



Harker Heights

Planning and Zoning

Commission

Workshop & Meeting

Wednesday,

March 31, 2021

5:30 P.M. Workshop

6:30 P.M. Meeting



**PLANNING & ZONING COMMISSION WORKSHOP & MEETING
THE CITY OF HARKER HEIGHTS
WEDNESDAY, MARCH 31, 2021 – 5:30 P.M.
VIA TELECONFERENCE**

Notice is hereby given that beginning at beginning at 5:30 P.M. on Wednesday, March 31, 2021, the Planning and Zoning Commission (P&Z) of the City of Harker Heights will hold a Workshop; then beginning 6:30 P.M. on Wednesday, March 31, 2021, the Planning and Zoning Commission (P&Z) will conduct a telephonic meeting in order to contain the spread of COVID-19 in accordance with Governor Abbott’s declaration of the COVID-19 public health threat and action to temporarily suspend certain provisions of the Texas Open Meetings Act issued on March 16, 2020. The subjects to be discussed are listed in the following agenda:

MEETING WORKSHOP

- I.** Convene Workshop at 5:30 P.M.
- II.** Presentations by Staff:
 - 1.** Receive & discuss update regarding the update to Section 4 of the Future Land Use Map.
- III.** Adjournment of Workshop.

MEETING AGENDA

- I.** **CALL TO ORDER** – Convene Regular Meeting of the Planning and Zoning Commission and establish a quorum.
- II.** **APPROVAL OF AGENDA** – Consider approval of the agenda for the regular meeting of the Planning and Zoning Commission for **March 31, 2021**.
- III.** **CONSENT AGENDA:**
 - 1.** Approval of Minutes from the Regular Planning and Zoning Meeting held on February 24, 2021.
- IV.** Report on City Council results from March 9, 2021 meeting.
- V.** Recognition of Affidavits for Conflict of Interest.
- VI.** **PUBLIC COMMENTS:**
 - 1.** At this time, comments will be taken from the audience on non-agenda related topics, for a length of time not to exceed three minutes per person. To address the Planning and Zoning Commission, please clearly state your name and address for the Planning & Development Administrative Assistant prior to making a comment.

No action may be taken by the Planning and Zoning Commission during Public Comments.

VII. PUBLIC HEARING:

1. **Z21-07** Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from PD-R (Planned Development Residential) to B-4 (Secondary and Highway Business District) on property described as Stonewall Ridge Phase I, Lot Tract A, (Future Development), Acres 1.466, generally located near the intersection of Nola Ruth Blvd. and Old Nolanville Road, Harker Heights, Bell County, Texas.
2. **Z21-08** Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as Valley View Second Ext, Block Seven (7), Lot Six (6), Acres 0.20, generally located at 122 E. Turnbo Road, Harker Heights, Bell County, Texas.
3. **Z21-09** Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District) on property described as Meadow Acres Retreat Addition AKA Retreat Addition, Lot Thirteen (13), Acres 0.16, generally located at 117 Bybee Ct, Harker Heights, Bell County, Texas.
4. **Z21-10** Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as Wildewood Acres, Block Seven (7), Lot Nine (9), & 10 foot strip adjacent on North, Acres 0.17, generally located at 917 Maplewood Drive, Harker Heights, Bell County, Texas.

VIII. NEW BUSINESS:

1. **CP21-05** Discuss and consider a request for Concept Plan referred to as The Hills of Stillhouse Hollow Phase Two (2) on property described as A0223BC W B Cross, 2-3, Acres 5.676, generally located east of 12965 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.
2. **P21-13** Discuss and consider a request for Preliminary Plat approval for the subdivision referred to as Abooha Toklo Phase Three, on property described as a 13.740 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being all of Lot eight (8), Block one (1), Amended plat of Marley Addition, an addition to the City of Harker Heights, Texas, being of record in Cabinet C, Slide 123-A, also being the remainder of Lot three (3), Block one (1), Abooha Toklo Addition, Phase One, generally located south of KISD Middle School #14, AKA Nolan Middle School, on properties between Pueblo and Warriors Path, Harker Heights, Bell County, Texas.

IX. REPORTS FROM COMMISSIONERS

X. STAFF COMMENTS

XI. ADJOURNMENT

I, the undersigned authority, do hereby certify that pursuant to the Texas Open Meetings Act, the above Notice of Meeting of the Planning and Zoning Commission of the City of Harker Heights, Texas, was posted at the Harker Heights Municipal Building, and the City of Harker Heights website which is readily accessible to the public at all times, by **10:00 A.M. on Friday, March 26, 2021**. Please contact the Planning and Development Department at (254) 953-5648 for further information.

Wilson Everett

Wilson Everett, Planning & Development Administrative Assistant

**The public may participate remotely in this meeting by dialing-in using:
United States (Toll Free): 1 877-309-2073 or 1-571-317-3129
Access Code: 115-550-293**

The public may participate remotely in this meeting from your computer, tablet, or smartphone by clicking on the link below:

<https://global.gotomeeting.com/join/115550293>

The public will be permitted to offer public comments telephonically as provided by the agenda. Written questions or comments may be submitted two hours before the meeting to the Planning and Development Department. When submitting your written questions or comments, you must include your Name and Address. Agenda packet and recording of the telephonic meeting will be posted on the City of Harker Heights website at www.harkerheights.gov

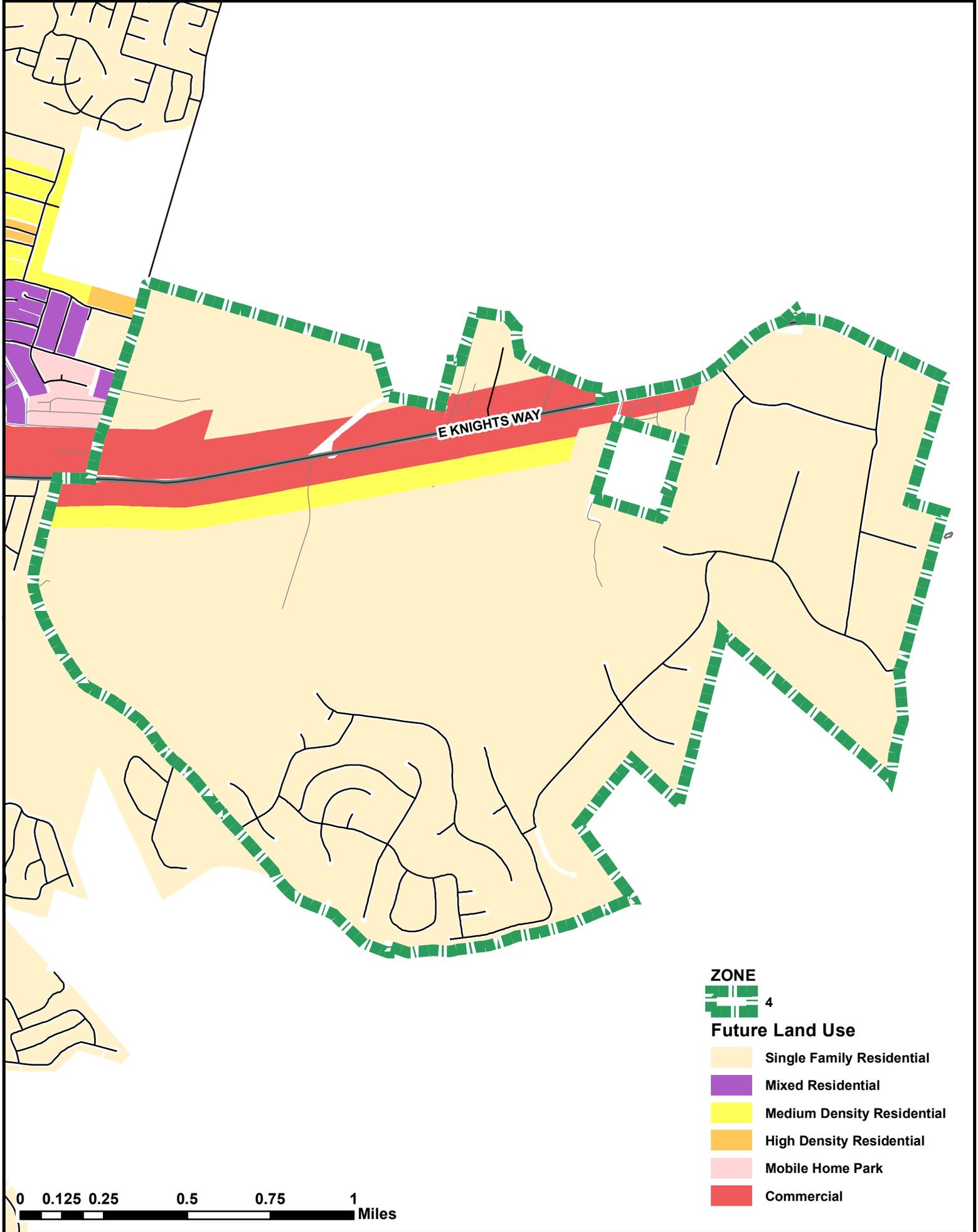


Planning & Zoning Commission
WORKSHOP

AGENDA ITEM II-1

*Receive and discuss update regarding the update to
Section 4 of the Future Land Use Map.*

Future Land Use Map - Prospective Zones



0 0.125 0.25 0.5 0.75 1 Miles



*Minutes of the Teleconference Meeting
of the Harker Heights Planning & Zoning Commission
February 24, 2021*

Present:

Commission

| | |
|---------------------|---------------|
| Larry Robison | Chairman |
| Robert Robinson III | Vice Chairman |
| Adam Parker | Secretary |
| Noel Webster | Commissioner |
| Nuala Taylor | Commissioner |
| Rodney Shine | Commissioner |
| Stephen Watford | Commissioner |
| Kay Carey | Commissioner |

| | |
|-------------------|------------------------|
| Christopher Albus | Alternate Commissioner |
| Michael Stegmeyer | Alternate Commissioner |
| Bary Heidtbrink | Alternate Commissioner |
| Natalie Austin | Alternate Commissioner |

Staff

| | |
|------------------|--|
| Kristina Ramirez | Planning and Development Director |
| Courtney Peres | City Planner |
| Michael Beard | Building Official |
| Brad Alley | Fire Marshal |
| Wilson Everett | Planning and Development Administrative Assistant |
| Courtney Fye | Building Official Secretary |

Absent:

| | |
|---------------|--------------|
| Joshua McCann | Commissioner |
|---------------|--------------|

Meeting Agenda:

Agenda Item I: A quorum was established, and the teleconference meeting for the Planning and Zoning Commission was called to order at 6:32 P.M. It was noted that Alternate Commissioner, Michael Stegmeyer, would step up from an alternate position to a voting commissioner for the meeting.

Agenda Item II: The next agenda item was approval of the agenda for the Regular Planning and Zoning Meeting for February 24, 2021. Courtney Peres noted that under **New Business IX - Agenda Item 2 case CP21-04** had been withdrawn from the meeting agenda per written request from the applicant. Secretary Parker made a motion to approve the agenda. Commissioner Carey seconded the motion. **The motion was approved (9-0).**

Agenda Item III: The next agenda item was approval of the meeting minutes from the Regular Planning and Zoning Meeting held on January 27, 2021. Vice Chairman Robinson made a motion to approve the meeting minutes. Secretary Parker seconded the motion. **The motion was approved (9-0).**

Agenda Item IV: Ms. Peres went over the City Council results from the February 9, 2021 meeting.

Agenda Item V: Receive and discuss updates regarding the process for the Future Land Use Map. It was noted that the commissioners were interested in either starting with revising Zone 1 or 4 first for the future land use map.

Agenda Item VI: Recognition of Affidavits for Conflict of Interest. There were no conflicts of interest submitted.

Agenda Item VII: Public Comments: There was no one present in person or attending virtually who wished to address the Planning and Zoning Commission.

Public Hearing:

Agenda Item VIII:

1. Z21-05 Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from M-1 (Light Manufacturing District) and R-2 (Two Family Dwelling District) to PD-R (Planned Development Residential) on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located East of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicant's request for the consideration of a Planned Development – Residential (PD-R) rezoning to allow R-2 (Two Family Dwelling District) as the base zoning for the purpose of duplex development. She noted that the property had previously been granted a PD-R classification by City Council on March 8, 2016 for the purpose of utilizing the R1-A (One Family Garden Home Dwelling District) as the base zoning class for the development. She explained that the developer had not commenced any construction or development within 12 months of the City Council's approval and the property ultimately reverted to its original zoning designation.

Chris Doose of 616 Algerita Dr, Georgetown, Texas 78628 was present to represent his request.

Chairman Robison opened the public hearing. There was no one in the audience or attending virtually who wanted to address the case for rezoning. Chairman Robison closed the public hearing.

Secretary Parker made a motion to approve an ordinance to change the zoning designation from M-1 (Light Manufacturing District) and R-2 (Two Family Dwelling District) to PD-R (Planned Development Residential) on property described as A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located East of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas, with conditions presented by staff and the applicant. Commissioner Shine seconded the motion. **The motion was approved (8-1).** Commissioner Webster voted to disapprove the motion.

2. Z21-06 Conduct a public hearing to discuss and consider recommending an ordinance to change the zoning designation from PD-B (Planned Development Business) to PD-B with a T-Overlay (Tavern Overlay) on property described as A0288BC V.L. Evans, Acres 30.47, generally located at 101 N. Roy Reynolds Drive, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicant's request to sell beer and wine (with the appropriate TABC license) from within their on-site clubhouse as a part of their offered amenities. Ms. Peres stated that since this is a one lot subdivision the T-Overlay is requested for the entire subdivision area.

The applicant, Joel Canfield of 706 Vanguard Street, Lakeway, Texas 78734, was present via telephone to represent his request. Mr. Canfield explained that the clubhouse is accessible to the public. However, based on his experience with other RV parks he has developed, he has not seen a lot of traffic coming into the park from the public because the park tends to increase the prices on beverages.

Chairman Robison opened the public hearing. There was no one in the audience or attending virtually who wanted to address the case for rezoning. Chairman Robison closed the public hearing.

Secretary Parker made a motion to approve an ordinance to change the zoning designation from PD-B (Planned Development Business) to PD-B with a T-Overlay (Tavern Overlay) on property described as A0288BC V.L. Evans, Acres 30.47, generally located at 101 N. Roy Reynolds Drive, Harker Heights, Bell County, Texas. Commissioner Taylor seconded the motion. **The motion was approved (6-3).** The motion was disapproved by Chairman Robison, Commissioner Carey, and Commissioner Stegmeyer.

New Business:

Agenda Item IX:

1. CP21-03 Discuss and consider a request for Concept Plan referred to as The Enclave at Indian Trail on property described as, A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located East of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicant's request for the Concept Plan. She explained that the concept plan referred to as, The Enclave at Indian Trail, outlines a single-phase duplex development consisting of thirty-six (36) two-family residential lots resulting in a total of 72 dwelling units.

Chris Doose of 616 Algerita Dr, Georgetown, Texas 78628 was present to represent his request.

Commissioner Taylor made a motion to approve the Concept Plan referred to as The Enclave at Indian Trail on property described as, A1086BC W.E. Hall, Acres 2.649, A0723BC J.M. Roberts, & A-1086 W.E. Hall, Acres 3.003, A1086BC W.E. Hall, Acres 7.917, and Centex Waste Management Development Phase Two, Block 001, Lot Pt 4, (SW Pt of 4), Acres 2.980, generally located East of Indian Trail (FM 3423) directly behind Harker Heights Central Fire Station, Harker Heights, Bell County, Texas, with the condition to have all outstanding comments be addressed by Staff prior to the March 9, 2021 City Council Meeting. Secretary Parker seconded the motion. **The motion was approved (8-1).** Commissioner Webster disapproved the motion.

2. CP21-04 Discuss and consider a request for Concept Plan referred to as The Hills of Stillhouse Hollow on property described as, A1016BC W.H. Webb, 2-5, Acres 14.916, Part of A1016BC W.H. Webb, 1, A0179BC J.M. Cross, 3, Acres 72.452, A0179BC J.M. Cross, 2-3, A1016BC W.H. Webb, 2-3, Acres 20.0, A1016BC W.H. Webb, 2-6, Z-4, Acres 32.88, generally located near 12411 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

The applicant requested in writing to withdraw their application.

3. P21-11 Discuss and consider a request for Final Plat approval for the subdivision referred to as Escapology Addition, on property described as 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas.

Ms. Peres explained the applicant's request for a final plat. She noted that the site is currently adequately serviced by city sewer. However, the bore beneath the TXDOT maintained roadway, E. Knights Way (E. FM 2410), to gain access to city water services have not yet been constructed. She included a section of the City Code of Ordinances that states "the final plat and final engineering drawings shall not be approved, conditionally approved or filed for record and no permits shall be issued until the applicant posts with the city a letter of credit/performance bond for any infrastructure construction remaining" (Section 154.22 (C) (4)).

Gorge Meza with Quintero Engineering, office located at 1501 W Stan Schlueter Loop, Killeen, Texas 76549, was present via telephone to represent the case.

Commissioner Webster made a motion to disapprove the request for a Final Plat for the subdivision referred to as Escapology Addition, on property described as 7.07 acre tract of land situated in the Lucy O'Dell Survey, Abstract No. 644, generally located north east at the intersection of E. Knights Way (E. FM 2410) and Cedar Knob Road, Harker Heights, Bell County, Texas, based on non-compliance with Harker Heights Code Section 154.22 (C) (3-4), specifically requirements for Bond documentation for water infrastructure and full drainage analysis for the entire lot in question. Commissioner Stegmeyer seconded the motion. **The motion was approved to deny the request for the Escapology Addition Final Plat with a vote of (9-0).**

Chairman Robison then adjourned the teleconference meeting of the Planning and Zoning Commission at 8:37 P.M.

Larry Robison, Chairman

DATE:

Adam Parker, Secretary

DATE:



PLANNING AND ZONING COMMISSION MEMORANDUM

Z21-07

AGENDA ITEM VII-1

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT

DATE: MARCH 31, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE TO CHANGE THE ZONING DESIGNATION FROM PD-R (PLANNED DEVELOPMENT RESIDENTIAL) TO B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT) ON PROPERTY DESCRIBED AS STONEWALL RIDGE PHASE I, LOT TRACT A, (FUTURE DEVELOPMENT), ACRES 1.466, GENERALLY LOCATED NEAR THE INTERSECTION OF NOLA RUTH BLVD. AND OLD NOLANVILLE ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

The applicant has requested a change from the current zoning of PD-R (Planned Development Residential) with a base zoning of R1-A (Single Family Garden Home Residential District) to B-4 (Secondary and Highway Business District) on property located on the southeast corner of Old Nolanville Road and Nola Ruth Boulevard. The property consists of approximately 1.466 acres. The current property owner desires to develop the property as a commercial lot with the intent to utilize zoning classes up to B-4.

The subject property in its entirety was previously zoned for PD-R at the request of the previous owner. The current zoning designation was initially approved by the Planning and Zoning Commission on January 28, 2015, and later approved by the City Council on February 10, 2015. The plats referred to as Stonewall Ridge Phases One and Two took advantage of the PD-R zoning and developed the existing forty (40) single family homes. The remaining 1.466 acres of undeveloped land was then identified as “Future Development”.

