proposed lot lines per the property survey, landscaping, etc).

~~Area intended to remain part of the Manufactured Home Park have been combined for continuity of access and ownership.~~ **Comment met 08/18/2022**

~~10. Applicant shall address how the existing service lines (water, sewer, electrical, etc) for the existing manufactured homes within the existing development will be protected across the new lot lines.~~

~~Note added to plat.~~ **Comment met 08/18/2022**

Public Works, Mark Hyde

1. No comments

City Engineer, Otto Wiederhold

1. No comments at this time.

Fire Marshal, Brad Alley

1. No comments

ONCOR, Steven Huggins

1. Oncor should have an easement next to Shasta Trail. Please plat that easement.
1. ~~Shasta Trail is outside of the limits of this development.~~ **As of 9/6/22, response comments have not been received and may be forthcoming.**

Century Link, Chris McGuire

1. We have existing cable as shown below. Will need PUE's to accommodate.
2. ~~There is no evidence on the ground of any utility lines, between lots 11, 12 & 13, block 23, as shown on the image below. Image appears to be shifted, existing UE has been retained.~~ **As of 9/6/22, response comments have not been received and may be forthcoming.**



Time Warner Cable/Spectrum, Shaun Whitehead

3. As of 8/15/22, no comments have been received and may be forthcoming.

ATMOS, Rusty Fischer

1. As of 8/15/22, no comments have been received and may be forthcoming.

Clearwater UWCD, Dirk Aaron

1. As of 8/15/22, no comments have been received and may be forthcoming.

Bell County Public Health

1. No comments



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

DISCUSS AND CONSIDER APPROVING A FINAL PLAT REFERRED TO AS HEIGHTS CITY CENTER, ON PROPERTY DESCRIBED AS 3.496 ACRES, SITUATED IN THE MARTIN SMITH SURVEY, ABSTRACT 750, BELL COUNTY, TEXAS, EMBRACING ALL OF LOT 1, BLOCK 4, PARK ADDITION, AN ADDITION WITHIN THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, ACCORDING TO THE PLAT OF RECORD IN CABINET C, SLIDE 178-B, PLAT RECORDS OF BELL COUNTY, TEXAS AND ALL OF LOT 3, BLOCK 1, UNION STATE BANK ADDITION, PHASE TWO, AN ADDITION WITHIN THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, ACCORDING TO THE PLAT OF RECORD IN CABINET D, SLIDE 67-C, OF SAID PLAT RECORDS AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant submitted an application for a minor plat for 3.496 acres of land generally located at the northwest corner of Miller's Crossing and Balvant Street. Due to outstanding comments at the time of consideration by the Planning & Zoning Commission, this plat was required to be processed as a final plat. This plat provides for the combination of two parcels into one 3.496 acre parcel with ROW dedication. The most recently amended Land Use Plan designates this area for Regional Center use which supports the proposed final plat layout.

The applicant's surveyor submitted the plat for review on July 29, 2022. Comments were compiled and submitted to the applicant on August 17, 2022. As of September 6, 2022, the applicant's surveyor has not provided a response based on the August 17th comments.

RECOMMENDATION:

Based on review of the code requirements and correspondence with the applicant's surveyor regarding ROW dedication, staff recommended approval of the Final Plat referred to as Heights City Center to the Planning & Zoning Commission with the following condition:

1. All outstanding comments have been addressed per staff recommendation prior to filing of plat with Bell County Public Records.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning and Zoning Commission meeting held on August 31, 2022, the Planning & Zoning Commission voted (9-0) to recommend approval of a Final Plat referred to as Heights City Center with the condition as presented by staff and based on staff's recommendations and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve with conditions** a Final Plat referred to as Heights City Center, on property described as 3.496 Acres, situated in the Martin Smith Survey, Abstract 750, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 67-C, of said plat records **with the condition as presented by staff, and based on staff's recommendations and findings.**
2. Motion to **approve**, or **disapprove with explanation** a Final Plat referred to as Heights City Center, on property described as 3.496 Acres, situated in the Martin Smith Survey, Abstract 750, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 67-C, of said plat records **based on the discussed recommendations and findings.**
3. Any other action desired.

ATTACHMENTS:

[P22-24-Attachments](#)



Minor/Amending Plat Application

*** Requirements - APPLICATION MUST BE FULLY COMPLETED 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 with Staff to ensure applicability
- 2. Payment of \$150.00 +\$3.00 per acre
- 3. Signed & Original Field Notes and Dedication

City of Harker Heights
 Planning & Development
 305 Millers Crossing
 Harker Heights, TX 76548
 Phone: (254) 953-5647
 Email:
planning@harkerheights.gov

Property Information:

Plat Name: Heights City Center **Date Submitted:** _____
Existing Lot Count: 2 **Proposed Lot Count:** 1 **Acreage:** 3.496
Site Address or General Location: Millers Crossing Harker Heights Texas (West of Carl Levin Park 400 Millers Crossing)

Reason for Amendment/Description of Subdivision: To create one Lot from two existing Lots

Zoning Classification: B-4 **Existing Land Use:** B-4
Located in Overlay District?: Yes No

Owner Information/Authorization:

Property Owner: City of Harker Heights
Address: 305 Millers Crossing Harker Heights Texas
Phone: _____ **E-mail:** _____

Developer: _____
Address: _____
Phone: _____ **E-mail:** _____

Engineer/Surveyor: All County Surveying, Inc.
Address: 4330 5th Street Temple Texas
Phone: (254) 778-2272 **E-mail:** justin@allcountysurveying.com

I HEREBY UNDERSTAND AND ACKNOWLEDGE:
 THE MINOR PLAT INVOLVES **FOUR OR FEWER LOTS** FRONTING ONTO AN EXISTING STREET WHERE THE CREATION OF A NEW STREET OR THE EXTENSION OF MUNICIPAL FACILITIES ARE NOT REQUIRED
OR
 THE AMENDEND PLAT DOES NOT INCREASE THE NUMBER OF LOTS AND DOES NOT REQUIRE A NEW STREET OR EXTENSION OF MUNICIPAL FACILITIES.

David R Mitchell, City Manager David R Mitchell
PRINTED NAME OF OWNER: _____ **OWNER SIGNATURE:** _____

JULIETTE HELSHAM
 NOTARY PUBLIC STATE OF TEXAS
 MY COMM. EXP. 10/28/2025
 NOTARY ID 12473204-0
 Page 184 of 221
Juliette Helsham Juliette Helsham

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS 16th DAY OF August, 2022

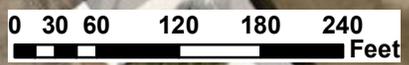


AGENDA ITEM #VII.4

Page 18 of 21

City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-953-5600
 www.harkerheights.gov

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. §224.102. 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.



Harker City Center

Park

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

July 28, 2022

Surveyor's Field Notes for:

3.496 ACRES, situated in the **MARTIN SMITH SURVEY, ABSTRACT 750**, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas, and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 67-C, of said plat records, and being more particularly described as follows:

COMMENCING at a ½" iron rod with cap stamped "RPLS 6066" found at the southwest corner of Lot 1, Block 1, Helms Way Addition Phase Four, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 311-A, of said plat records, being the north line of Millers Crossing, same being the south line of Lot 1, Block 1, Helms Way Addition Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 257-A, of said plat records;

THENCE, in a westerly direction, with the north line of said Millers Crossing, *S 70°52'29" W – 213.24'*, to a 5/8" iron rod with cap stamped "ACS" set on the south line of Lot 1A, Block 1, Helms Way Addition Phase Three, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 270-C, of said plat records, being the northeast corner of said Lot 1, Block 4, Park Addition, for the northeast corner of the herein described tract and the **POINT OF BEGINNING**;

THENCE, in a southerly direction, with the west line of said Millers Crossing, *S 19°07'37" E – 655.78'*, (*Plat S 19°06'37" E – 655.78' – Cab. C, Sl. 178-B*), to a 5/8" iron rod with cap stamped "ACS" set on the north line of Lot 1, Block 1, Trinity Baptist Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet C, Slide 323-B, of said plat records, being the southeast corner of said Lot 1, Block 4, Park Addition, same being an angle corner of said Millers Crossing, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said Lot 1, Block 1, Trinity Baptist Addition, *N 73°02'35" W – 536.55'*, (*Plat N 73°01'28" W – 454.78' – Cab. C, Sl. 178-B*) and (*Plat N 70°58'17" W – 132.87' – Cab. D, Sl. 67-C*), to a 5/8" iron rod with cap stamped "ACS" set on the east line of Lot 1, Block 1, Union State Bank Addition, Phase Three, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 139-C, of said plat records, being the northwest corner of said Lot 1, Block 1, Trinity Baptist Addition, same being the southwest corner of said Lot 3, Block 1, Union State Bank Addition, Phase Two, for the southwest corner of the herein described tract;

Surveyor's Field Notes for **3.496 ACRES** cont.:

THENCE, in a northerly direction, with the southerly line of said Lot 1, Block 1, Trinity Baptist Addition, **N 24°07'01" E**, passing a 1/2" iron rod found at the northeast corner of said Lot 1, Block 1, Union State Bank Addition, Phase Three, same being the most southerly southwest corner of Lot 7-A, Block 1, ACTG Addition Amended, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 213-A, of said plat records, at a distance of 10.22', and continuing for a total distance of **369.85'**, (*Plat N 26°09'53" E – 369.82' - Cab. D, Sl. 67-C*), to a 1/2" iron rod found at the northwest corner of said Lot 3, Block 1, Union State Bank Addition, Phase Two, same being an interior corner of said Lot 7A, for the most westerly northwest corner of the herein described tract;