LAND USE:

Adjacent land uses include:

| | Existing Land Use | Future Land Use | Zoning |
|--------------|---------------------------|------------------------|---------------------|
| North | Vacant/Right-of-Way | Vacant/Right-of-Way | Vacant/Right-of-Way |
| South | Single Family Residential | Commercial | PD-R |
| East | Single Family Residential | Commercial | R-1 |
| West | Commercial | Commercial | B-4 |

According to the Future Land Use Map (FLUM) within the 2007 Comprehensive Plan, the property is designated as Commercial. However, in 2015 the 2007 FLUM was amended for this parcel in order to

allow residential development. As a result, the proposed zoning change to B-4 is not in accordance with the 2015 FLUM amendment for this parcel.

FLOOD DAMAGE PREVENTION:

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

NOTICES:

Staff sent out a total of thirty-seven (37) notices to property owners within the 400-foot notification area. As of March 22, 2021, there were zero (0) responses received in favor of the request, and zero (0) response received in opposition of the request.

RECOMMENDATION:

Staff recommends disapproval of the request to change the zoning designation from PD-R (Planned Development Residential) to B-4 (Secondary and Highway Business District) on property described as Stonewall Ridge Phase I, Lot Tract A, (Future Development), Acres 1.466, generally located near the intersection of Nola Ruth Blvd. and Old Nolanville Road, Harker Heights, Bell County, Texas, based on the following:

1. The proposed zoning request is not consistent with the 2015 site amendment (Ordinance 2015-02) to the 2007 Future Land Use Plan.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an ordinance to change the zoning designation from PD-R (Planned Development Residential) to B-4 (Secondary and Highway Business District) on property described as Stonewall Ridge Phase I, Lot Tract A, (Future Development), Acres 1.466, generally located near the intersection of Nola Ruth Blvd. and Old Nolanville Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Location Map
3. Zoning Map
4. Existing Land Use Map
5. Future Land Use Map
6. Notification Area Map
7. Existing Zoning Classification PD-R Ordinance 2015-02
8. Citizen Responses



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Ashfaq Abbasi **Date:** 02/08/2021

Address: 2004 Harvest Dr

City/State/Zip: Nolanville/TX/76559

Phone: [REDACTED] **E-mail:** [REDACTED]

Legal Description of Property:

Location of Property (Address if available): Old Nolanville Rd Harker Heights, TX

Lot: _____ Block: _____ Subdivision: Stonewall Ridge Phase I

Acres: 1.466 Property ID: 481768 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: Commercial (Details)

Current Zoning Classification: Planned Development **Proposed Zoning:** B5 B-4A

Current Land Use: Planned Development **Proposed Land Use:** Trade or business school, real estate, :

Applicant's Representative (if applicable):

Applicant's Representative: _____

Phone: _____ **E-Mail:** _____

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.

ASHFAQ ABBASI
Printed Name of Property Owner

[Signature]
Signature of Property Owner

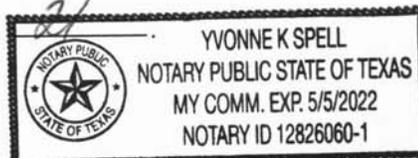
Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 3 DAY OF March, 2021

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2022



STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: 3/3/2021

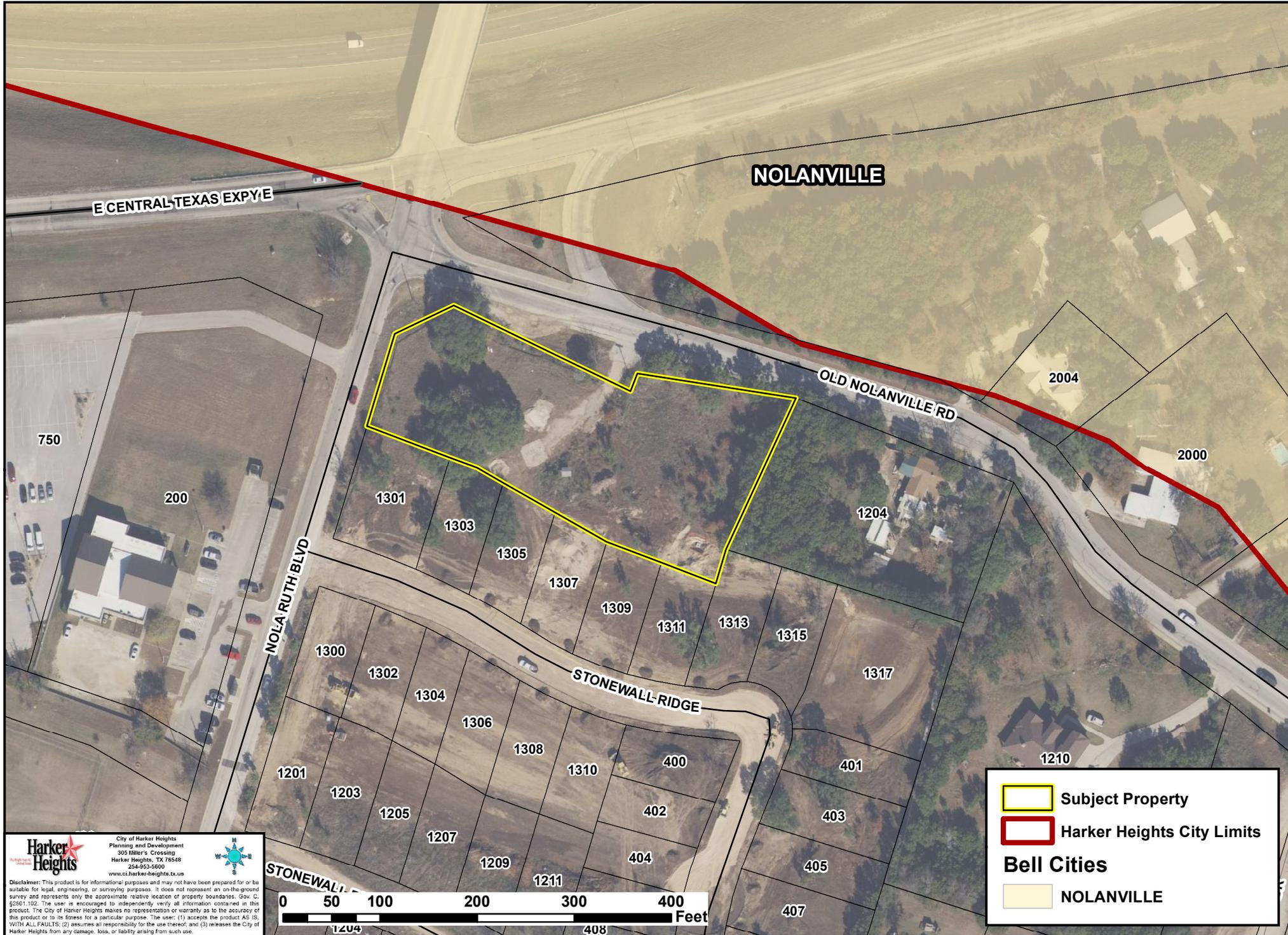
Pre-Application Meeting

Receipt #: 31069241

Received By: [Signature]

Revised: 5/2020

Case #: 221-07



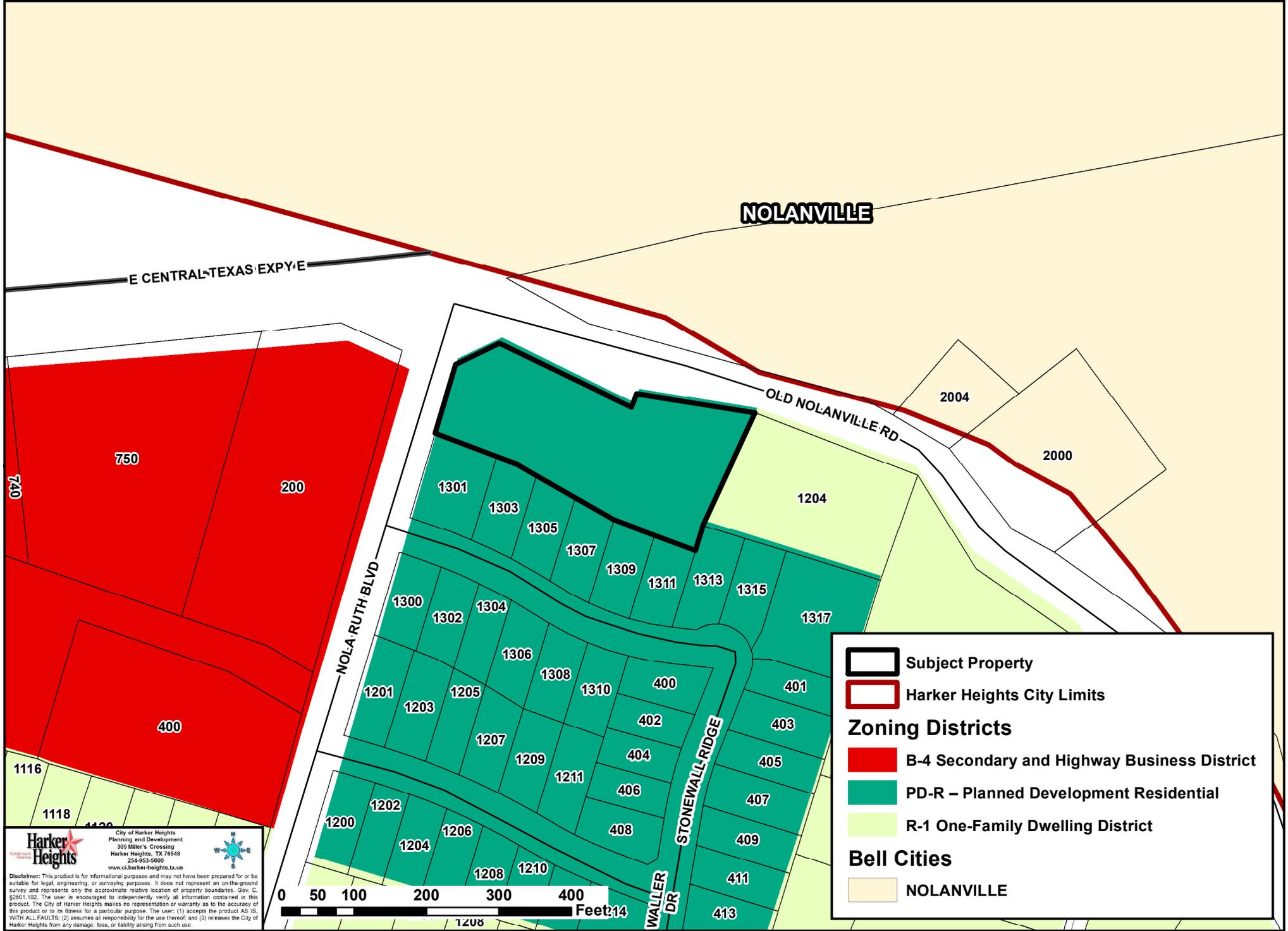
Harker Heights
 City of Harker Heights
 Planning and Development
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Legend

- Subject Property
- Harker Heights City Limits
- Bell Cities**
- NOLANVILLE





Legend

- Subject Property
- Harker Heights City Limits

Zoning Districts

- B-4 Secondary and Highway Business District
- PD-R – Planned Development Residential
- R-1 One-Family Dwelling District

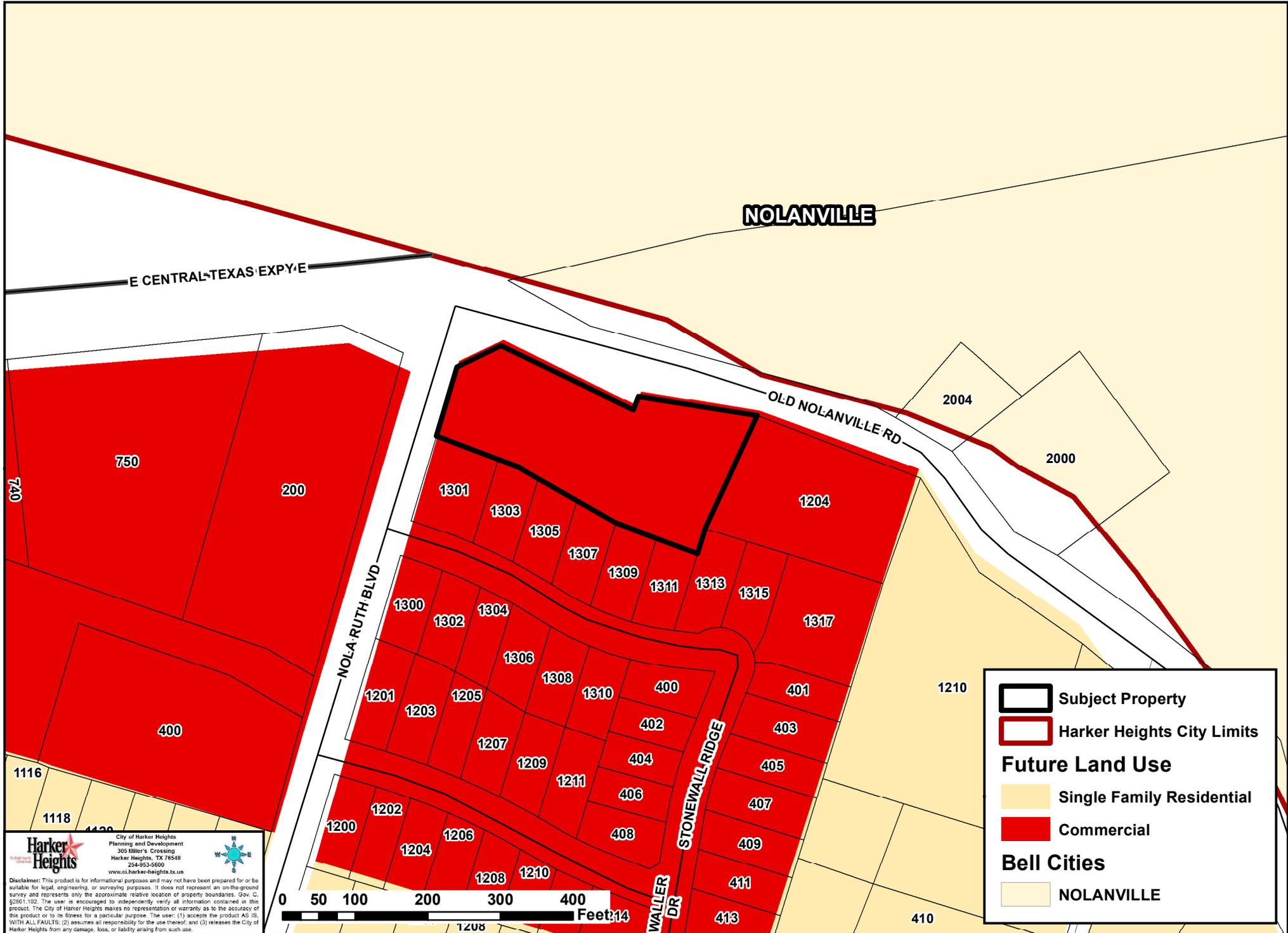
Bell Cities

- NOLANVILLE

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AN ORDINANCE GRANTING PD-R ZONING ON 10.275 ACRES LOCATED AT SE CORNER OF NOLA RUTH BOULEVARD AND OLD NOLANVILLE 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;

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, previously zoned R-1 (One-Family Dwelling District), be rezoned to PD-R (Planned Development- Residential District) with conditions described in the attached Exhibit A: PD-R Conditional Uses excepting Townhouse uses and conditions, following the layout illustrated in Exhibit B: Site Development Plan excepting Townhouse uses and conditions, and following the elevations presented in Exhibit C: Elevations.

10.275 acres described in Exhibit D, commonly known as SE Corner of Nola Ruth Boulevard and Old Nolanville 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> |
|-----------------|--------------------|---|
| 2015-02 | 02/10/15 | Granting PD-R (Planned Development-Residential District) on 10.275 acres located at SE Corner of Nola Ruth Boulevard and Old Nolanville 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 on February 10, 2015.



Rob Robinson

Rob Robinson, Mayor

ATTEST: 13
Patricia Brunson

Patricia Brunson, City Secretary

PD-R Conditional Uses
Nola Ruth Boulevard & Old Nolanville Road

Section 1 -Project Statement:

The purpose and intent of the Nola Ruth/Old Nolanville Road *Planned Development-Residential (PD-R) District* is to allow for the design and construction of single family garden homes.

The property is a 10.275 acre tract out of the F.D. Cox Survey, Abstract No. A-0220BC, located at the southeast intersection of Nola Ruth Boulevard and Old Nolanville Road.

Section 2 – Land Use & Building Regulations within the PD-R Zoning:

1. Single Family Garden Home Area:

- A. The planned residential area of the PD-R located on the property shall consist of Single-Family housing only.
- B. The only permitted use shall be that of single family garden home housing and shall fully comply with the requirements as stated under R-1A Zoning Code in accordance with the provisions of the REDLINED *Section 155.022*, R-1A Single Family Garden Home Residential District, Harker Heights Code of Ordinances attached here. *This section is displayed in Appendix "A" and is made a part of this document by reference herein.*

Section 3 - Conditions of PD-R Zoning: In addition to the Conditions outlined below, all development within the boundaries of the PD-R shall meet or exceed currently adopted standards stated in the PD District Regulations, and be in accordance with the provisions of *Section 155.036*, and the Subdivision and Zoning requirements set forth in the Harker Heights Code of Ordinances.

1. **Open Space Buffers:** In accordance with the provisions of *Section 155.036 (B) (1)*, PD District, Harker Heights Code of Ordinances. The open space buffers shall be cleared of all cedar trees and the like leaving only hardwood trees and desirable native plant material. The disturbed areas will then be re-seeded with native grasses and wildflowers. Open space buffers may also serve as fenced backyards of the single family garden homes or townhouse homes.
2. **Landscaping:** The type and placement of all required landscaping shall be noted in a Landscaping Plan approved by the City Manager or his designated appointee to minimize the impact of the PD-R on the bordering R-1 District.
 - A. **Single family Garden Home Area:** In accordance with the provisions of *Section 155.022*, Single Family Garden Home Residential District, Harker Heights Code of Ordinances.
3. **Height of Buildings:**
 - A. **Single family Garden Home Area:** In accordance with the provisions of *Section 155.022*, Single Family Garden Home Residential District, Harker Heights Code of Ordinances.

PD-R Conditional Uses
Nola Ruth Boulevard & Old Nolanville Road

4. **Fencing and Screening:** In accordance with the provisions of *Section 155.050*, Screening Requirements, Harker Heights Code of Ordinances.
5. **Setbacks:**
 - A. **Single Family Garden Home Area:** In accordance with the provisions of *Section 155.022*, Single Family Garden Home Residential District, Harker Heights Code of Ordinances.
6. **Building Façade:** In accordance with the provisions of *Section 155.040 (2)*, Additional Use, etc..., Harker Heights Code of Ordinances and with the final building elevations (i.e. a list of and quality of materials being used) in the construction of the residential unit/units be subject to a final review by City Staff and will be based upon the submitted elevation samples.
7. **Entrances & Parking:** In accordance with the provisions of *Section 155.061 through 155.068*, Off-Street Parking and Loading Requirements, Harker Heights Code of Ordinances. In addition, the total number of covered parking spaces and garages shall be equal to at least 50% of total number of residential units.
8. The PD-R shall comply with all applicable storm water management policies and procedures governed by the authorities having jurisdiction over this project.
9. The PD-R shall provide additional means of wastewater management if necessary.
10. This shall include the implementation of a waste water lift station adequately sized by a qualified professional engineer for the demands specifically associated with the development.
11. The PD-R shall comply with all fire protection requirements as outlined in the 2009 International Fire Code and the City of Harker Height Code of Ordinance.
12. The PD-R shall provide at least the required public and private easements upon platting.
13. Preliminary and final plats for the PD-R shall be prepared in accordance with the provisions of *Chapter 154: Subdivisions*, Harker Heights Code of Ordinances, with any modifications to the development plan approved by the City Council and Planning and Zoning Commission.
14. Sidewalks shall meet all standards and requirements set forth in the City of Harker Heights Code of Ordinances.