THENCE, in an easterly direction, with the southerly line of said Lot 7-A, **N 70°48'19" E – 160.57'**, (*Plat N 72°51'08" E – 160.53' – Cab. D, Sl. 67-C*), to a 1/2" iron rod found at the northeast corner of said Lot 3, Block 1, Union State Bank Addition, Phase Two, same being the most southerly southeast corner of said Lot 7-A, for an angle corner of the herein described tract;

THENCE, in a northerly direction, with the southerly line of said Lot 7-A, **N 21°45'46" E – 7.15'**, (*Plat N 24°18'25" E – 7.04' – Cab. D, Sl. 67-C*), to a 1/2" iron rod with cap stamped "KILLEEN ENG" found at the most easterly southeast corner of said Lot 7-A, same being an interior corner of said Lot 1, Block 1, Park Addition, for an interior corner of the herein described tract;

THENCE, continuing in said northerly direction, **N 19°18'27" W – 64.75'**, (*Plat N 19°06'37" W – 64.49' – Cab. C, Sl. 178-B*), to a 1/2" iron rod with cap stamped "KILLEEN ENG" found on the south line of said Lot 1A, being the most northwest corner of said Lot 1, Block 1, Park Addition, same being the most easterly northeast corner of said Lot 7-A, for the most northerly northwest corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said Lot 1A, **N 70°52'29" E – 15.18'**, (*Plat N 70°53'23" E – 15.19' – Cab. C, Sl. 178-B*), to the **POINT OF BEGINNING** and containing 3.496 Acres of Land.

Bearings cited hereon are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, as per GPS observations.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed July 26, 2022

ALL COUNTY SURVEYING, INC.
1-800-749-PLAT
TX. Firm Lic. No. 10023600

server/projects /pro220000/221100/221159/221159.doc



Charles C. Lucko
 Registered Professional Land Surveyor
 Registration No. 4636

**DEDICATION OF
HARKER CITY CENTER
A subdivision within the City of Harker Heights,
Bell County, Texas.**

STATE OF TEXAS)
COUNTY OF BELL)

That **City of Harker Heights**, being the sole owner of that certain tract of land containing 3.496 acres described in Field Notes prepared by Charles C. Lucko, RPLS No. 4636, dated July 28, 2022 which Field Notes are attached hereto as Exhibit A and made a part hereof as fully as if written verbatim, do hereby name and designate said 3.496 acre tract as **Harker City Center**, a subdivision in the City of Harker Heights, Bell County, Texas, and do hereby adopt the attached map and plat thereof and do hereby agree that all future sales and conveyances of said property shall be by reference to said plat and dedication.

City of Harker Heights, does hereby give, grant and convey to the **CITY OF HARKER HEIGHTS, TEXAS**, its assignees and franchisees furnishing public utilities in said subdivision, the easements as shown on said plat for drainage and for the installation, operation, maintenance, repair, use and replacement of all public utility lines, including electric power, water, sewer, gas and telephone, and reference is hereby made to such plat for the location of such easements.

To have and to hold said easements unto said Grantee, and the undersigned hereby binds itself, its heirs, administrators, executors, successors and assigns, to warrant and forever defend all and singular said premises unto the said Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS THE EXECUTION HEREOF, on this ____ day of _____, 2022.

City of Harker Heights

By: Spencer H. Smith, Mayor

ACKNOWLEDGMENT

STATE OF TEXAS)
COUNTY OF **BELL**)

BEFORE ME, the undersigned authority, on this day personally appeared **Spencer H. Smith**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the mayor of the City of Harker Heights, for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2022.

NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING, RETURN TO:
All County Surveying, Inc.
4330 South 5th Street
Temple, Texas 76502

MINOR PLAT OF HARKER CITY CENTER

A subdivision within the City of Harker Heights, Bell County, Texas.

3,496 ACRES, situated in the MARTIN SMITH SURVEY, ABSTRACT 750, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights Bell County, Texas, according to the plat of record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas, and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 67-C, Plat Records of Bell County, Texas.

STATE OF TEXAS
COUNTY OF BELL

CITY OF HARKER HEIGHTS, OWNER OF THE 3,496 ACRE TRACT OF LAND SHOWN ON THIS PLAT, AND DESIGNATED HEREIN AS HARKER CITY CENTER WITHIN THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, AND WHOSE NAME IS SUBSCRIBED HERETO, HEREBY DEDICATES THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON WITHIN THE PLAT BOUNDARIES OF THIS SUBDIVISION.

CITY OF HARKER HEIGHTS

SPENCER H. SMITH, MAYOR

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, SPENCER H. SMITH, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS THE MAYOR OF THE CITY OF HARKER HEIGHTS, FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 20____.

NOTARY PUBLIC, STATE OF TEXAS

APPROVED THIS ____ DAY OF _____, 20____
BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS.

DIRECTOR OF PLANNING AND DEVELOPMENT

ATTEST, CITY SECRETARY

AFFIDAVIT:

The Tax Appraisal District of Bell County does hereby certify there are currently no delinquent taxes due to the Tax Appraisal District of Bell County on the property described by this plat.

Dated this the ____ day of _____, 20____ A. D.

By: _____
Bell County Tax Appraisal District

STATE OF TEXAS
COUNTY OF BELL

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SHOWN THEREON.



CHARLES C. LUCKO, R.P.L.S. DATE SURVEYED: JULY 26, 2022
REGISTRATION NO. 4636

RECORDATION INFORMATION:

FILED FOR RECORD THIS ____ DAY OF _____, 20____.

IN DOCUMENT NO. _____, OFFICIAL
PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

Note:

1. Based upon what can be ascertained from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 49021C028055, dated September 29, 2020, the above shown property does not appear within the "Special Flood Hazard Area", and appears to be situated in Zone X. This Flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of the surveyor or company.

LOT 5-B
BLOCK 1
ACT6 ADDITION 2nd AMENDMENT
Cab. D, Sl. 237-B

LOT 1
BLOCK 1
HELMS WAY ADDITION
Cab. D, Sl. 249-C

LOT 1A
BLOCK 1
HELMS WAY ADDITION PHASE THREE
Cab. D, Sl. 270-C

REMAINDER OF LOT 1
BLOCK 1
HELMS WAY ADDITION PHASE TWO
Cab. D, Sl. 257-A

LOT 1
BLOCK 1
HELMS WAY ADDITION PHASE FOUR
Cab. D, Sl. 311-A

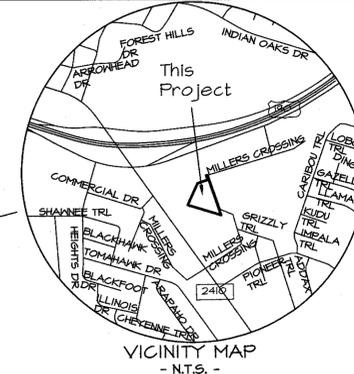
LOT 7-A
BLOCK 1
ACT6 ADDITION AMENDED
Cab. D, Sl. 213-A

LOT 1
BLOCK 1
3,496 ACRES

LOT 1
BLOCK 1
UNION STATE BANK ADDITION, PHASE THREE
Cab. D, Sl. 139-C

LOT 1
BLOCK 1
TRINITY BAPTIST ADDITION
Cab. C, Sl. 323-B

LOT 3
BLOCK 1
PARK ADDITION
Cab. C, Sl. 178-B



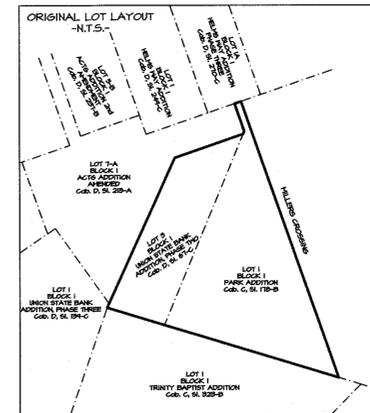
Bearings cited hereon are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, as per GPS observations.

- 1/2" Iron Rod w/cap stamped "KILLEEN ENG" Found (Unless otherwise Stated)
- 5/8" Iron Rod w/cap Stamped "ACS" Set (Unless otherwise Stated)

LINE	BEARING	DISTANCE
1	N 21°45'46" E	171.5'
(Plat N 24°18'25" E 104)		
Cab. D, Sl. 67-C		
2	N 10°52'24" E	151.0'
(Plat N 10°52'24" E 151)		
Cab. C, Sl. 178-B		

LOTS - ONE (1)
BLOCKS - ONE (1)
AREA - 3,496 ACRES

OWNER:
CITY OF HARKER HEIGHTS



MINOR PLAT OF
HARKER CITY CENTER
A subdivision within the City of Harker Heights, Bell County, Texas.

3,496 ACRES, situated in the MARTIN SMITH SURVEY, ABSTRACT 750, Bell County, Texas, embracing all of Lot 1, Block 4, Park Addition, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet C, Slide 178-B, Plat Records of Bell County, Texas, and all of Lot 3, Block 1, Union State Bank Addition, Phase Two, an addition within the City of Harker Heights, Bell County, Texas, according to the plat of record in Cabinet D, Slide 67-C, Plat Records of Bell County, Texas.

Plot Date: 07-26-2022
Survey completed: 07-26-2022
Scale: 1" = 40'
Job No.: 22159
Dwg No.: 22159
Drawn by: JSM
Surveyor: CCL # 4636
Copyright 2022 All County Surveying, Inc.