PD-R Conditional Uses
Nola Ruth Boulevard & Old Nolanville Road

APPENDIX "A"

Harker Heights Code of Ordinances

§ 155.022 RI-A SINGLE-FAMILY GARDEN HOME RESIDENTIAL DISTRICT.

(A) *Permitted uses.* Any use permitted by right in the R-1 District, if it meets required standards.

(B) *Conditional uses.* Any conditional use permitted in the R-1 District, if it meets required standards.

(C) *Height regulations.* Same as in R-1 District.

(D) *Area regulations.*

(1) *Front yard.* There shall be a front yard having a depth of not less than 1520 feet. 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 105 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:

(a) The minimum spacing between residences must be 15 feet, except that if the "RI-A" lot is adjacent to and shares a common boundary with a lot zoned "R-1," the required minimum spacing between structures shall not be less than 15 feet;

(b) The wall located on the property line shall be constructed and maintained in accordance with all other applicable codes and ordinances; and

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

(3) *Rear yard.* There shall be a rear yard having a depth of not less than 1520 feet.

(E) *Intensity of use.* All projects must contain a minimum of one and one half acres of property. No subdivision may contain less than ten individual lots.

(1) *Lot area.* No building shall be constructed on any lot less than 4,0600 square feet of area.

(2) *Lot width.* The width of the lot shall not be less than 46 feet at the front street building line, nor shall its average width be less than 46 feet. On corner lots, with two street frontages, the minimum width shall be not less than 55 feet at its average.

(3) *Lot depth.* The average depth of the lot shall be not less than 65+00 feet, except that a corner lot having a minimum width of not less than 55 feet may have an average depth of less than 65+00 feet, provided that the minimum depth is not less than 60+00 feet.

(F) *Parking regulations.* Same as in R-1 District.

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

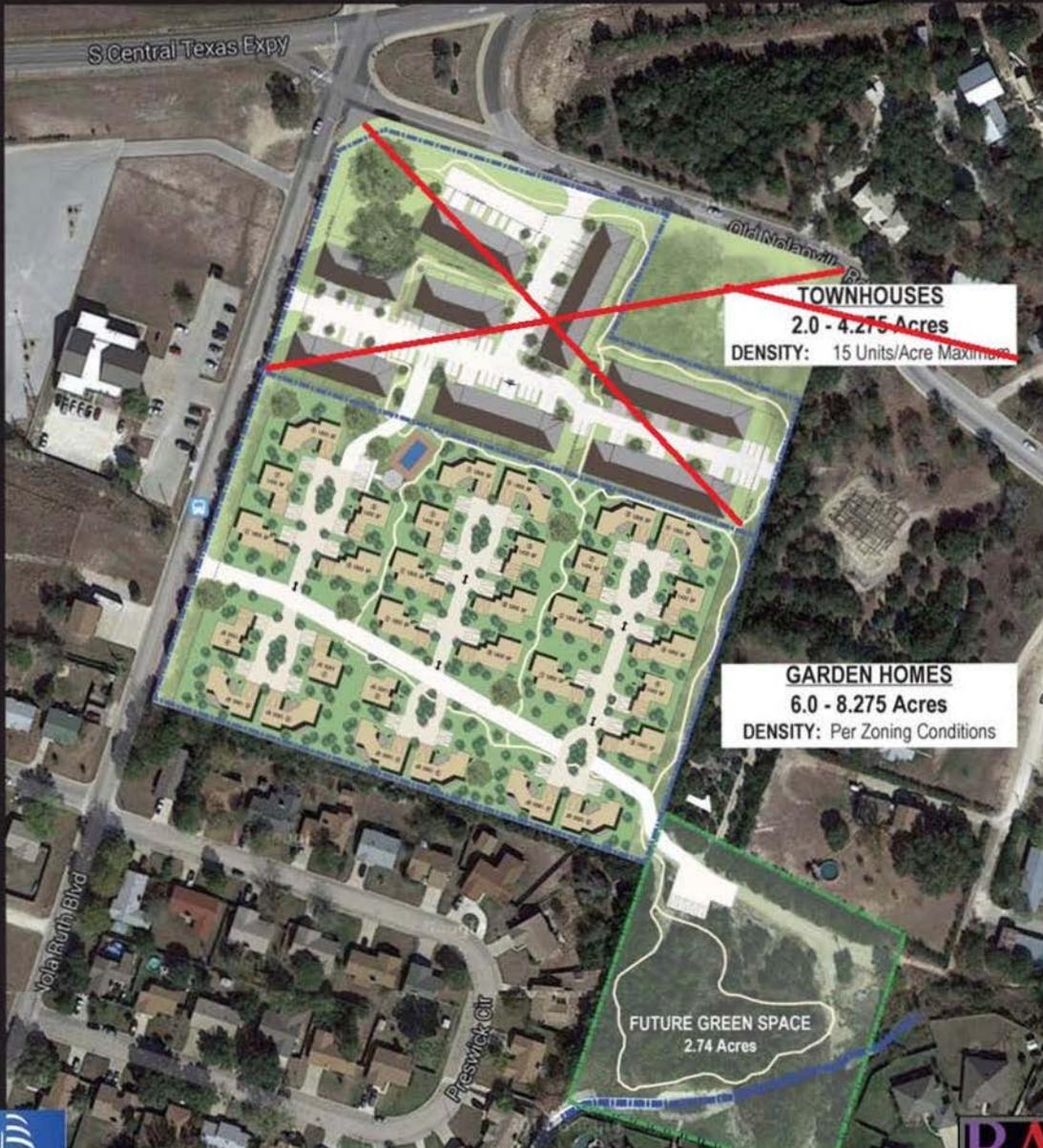
(H) *Floor area.* Minimum livable floor area shall be 1,4500 square feet.

**PD-R Conditional Uses
Nola Ruth Boulevard & Old Nolanville Road**

(I) *Additional requirements.* All structures shall have brick veneer on all sides or approved equal. "Approved Equal" shall be determined by the City Manager or his designated appointee, and will take into account the character of the development, type of material, color, texture, and cohesiveness with the existing neighborhood. —

(J) *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.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06) www.amlegal.com/alpscripts/get-content.aspx



TOWNHOUSES
2.0 - 4.275 Acres
DENSITY: 15 Units/Acre Maximum

GARDEN HOMES
6.0 - 8.275 Acres
DENSITY: Per Zoning Conditions

FUTURE GREEN SPACE
2.74 Acres



NOLA RUTH DEVELOPMENT
CONCEPT SITE PLAN





Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

WARRANTY DEED
with Vendor's Lien

DATE: July 3, 2008

GRANTOR: CYNTHIA JO COCKRELL DYKES and RICKY DAN GIBBS
AND STEVEN WAYNE SHREEVE

GRANTOR'S MAILING ADDRESS: 1551 E. Veterans Memorial Blvd.,
Harker Heights, Bell County, Texas 76548

GRANTEE: SGSB LAND HOLDINGS, LLC., a Texas limited liability company

GRANTEE'S MAILING ADDRESS: 812 S. Presa St., San Antonio,
Bexar County, Texas 78210

CONSIDERATION: The sum of Ten and 00/100 Dollars and other good and valuable consideration, including a promissory note of even date executed by Grantee and payable to the order of TEXAS STAR BANK, S.S.B. in the principal amount of TWO HUNDRED EIGHTY THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$280,500.00). The note is secured by the first and superior vendor's lien against, and superior title to, the Property retained in this deed in favor of TEXAS STAR BANK, S.S.B. and is also secured by a first-lien deed of trust of even date from Grantee to STEVE JOHNSON, Trustee.

PROPERTY (INCLUDING ANY IMPROVEMENTS):

A tract of land out of the F. D. Cox Survey, Abstract No. 220, in Bell County, Texas, containing 10.280 acres of land, more or less, and being more particularly described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes.

RESERVATIONS FROM CONVEYANCE AND WARRANTY: NONE

EXCEPTIONS TO CONVEYANCE AND WARRANTY:

1. Easement to Texas Power & Light Company recorded in Volume 556, Page 632, Volume 819, Page 371, Volume 1167, Page 864, Deed Records of Falls County, Texas;
2. Easement to Bell County WC & ID No. 4 recorded in Volume 1868, Page 625, Deed Records of Bell County, Texas;
3. Declaration of taking by the United States of America recorded in Volume 504, Page 536, Deed Records of Bell County, Texas; and

22. 07-4868
 MONTETH ABSTRACT & TITLE COMPANY
 2010 BIRD CREEK DRIVE, SUITE 100
 TEMPLE, TEXAS 76502
 SGSB

EXHIBIT D

4. Agreed Judgment to the State of Texas in Volume 1166, Page 568, Deed Records of Bell County, Texas.

Grantor, for and in consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and for ever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

TEXAS STAR BANK, S.S.B., at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the property that is evidenced by the note described. The vendor's lien and superior title to the property are retained for the benefit of TEXAS STAR BANK, S.S.B. and are transferred to that party without recourse on Grantor.

When the context requires, singular nouns and pronouns includes the plural.

Cynthia Jo Cockrell Dykes
CYNTHIA JO COCKRELL DYKES

Ricky Dan Gibbs by P.O.A. Cynthia Dykes
RICKY DAN GIBBS

Steven Wayne Shreeve
STEVEN WAYNE SHREEVE

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on the 3rd day of July, 2008 by Cynthia Jo Cockrell ~~Dykes~~

NOTARY PUBLIC
THERESA SCHUETZE
Notary Public
STATE OF TEXAS
My Commission
Expires 09/19/2008
STATE OF TEXAS

Theresa Schuetze
NOTARY PUBLIC in and for
the State of Texas

COUNTY OF BELL

This instrument was acknowledged before me on the 3rd day of July, 2008 by Ricky Dan Gibbs, by Attorney-in-fact *Cynthia Dykes*

NOTARY PUBLIC
THERESA SCHUETZE
Notary Public
STATE OF TEXAS
My Commission
Expires 09/19/2008
STATE OF TEXAS

Theresa Schuetze
NOTARY PUBLIC in and for
the State of Texas

STATE OF TEXAS
COUNTY OF BELL

This instrument was acknowledged before me on the 3rd day of July, 2008, by Steven Wayne Shreeve

NOTARY PUBLIC
THERESA SCHUETZE
Notary Public
STATE OF TEXAS
My Commission
Expires 09/19/2008
STATE OF TEXAS

Theresa Schuetze
Notary Public, State of Texas

EXHIBIT D

DILLARD HOMES
10.275 ACRES

FIELD NOTES for a 10.275 acre tract of land in Bell County, Texas, part of the F. D. Cox Survey, Abstract No. 220, and the land herein described being part of a called 10.92 acre tract conveyed to Grady A. Cockrell and Park Gibbs, of record in Volume 1011, Page 653, Deed Records of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod, found on the east right-of-way line of Nola Ruth Boulevard at the southwest corner of said 10.92 acre tract, being the northwest corner of Lot 1, Block 1, Preswick Hills, an addition to the City of Harker Heights, Texas, of record in Cabinet A, Slide 19-B, Plat Records of Bell County, Texas, for the southwest corner of this tract;

THENCE N. 17° 01' 58" E., 716.86 feet, with the west line of said 10.92 acre tract and the east line of said Nola Ruth Boulevard, to a brass cap monument, found at a cut back in the south right-of-way line of U. S. Highway 190, for an angle corner of this tract;

THENCE N. 64° 20' 05" E., 67.35 feet, with said cut back, to a brass cap monument, found on the south right-of-way line of Old Nolanville Road on the north line of said 10.92 acre tract, for an angle corner of this tract;

THENCE with the south right-of-way line of said Old Nolanville Road and the north line of said 10.92 acre tract, the following three (3) courses:

1. S. 63° 50' 33" E., 202.61 feet, to a 1/2" iron rod, found for an interior corner of this tract;
2. N. 21° 12' 23" E., 19.95 feet, to a 1/2" iron rod, found for an exterior corner of this tract;
3. S. 80° 52' 02" E., 164.84 feet, to a 3/8" iron rod with cap, set at the northwest corner of a called 0.87 acre tract conveyed to Joe R. Hernandez and wife Rosa Hernandez, of record in Volume 1675, Page 101, Deed Records of Bell County, Texas, for the northerly northeast corner of this tract;

THENCE S. 24° 50' 44" W., 171.45 feet, generally with fence on the west line of said 0.87 acre tract, to a 3/8" iron rod, found at the southwest corner of said 0.87 acre tract, for an interior corner of this tract;

THENCE S. 72° 37' 01" E., 255.68 feet, generally with fence on the south line of said 0.87 acre tract, to a 3/4" iron pipe, found at the southeast corner of said 0.87 acre tract, being on the west line of a tract to William Elet Warren, Jr. et al, of record in Volume 4446, Page 720, Official Public Records of Real Property, Bell County, Texas, for the southerly northeast corner of this tract;

THENCE S. 17° 20' 31" W., 534.51 feet, generally with fence on the east line of said 10.92 acre tract, to a 1" iron pipe, found at the northwest corner of Briarwood Estates, Phase IV, an addition to the City of Harker Heights, Texas, of record in Cabinet C, Slide 324-C, Plat Records of Bell County, Texas, for an angle corner of this tract;

THENCE S. 18° 13' 51" W., 64.76 feet, generally with fence on the east line of said 10.92 acre tract, to a 5/8" iron rod with cap, found at the southeast corner of said 10.92 acre tract, being the northeast corner of Lot 8, Block 1, said Preswick Hills, for an angle corner of this tract;

THENCE N. 73° 10' 16" W., 642.41 feet with the south line of said 10.92 and the north line of said Block 1, Preswick Hills, to the POINT OF BEGINNING and containing 10.275 acres of land.

EXHIBIT "A"

Bell County
EXHIBIT D
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2008-00028540

Recorded On: July 09, 2008

As
Recordings

Parties: DYKES CYNTHIA JO COCKRELL

Billable Pages: 3

To SGSB LAND HOLDINGS LLC

Number of Pages: 4

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

| | |
|-------------------------|--------------|
| Recordings | 22.00 |
| Total Recording: | 22.00 |

***** DO NOT REMOVE THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2008-00028540
Receipt Number: 34814
Recorded Date/Time: July 09, 2008 10:37:51A

Record and Return To:

MONTEITH ABSTRACT & TITLE CO
106 S EAST ST
BELTON TX 76513

User / Station: N Mitchell - Cash Station 1



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property Records in Bell County, Texas

Shelley Coston
Bell County Clerk

A handwritten signature in cursive script that reads "Shelley Coston".



**PLANNING AND ZONING
COMMISSION MEMORANDUM**

Z21-08

AGENDA ITEM VII-2

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: MARCH 31, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO R-2 (TWO-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS VALLEY VIEW SECOND EXT, BLOCK SEVEN (7), LOT SIX (6), ACRES 0.20, GENERALLY LOCATED AT 122 E. TURNBO ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R-2 (Two Family Dwelling District) on property addressed as 122 E. Turnbo Road. A single wide manufactured home currently occupies the subject property. The property consists of approximately 8,778 square feet, and the request will enable the applicant to construct one (1) duplex on the property as the existing lot meets the intensity of use requirements of the R-2 zoning district (8,400 square feet).

Surrounding Land Uses

Adjacent land uses include:

| | Existing Land Use | Future Land Use | Zoning |
|--------------|---------------------------|------------------------|---------------------------------------|
| North | Single Family Residential | Mixed Residential | R-1 (One Family Dwelling District) |
| South | Manufactured Home | Mixed Residential | R-1 |
| East | Manufactured Home | Mixed Residential | R-1 |
| West | Manufactured Home | Mixed Residential | R-1 |

Per the 2007 Comprehensive Plan, the applicant’s property is located in an area designated as Mixed Residential. This designation allows for the construction of site-built single-family homes, manufactured housing, and duplexes. A survey of the area identified most of the properties to consist of a combination of all of the approved residential forms. Staff therefore believes the proposed rezoning with its intended use will not likely have any adverse impacts on the neighborhood and would be consistent with the 2007 City of Harker Heights Comprehensive Plan.

Flood Damage Prevention:

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

Notices:

Staff sent out fifty (50) notices to property owners within the 400-foot notification area. There were zero (0) responses received in favor of the request, and zero (0) responses received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of an ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as Valley View Second Ext, Block Seven (7), Lot Six (6), Acres 0.20, generally located at 122 E. Turnbo Road, Harker Heights, Bell County, Texas, based on the following:

1. The proposed use and rezoning is compatible with existing uses in the neighborhood.
2. The proposed use and rezoning would not likely have any adverse impact on adjoining uses and zoning districts.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as Valley View Second Ext, Block Seven (7), Lot Six (6), Acres 0.20, generally located at 122 E. Turnbo Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

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



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Ricky Smith Date: 3-3-21
 Address: 122 E. Turnbo Rd.
 City/State/Zip: Harker Heights, TX 76548
 Phone: [REDACTED] E-mail: [REDACTED]

Legal Description of Property:

Location of Property (Address if available): 122 E. Turnbo Rd
 Lot: 6 Block: 7 Subdivision: Valley View Second Extn.
 Acres: 75 X 115 Property ID: 107805 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: Build Duplex
 Current Zoning Classification: Residential R-2^{WE} Proposed Zoning: Multi-Family R-2^{WE}
 Current Land Use: Mobile Home Proposed Land Use: Duplex

Applicant's Representative (if applicable):

Applicant's Representative: James Herring
 Phone: [REDACTED] E-Mail: [REDACTED]

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.

Ricky Smith
Printed Name of Property Owner

[Signature]
Signature of Property Owner

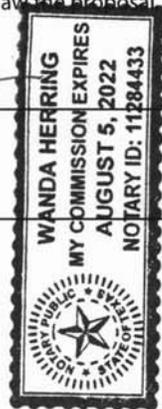
James Herring
Printed Name of Representative

[Signature]
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 3 DAY OF March, 2021.