ACS
ALL COUNTY SURVEYING, INC.
Tx. Firm No. 10023600
4930 South 8th Street
Temple, Texas 76702
254-778-2212 Killeen 254-634-4636
www.allcountysurveying.com

HEIGHTS CITY CENTER - FINAL

P22-24 – Final Plat – Heights City Center

Plat Distributed to HH Staff: 08/05/2022

Comments sent to Surveyor: 08/17/2022

Planning & Development

1. Correct name of plat to “Heights City Center”.
2. Applicant shall annotate and illustrate the ROW required for the City’s proposed future capital improvement project at the bend in Miller’s Crossing. The City’s consultant will email you the CAD file. The boundaries for the new ROW shall be annotated and illustrated in the same standard manner as other ROW dedications.
3. Per §154.22(B)(1)(h), the applicant shall annotate the ROW widths for the adjacent ROWs along this development. Note that the extension from the bend in Miller’s Crossing to the west shall be labeled as Balvant Street.
4. Per §154.26(B)(1), the applicant shall amend the title box on the plat to read “Final Plat” since there is dedication of public ROW required with this platting action.
5. Per §154.22(B)(1)(f), the applicant shall annotate and illustrate the existing PE & UE along Miller’s Crossing (2007-00041486).
6. The applicant shall place a note on the plat dedication page regarding the lack of ready connection to existing utilities for this Lot. The City is aware that the public water main will need to be extended and additional fire hydrants installed in order to service this property. However, the extension of said public infrastructure will be part of any future contract for the transfer of the property. Since the City owns the property and will be in control of any future contract for this property and in accordance with §154.60, City staff requests a waiver for the guarantee of performance required in §154.23.
7. Per §154.22(B)(1)(q), the applicant shall amend the signature blocks to the following:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision and Property Development Regulations of the City of Harker Heights, Texas.

Signature
Texas Reg. No. _____

Approved this __ day of _____, 2022, by the Planning and Zoning Commission of the City of Harker Heights, Texas.

Chairperson, Planning and Zoning Commission

Secretary, Planning and Zoning Commission

Approved this ___ day of _____, 2022 by the City Council of the City of Harker Heights, Texas.

Mayor

City Secretary

Approved this the ___ day of _____, 2022 by the Director of Planning and Development of the City of Harker Heights, Bell County, Texas.

Director of Planning and Development

The Bell County Tax Appraisal District, the taxing authority for all entities in Bell County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this ____ day of _____, 2022 A.D.

By: _____
Bell County Tax Appraisal District

FILED FOR RECORD this ____ day of _____, 2022, Plat Records of Bell County, Texas, and Dedication Instrument # _____, Official Records of Rear Property, Bell County, Texas.

- 8. Advisory Comment: When providing the mylars applicant shall ensure that all text on the plat dedication page is clearly legible when reproduced.
- 9. Advisory Comment: Since sewer, and drainage are all existing for these lots a post development analysis is not required. Note that the post development drainage for these parcels was taken into account with the development of the Park Addition.

Public Works, Mark Hyde

- 1. No comments at this time.

City Engineer, Otto Wiederhold

- 2. No comments at this time.

Fire Marshal, Brad Alley

- 1. No comments at this time.

ONCOR, Steven Huggins

- 1. As of 8/15/22, no comments have been received and may be forthcoming.

Century Link, Chris McGuire

- 1. As of 8/15/22, no comments have been received and may be forthcoming.

Time Warner Cable/Spectrum, Shaun Whitehead

1. As of 8/15/22, no comments have been received and may be forthcoming.

ATMOS, Rusty Fischer

1. As of 8/15/22, no comments have been received and may be forthcoming.

Clearwater UWCD, Dirk Aaron

1. As of 8/15/22, no comments have been received and may be forthcoming.



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HARKER HEIGHTS, TEXAS, THE CITY OF KILLEEN, TEXAS, AND BELL COUNTY, TEXAS, THAT ESTABLISHES THE SCOPE OF THE CHAPARRAL ROAD REALIGNMENT/RECONSTRUCTION PROJECT AND RESPONSIBILITIES OF EACH OF THE PARTIES AS IT RELATES TO THE PROJECT; AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

Chaparral Road provides connectivity from FM 3481 in Harker Heights westward to SH 195 in Killeen. The roadway is 6.64 miles along the centerline and it crosses the jurisdictions of Bell County, City of Killeen and the City of Harker Heights. The current roadway was designed under County standards many years ago. With the growth in this area of Bell County, the road is taxed by the level of traffic it now carries. The road also poses challenges in its current layout with 90 degree bends along portions of the road. With Chaparral Road being a major route for east west traffic from SH 195 to FM 3481, the City of Killeen and Harker Heights have long advocated for road reconstruction funding through KTMPO.

Bell County, Killeen, Harker Heights and KISD have been meeting for years to look for ways to partner to advance the Chaparral Road project. This Inter-Local Agreement (ILA) is the second tangible step in this process. This ILA lays out the project responsibilities for each entity. The project will include:

1. The design and construction of approximately 6.64 miles of five lane minor arterial roadway with adjacent sidewalks as deemed appropriate.
2. Necessary right-of-way acquisition to soften the 90 degree bends located along the existing alignment.
3. Necessary right-of-way acquisition to establish a minimum of 90' wide right-of-way along the entirety of the final alignment.
4. Necessary relocation of existing utilities.

The project is expected to be done in three phases with the phasing for the Harker Heights' portion coming in Phase 3. Exhibit C displays the estimated financial contribution by each entity. The funding from KTMPO is estimated to be \$17,224,578. Bell County has committed \$3 million to the project. While Harker Heights' total funding is estimated at \$224,487, there will be some additional improvements we will seek in relation to the intersection and signalization of Chaparral Road and FM 3481 that will increase the overall funding totals and will increase the City's participation. Exhibit D to the ILA lists the estimated project timeline. Final design is anticipated to be completed in August 2024.

AGENDA ITEM #VII.5.

In September 2019 the City Council authorized the Mayor to execute a Memorandum of Understanding (MOU) with the City of Killeen, Killeen ISD and Bell County for the proposed improvements to Chaparral Road. Since that time the City of Killeen submitted the project to KTMPO for partial funding and Killeen ISD completed the construction of their original proposed portion of the original MOU. Phase 1 of the Chaparral Road Reconstruction project was selected for funding and is now moving forward. In order for the design phases and Phase 1 construction to move forward, the MOU is being replaced with the attached ILA.

RECOMMENDATION:

City staff and the City Attorney have reviewed the proposed Interlocal Agreement (ILA) for compliance with City ordinances, project scope, and the previous City Council's direction. The proposed ILA enables the City to benefit from an economy of scale for engineering services and funding opportunities.

ACTION BY THE COUNCIL:

1. Motion to **approve / disapprove** a Resolution authorizing the Mayor to sign an Interlocal Agreement between the City of Harker Heights, Texas, and the City of Killeen, Texas, and Bell County, Texas, that establishes the scope of the Chaparral Road Realignment/Reconstruction Project and responsibilities of each of the parties as it relates to the project.
2. Any other action desired.

ATTACHMENTS:

[ChaparralRoadResolution-091322](#)

[Chaparral ILA 9-2-2022](#)

[Chaparral Road MOU-2019](#)

RESOLUTION NO. 2022-

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF HARKER HEIGHTS, TEXAS, AND THE CITY OF KILLEEN, TEXAS, AND BELL COUNTY, TEXAS THAT ESTABLISHES THE SCOPE OF THE CHAPARRAL ROAD REALIGNMENT/RECONSTRUCTION PROJECT AND RESPONSIBILITIES OF EACH OF THE PARTIES AS IT RELATES TO THE PROJECT

WHEREAS, Chaparral Road is a primary east west connector from SH 195 to FM 3481; and

WHEREAS, Chaparral Road is currently a two lane road that was constructed to County standards when it was built and contains some ninety degree turns which pose hazards to the movement of high volumes of traffic; and

WHEREAS, beyond being just a connector route from SH 195 and FM 3481, properties connecting to Chaparral Road are witnessing rapid residential growth adding to the vehicular load of the road.

WHEREAS, Chaparral Road currently traverses through the jurisdictions of the City of Harker Heights, City of Killeen, and Bell County; and

WHEREAS, the City of Harker Heights, City of Killeen, and Bell County desire to improve Chaparral Road to promote safety and traffic movement.

NOW, THEREFORE, BE IT RESOLVED BY the City Council of the City of Harker Heights, Texas, that the Mayor is hereby authorized to sign an Inter-Local Agreement between the City of Harker Heights, Texas, City of Killeen, Texas, Bell County, Texas that establishes the scope of the Chaparral Road realignment/reconstruction project and responsibilities of each of the parties as it relates to the project.

PASSED AND APPROVED THIS 13th DAY OF SEPTEMBER 2022, AT WHICH MEETING A QUORUM WAS PRESENT AND HELD IN STRICT ACCORDANCE WITH THE PROVISIONS OF TEXAS GOVERNMENT CODE, CHAPTER 557.

Spencer H. Smith, Mayor

Attest:

Juliette Helsham, City Secretary

INTERLOCAL AGREEMENT FOR DESIGN AND CONSTRUCTION OF CHAPARRAL ROAD

This agreement (“Agreement”) is made by and between the City of Killeen, Texas, a municipal corporation situated in Bell County, Texas (“COK”), the City of Harker Heights, Texas, a municipal corporation situated in Bell County, Texas (“COHH”), and Bell County, Texas (“County”), collectively referred to in this Agreement as the “Parties.” This agreement is authorized by Chapter 791 of the Texas Government Code, the “Interlocal Cooperation Act.”