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 08-05-2022



Date Submitted: 3/31/2021

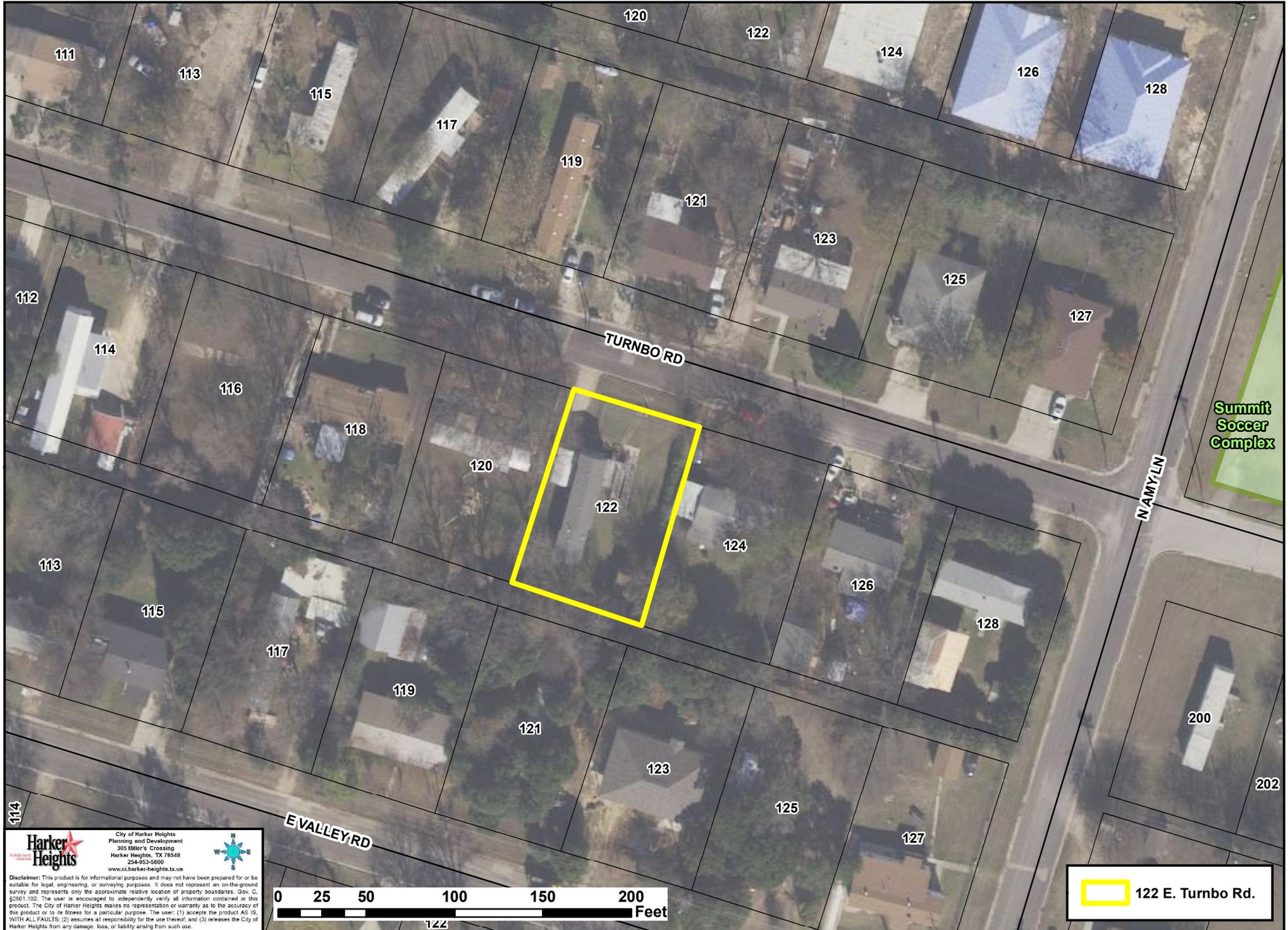
STAFF ONLY -- DO NOT FILL OUT BELOW

Received By: Willeneverett

Pre-Application Meeting

Receipt #: 011669443

Case #: 221-08



Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76548
254-953-5600
www.ci.harkerheights.tx.us

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



 122 E. Turnbo Rd.

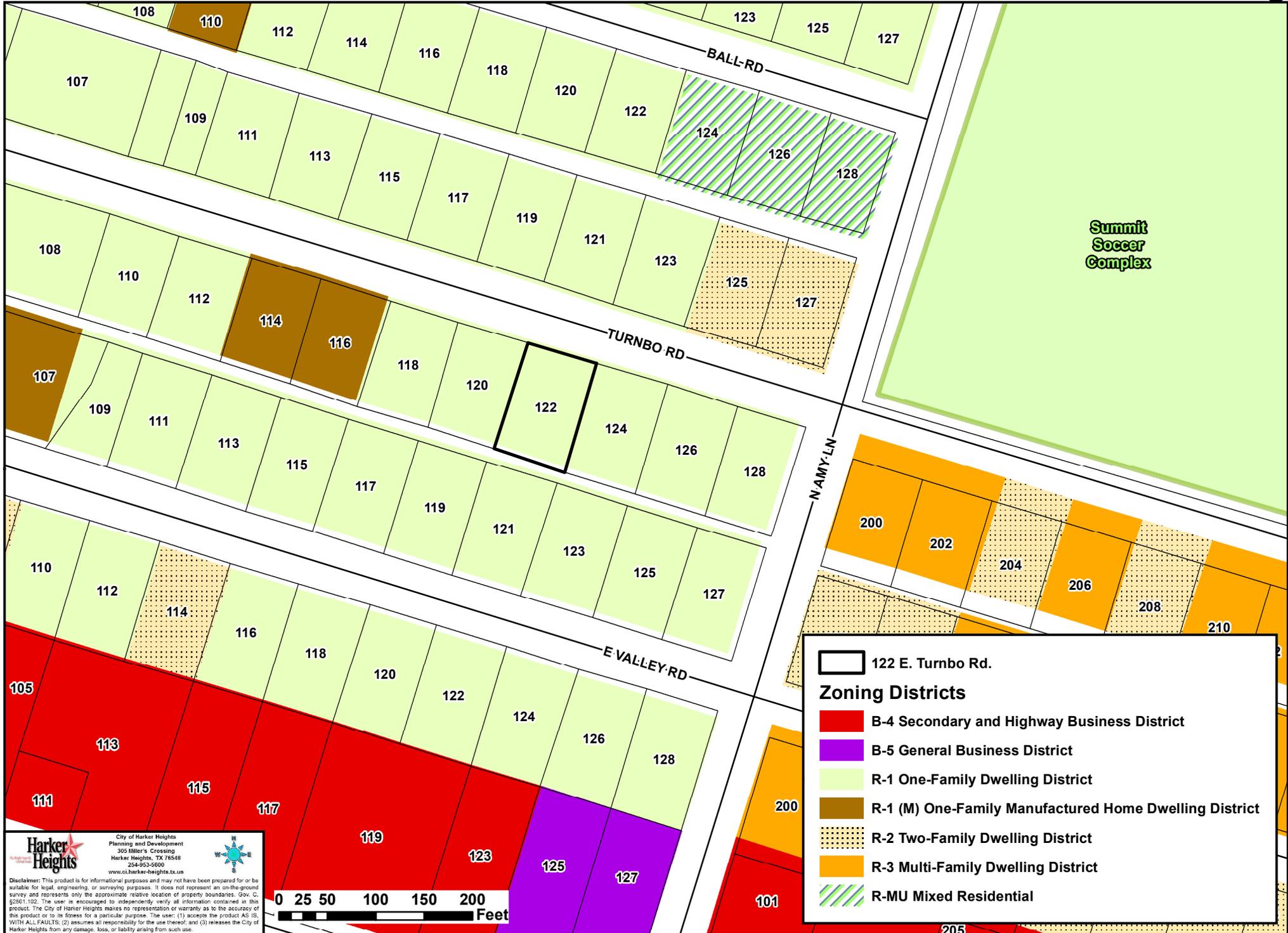



City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 254-953-5600
www.ci.harkerheights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2601.102. 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.



 122 E. Turnbo Rd.
Existing Land Use
 Single-Family Residence
 Duplex
 Manufactured Home
 Multi-Family Residence
 Commercial
 Public/Semi-Public
 Park/Open Space
 USACOE/Drainage
 Vacant



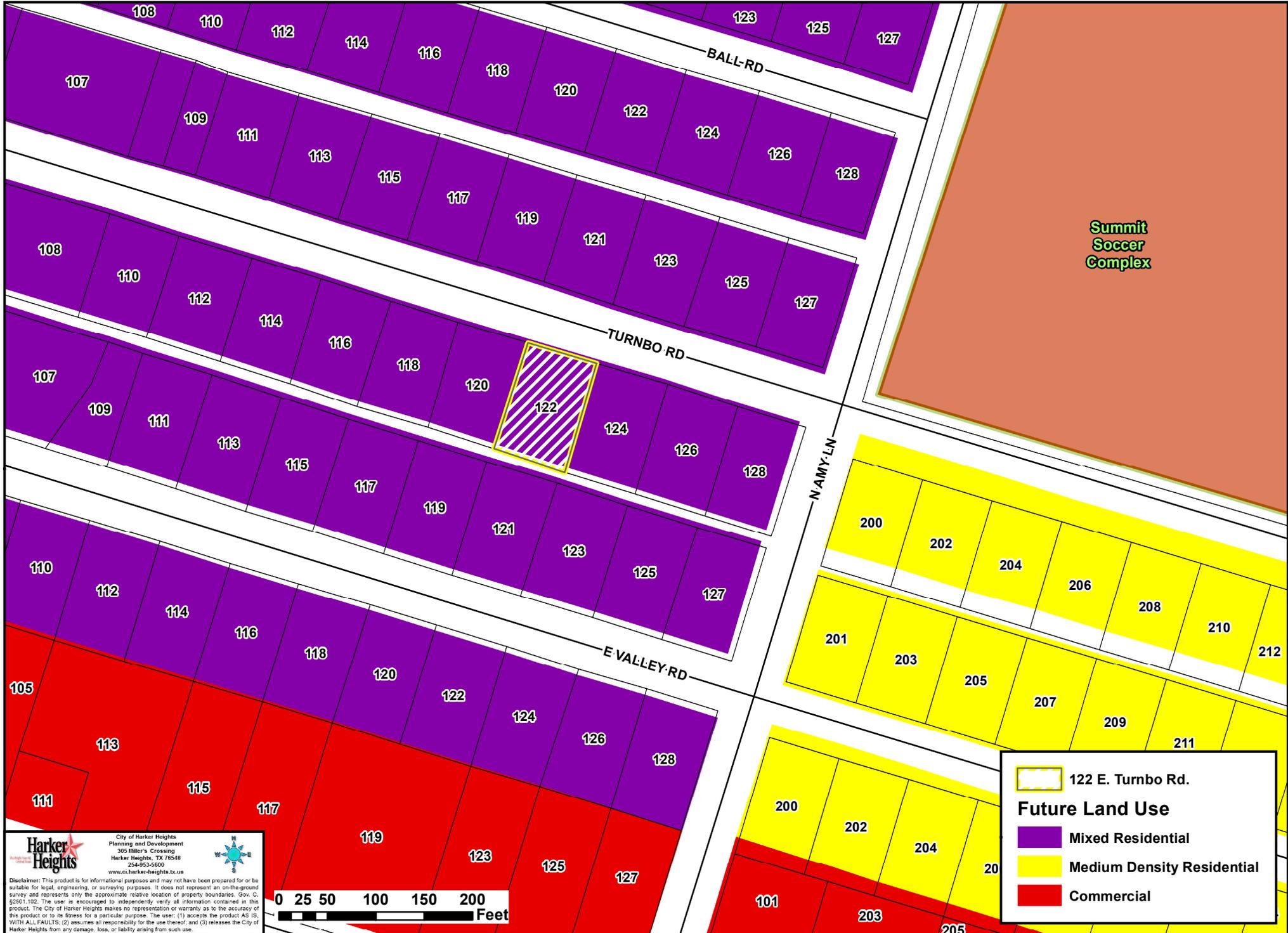
 122 E. Turnbo Rd.
Zoning Districts
 B-4 Secondary and Highway Business District
 B-5 General Business District
 R-1 One-Family Dwelling District
 R-1 (M) One-Family Manufactured Home Dwelling District
 R-2 Two-Family Dwelling District
 R-3 Multi-Family Dwelling District
 R-MU Mixed Residential


 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76748
 254-953-5600
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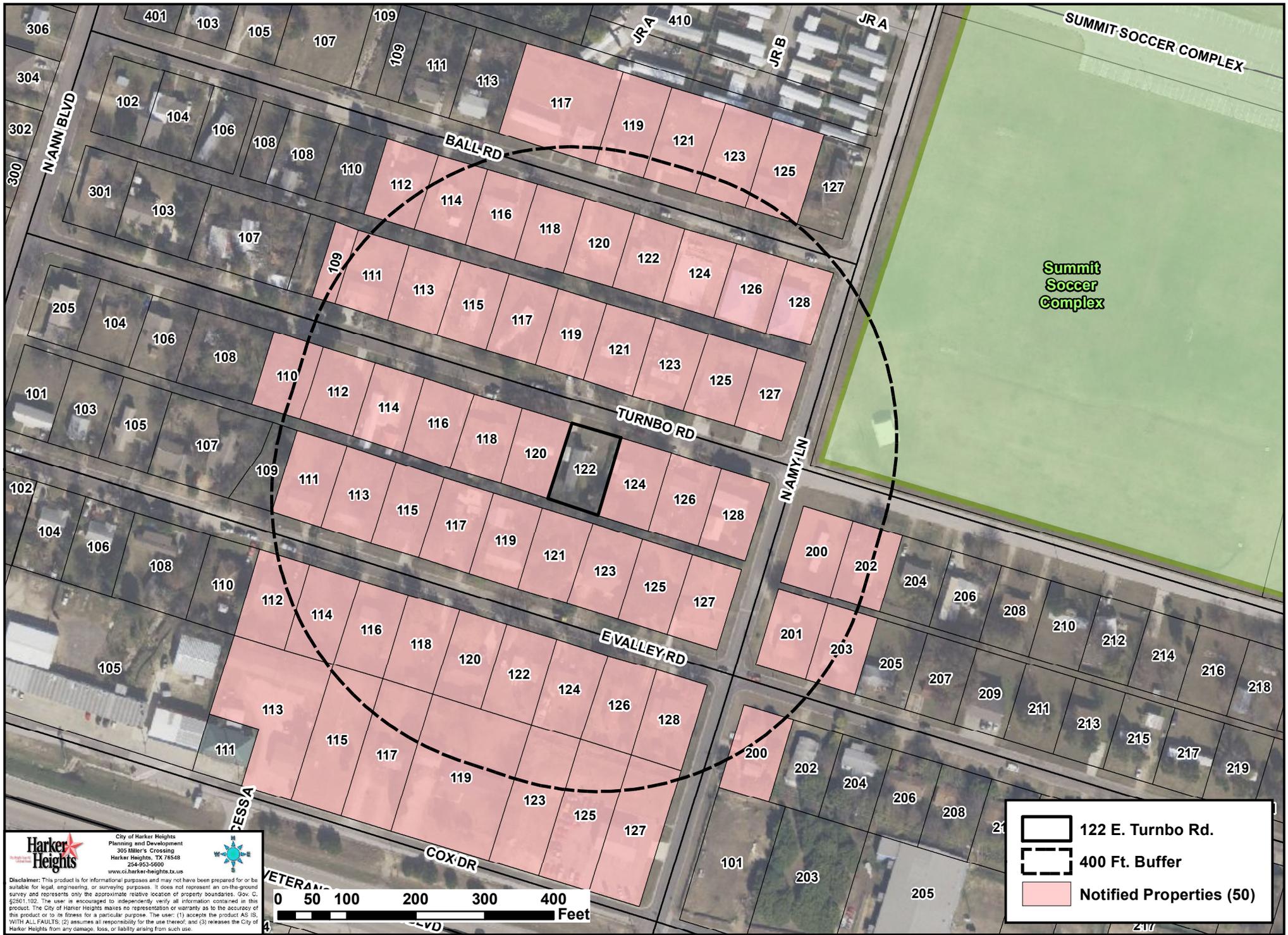
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Harker Heights
 City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76748
 254-953-5600
 www.ci.harker-heights.tx.us

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Summit Soccer Complex

Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76548
254-953-5600
www.ci.harkerheights.tx.us

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| | |
|--|--------------------------|
| | 122 E. Turnbo Rd. |
| | 400 Ft. Buffer |
| | Notified Properties (50) |



PLANNING AND ZONING COMMISSION MEMORANDUM

Z21-09

AGENDA ITEM VII-3

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: MARCH 31, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO R-1(M) (ONE FAMILY MANUFACTURED HOME DWELLING DISTRICT) ON PROPERTY DESCRIBED AS MEADOW ACRES RETREAT ADDITION AKA RETREAT ADDITION, LOT THIRTEEN (13), ACRES 0.16, GENERALLY LOCATED AT 117 BYBEE CT, HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One Family Dwelling District) to R1-(M) (One Family Manufactured Home Dwelling District) on property addressed as 117 Bybee Court. The property consist of approximately 9,048 square feet and the request will enable the applicant to place a manufactured home on the property. The placement of the manufactured home will be required to adhere to the City’s code as it pertains to private lot manufactured homes (see attachment #7).

The subject property was previously taken to the Building and Standards Commission in 2018 and was determined that a site-built structure on the property was unsafe, substandard, dangerous, and in violation of the minimum standards set forth in §160.04. The case was ordered by the Commission to be demolish or removed from the property. On March 19, 20218 a demolition permit was pulled to remove the structure and all debris including foundation and sidewalks. All work was adequately completed, and the lot has remained vacant to date.

Surrounding Land Uses

Adjacent land uses include:

| | Existing Land Use | Future Land Use | Zoning |
|--------------|--------------------------|----------------------------|------------------------------------|
| North | Single Family Residence | Medium Density Residential | R-1 (One Family Dwelling District) |
| South | Single Family Residence | Medium Density Residential | R-1 |
| East | Single Family Residence | Medium Density Residential | R-1 |
| West | Single Family Residence | Medium Density Residential | R-1 |

Per the 2007 Comprehensive Plan the applicant’s property is in an area designated as Medium Density Residential. Per the adopted comprehensive plan, Medium Density Residential should be utilized in the following three conditions:

1. Should be located where possible as a buffer between commercial and single family uses;

2. Should be located where possible as a buffer between high-density and single-family residential uses;
3. Is an acceptable replacement for aging manufactured housing or for new development in areas zoned appropriately for such within the City.

A survey of the area identified most of the surrounding properties to be primarily site built single-family residences within the cul-de-sac street Bybee Court. Per the adopted comprehensive plan, manufactured housing should be utilized in the designated Manufactured Home Park or Mixed Residence FLUM categories. The rezone request is not consistent with the 2007 City of Harker Heights Comprehensive Plan. While the intended use may not likely have any adverse impact on the surrounding area, the proposed rezoning but would be the first manufactured home fronting Bybee Court. There are manufactured homes on adjacent properties along E. Beeline Lane and E. Bob White Lane. However, a manufactured home along Bybee Ct. would not be harmonious with the existing uses in the immediate area.

Flood Damage Prevention:

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

Notices:

Staff sent out thirty-seven (37) notices to property owners within the 400-foot notification area. As of March 22, 2021, staff has received zero (0) responses in favor of the request, and zero (0) responses in opposition of the request.

RECOMMENDATION:

Staff recommends disapproval of the request to change the zoning designation from R-1 (One-Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District) on property described as Meadow Acres Retreat Addition AKA Retreat Addition, Lot Thirteen (13), Acres 0.16, generally located at 117 Bybee Ct, Harker Heights, Bell County, Texas, based on the following:

1. The proposed zoning request is not consistent with the Future Land Use Plan in the adopted 2007 Comprehensive Plan.
2. The proposed use and rezoning is inconsistent with the site-built homes along Bybee Court.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-1(M) (One Family Manufactured Home Dwelling District) on property described as Meadow Acres Retreat Addition AKA Retreat Addition, Lot Thirteen (13), Acres 0.16, generally located at 117 Bybee Ct, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Application
2. Location Map
3. Existing Land Use Map
4. Zoning Map
5. Future Land Use Map
6. Notification Area Map
7. §155.020 R-1(M) Code Section



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Mauricio Tinajero Resendiz Date: 03-03-21
 Address: 1205 Highmeadows Cove
 City/State/Zip: Round Rock, TX 78684
 Phone: [REDACTED] E-mail: [REDACTED]

Legal Description of Property:

Location of Property (Address if available): 117 Bybee CT Harker Heights
 Lot: 0013 Block: _____ Subdivision: _____
 Acres: _____ Property ID: 17229 Survey: Meadow Acres Retreat Addition ^{WB}

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: R1M
 Current Zoning Classification: R1 Proposed Zoning: R1M
 Current Land Use: Vacant ^{WB} Proposed Land Use: Mobile home ^{WB}

Applicant's Representative (if applicable):

Applicant's Representative: Maria Tierrablanca
 Phone: [REDACTED] E-Mail: [REDACTED]

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.

Mauricio Tinajero
 Printed Name of Property Owner

[Signature]
 Signature of Property Owner

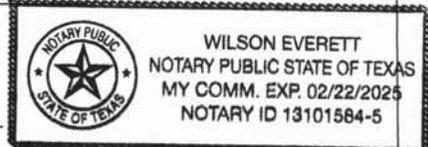
Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 3 DAY OF March, 20 21

Wilson Everett
 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 2/22/2025

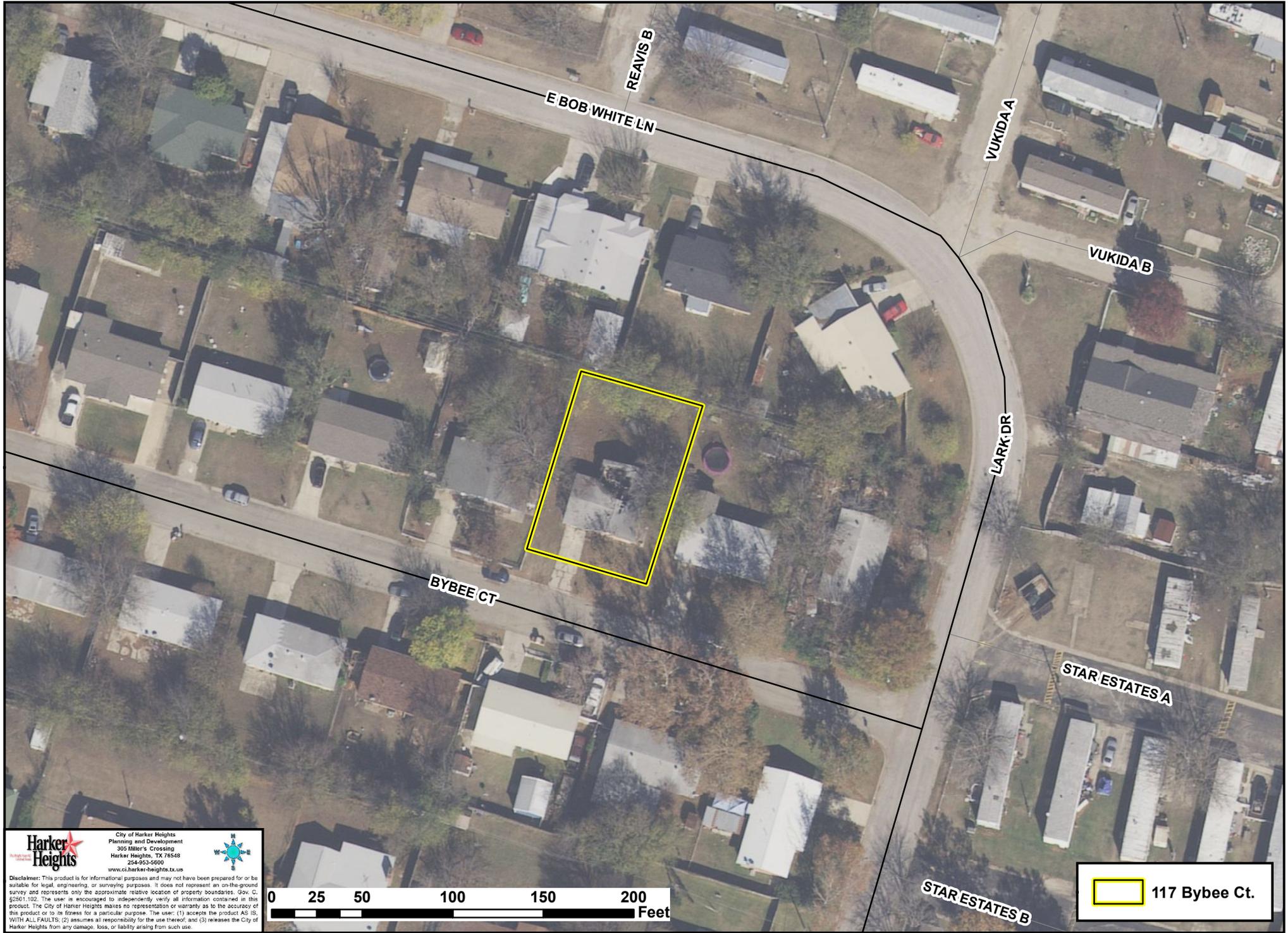


Date Submitted: 3/31/2021
 Received By: Wilson Everett

STAFF ONLY -- DO NOT FILL OUT BELOW

Pre-Application Meeting

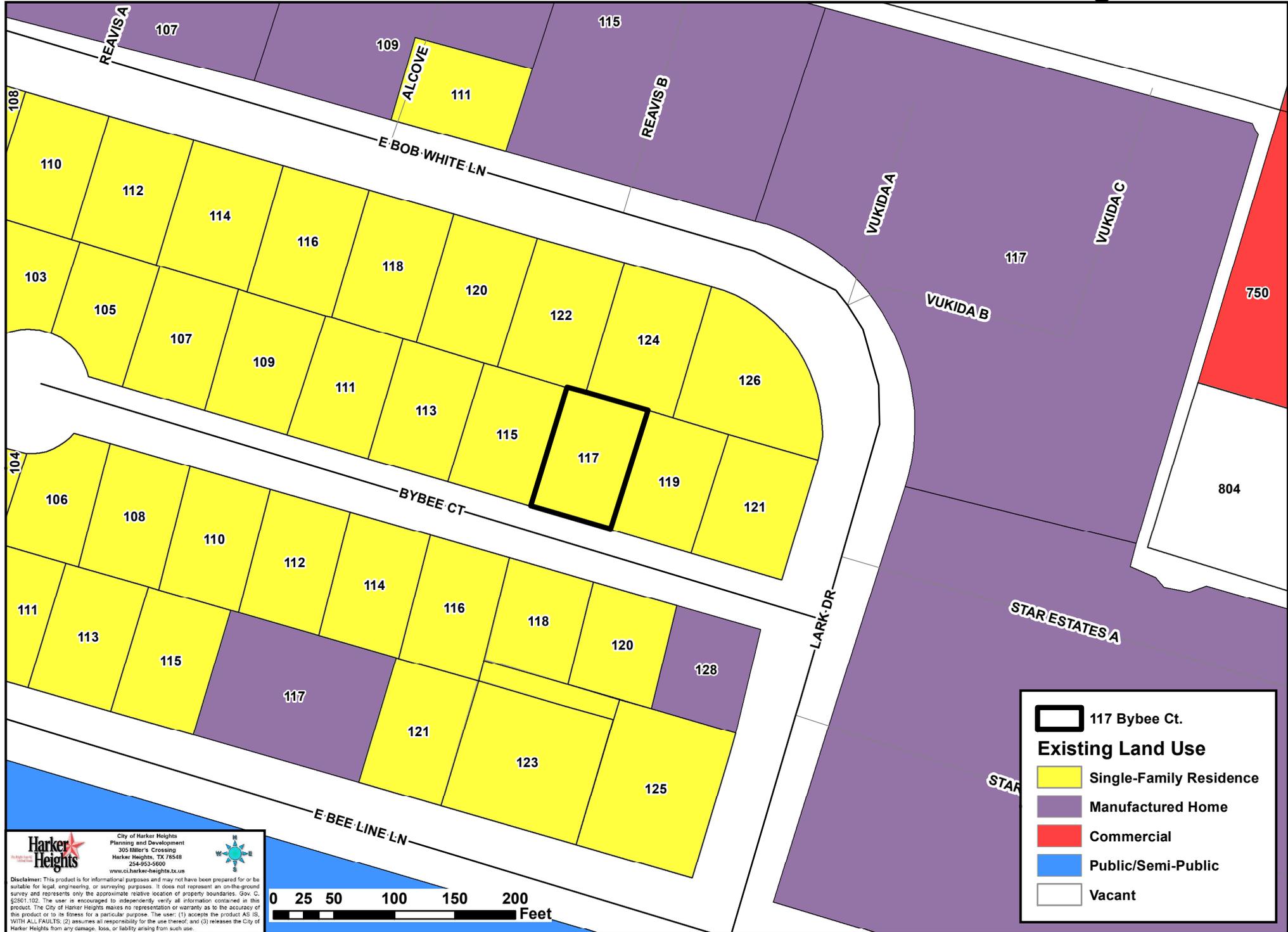
Receipt #: 011669431
 Case #: 221-09



Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76748
254-953-5600
www.ci.harkerheights.tx.us

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 117 Bybee Ct.



 117 Bybee Ct.

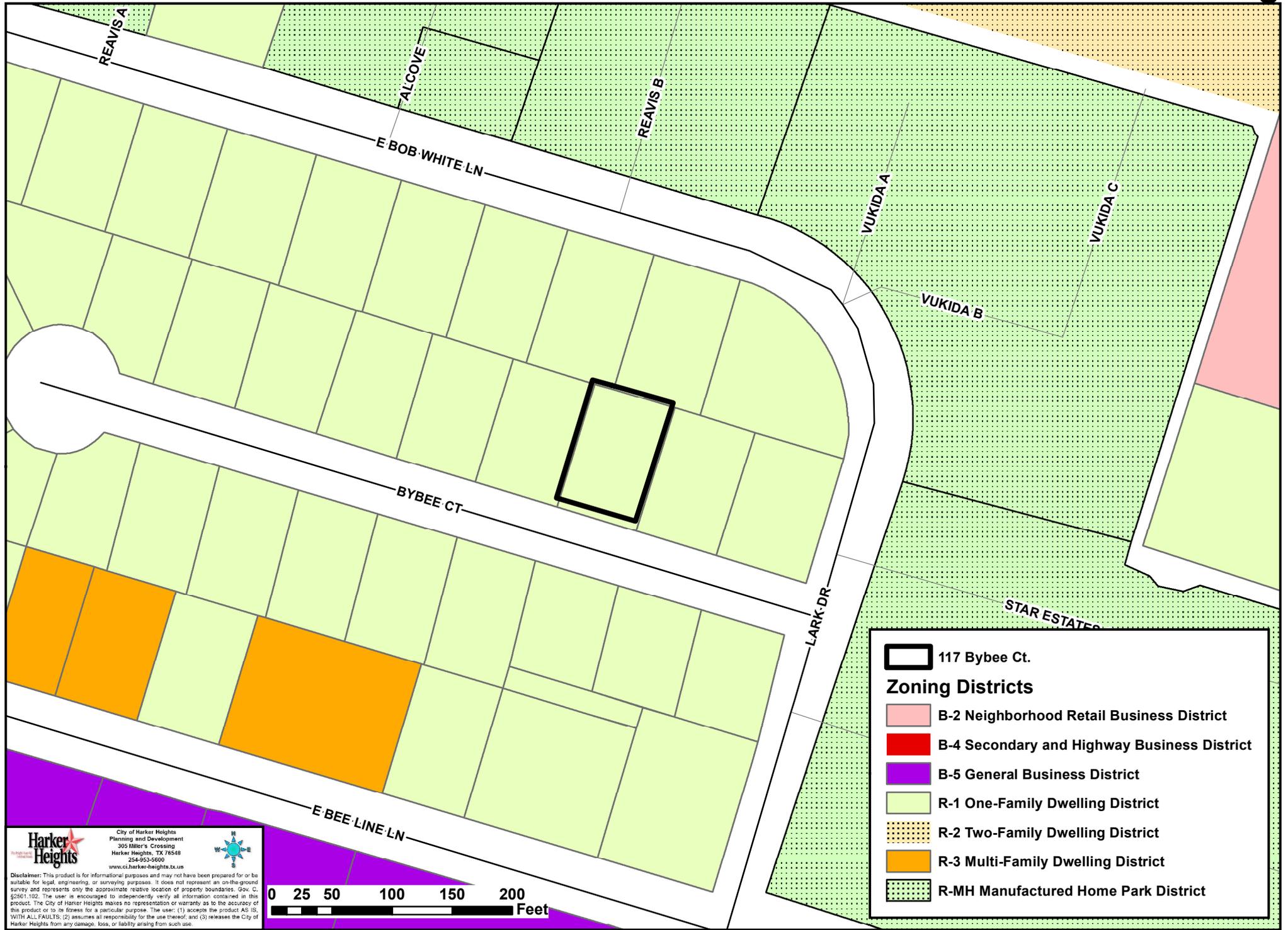
Existing Land Use

-  Single-Family Residence
-  Manufactured Home
-  Commercial
-  Public/Semi-Public
-  Vacant

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117 Bybee Ct.

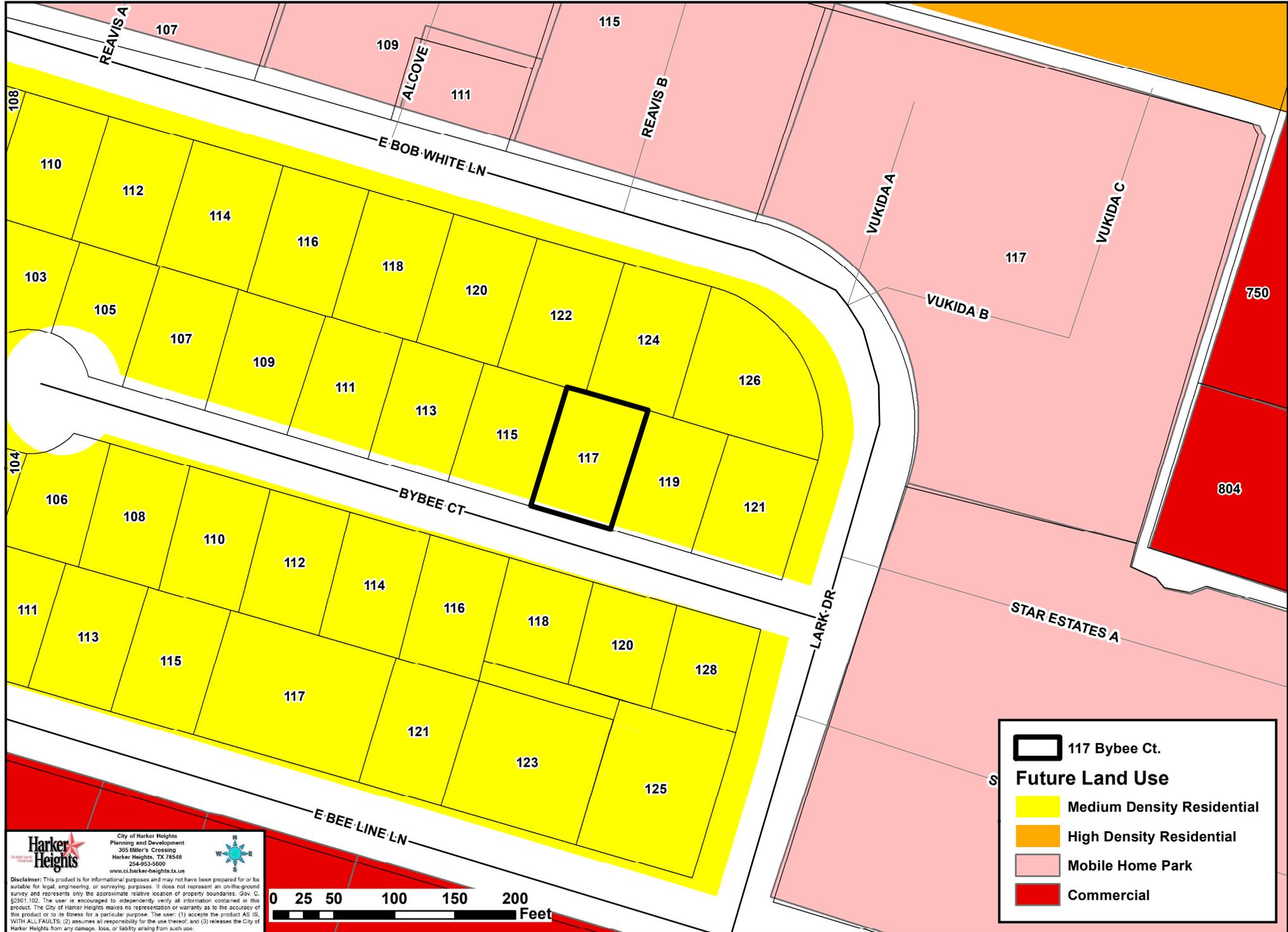
Zoning Districts

- B-2 Neighborhood Retail Business District
- B-4 Secondary and Highway Business District
- B-5 General Business District
- R-1 One-Family Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District

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0 25 50 100 150 200 Feet

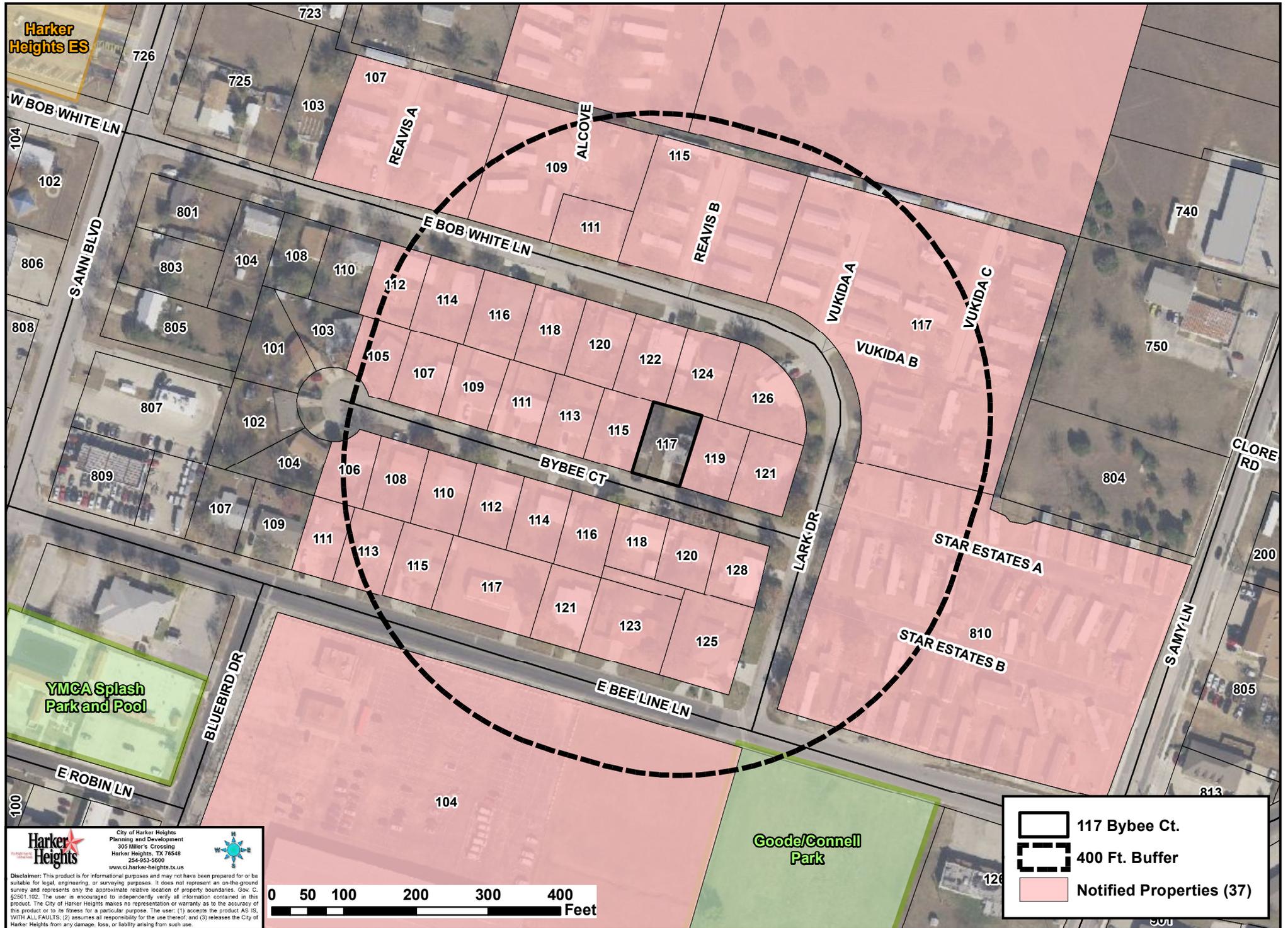


| | |
|---|----------------------------|
|  | 117 Bybee Ct. |
| Future Land Use | |
|  | Medium Density Residential |
|  | High Density Residential |
|  | Mobile Home Park |
|  | Commercial |

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§ 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)



PLANNING AND ZONING COMMISSION MEMORANDUM

Z21-10

AGENDA ITEM VII-4

FROM: THE OFFICE OF THE PLANNING AND DEVELOPMENT DIRECTOR
DATE: MARCH 31, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER RECOMMENDING AN ORDINANCE TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO R-2 (TWO-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS WILDEWOOD ACRES, BLOCK SEVEN (7), LOT NINE (9), & 10 FOOT STRIP ADJACENT ON NORTH, ACRES 0.17, GENERALLY LOCATED AT 917 MAPLEWOOD DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R-2 (Two Family Dwelling District) on property addressed as 917 Maplewood Drive. The vacant property consists of approximately 7,800 square feet and the request will enable the applicant to construct a duplex on the property. The subject property was platted to its current configuration in 1972 and therefore is permitted the specified setback and area requirements as outlined in the R-2 zoning district.