RECITALS

WHEREAS, Chaparral Road (the “Road”) is a roadway within the jurisdiction of the County, COK, and COHH and is approximately 6.64 miles long extending from SH 195 to FM 3481. 5.68 miles are located within the County jurisdiction. 0.92 miles are located within the jurisdiction of the COK. 0.04 miles are located within the jurisdiction of the COHH; and

WHEREAS, The City of Killeen, Texas, the City of Harker Heights, Texas and Bell County have previously executed a Memorandum of Understanding (“MOU”) regarding the design and construction of Chaparral Road. This agreement supersedes the MOU; and

WHEREAS, the County, COK, and COHH, desire to work together to facilitate the construction of a five-lane minor arterial roadway along the entirety of the Road (the “Project”) in accordance with the general terms and conditions outlined below.

NOW THEREFORE, the COK, COHH, County, agree as follows:

Section 1. Purpose. The purpose of this AGREEMENT is to establish the scope of the Project and responsibilities of each of the parties as it relates to the Project. It is understood that the overall scope of the project may change depending on the availability of funding.

Section 2. General Scope of the Project. Upon completion of the Project, the general alignment of the Road will be as depicted in Exhibit “A” attached hereto and made part hereof this AGREEMENT. The priority of the alignments shown shall be as follows: Alignment #1, Alignment #2, Alignment #3. The Project limits are bounded by State Highway 195 on the west end and Farm-to-Market Road 3481 on the east end. As currently proposed the Project will include:

- a. The design and construction of 6.64 miles of five lane minor arterial roadway with adjacent sidewalks as deemed appropriate.
- b. Necessary ROW acquisition to soften the 90 degree bends located along the existing alignment.
- c. Necessary ROW acquisition to establish a minimum of 90’ wide ROW along the entirety of the final alignment.
- d. Necessary relocation of existing utilities.

The typical preliminary section of the Road is depicted in Exhibit “B” attached hereto and made part hereof this AGREEMENT. As part of the design phase, the consultant will develop an approved typical section for ultimate build-out of the Road and current capacity needs. The final road section shall be approved by all parties.

Section 3. The Project Phasing.

Estimated project timeline is attached in Exhibit “D” attached hereto and made part hereof this AGREEMENT.

- a. Professional services will be performed in two steps for the Project.
 - i. Preliminary Design – establish required ROW, road dieting design, utility relocations, firm cost estimate, conduct topographical and property surveys, explore environmental concerns.
 - ii. Final Design – prepare final construction plans and specifications, finalize cost estimates, obtain any necessary permitting, prepare bid documents.
- b. Construction can be performed all at once or in multiple phases. Current federal funding indicates the Project is likely to be completed in two or more phases. Recommended phasing is as follows:
 - i. Phase 1 – limits from SH 195 to East Trimmier Rd
 - ii. Phase2 – limits from East Trimmier Road to FM 3481.

Section 4. Development and Financing of the Project.

- a. Professional Services
 - i. Preliminary Engineering
 - a. COK will provide project management services as in-kind services for the Project (valued at \$10,000.00).
 - b. COK will contract for the professional services necessary.Parties agree that the Project is to be financed proportionately and will reimburse COK for expenses incurred proportionately according to the table in Exhibit “C” attached hereto.
 - ii. Final Design
 - a. COK will provide project management services as in-kind services for the Project (valued at \$90,000.00).
 - b. COK will contract for the professional services necessary.
 - c. Parties agree that the Project is to be financed proportionately and will reimburse COK for expenses incurred according to the table in Exhibit “C”.
- b. ROW Acquisition
 - i. Parties agree that the Right-of-way (ROW) and Easement acquisition will be financed proportionately and will reimburse COK for the ROW and Easement acquisition expenses incurred according to Exhibit “C”.
 - ii. The County agrees to provide in-kind assistance to the COK as may be needed for the acquisition and relocation of acquiring necessary ROW for the Project.

The County's in-kind assistance includes, and is limited to, dedication of any County-owned ROW necessary for the Project.

- c. Construction
 - i. Utility Relocation
 - a. Engineer will determine the utilities in need of relocation through the plans and specifications referenced above.
 - b. Parties agree that any franchise utility relocation cost will be financed proportionately and will reimburse COK for the relocation expenses incurred according to Exhibit "C"
 - c. COK will relocate city owned utilities at its own cost.
 - d. Harker Heights will relocate city owned utilities at its own cost.
 - ii. Roadway Construction
 - a. Parties will seek funding for Road Construction through the Killeen-Temple Metropolitan Planning Organization (KTMPO) (anticipating up to 80% of the construction cost).
 - b. COK will provide project management and construction inspection services for the Project as an in-kind contribution (valued at \$400,000.00). For the portions of the Project that are within the COHH limits, the COHH shall have oversight of the construction and acceptance of the improvements that will be coordinated with COK project manager.
 - c. Upon reasonable advance notice, Parties shall make any property available to Killeen to facilitate the performance of Killeen's obligations hereunder. Parties agree to grant a Temporary Construction Easement to COK for the ROW necessary to construct the Project. The purpose for the easement is for the construction of the Project and for providing pedestrian and vehicular ingress and egress thereto by Killeen, its employees and contractors, as necessary for said construction. The Temporary Construction Easement shall terminate one year after the completion of construction.
 - d. Parties agree that the Project is to be financed proportionately and will reimburse COK for expenses incurred according to the table in Exhibit "C".
 - iii. The Project Costs
 - a. All costs are estimated at this time according to the table in Exhibit "C".
 - b. Costs are estimated using the centerline miles and are assumed to be distributed proportionately based on the ownership percentages established by the frontage length adjacent to the Project. Following the alignment study and development of the final design schematic the centerline miles and frontage lengths will be recalculated and communicated in writing to each of the parties to this agreement.
 - c. Each Party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

- d. Cost overruns or underruns will proportionately be distributed adjusting the overall cost of the Project based on the ownership percentages for each party and location of the construction where the overruns and underruns occurred. COHH's responsibility will only be assessed in the location of their existing city limits and ETJ.

Section 5. Maintenance upon Completion. Upon completion of the Project, Bell County agrees to seek voluntary annexation of those portions of Chaparral Road that are adjacent to COK and the COHH. COK and COHH agree to annex such as may be within their authority to do so. The COK will accept responsibility and ownership of the bridge across Trimmer Creek within the Project.

Section 6. Additional Agreements. The Parties additionally agree to execute and deliver any additional documents and instruments such as Interlocal Agreements, contracts, or easements necessary or appropriate to legally affirm the obligation to pay the entity's proportionate share of the Project costs, to allow access to the Project site for purposes of the Project, to otherwise accomplish the terms of this Agreement, or to correct any defect, error or omission that may be discovered in this Agreement or any documents executed incidental to it.

Section 7. Joint Obligations. The Parties agree:

- a. To meet upon request of either Party throughout the course of the Project to review the status, discuss any concerns that might arise, and coordinate any decisions materially affecting this Agreement.
- b. Not to unreasonably interfere with or delay the Project.
- c. Not to unreasonably withhold, condition or delay any requested approval or consent made by a Party hereto.
- d. To cooperate in defending any legal action instituted by a third party challenging (i) the validity of one or more provisions of this Agreement; (ii) the state and local legislation authorizing the Parties to enter into this Agreement; or (iii) any discretionary action and approvals of either Party regarding permits or other entitlements issued pursuant to this Agreement.

Section 8. Term. The term of this Agreement will commence on the execution date hereof and shall terminate upon the earliest to occur of: (a) thirty days following written notice by any party hereto prior to expenditure of funds or provision of in-kind services; (b) termination pursuant to Section 9 of this Agreement or (c) the completion of the Project; or (d) after 20 years if no work, including design, has begun on said Project.

Section 9. Relationship of Parties. The parties shall not be deemed in a relationship of partners or joint venturers by virtue of this Agreement, nor shall either party be an agent, representative, trustee or fiduciary of the other. No party shall have any authority to bind the

other to any agreement. This Agreement is not assignable or transferable by either party without all other parties' written consent.

Section 10. Default and Remedies.

- a. Each of the following constitutes a material breach of this Agreement and an Event of Default: (i) failing to fully and timely perform any covenant under this Agreement; and (ii) making any representation found to be materially false, misleading, or erroneous in connection with the Project.
- b. If any party should commit an Event of Default, the party alleging such default shall give the other party not less than ten (10) days' notice specifying the nature of the alleged breach and, when appropriate, the manner in which the alleged breach may be satisfactorily cured. Notwithstanding the preceding sentence, if the nature of the alleged failure is such that the giving of ten (10) days' written notice is impractical due to a threat of harm to life or property, then the party alleging the failure shall give the other party such notice as may be reasonable under the circumstances.
- c. In the event of an Event of Default that is not timely cured, the non-defaulting Party may (but shall not be obligated to), without prejudice to any other available right or remedy: (i) terminate this Agreement; (ii) seek recovery of any damage suffered; (iii) cure the default and receive reimbursement from the defaulting Party for all reasonable expenses incurred in doing so; (iv) discontinue payment or performance under this Agreement until the default is cured; (v) exercise any other remedy granted by this Agreement or by applicable law; or (vi) any combination of the foregoing.
- d. Each party waives all special, incidental, consequential or punitive damages.
- e. It is not a waiver of default if the non-defaulting party fails to declare immediately a default or delays taking any action with respect to the default.
- f. If any legal action is necessary to enforce the terms of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which that party may be entitled.