§155.023 (D) *Area regulations.* Lots in the Wildewood Subdivision, and duplex lots platted prior to November 8, 2006, shall have **six-foot-minimum side setbacks**, except when siding on a street such setback shall be a minimum of 15 feet. All other duplex lots shall have a minimum of ten-feet-wide side building setbacks, except when siding on a street such setback shall be a minimum of 15 feet.

§155.023 (E) *Intensity of Use (2)* **The minimum lot area shall be 7,800 square feet for lots in the Wildewood Subdivision and duplex lots platted prior to November 8, 2006.** All other duplex lots shall contain a minimum lot area of 8,400 square feet, and an average width of not less than 70 feet.

Surrounding Land Uses

Adjacent land uses include:

| | Existing Land Use | Future Land Use | Zoning |
|--------------|-------------------|----------------------------|---------------------------------------|
| North | Manufactured Home | Medium Density Residential | R-1 (One Family Dwelling District) |
| South | Duplex | Medium Density Residential | R-2 (Two Family Dwelling District) |
| East | Manufactured Home | Medium Density Residential | R-1 |
| West | Duplex | Medium Density Residential | R-2 |

Per the 2007 Comprehensive Plan the applicant's property is in an area designated as Medium Density Residential (MDR). This area is designated as an acceptable replacement for aging manufactured housing or for new development. A survey of the area identified most of the properties to consist of duplexes, manufactured homes, or vacant lots. Staff therefore believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood and would be consistent with the 2007 City of Harker Heights Comprehensive Plan.

Flood Damage Prevention:

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

Notices:

Staff sent out forty-three (43) notices to property owners within the 400-foot notification area. There were zero (0) responses received in favor of the request, and zero (0) responses received in opposition of the request.

RECOMMENDATION:

Staff recommends approval of an ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as Wildewood Acres, Block Seven (7), Lot Nine (9), & 10 foot strip adjacent on North, Acres 0.17, generally located at 917 Maplewood Drive, Harker Heights, Bell County, Texas, based on the following:

1. The proposed use and rezoning is compatible with existing uses in the neighborhood.
2. The proposed use and rezoning would not likely have any adverse impact on adjoining uses and zoning districts.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to recommend approval/disapproval of an ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-2 (Two-Family Dwelling District) on property described as Wildewood Acres, Block Seven (7), Lot Nine (9), & 10 foot strip adjacent on North, Acres 0.17, generally located at 917 Maplewood Drive, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

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



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Raymond Hamden Date: 3-3-2021

Address: PO Box 2008

City/State/Zip: Harker Heights, TX 76548

Phone: [REDACTED] E-mail: [REDACTED]

Legal Description of Property:

Location of Property (Address if available): 917 Maplewood Dr., 76548

Lot: 09 Block: 07 Subdivision: Wildewood Acres

Acres: .179 Property ID: 129918 Survey: Wildewood Acres

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

Proposed Use: R-2

Current Zoning Classification: R-1 Proposed Zoning: R-2

Current Land Use: ~~R-1~~ VACANT WE Proposed Land Use: R-2 Duplex WE

Applicant's Representative (if applicable):

Applicant's Representative: _____

Phone: _____ E-Mail: _____

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.

Raymond Hamden
 Printed Name of Property Owner

[Signature]
 Signature of Property Owner

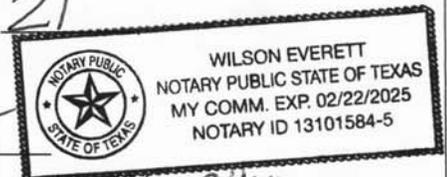
Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 3 DAY OF March, 20 21

Wilson Everett
 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 02/22/2025



Date Submitted: 3/31/2021

STAFF ONLY -- DO NOT FILL OUT BELOW

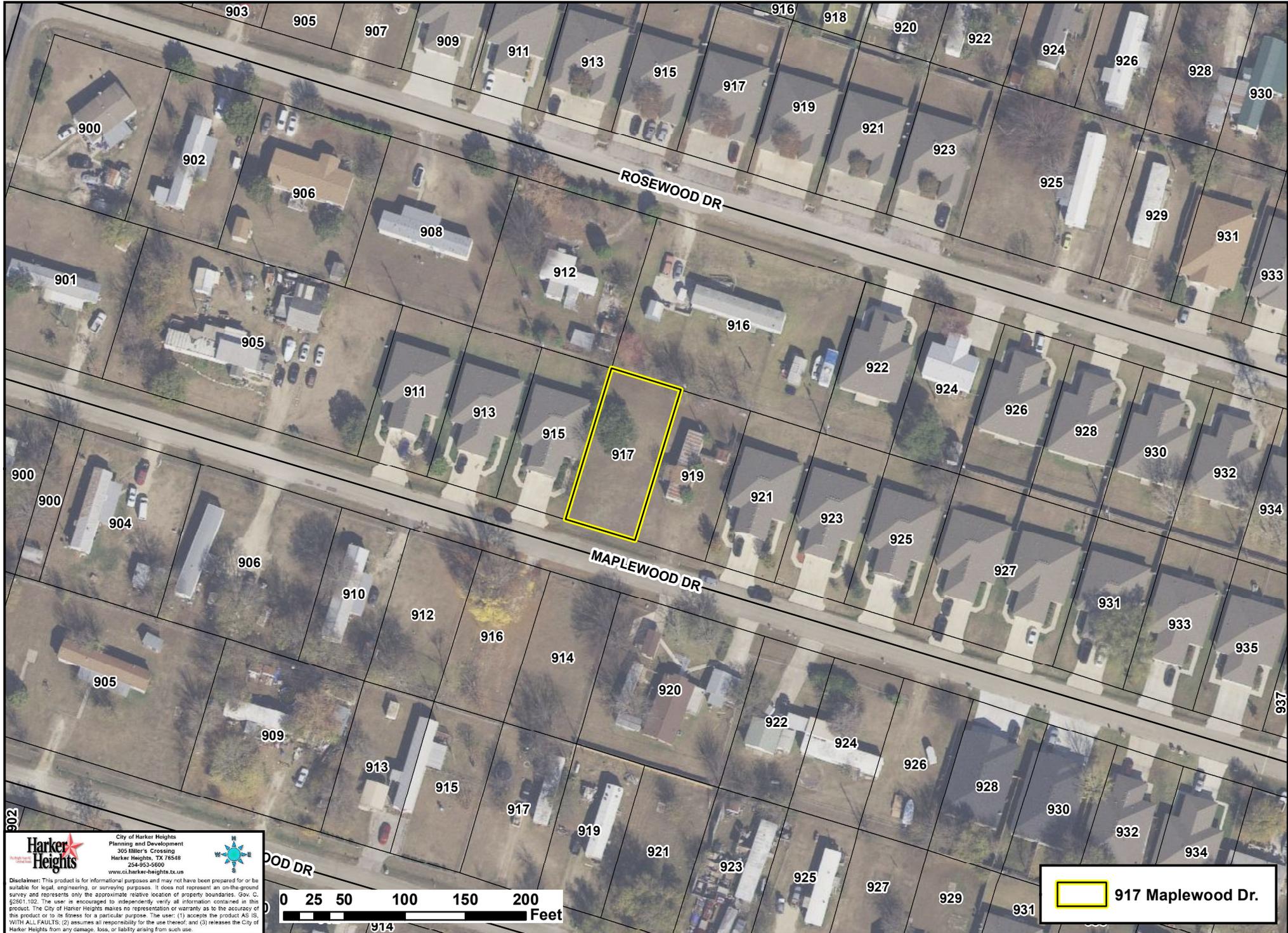
Received By: Wilson Everett

Pre-Application Meeting

Receipt #: 01669400

Revised: 5/2020

Case #: 221-10

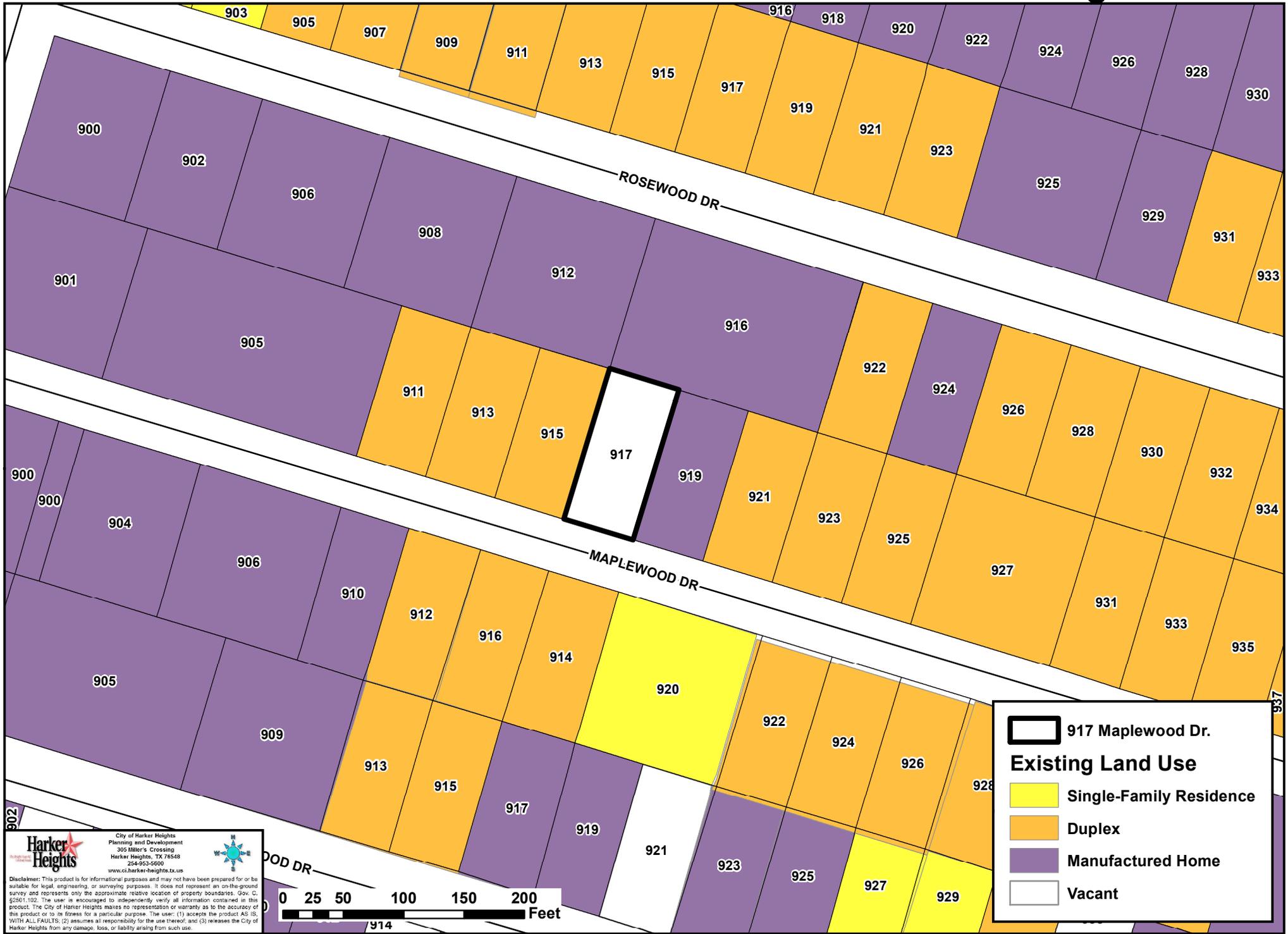


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 917 Maplewood Dr.



917 Maplewood Dr.

Existing Land Use

- Single-Family Residence
- Duplex
- Manufactured Home
- Vacant

Harker Heights

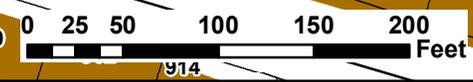
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 76548
254-953-5600
www.ci.harker-heights.tx.us

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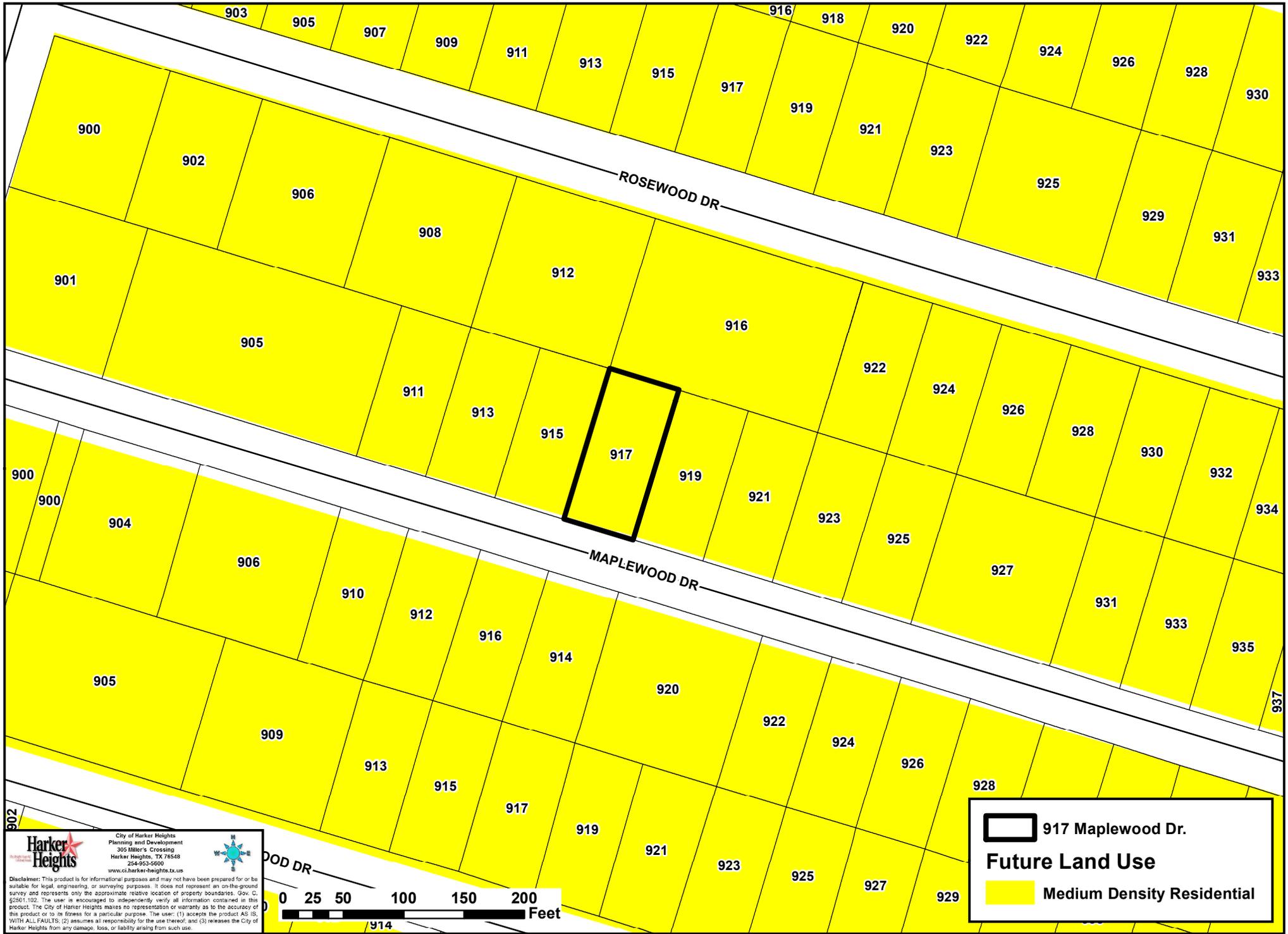
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917 Maplewood Dr.