Section 11. Notice. All notices under this Agreement shall be in writing, and (a) delivered personally to the person to whom the notice is to be given, (b) given by certified or registered mail, return receipt requested, or (c) given by e-mail or facsimile transmission. Notice given by mail shall be effective three (3) days (exclusive of Saturdays, Sundays and postal holidays) after the same is deposited in the United States Postal Service, properly post-paid and certified and addressed to the party to be notified. Notice given by e-mail or facsimile transmission shall only be deemed received if the transmission thereof is confirmed and such notice is followed by written notice as provided in subparts (a) or (b) within three (3) business days following the e-mail or facsimile notice. Notice given in any other manner shall be effective only if and when actually delivered to the party to be notified or at such party's address for

purposes of notice as set forth herein. A change in the notice address of any party may be affected by serving written notice of such change and of such new address upon the other party in the manner provided herein. Initially, notices shall be addressed as follows:

a. To HH:

b. To COK:

c. To County:

Section 12. Miscellaneous.

a. Assignment of Contract. Parties may not assign this Agreement or any rights under the Agreement without the prior written consent of the other party, and any attempted or purported assignment in the absence of such consent shall be void. However, nothing herein shall be construed to prevent Killeen from subcontracting as provided herein.

b. Binding Effect. Subject to the provisions regarding assignment, this Agreement shall be binding on the Parties and their respective representatives, successors and permitted assigns.

c. **No Third-Party Beneficiaries.** There are no third-party beneficiaries of this Agreement. Nothing herein shall be construed to waive or limit any defense or immunity available to either Party in response to any third-party claim.

d. **Governing Law; Venue.** The Parties agree that this Agreement has been made in Texas and that it shall be governed by and construed pursuant to the laws of the State of Texas, without regard to choice of law rules of any other jurisdiction. Venue for any action to construe or enforce this Agreement shall be in Bell County, Texas.

e. **Severability.** The provisions of this Agreement are severable. If a court or government agency of competent jurisdiction finds that any provision of this Agreement is unenforceable, the unenforceable provision shall be replaced, to the extent possible, with a legal, enforceable, and valid provision that is as similar in tenor to the unenforceable provision as is legally possible, and the Agreement as so-modified shall be enforced to the greatest extent permitted by law, except when such construction would operate as an undue hardship on a Party, or constitute a substantial deviation from the general intent and purpose of such parties as reflected in this Agreement.

f. **Interpretation.** Each Party has carefully read this entire Agreement, understands the meaning and effect of each and every provision contained herein, and acknowledges that it has relied on its own judgment in entering into this Agreement. Each Party executes this Agreement only after first having obtained, or having had the opportunity to obtain, competent legal advice. The use of the masculine or neuter genders herein shall include the masculine, feminine and neuter genders. The singular form shall include the plural when the context requires. Headings used throughout this Agreement are for convenience and reference only, and the words contained therein shall in no way be held to explain, restrict, modify, amplify, or aid in the interpretation or construction of the meaning of the provisions of this Agreement. The terms “hereof,” “hereunder” and “herein” shall refer to this Agreement as a whole, inclusive of all exhibits, except as otherwise expressly provided. This Agreement represents the result of extensive discussion between the parties, and thus should not be construed strictly for or against either party.

g. **Amendment.** The Parties agree that they may amend this Agreement only by a written agreement duly executed by persons authorized to execute agreements on behalf of the Parties.

h. **Multiple Counterparts.** To facilitate execution, this Agreement may be executed in as many counterparts as may be convenient or required. It shall not be necessary that the signature or acknowledgment of, or on behalf of, each Party, or that the signature of all persons required to bind any Party, or the acknowledgment of such Party, appear on each counterpart. All counterparts shall collectively constitute a single instrument. It shall not be necessary in making proof of this Agreement to produce or account for more than a single counterpart containing the respective signatures of, or on behalf of, and the respective acknowledgments of, each of the Parties hereto. Any signature or acknowledgment page to any counterpart may be detached from such counterpart without impairing the legal effect of the signatures or acknowledgments thereon and thereafter

attached to another counterpart identical thereto except having attached to it additional signature or acknowledgment pages.

i. Entire Agreement. This Agreement is the complete and exclusive statement of the mutual understanding of the Parties. This Agreement supersedes and cancels all previous written and oral agreements, Memorandum of Understanding (MOU), and communications between the Parties relating to the subject matter of this Agreement.

Executed and effective this ____ day of _____ 20__.

CITY OF KILLEEN

BY: _____
City Manager
Kent Cagle

ATTEST:

City Secretary

CITY OF HARKER HEIGHTS

BY: _____
City Manager

ATTEST:

City Secretary

COUNTY OF BELL, TEXAS

BY: _____
County Judge

ATTEST:

County Clerk

EXHIBIT 'A'

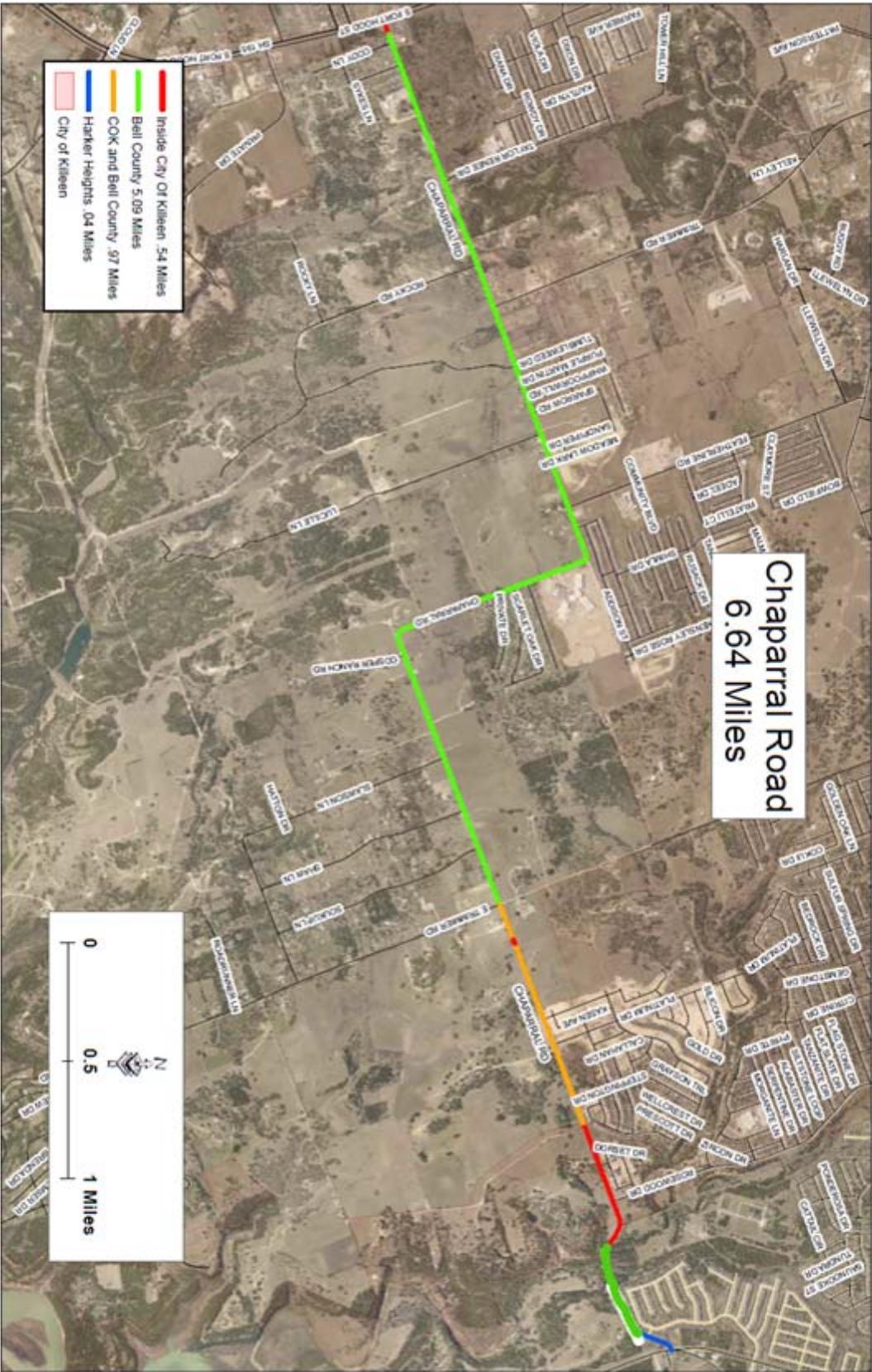
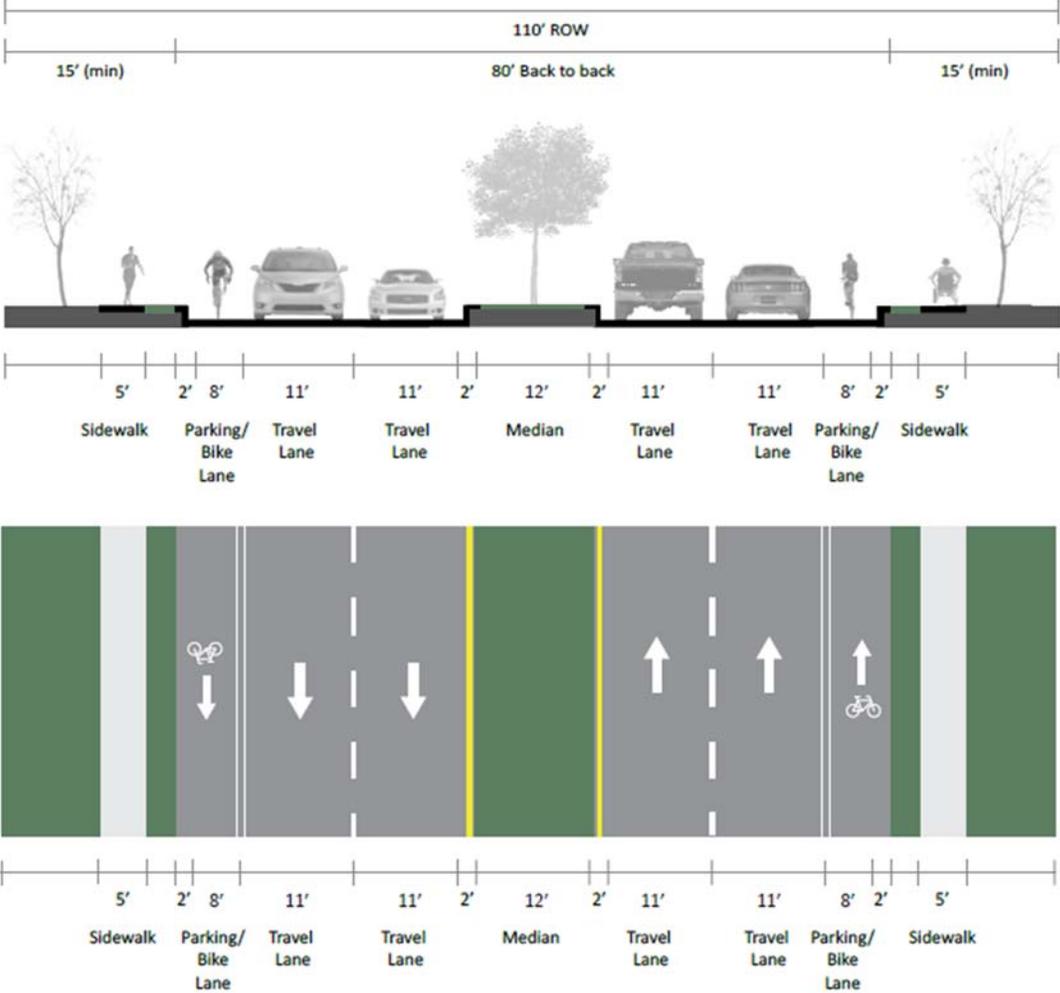