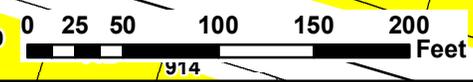
Zoning Districts

- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District

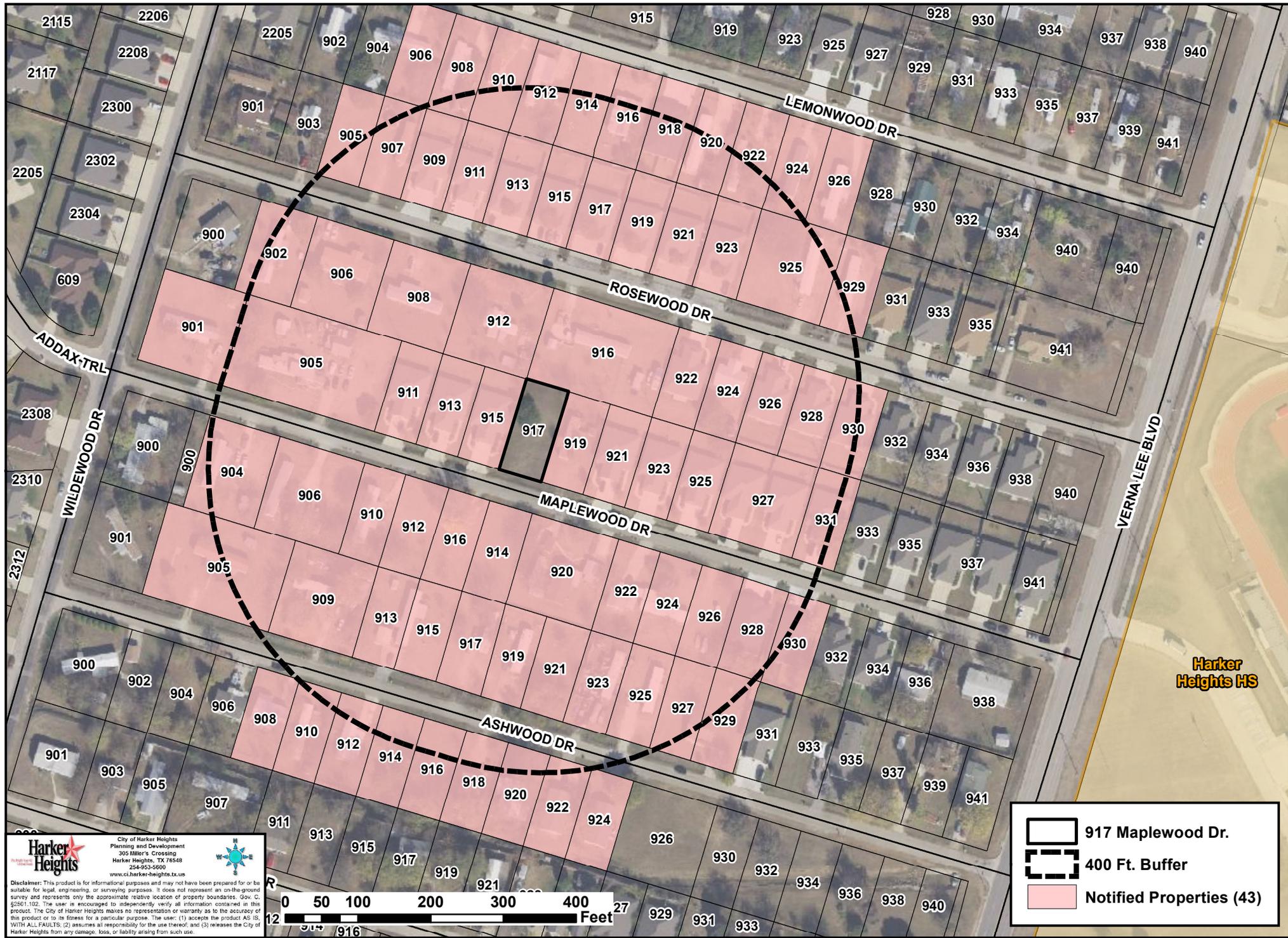


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 917 Maplewood Dr.
Future Land Use
 Medium Density Residential



Harker Heights HS

Harker Heights
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| | |
|---|--------------------------|
|  | 917 Maplewood Dr. |
|  | 400 Ft. Buffer |
|  | Notified Properties (43) |



PLANNING AND ZONING COMMISSION MEMORANDUM

CP21-05

AGENDA ITEM VIII-1

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING AND DEVELOPMENT
DATE: MARCH 31, 2021

DISCUSS AND CONSIDER A REQUEST FOR CONCEPT PLAN REFERRED TO AS THE HILLS OF STILLHOUSE HOLLOW PHASE TWO (2) ON PROPERTY DESCRIBED AS A0223BC W B CROSS, 2-3, ACRES 5.676, GENERALLY LOCATED EAST OF 12965 E. KNIGHTS WAY (E. FM 2410), HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT DESCRIPTION:

The Concept Plan presented as, The Hills of Stillhouse Hollow Phase Two, is proposed as an eighteen (18) lot, one (1) Tract, duplex subdivision comprised of approximately 2.2 acres along E. Knights Way (E. FM 2410). The applicant was made aware that the property is currently zoned as R-1 (One Family Dwelling District) and would be required to be rezoned at a later date to accommodate R-2 (Two Family Dwelling District).

The 2007 Comprehensive Plan identified the Future Land Use on the subject properties as a combination of Commercial and Medium Density Residential. The applicant has identified that all lots are to be developed as duplexes and Tract A will aim to serve as Drainage/Detention for the subdivision. The configuration of the Concept Plan - The Hills of Stillhouse Hollow Phase Two does not identify any Commercial uses along the frontage of E. Knights Way (E. FM 2410).

Staff reviewed the submitted Concept Plan and made comments with respect to non-compliance with code section 154.20 (A) (2) (d) (1-15), and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to. As of March 17, 2021, staff comments had not been addressed. Therefore, the submitted Concept Plan does not meet the standards and ordinances of the City of Harker Heights.

RECOMMENDATION:

On March 17, 2021, the applicant provided written documentation requesting that case CP21-05, The Hills of Stillhouse Hollow Phase Two Concept Plan, be withdrawn from the Planning and Zoning Commission's and the City Council's consideration.



PLANNING AND ZONING COMMISSION MEMORANDUM

P21-13

AGENDA ITEM VIII-02

FROM: THE OFFICE OF THE DIRECTOR OF PLANNING & DEVELOPMENT
DATE: MARCH 31, 2021

DISCUSS AND CONSIDER A REQUEST FOR PRELIMINARY PLAT APPROVAL FOR THE SUBDIVISION REFERRED TO AS ABOOHA TOKLO PHASE THREE, ON PROPERTY DESCRIBED AS A 13.740 ACRE TRACT OF LAND IN BELL COUNTY, TEXAS, BEING PART OF THE H.B. LITTLEFIELD SURVEY, ABSTRACT NO. 511, THE LAND HEREIN DESCRIBED BEING ALL OF LOT EIGHT (8), BLOCK ONE (1), AMENDED PLAT OF MARLEY ADDITION, AN ADDITION TO THE CITY OF HARKER HEIGHTS, TEXAS, BEING OF RECORD IN CABINET C, SLIDE 123-A, ALSO BEING THE REMAINDER OF LOT THREE (3), BLOCK ONE (1), ABOOHA TOKLO ADDITION, PHASE ONE, GENERALLY LOCATED SOUTH OF KISD MIDDLE SCHOOL #14, AKA NOLAN MIDDLE SCHOOL, ON PROPERTIES BETWEEN PUEBLO AND WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS.

PROJECT DESCRIPTION:

The applicant has submitted an application for preliminary plat approval for approximately 13.74 acres of vacant land along between Pueblo Trace and Warriors Path. This is the second phase of a combined development as outlined in Abooha Toklo Addition Phase Two Concept Plan and Abooha Toklo Addition Section Two Concept Plan. The preliminary plat identifies two (2) blocks and a total of forty-seven (47) residential lots. The subject properties are all currently zoned as R-2 (Two Family Dwelling District) and are proposed to be developed in accordance with the existing zoning classification. The preliminary infrastructure includes water and wastewater lines, sidewalks, and the extension of Tejas Trail from Pueblo Trace to Warriors Path.

Staff has reviewed the submitted preliminary plat and engineering plans and have made comments to address safety, drainage, water and wastewater utilities and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

STAFF RECOMMENDATION:

As of March 22, 2021, some of staff's comments was outstanding. The majority of staff's concerns can be addressed during the construction plan and final plat process. Staff therefore recommends approval of the Preliminary Plat referred to as Abooha Toklo Phase Three, on property described as a 13.740 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being all of Lot eight (8), Block

one (1), Amended plat of Marley Addition, an addition to the City of Harker Heights, Texas, being of record in Cabinet C, Slide 123-A, also being the remainder of Lot three (3), Block one (1), Abooha Toklo Addition, Phase One, generally located south of KISD Middle School #14, AKA Nolan Middle School, on properties between Pueblo and Warriors Path, Harker Heights, Bell County, Texas with the following conditions:

1. Per Section 154.21(D)(4) of the City of Harker Heights' Code of Ordinances, the following shall be addressed prior to approval of the final plat:
 - a. Provide for the required minor arterial right-of-way width along Warrior's Path (Lot 24, Block 1 shall be in line with Lot 23, Block 2).
 - b. Place a note on the plat dedication page indicating that no access will be granted onto Warrior's Path from the following lots: Lot 24, Block 2 and Lot 23, Block 2.

ACTION BY THE PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for Preliminary Plat approval for subdivision referred to as Abooha Toklo Phase Three, on property described as a 13.740 acre tract of land in Bell County, Texas, being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being all of Lot eight (8), Block one (1), Amended plat of Marley Addition, an addition to the City of Harker Heights, Texas, being of record in Cabinet C, Slide 123-A, also being the remainder of Lot three (3), Block one (1), Abooha Toklo Addition, Phase One, generally located south of KISD Middle School #14, AKA Nolan Middle School, on properties between Pueblo and Warriors Path, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Preliminary Plat
3. Location Map
4. Abooha Toklo Addition (Approved on July 14, 2020)
5. Abooha Toklo Addition Section Two Concept Plan (Approved on December 8, 2020)
6. Staff Comments with Responses (March 16, 2021)



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

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

Property Information:

Plat Name: Abooha Toklo Preliminary Plat 3 **Date Submitted:** Mar 3, 2021

Existing Lot Count: 0 **Proposed Lot Count:** 47 **Proposed Units:** 45 **Acreage:** 13.740

Existing Land Use: Vacant/Agriculture **Proposed Land Use:** Duplex

Site Address or General Location: Approximately intersection of Warrior's Path & Pontotoc Trace

Public Infrastructure Proposed with Subdivision: Water Wastewater Streets (including Private) Stormwater

Owner Information & Authorization:

Property Owner: Jerome Kenneth Gomer
 Address: 1524 Indian Trail, Harker Heights, TX 76548
 Phone: [REDACTED] E-Mail: [REDACTED]

Developer: Jerome Kenneth Gomer
 Address: 1524 Indian Trail, Harker Heights, TX 76548
 Phone: [REDACTED] E-Mail: [REDACTED]

Engineer/Surveyor: Mitchell & Associates, Inc.
 Address: PO Box 1088, Killeen, TX 76540
 Phone: [REDACTED] E-Mail: [REDACTED]

CHECK ONE OF THE FOLLOWING:

- I will represent the application myself.
- I hereby designate Mitchell's Associates (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.

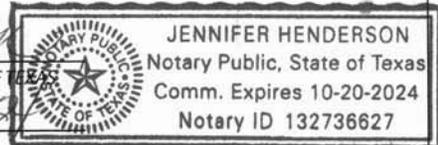
Jerome Kenneth Gomer

Printed Name of Owner

[Signature]
Signature of Owner

SWORN AND SUBSCRIBED BEFORE ME ON THIS 3rd DAY OF March, 2021.

Jennifer Henderson
 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
 MY COMMISSION EXPIRES: 10-20-2024

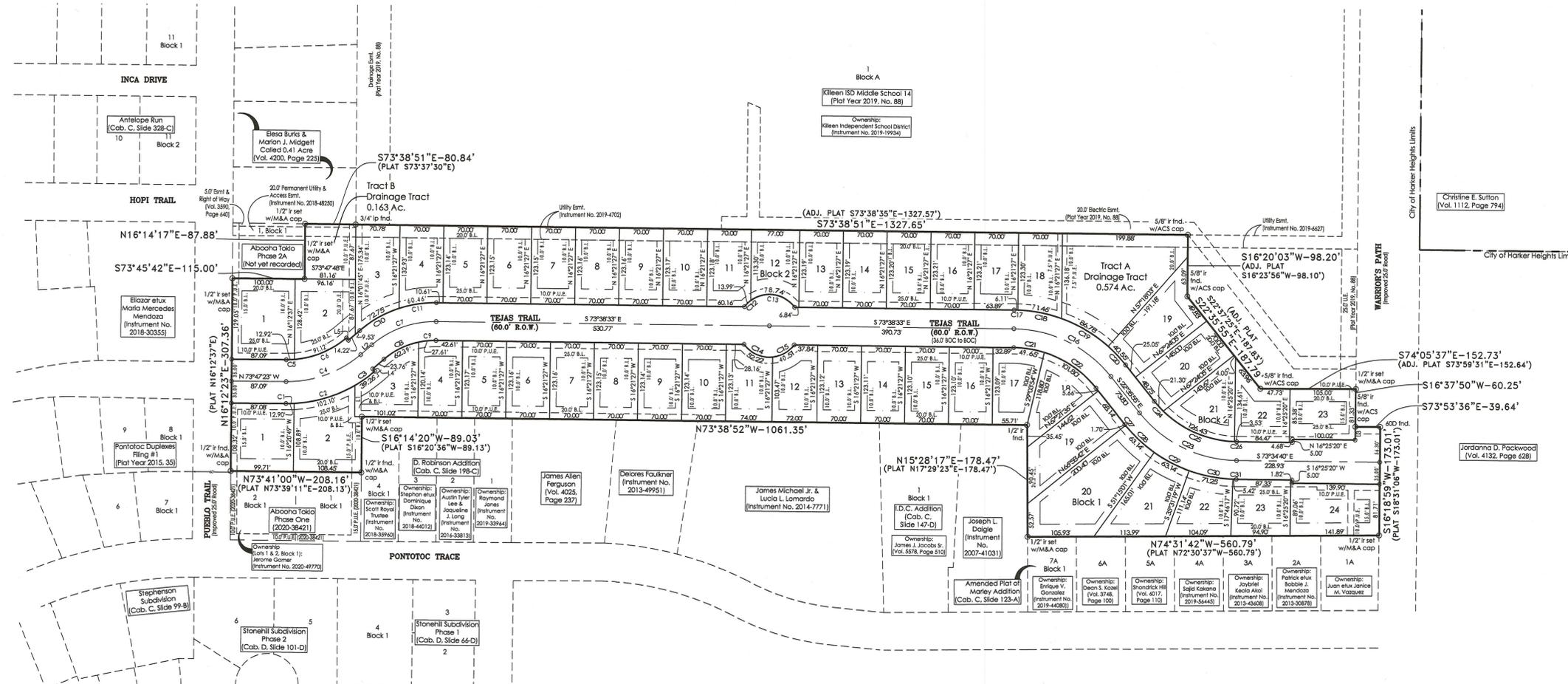
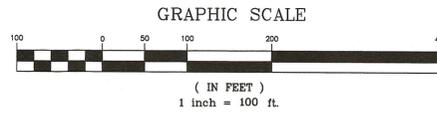


STAFF ONLY -- DO NOT FILL OUT

Date Submitted: 3/3/2021

Received By: Wesley Everett

Receipt #: 01669570



| LOT AREAS | | |
|-----------|---------|---------------|
| Lot | Block | Area |
| 1 | Block 1 | 10825 Sq. Ft. |
| 2 | Block 1 | 12607 Sq. Ft. |
| 3 | Block 1 | 9172 Sq. Ft. |
| 4 | Block 1 | 8594 Sq. Ft. |
| 5 | Block 1 | 8622 Sq. Ft. |
| 6 | Block 1 | 8621 Sq. Ft. |
| 7 | Block 1 | 8620 Sq. Ft. |
| 8 | Block 1 | 8620 Sq. Ft. |
| 9 | Block 1 | 8620 Sq. Ft. |
| 10 | Block 1 | 8619 Sq. Ft. |
| 11 | Block 1 | 8436 Sq. Ft. |
| 12 | Block 1 | 8422 Sq. Ft. |
| 13 | Block 1 | 8618 Sq. Ft. |
| 14 | Block 1 | 8617 Sq. Ft. |
| 15 | Block 1 | 8617 Sq. Ft. |
| 16 | Block 1 | 8617 Sq. Ft. |
| 17 | Block 1 | 8443 Sq. Ft. |
| 18 | Block 1 | 8427 Sq. Ft. |
| 19 | Block 1 | 12143 Sq. Ft. |
| 20 | Block 1 | 18567 Sq. Ft. |
| 21 | Block 1 | 11003 Sq. Ft. |
| 22 | Block 1 | 8484 Sq. Ft. |
| 23 | Block 1 | 8428 Sq. Ft. |
| 24 | Block 1 | 11762 Sq. Ft. |

| LINE TABLE | | |
|------------|--------|-------------|
| LINE | LENGTH | BEARING |
| L1 | 49.68' | S16°01'45"W |
| L2 | 23.76' | N65°06'06"E |
| L3 | 21.08' | S16°37'50"W |
| L4 | 5.00' | N24°53'54"W |
| L5 | 5.00' | N24°53'54"W |

| CURVE TABLE | | | | | | |
|-------------|-------------|---------|---------|---------|-----------|---------|
| CURVE | BEARING | CHORD | LENGTH | RADIUS | DELTA | TANGENT |
| C1 | S75°30'30"E | 12.90' | 12.90' | 215.00' | 3°26'15" | 6.45' |
| C2 | N89°10'05"E | 101.15' | 102.10' | 215.00' | 27°12'35" | 52.03' |
| C3 | N70°19'57"E | 39.20' | 39.26' | 215.00' | 10°27'42" | 19.68' |
| C4 | N85°39'22"E | 126.39' | 129.15' | 180.00' | 41°06'32" | 67.49' |
| C5 | S76°20'32"E | 12.92' | 12.92' | 145.00' | 5°06'19" | 6.46' |
| C6 | N83°06'12"E | 89.62' | 91.12' | 145.00' | 36°00'13" | 47.12' |
| C7 | S85°43'46"W | 109.21' | 111.61' | 155.00' | 41°15'21" | 58.35' |
| C8 | S79°24'03"W | 61.75' | 62.39' | 125.00' | 28°35'54" | 31.86' |
| C9 | N79°58'17"W | 27.56' | 27.61' | 125.00' | 12°39'27" | 13.86' |
| C10 | S76°22'01"W | 72.28' | 72.75' | 185.00' | 22°31'51" | 36.85' |
| C11 | N83°00'18"W | 60.19' | 60.46' | 185.00' | 18°43'30" | 30.50' |
| C12 | S61°14'38"W | 13.95' | 13.99' | 50.00' | 16°01'59" | 7.04' |
| C13 | N65°37'33"W | 70.85' | 78.74' | 50.00' | 90°13'38" | 50.20' |
| C14 | S50°25'54"E | 49.88' | 52.22' | 50.00' | 59°50'20" | 28.77' |
| C15 | N76°26'17"E | 39.41' | 40.51' | 50.00' | 46°25'17" | 21.44' |
| C16 | N48°07'14"W | 172.34' | 178.18' | 200.00' | 51°02'38" | 95.49' |
| C17 | N72°52'53"W | 6.11' | 6.11' | 230.00' | 1°31'20" | 3.06' |
| C18 | N63°13'10"W | 71.17' | 71.46' | 230.00' | 17°48'07" | 36.02' |
| C19 | N43°30'32"W | 86.27' | 86.78' | 230.00' | 21°37'09" | 43.91' |
| C20 | N27°38'56"W | 40.49' | 40.55' | 230.00' | 10°06'02" | 20.33' |

| CURVE TABLE | | | | | | |
|-------------|-------------|---------|---------|---------|-----------|---------|
| CURVE | BEARING | CHORD | LENGTH | RADIUS | DELTA | TANGENT |
| C21 | N65°16'32"W | 49.47' | 49.65' | 170.00' | 16°44'01" | 25.00' |
| C22 | N39°45'13"W | 100.29' | 101.80' | 170.00' | 34°18'36" | 52.48' |
| C23 | S48°05'17"E | 172.14' | 177.95' | 200.00' | 50°58'44" | 95.35' |
| C24 | S26°11'19"E | 21.29' | 21.30' | 170.00' | 7°10'48" | 10.67' |
| C25 | S51°05'01"E | 123.53' | 126.43' | 170.00' | 42°36'37" | 66.30' |
| C26 | S72°59'00"E | 3.53' | 3.53' | 170.00' | 1°11'20" | 1.76' |
| C27 | S22°48'36"E | 1.70' | 1.70' | 230.00' | 0°25'22" | 0.85' |
| C28 | S30°53'08"E | 62.94' | 63.14' | 230.00' | 15°43'42" | 31.77' |
| C29 | S46°36'50"E | 62.94' | 63.14' | 230.00' | 15°43'42" | 31.77' |
| C30 | S63°21'12"E | 70.97' | 71.25' | 230.00' | 17°45'02" | 35.92' |
| C31 | S72°54'11"E | 5.42' | 5.42' | 230.00' | 1°20'57" | 2.71' |

| LOT AREAS | | |
|-----------|---------|---------------|
| Lot | Block | Area |
| 1 | Block 2 | 12899 Sq. Ft. |
| 2 | Block 2 | 10853 Sq. Ft. |
| 3 | Block 2 | 10603 Sq. Ft. |
| 4 | Block 2 | 8811 Sq. Ft. |
| 5 | Block 2 | 8620 Sq. Ft. |
| 6 | Block 2 | 8620 Sq. Ft. |
| 7 | Block 2 | 8621 Sq. Ft. |
| 8 | Block 2 | 8621 Sq. Ft. |
| 9 | Block 2 | 8622 Sq. Ft. |
| 10 | Block 2 | 8622 Sq. Ft. |
| 11 | Block 2 | 8569 Sq. Ft. |
| 12 | Block 2 | 8420 Sq. Ft. |

| LOT AREAS | | |
|-----------|---------|---------------|
| Lot | Block | Area |
| 13 | Block 2 | 8623 Sq. Ft. |
| 14 | Block 2 | 8624 Sq. Ft. |
| 15 | Block 2 | 8624 Sq. Ft. |
| 16 | Block 2 | 8625 Sq. Ft. |
| 17 | Block 2 | 8625 Sq. Ft. |
| 18 | Block 2 | 8950 Sq. Ft. |
| 19 | Block 2 | 12327 Sq. Ft. |
| 20 | Block 2 | 10141 Sq. Ft. |
| 21 | Block 2 | 8933 Sq. Ft. |
| 22 | Block 2 | 8487 Sq. Ft. |
| 23 | Block 2 | 8501 Sq. Ft. |