EXHIBIT 'B'



Schematic not to scale

*This represents a preliminary road section that will be analyzed during the final design of the project.

EXHIBIT ‘C’

Estimated Financial Participation by Entity Based on Frontage Lengths								
Entity	Frontage (mi)	Frontage (%)	Design	Design Percentage	Right-of-way	Construction	Total Funding	Total Funding %
KTMPO						\$17,224,578	\$17,224,578	72%
Bell County	7.99	60	\$126,836	60	\$2,873,164		*\$3,000,000	13%
Killeen	4.85	37	\$3,000,000	37	\$500,935		\$3,550,935	15%
Harker Heights	.44	3	\$66,265	3		\$158,222	\$224,487	1%
Total	13.28	100	\$3,193,101	100	\$3,374,099	\$17,392,800	\$24,000,000	100%

Funding contributions do not include in-kind service contributions.

*Bell County’s total contribution to the project will not exceed \$3,000,000, unless approved by the Bell County Commission.

Harker Height’s contribution will only be used in the Phase of the project that includes their City Limits and ETJ.

EXHIBIT ‘D’

Estimated project Timeline		
	Duration	Anticipated Timeline
Preliminary Design	12 months	February 2022-January 2023
Final Design	18 months	February 2023-August 2024
Construction Phases	24-36 months	Dependent on Funding

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) is made by and between the City of Killeen, Texas, a municipal corporation situated in Bell County, Texas (“COK”), the City of Harker Heights, Texas, a municipal corporation situated in Bell County, Texas (“COHH”), Killeen Independent School District (“KISD”), and Bell County, Texas (“County”), collectively referred to in this MOU as the “Parties.”

RECITALS

WHEREAS, Chaparral Road (the “Road”) is a roadway within the jurisdiction of the County, COK, and COHH and is approximately 6.64 miles along the centerline and 13.28 miles along the frontage extending from SH 195 to FM 3481. 8.07 miles of frontage are located within the County jurisdiction. 4.85 miles of frontage are located within the jurisdiction of the COK. 0.36 miles of frontage are located within the jurisdiction of the COHH; and

WHEREAS, KISD plans to develop approximately 67.504 acres of school sites along the Road; and

WHEREAS, the County, COK, COHH, and KISD desire to work together to facilitate the construction of a five lane minor arterial roadway along the entirety of the Road (the “Project”) in accordance with the general terms and conditions outlined below.

NOW THEREFORE, the COK, COHH, County, and KISD agree as follows:

Section 1. Purpose. The purpose of this MOU is to establish the scope of the Project and responsibilities of each of the parties as it relates to the Project. It is understood by the parties that the scope of the project may change depending upon the availability of funding.

Section 2. General Scope of the Project. The general limits of the Project will be as depicted in Exhibit “A” attached hereto and made part hereof this MOU. Project limits are bounded by State Highway 195 on the west end and Farm-to-Market Road 3481 on the east end. The proposed alignment of the Road will be determined during the preliminary engineering phase and is anticipated to include a realignment to soften the 90 degree bends located along the existing alignment. As currently proposed the Project will include:

- a. The design and construction of approximately 6.40 miles of five lane minor arterial roadway with adjacent sidewalks as deemed appropriate.
- b. Necessary ROW acquisition to soften the 90 degree bends located along the existing alignment.
- c. Necessary ROW acquisition to establish a minimum of 90’ wide ROW along the entirety of the final alignment.
- d. Necessary relocation of existing utilities.

The typical section of the Road is depicted in Exhibit “B” attached hereto and made part hereof this MOU.

Section 3. Project Phasing.

- a. Professional services should be performed in two steps for the entire project.
 - i. Preliminary Design – establish required ROW, utility relocations, firm cost estimate, conduct topographical and property surveys, explore environmental concerns.
 - ii. Final Design – prepare final construction plans and specification, finalize cost estimates, obtain any necessary permitting, prepare bid documents.
- b. Construction can be performed all at once or in multiple phases. Current federal funding indicates the project is likely to be completed in two or more phases. Recommended phasing is as follows:
 - i. Phase 1 – limits from Rosewood Drive to Featherline Drive
 - ii. Phase 2 – limits from SH 195 to Featherline Drive
 - iii. Phase 3 – limits from Rosewood Drive to FM 3481.

The estimated project timeline is depicted in Exhibit “D” attached hereto and made part hereof this MOU. Project timeline is subject to change based on execution of agreements and available funding.

Section 4. Development and Financing of the Project.

- a. Professional Services
 - i. Preliminary Engineering
 - a. COK will provide project management services as in-kind services (valued at \$10,000.00).
 - b. COK will contract for the professional services necessary.Parties agree that the Project is to be financed proportionately and will reimburse COK for expenses incurred proportionately according to the table in Exhibit “C” attached hereto.
 - c.
 - ii. Plans & Specifications
 - a. COK will provide project management services as in-kind services (valued at \$90,000.00).
 - b. COK will contract for the professional services necessary.
 - c. Parties agree that the Project is to be financed proportionately and will reimburse COK for expenses incurred according to the table in Exhibit “C”.
- b. ROW Acquisition
 - i. Parties agree that the Project is to be financed proportionately and will reimburse COK for ROW acquisition expenses incurred according to the table in Exhibit “C”.
 - ii. The County agrees to provide in-kind assistance to the COK as may be needed for the acquisition and relocation of acquiring the necessary ROW for the Project. The County’s in-kind assistance includes, and is limited to, dedication of any County-owned ROW necessary for this project.

- iii. KISD agrees to dedicate the necessary ROW for this project through the parcels owned by KISD.
- c. Construction
 - i. Utility Relocation
 - a. Engineer will determine the utilities in need of relocation through the plans and specifications referenced above.
 - b. COK will relocate city owned utilities at its own cost.
 - ii. Roadway Construction
 - a. Parties will seek funding for Road Construction through the Killeen-Temple Metropolitan Planning Organization (KTMPO) (anticipating up to 80% of the construction cost estimated \$13.84M).
 - b. COK will provide project management and construction inspection services for the Project as an in-kind contribution (valued at \$400,000.00).
 - c. Upon reasonable advance notice, Parties shall make any property available to Killeen to facilitate the performance of Killeen's obligations hereunder. Parties agree to grant a Temporary Construction Easement to COK for the ROW necessary to construct the Project. The purpose for the easement is for the construction of the Project and for providing pedestrian and vehicular ingress and egress thereto by Killeen, its employees and contractors, as necessary for said construction. The Temporary Construction Easement shall terminate one year after the completion of construction.
 - d. Parties agree that the Project is to be financed proportionately and will reimburse COK for expenses incurred according to the table in Exhibit "C".
- iii. Project Costs
 - a. All costs are estimated at this time according to the table in Exhibit "C".
 - b. Costs are estimated using frontage miles and assumed to be distributed evenly. Should any particular portion of the project exceed estimated costs, all parties with jurisdiction should split the costs according to their ownership percentages up to those percentages established by the frontage miles (i.e. the connect to FM 3481).
 - c. KISD shall be responsible for design and construction of the Road through KISD property, as well as, the cost of any traffic signal improvements necessitated by the construction of the high school to be located on the Road.
 - d. Each Party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

Section 5. Maintenance upon Completion. Upon completion of the Project, Bell County agrees to seek voluntary annexation of those portions of Chaparral Road that are adjacent to

COK and the COHH and COK and COHH agree to annex such as may be within their authority to do so.

Section 6. Additional MOUs. The Parties additionally agree to execute and deliver any additional documents and instruments such as Interlocal MOUs, contracts, or easements necessary or appropriate to legally affirm the obligation to pay the entity’s proportionate share of Project costs, to allow access to Project site for purposes of this Project, to otherwise accomplish the terms of this MOU, or to correct any defect, error or omission that may be discovered in this MOU or any documents executed incidental to it.

Section 7. Legal Effect of MOU. The County, COK, COHH, and KISD understand and agree that this MOU constitutes only an expression of intent and shall have no legal or binding effect on the parties.

Section 9. Term. The term of this MOU will commence on the execution date hereof and shall terminate on the earliest to occur of: (a) ninety days following written notice by any party hereto; (b) the completion of the Project; or (c) after twelve years.

Section 10. Relationship of Parties. The parties shall not be deemed in a relationship of partners or joint venturers by virtue of this MOU, nor shall either party be an agent, representative, trustee or fiduciary of the other. No party shall have any authority to bind the other to any MOU. This MOU is not assignable or transferable by either party without the all other parties’ written consent.

Executed and effective this ____ day of _____ 20__.

CITY OF KILLEEN

KILLEEN INDEPENDENT SCHOOL DISTRICT

BY: _____
City Manager
Ronald L. Olson

BY: _____
Board President

(Print)

ATTEST:

City Secretary
Lucy C. Aldrich

ATTEST:

Board Secretary

(Print)

CITY OF HARKER HEIGHTS

BY: Spencer H. Smith
~~City Manager~~ Mayor

ATTEST:

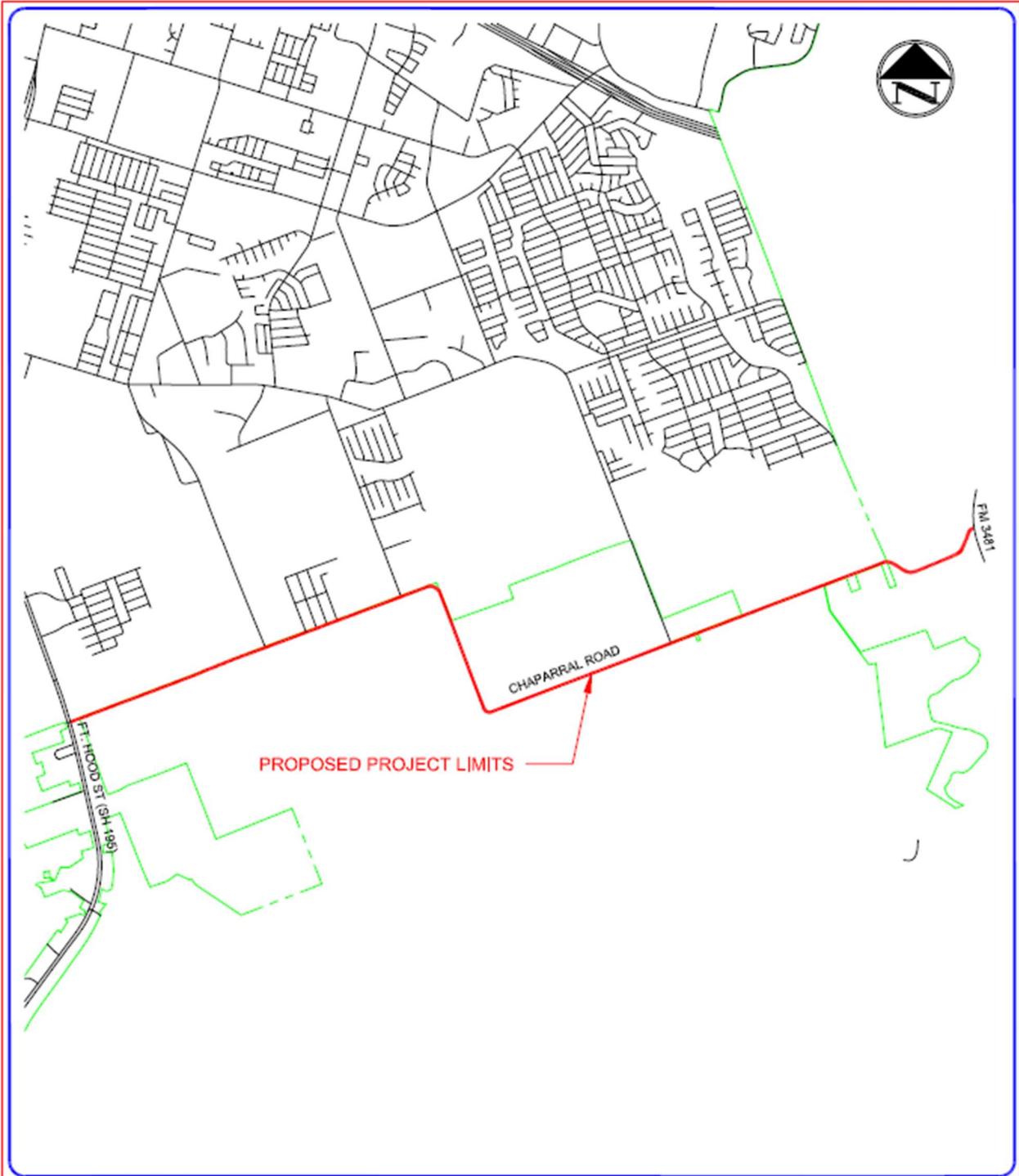
Patricia Brunson
City Secretary

COUNTY OF BELL, TEXAS

BY: [Signature]
County Judge

ATTEST: Melley Costa
County Clerk

EXHIBIT 'A'

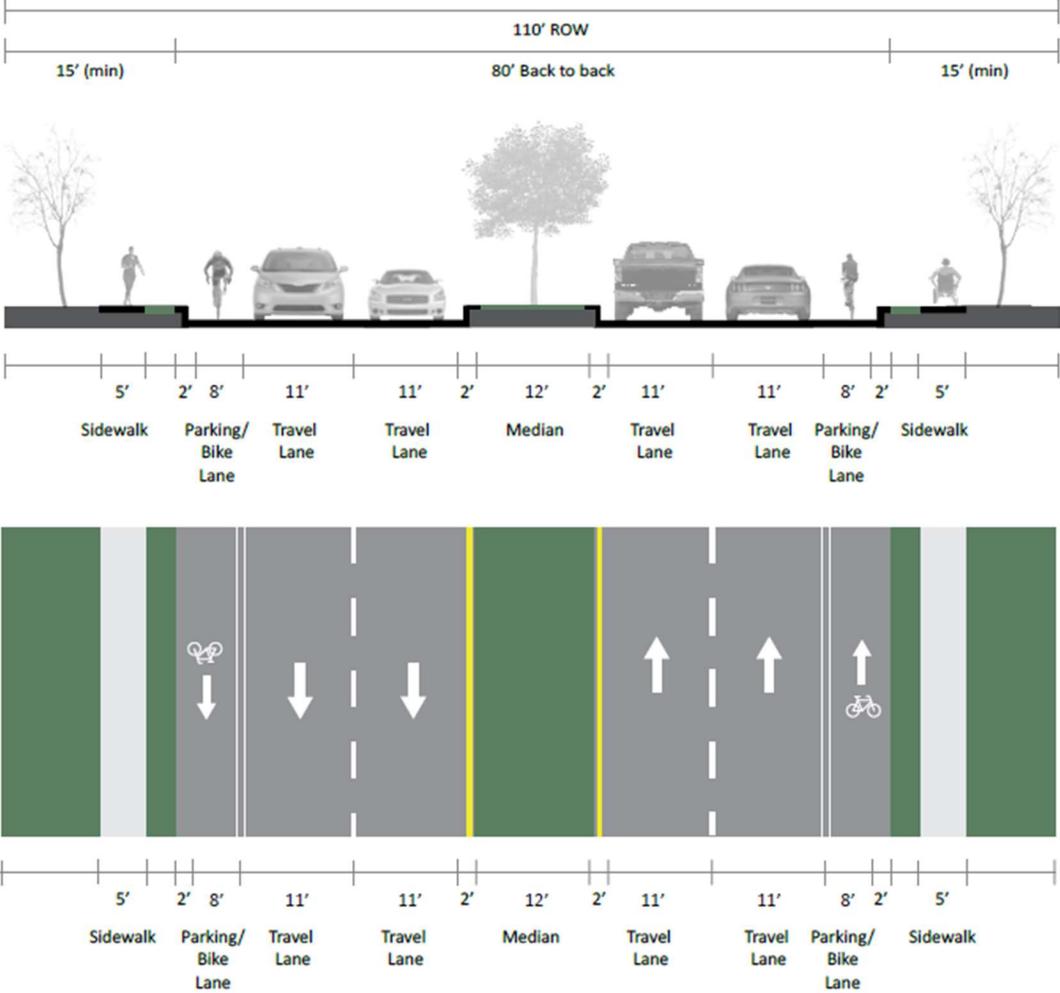


 **CITY OF KILLEEN**
TRANSPORTATION ENGINEERING
STREET & TRAFFIC SERVICES
3201-A S. W-S. YOUNG DRIVE
KILLEEN, TEXAS 76542
Phone: 254 - 501 - 6527
Fax: 254 - 616 - 3182
www.killeen-texas.gov

Scale	NOT TO SCALE
Date	25 AUG 2016
Drawn By	DAW
Checked By	DAO
Project No.	KTMPO
Drawing No.	1 of 1

EXHIBIT C
PROJECT LOCATION MAP
CHAPARRAL IMPROVEMENTS
CITY OF KILLEEN BELL COUNTY

EXHIBIT 'B'



Schematic not to scale

EXHIBIT ‘C’

Estimated Financial Participation by Entity							
Entity	Frontage (mi)	Frontage (%)	Design	Design Percentage	Right-of-way & Construction	Total Funding	Total Funding %
KTMPO	–	–			\$17,224,578	\$17,224,578	72%
Bell County*	8.07	61%	\$1,215,361	61%	\$1,784,639	\$3,000,000	13%
Killeen*	4.85	37%	\$730,422	37%	\$2,769,578	\$3,500,000	15%
Harker Heights	0.36	3%	\$54,217	3%	\$221,205	\$275,422	1%
Total	13.28	100%	\$2,000,000	100%	\$22,000,000	\$24,000,000	100%

*Funding contributions do not include in-kind service contributions.