PROPERTY OWNERS:
Robert Sutton
1408 Warriors Path
Harker Heights, TX 76548

DEVELOPER:
Jerome Gomer
1524 Indian Trail
Harker Heights, TX 76548

SURVEYOR/ENGINEER:
Mitchell & Associates, Inc.
P.O. Box 1088
Killeen, TX 76540

Jocelyn Kenworthy
305 Tomahawk Drive
Harker Heights, TX 76548

- 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.
 - All interior lot corners marked with 1/2" ir & cap stamped "M&A" set after construction completed.
 - 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. 48027C295E, effective date September 26, 2008 for Bell County, Texas.
 - Zoning: R-2 (Two Family Dwelling)
 - Block 1, Lots 1-2, and Block 2, Lots 1-2, and Drainage Tract B identified in Abooha Toklo Concept Plan, Block 1, Lots 3-24, and Block 2, Lots 3-23, and Drainage Tract A identified in Abooha Toklo Section Two Concept Plan



| No. | DATE | REVISIONS |
|-----|-----------|---------------------------------|
| 1 | 3/16/2021 | CITY OF HARKER HEIGHTS COMMENTS |
| | | REMARKS |
| | | BY |

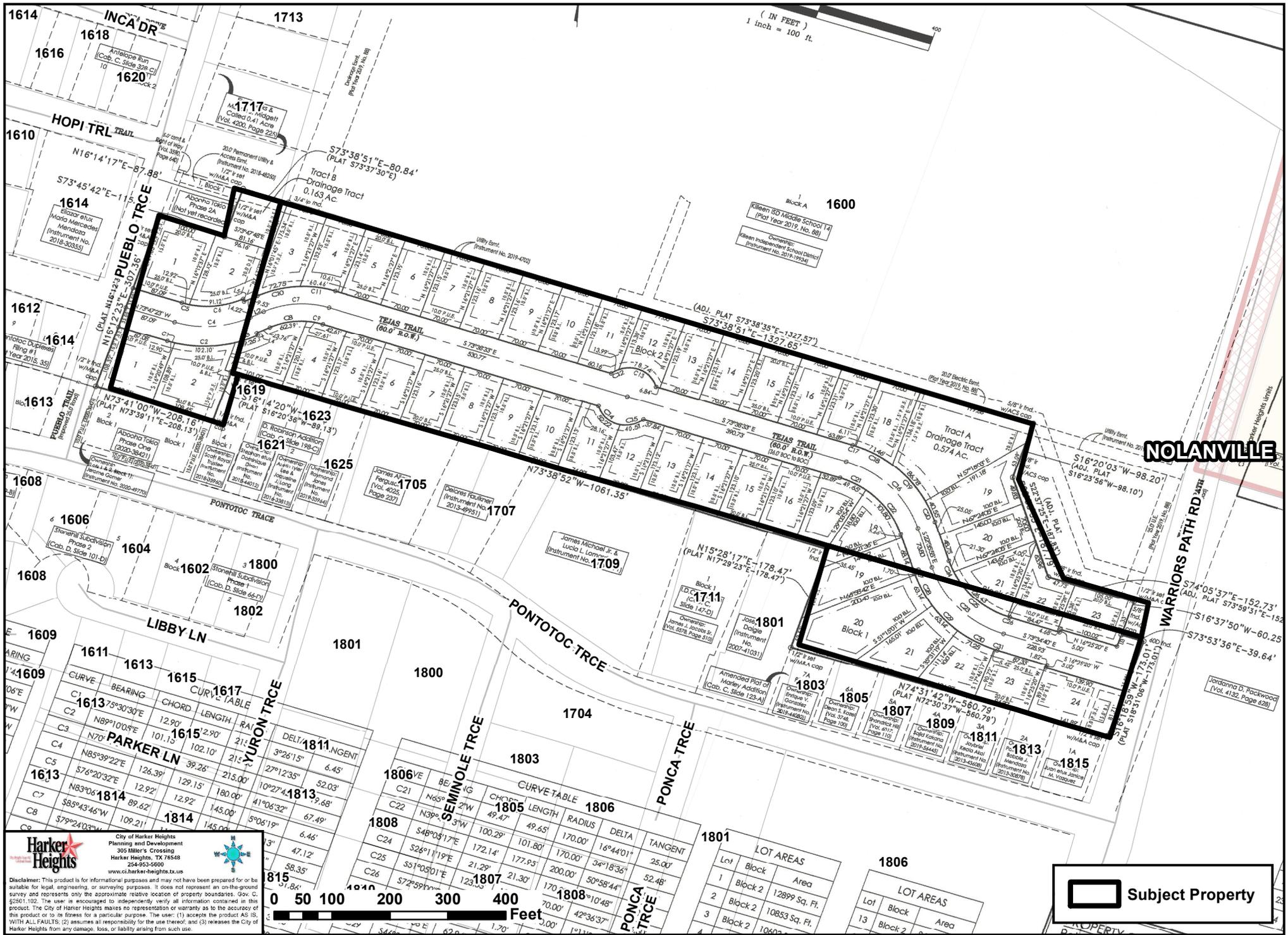
PRELIMINARY PLAT

ABOOHA TOKLO ADDITION, PHASE THREE
BEING A REPLAT OF PART OF LOT 3, BLOCK 1, ABOOHA TOKLO ADDITION, PHASE ONE, ALL OF LOT 8, BLOCK 1, AMENDED BLOCK 1 OF MARLEY ADDITION AND OUT OF THE H. B. LITTLEFIELD SURVEY, ABSTRACT NO. 511
HARKER HEIGHTS, BELL COUNTY, TEXAS



MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
1021 N. COLLEGE
KILLEEN, TEXAS 76541
PHONE: (254) 634-5541
FAX: (254) 634-2141
TEXAS BOARD OF PROFESSIONAL ENGINEERS REGISTRATION NO. 3241
I. B. P. L. S. FIRM REGISTRATION NO. 102024-00

DWG. No. 21-013-D-S
DRAWN BY: AS/FRB
DATE: MARCH 2021
SCALE: AS SHOWN
REF.: 47 LOTS
AREA: 13,740 AC.
SHEET P1

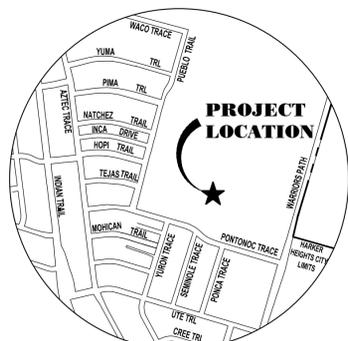
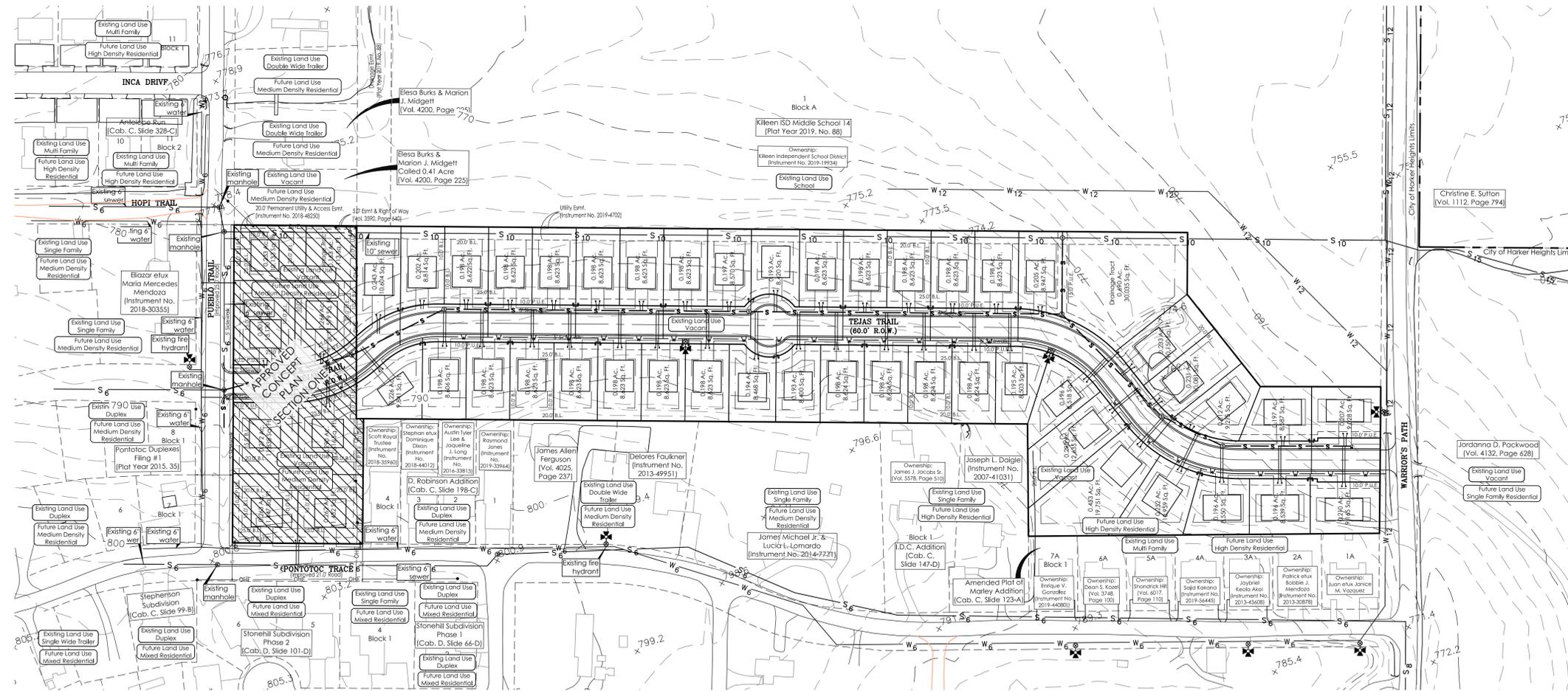
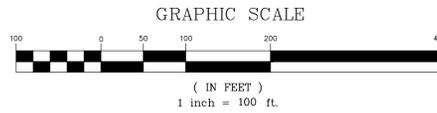


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Subject Property



VICINITY MAP
SCALE: N.T.S.

PROPERTY OWNERS:
Robert Sutton
1408 Warriors Path
Harker Heights, TX 76548

DEVELOPER:
Jerome Gomer
1524 Indian Trail
Harker Heights, TX 76548

Jocelyn Kenworthy
305 Tomahawk Drive
Harker Heights, TX 76548

SURVEYOR/ENGINEER:
Mitchell & Associates, Inc.
P.O. Box 1088
Killeen, TX 76540

NOTES:

- Existing Land Use: Vacant
Proposed Land Use: Duplex Residential (43 Lots)
- Topography shown is based upon City of Harker Heights Aerial Topography (2012).
- Sidewalks to be installed along lot frontages at the time of structure construction.

**ABOOHA TOKLO ADDITION
SECTION TWO
HARKER HEIGHTS, BELL COUNTY, TEXAS**

CONCEPT PLAN

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
P. E. S. L. S. FIRM REGISTRATION NO. 100204-00



| NO. | DATE | CITY OF HH COMMENTS | REVISIONS | BY |
|-----|----------|---------------------|-----------|----|
| 1 | 11/20/20 | | | |

ABOOHA TOKLO PH 3

P21-13 Preliminary Plat – Abooha Toklo Ph 3

Plat Distributed to HH Staff: March 3, 2021

Comments Returned to Mitchell & Associates: March 10, 2021

Planning & Development

1. Please provide a Plat Note that states: “Block 1, Lots 1-2, and Block 2, Lots 1-2, and Drainage Tract B identified in Abooha Toklo Concept Plan. Block 1, Lots 3-24, and Block 2, Lots 3-23, and Drainage Tract A identified in Abooha Toklo Section Two Concept Plan.”

Public Works, Mark Hyde

1. The street entrances at Warriors Path and Pueblo Trail shall be 42 feet wide with a 70-foot right-of-way for a minimum distance of 100 feet from the intersection.
2. Relocate the sanitary sewer main behind the curb.
3. Increase the font size of the water and sanitary sewer lines, fire hydrants, valves, manholes and cleanouts on the plan view drawing. Plan call out descriptions of the above items would be helpful.
4. Provide the location of the sidewalks.
5. Regarding sanitary sewer capacity for this development, the City of Harker Heights has conducted an engineering study on the remaining sanitary sewer capacity of the Evergreen-Fawn Valley Lift Station, the Trimmier Lift Station and associated lift station force mains and receiving gravity sanitary sewer mains. The sanitary sewer system serving this proposed subdivision is currently at capacity. The City of Harker Heights is working on immediate funding for the engineering design of the sanitary sewer capacity expansion. Developers will be required to pay for the sanitary sewer expansion costs required to serve their subdivision.

Consulting Engineer, Otto Wiederhold

1. No Comments

Fire Marshal, Brad Alley

1. No Comments.

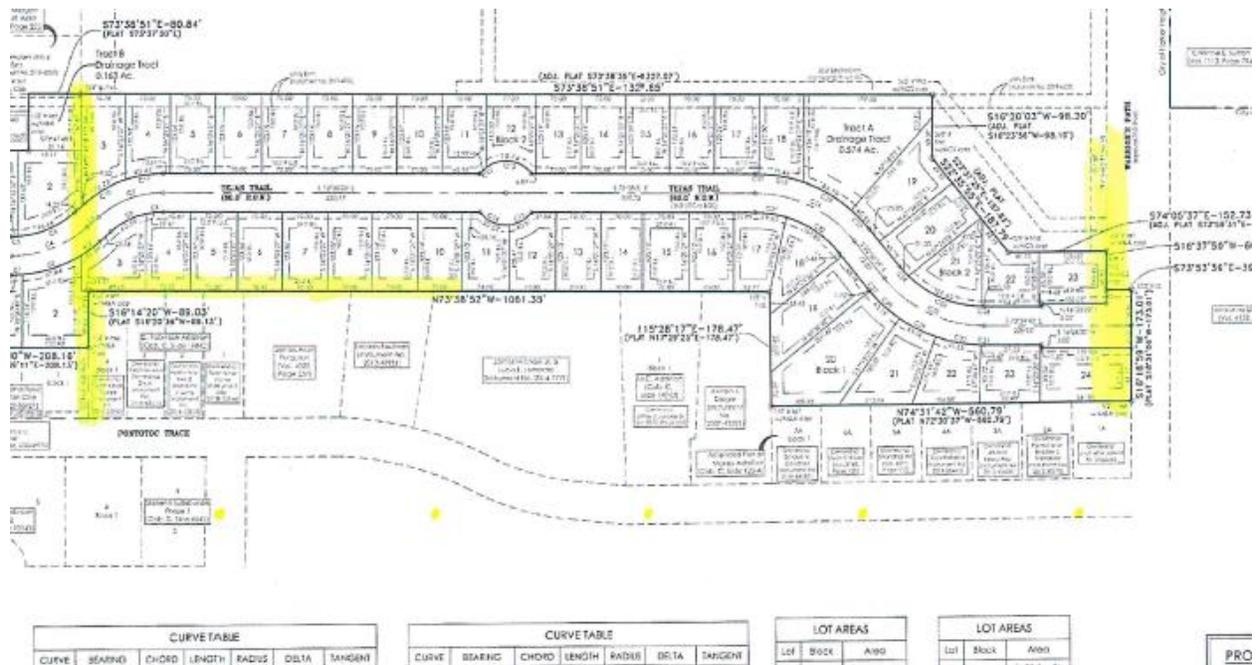
Building Official, Mike Beard

- 1. No Comments.

ONCOR, Derex Spencer

Century Link, Chris McGuire

- 1. CenturyLink has facilities along Warriors Path, a portion of the south lots along Tejas TRL, running through lots 2-3 north and south. Need to be sure easement are not vacated with this plat.



Time Warner Cable/Spectrum, Shaun Whitehead

ATMOS, Burton Jones

ABOOHA TOKLO PH 3

P21-13 Preliminary Plat – Abooha Toklo Ph 3

Revised Plat Distributed to HH Staff: March 16, 2021

Comments Returned to Surveyor/Engineer: March 22, 2021

Planning & Development

1. Please revise Streets and Utilities Plan to reflect 5' wide sidewalk as required per Harker Heights Code Section 154.40 (B). The Concept Plan, Abooha Toklo Addition Section Two identified all sidewalks to be 5' wide.

Public Works, Mark Hyde

1. The Planning and Development Director is confirming that 5' wide sidewalks are required for this development. The preliminary plat plans have 4' wide sidewalks shown.