*Bell County’s total contribution to the project will not exceed \$3,000,000.

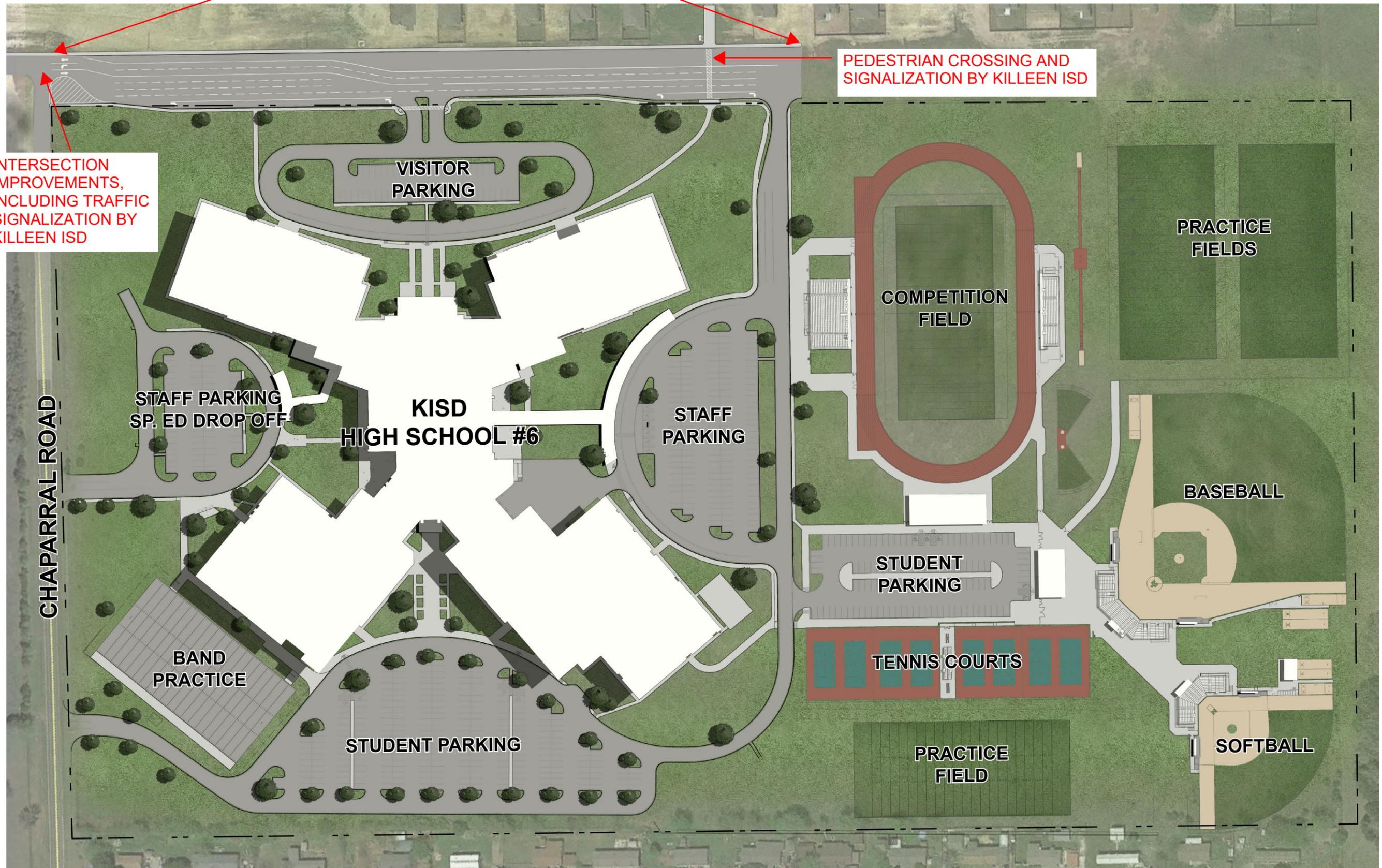
See Exhibit C-1 for KISD contributions.

EXHIBIT C-1

EXTENTS OF NEW CHAPARRAL ROAD
TO BE CONSTRUCTED BY KILLEEN ISD

PEDESTRIAN CROSSING AND
SIGNALIZATION BY KILLEEN ISD

INTERSECTION
IMPROVEMENTS,
INCLUDING TRAFFIC
SIGNALIZATION BY
KILLEEN ISD



CHAPARRAL ROAD

STAFF PARKING
SP. ED DROP OFF

KISD
HIGH SCHOOL #6

STAFF
PARKING

COMPETITION
FIELD

PRACTICE
FIELDS

BASEBALL

STUDENT
PARKING

TENNIS COURTS

PRACTICE
FIELD

SOFTBALL

BAND
PRACTICE

STUDENT PARKING

VISITOR
PARKING



AGENDA ITEM #VII.5.

SITE PLAN

September 27, 2019

EXHIBIT 'D'

Estimated Project Timeline		
	Duration	Anticipated Timeline
Preliminary Design	12 months	October 2019 - October 2020
Final Design	18 months	November 2020 - April 2022
Construction Phases	24 - 36 months per phase	Dependent on funding



City Council Memorandum

FROM: The Office of the City Manager

DATE: September 13, 2022

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, TO AUTHORIZE AN AGREEMENT WITH VIGILANT SOLUTIONS TO PROVIDE SERVICES AND EQUIPMENT RELATED TO THE DIGITAL LICENSE PLATE READER PROGRAM IN THE AMOUNT OF \$61,210.00 THROUGH THE HOMELAND SECURITY GRANT; AUTHORIZE THE CITY MANAGER TO ACT AND SIGN ON BEHALF OF THE CITY, AND TAKE THE APPROPRIATE ACTION. (CHIEF OF POLICE)

EXPLANATION:

In February 2021, Harker Heights Police Department proposed a resolution to the City Council to participate in a Homeland Security Grant funding Digital License Plate Reader equipment and services. Three license plate cameras would be purchased and installed on a marked Harker Heights Police Department patrol vehicle enabling a patrol officer to patrol all streets and areas within the city with the equipment and detect vehicles that have been identified in criminal case work or currently listed as stolen in the national and Texas crime information systems. Two additional license plate cameras would be purchased with this grant and would be included with a speed traffic survey trailer. The trailer would have capabilities of conducting speed surveys with an interactive display for motorists to observe and gain voluntary compliance and collect vehicular data intelligence with the two on-board license plate cameras. The City Council approved this proposed resolution and the grant application was submitted for consideration.

The Digital License Plate Reader grant was approved in the amount of \$61,210.00. Vigilant Solutions was selected as our vendor for this program due to their price point, technology capabilities, product availability, turn-key installation, training capabilities, and their customer service practices. They were also highly recommended by other local law enforcement agencies that current use their products.

RECOMMENDATION:

Staff recommends approval.

ACTION BY THE COUNCIL:

1. Motion to APPROVE/DISAPPROVE a Resolution to authorize an agreement with Vigilant Solutions for the purchase and services related to the Digital License Plate Reader program in the amount of \$61,210.00 through the Homeland Security Grant and authorize the City Manager to sign and act on behalf of the City.
2. Any other action desired.

ATTACHMENTS:

[Resolution](#)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE AGREEMENT WITH VIGILANT SOLUTIONS TO PROVIDE SERVICES AND EQUIPMENT RELATED TO THE DIGITAL LICENSE PLATE READER PROGRAM IN THE AMOUNT OF \$61,210.00.

WHEREAS, the Harker Heights Police Department was authorized to participate in the Homeland Security Grant process to fund multiple Digital License Plate Readers and related services; and subsequently awarded the Grant in the amount of \$61,210.00.

WHEREAS, the City of Harker Heights Police Department selected Vigilant Solutions as the vendor due to their price point, technology capabilities, product availability, turn-key installation, training capabilities, and their customer service practices.

WHEREAS, the meeting at which this resolution was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harker Heights, Texas:

1. The facts and recitations set forth above are hereby found and declared to be true and correct.
2. The Enterprise Service Agreement (ESA) for the Digital License Plate Reader Program is awarded to Vigilant Solutions, in the amount of \$61,210.00
3. The City Manager, David Mitchell, is hereby designated as the City's authorized official. He is authorized and empowered to act in the name and on behalf of the City to apply for, accept, reject, alter, or terminate the City's participation in the Grant, and to execute and deliver such agreements (and any changes therein and additions thereto as he shall determine to be necessary or advisable, such determination to be conclusively evidenced by the execution and delivery thereof), and any related consents, notices, certificates, acknowledgments, and other instruments, and to act as the representative of the City in any lawful way to perform or cause to be performed such other and further acts as may be reasonably necessary and appropriate to accomplish the purposes of these resolutions.
4. All actions taken or performed prior to the date hereof by the City Manager in respect to the matters referred to and approved in this Resolution be and hereby are ratified and confirmed in all respects.
5. The City Council agrees that in the event of loss or misuse of Grant funds, such funds will be returned to the issuing administrator, department or agency in full.

6. Any person, corporation, partnership, limited partnership, association, joint venture or other business entity may presume upon the validity of the acts of any person authorized herein to act, without further recourse to the governing documents, minutes or other proceedings of the City, and without joinder of any other officer or employee of the City.

PASSED AND APPROVED on September 13, 2022, by the Harker Heights City Council.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary