



**JULY 14, 2020**

**5:00 P.M.**

**CITY COUNCIL**

**MEETING AGENDA**





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

*The City of Harker Heights*  
305 Miller's Crossing  
Harker Heights, Texas 76548  
Phone 254/953-5600  
Fax 254/953-5614

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, July 14, 2020, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will conduct a telephonic meeting 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:

**Mayor**  
Spencer H. Smith

**Mayor Protem**  
Michael Blomquist

**City Council**  
Jennifer McCann  
Jackeline Soriano Fountain  
John Reider  
Jody Nicholas

**I. Invocation:**

**II. Pledge of Allegiance:**

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

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

**III. Roll Call:**

**Mayoral Proclamations and Presentations:**

**IV.**

**V. Consent Items:**

1. Discuss and consider approving the minutes of the meeting held on June 23, 2020 and take the appropriate action.

**VI. Presentations by Citizens:**

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

**VII. Public Hearings:**

1. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described Wildewood Acres Amended (Lot 16A, Block 11), Block 11, Lot 16 and Lot 17, generally located at 931 and 933 Pinewood Drive, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)

2. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change the zoning designation from R-1 (One Family Dwelling District) to R1-R (Rural One Family Dwelling District) on property described as 5.63 Acres, Lot 90 of Lakeside Hills Section Three, generally located at 11366 Orlan Drive, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
3. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as 9.10 Acres out of the H.B. Littlefield Survey, Abstract 511, generally located within the 1700 Block of Warriors Path, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
4. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District) to PD-B (Planned Development Business District) on property described as a 14.908 acre tract of land located in the J.M. Cross Survey, Abstract No. 179, generally located at 12025 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)

**VIII. Old Business:**

**IX. New Business:**

1. Discuss and consider approving an Applicant request for Concept Plan approval on property described as a 2.32 acre tract of land being part of the H.B. Littlefield Survey, Abstract No. 511; the land herein described being all of a Called 0.31 Acres Parcel designated as Tract 1 and a 2.018 Acre Parcel designated as Tract 2, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
2. Discuss and consider approving a Resolution of the City of Harker Heights, Texas, authorizing the approval of an Interlocal Participation Agreement with the Cities of Temple, Belton, Copperas Cove, Harker Heights and Killeen, and the Counties of Bell, Coryell, Hamilton, Lampasas, Llano, Mason, Milam, Mills and San Saba to conduct a Transit Study to develop Regional Transportation Alternatives; and authorize the City Manager to sign the Agreement on behalf of the City and take appropriate action. (City Manager)

**X. Reports of Advisory Boards & Commissions:**

**XI. Items from Council:**

**XII. Staff Reports:**

1. Receive and discuss the City Manager's Report. (City Manager)

**XIII. Announcements:**

**XIV. Closed Meeting:**

1. Announce a closed meeting for the following purposes:
  - (A) Pursuant to 551.074 of the Texas Government Code to discuss and deliberate the employment, evaluation and duties of the City Manager.
2. Reconvene open meeting to take action as appropriate on matters discussed in the Closed Meeting.

**XV. Adjournment:**

I hereby certify that the above notice of meeting was posted on the window board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 10<sup>th</sup> day of July 2020 by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Juliette Helsham  
City Secretary

**The public may participate remotely in this meeting by dialing-in using the toll-free number: (866) 899-4679 and use Access Code: 297-563-741.**

**To join the meeting from your computer, tablet or smartphone, use the following meeting link:**  
<https://global.gotomeeting.com/join/297563741>

**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 City Secretary's Office. When submitting your written questions or comments, you must include your Name and Address. Agenda packet and recording of the telephonic meeting will be available on the City of Harker Heights website at [www.ci.harker-heights.tx.us](http://www.ci.harker-heights.tx.us).**

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

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

Minutes of the City Council of the City of Harker Heights, Texas, and the Harker Heights Employee Benefits Trust meetings held at 5:00 p.m. on Tuesday, June 23, 2020, by a telephonic meeting 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:

<b>Roll Call:</b>	Spencer H. Smith	Mayor
	Michael Blomquist	Mayor Pro-tem
	Jennifer McCann	Councilmember Place 1
	Jackeline Soriano Fountain	Councilmember Place 3
	John Reider	Councilmember Place 4
	David Mitchell	City Manager
	Juliette Helsham	City Secretary
<b>Absent:</b>	Jody Nicholas	Councilmember Place 5

**At 5:03 p.m. the Mayor moved to recess the City Council Meeting and called to order the City of Harker Heights Employee Benefits Trust Meeting.**

1. Council discussed and considered approving a Resolution of the City of Harker Heights Employee Benefits Trust awarding contracts for the City of Harker Heights Employee Benefits Trust Group Medical Plan, Vision Benefits, Dental Benefits, Life Insurance, AD&D and Long Term Disability and authorizing the City Manager to enter into such contracts on behalf of the City and the Employee Benefits Trust. Leona Clay, Human Resource Director, made the presentation. Fountain made the motion to approve. Seconded by Reider. All in favor. Motion approved 4-0.

**At 5:12 p.m. the Mayor adjourned the City of Harker Heights Employee Benefits Trust Meeting and reconvened to the City of Harker Heights Council Meeting.**

1. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, to pay for certain Employee Related Benefits and approving any transfers necessary to fund the Trust. Leona Clay, Human Resource Director, made the presentation. Blomquist made the motion to approve. Seconded by McCann. All in favor. Motion approved 4-0.

**Mayoral Proclamations and Presentations:**

1. The Mayor presented a proclamation to Jeff Achee, Parks and Recreation Director, declaring July 2020 as "Park and Recreation Month".

**Consent Items:**

1. Council discussed and considered approving the minutes of the meeting held on June 9, 2020. Reider made the motion to approve as written. Seconded by Fountain. All in favor. Motion approved 4-0.

**Presentations by Citizens:**

Lynda Nash, 3006 Sun Dance Drive, Harker Heights, Texas 76548, asked where citizens of Harker Heights can find the City's Policies on wearing masks.

City Manager David Mitchell stated that the City of Harker Heights maintains on the City website a COVID-19 page. All of the City's initiatives, declarations and all COVID-19 related issues can be found at that location.

**Old Business:**

1. Council discussed and considered approving an Ordinance of the City of Harker Heights, Texas, amending Ordinance 2020-06 of the Harker Heights Code to extend the Public Health Emergency Declaration through July 31, 2020. David Mitchell, City Manager, made the presentation. Fountain made the motion to approve. Seconded by McCann. All in favor. Motion approved 4-0.

**New Business:**

1. Council discussed and considered approving a Resolution of the City of Harker Heights, Texas, adopting the 10-Year Parks, Open Space, and Trails Master Plan Update. Jeff Achee, Parks and Recreation Director, made the presentation. Blomquist made the motion to approve. Seconded by Reider. All in favor. Motion approved 4-0.
2. Council discussed and considered approving a Resolution authorizing the City's participation for a grant in the amount of \$20,964.00 through the Coronavirus Emergency Supplemental Funding Grant Program; for the purchase of 1 Aero Clave RDS 3110, 1 Victory Handheld Sprayer, 5 UV Spotlight Point And Shoot, 3 Cruiser UV, 2 Razor UV, and 6 No Touch Pro-Therms Thermometers. Phil Gadd, Police Chief, made the presentation. Reider made the motion to approve with no requirements for a cash or in-kind match. Seconded by Blomquist. All in favor. Motion approved 4-0.

**Staff Reports:**

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

**Adjournment:**

There being no further business the City of Harker Heights City Council Meeting was adjourned at 5:52 p.m.

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Spencer H. Smith, Mayor

ATTEST:

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Juliette Helsham, City Secretary



# CITY COUNCIL MEMORANDUM

**Z20-10**

**AGENDA ITEM VII-1**

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JULY 14, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO R-2 (TWO FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED WILDEWOOD ACRES AMENDED (LOT 16A, BLOCK 11), BLOCK 11, LOT 16 AND LOT 17, GENERALLY LOCATED AT 931 AND 933 PINWOOD DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

**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 931 and 933 Pinewood Drive. The properties consist of approximately 7,800 square feet per lot. The request will enable the applicant to construct a two-story duplex on each of the properties. The subject properties are in the Wildewood Subdivision and were platted to their current configuration in 1994, and therefore are 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-foot-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:

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	Vacant	Medium Density Residential	R-1(M) (One Family Manufactured Home Dwelling District)
<b>South</b>	Manufactured Home	Medium Density Residential	R-1 (One Family Dwelling District)
<b>East</b>	Manufactured Home	Medium Density Residential	R-1(M)
<b>West</b>	Duplex	Medium Density Residential	R-2 (Two Family Dwelling District)

Per the 2007 Comprehensive Plan, the applicant's property is located 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 impacts on the neighborhood and would be consistent with the 2007 City of Harker Heights Comprehensive Plan.

**Flood Damage Prevention:**

Portions of the development area are within the Base Floodplain and Floodway defined as areas subject to inundation by the 1-percent-annual-change flood event (see attached FEMA Flood Map). Structures built on those properties will be required to follow the guidelines for flood plain development as set forth in the Code of Ordinances.

**Notices:**

Staff sent out thirty-six (36) notices to property owners within the 400-foot notification area. Two (2) responses were received in favor of the request, and one (1) response was received in opposition of the request.

**RECOMMENDATION:**

Staff recommends approval of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described Wildewood Acres Amended (Lot 16A, Block 11), Block 11, Lot 16 and Lot 17, generally located at 931 and 933 Pinewood 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:**

Following a public hearing on June 24, 2020, the Planning and Zoning Commission voted (6-0), to recommended approval of an ordinance to change zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described Wildewood Acres Amended (Lot 16A, Block 11), Block 11, Lot 16 and Lot 17, generally located at 931 and 933 Pinewood Drive, Harker Heights, Bell County, Texas.

**ACTION BY THE CITY COUNCIL:**

1. Motion to approve/disapprove an ordinance to change the zoning designation R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described Wildewood Acres Amended (Lot 16A, Block 11), Block 11, Lot 16 and Lot 17, generally located at 931 and 933 Pinewood Drive, Harker Heights, Bell County, Texas
2. Any other action deemed necessary.

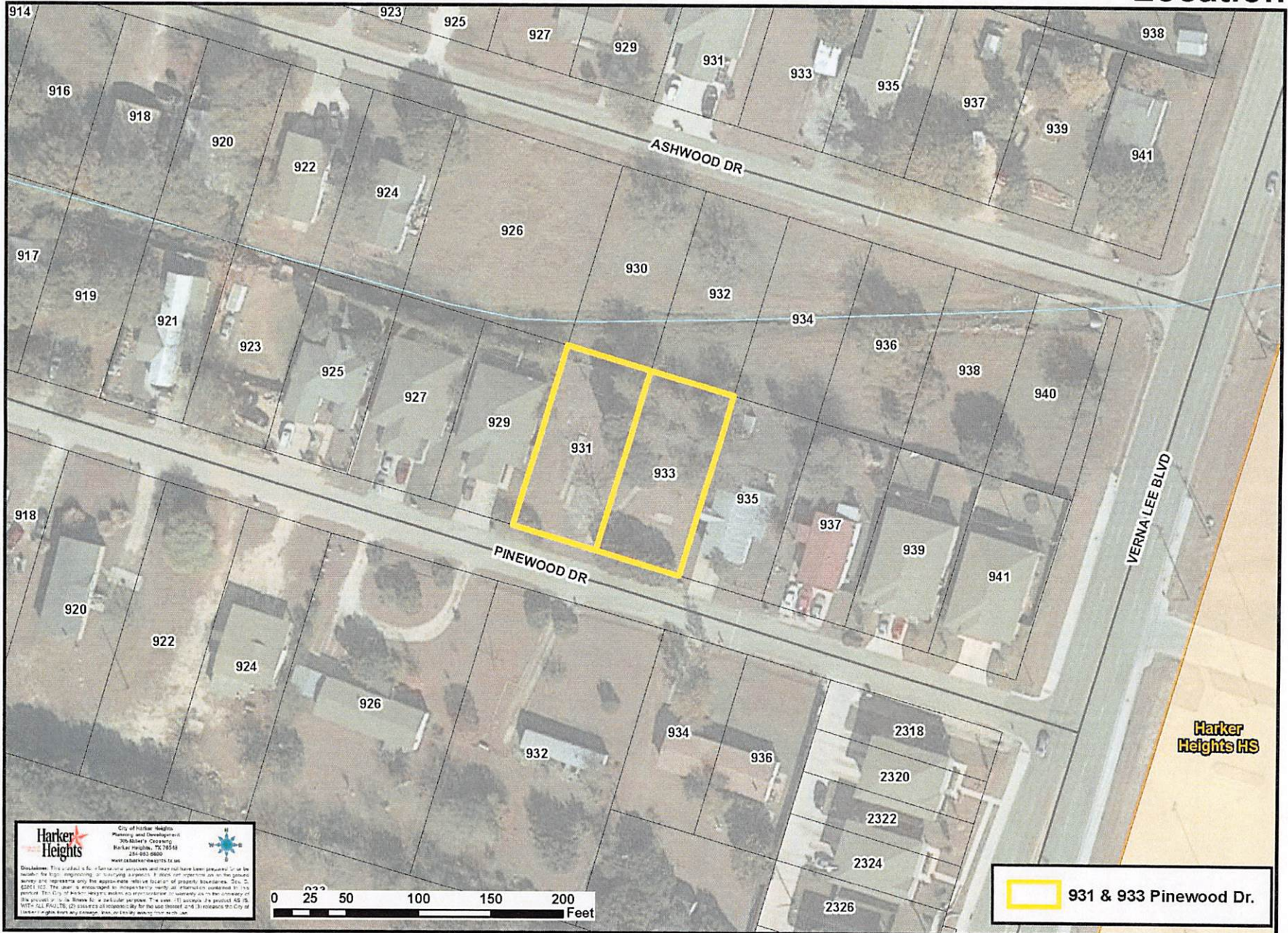


**ATTACHMENTS:**

1. PowerPoint:
  - a) Location Map
  - b) Street View Photograph
  - c) Zoning Map
  - d) Existing Land Use Map
  - e) Future Land Use Map
  - f) FEMA Flood Map
  - g) Notification Area Map
2. Ordinance
3. Application
4. Citizen Responses

Z20-10


Location



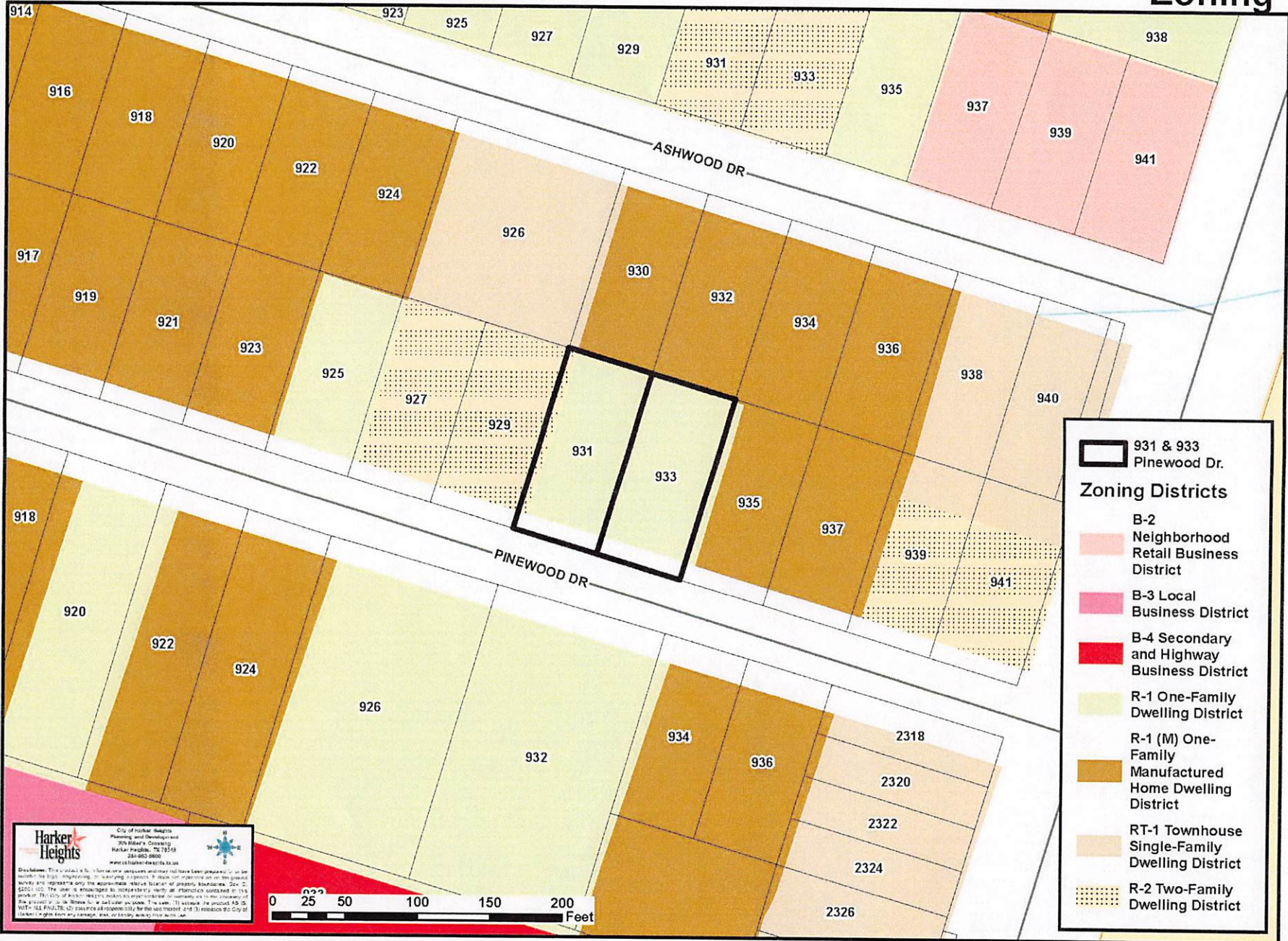
**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 306 Baker's Crossing  
 Harker Heights, TX 76788  
 254-983-2800  
 www.ci.harkerheights.tx.us

Disclaimer: This is a field sketch or site plan and may not have been prepared. It is for informational purposes only. It does not represent an engineering or architectural drawing. It does not represent an approved site plan. It is not intended to be used for any purpose other than the one for which it was prepared. The user is encouraged to independently verify all information contained in this sketch. The City of Harker Heights makes no representation or warranty as to the accuracy of the sketch or the data on which it is based. The user is advised to contact the City of Harker Heights for more information. The user is advised to contact the City of Harker Heights for more information. The user is advised to contact the City of Harker Heights for more information.



 931 & 933 Pinewood Dr.





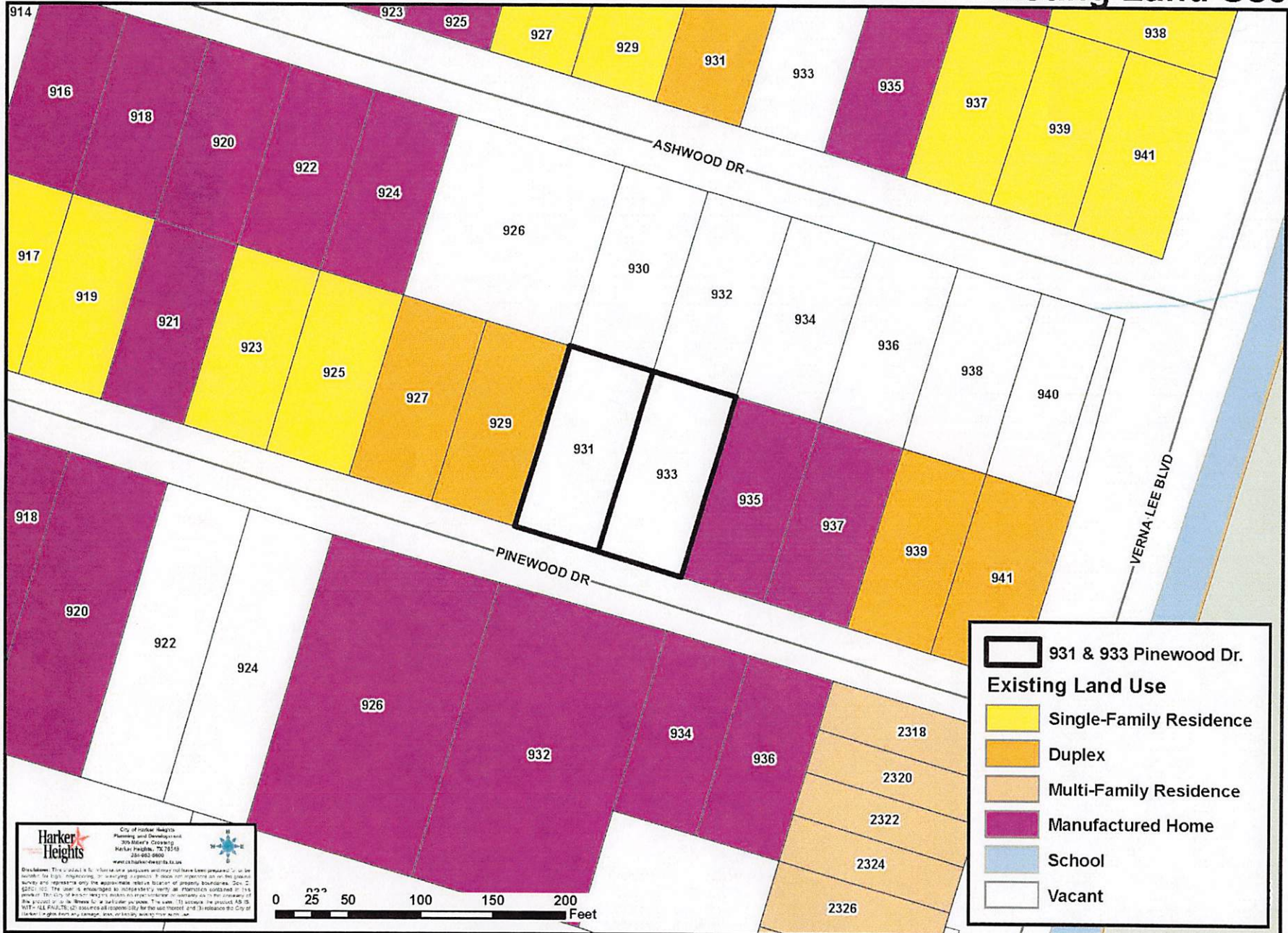
**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Harker Crossing  
 Harker Heights, TX 78594  
 817-462-0800  
[www.ci.harker-heights.tx.us](http://www.ci.harker-heights.tx.us)

Disclaimer: This product is for informational purposes only and has not been prepared, reviewed, or audited by a professional engineer or architect. It is not intended to be used for any purpose other than that for which it was prepared. The user is encouraged to independently verify all information contained herein. The City of Harker Heights makes no warranty as to the accuracy or completeness of the information contained herein. The user is encouraged to contact the City of Harker Heights for more information. All rights reserved. © 2010 City of Harker Heights. All other rights reserved.



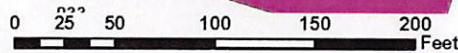
# Z20-10

# Existing Land Use



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 300 Harker's Crossing  
 Harker Heights, TX 78559  
 281-962-0800  
 www.ci.harker-heights.tx.us

Disclaimer: This is a public utility map and does not constitute a warranty. It is not intended to be used for any purpose other than the general survey and represents only the approximate relative location of property boundaries. The City of Harker Heights is not responsible for any errors or omissions in this map. It is intended for general information only and does not constitute a warranty. The City of Harker Heights is not responsible for any errors or omissions in this map. It is intended for general information only and does not constitute a warranty.



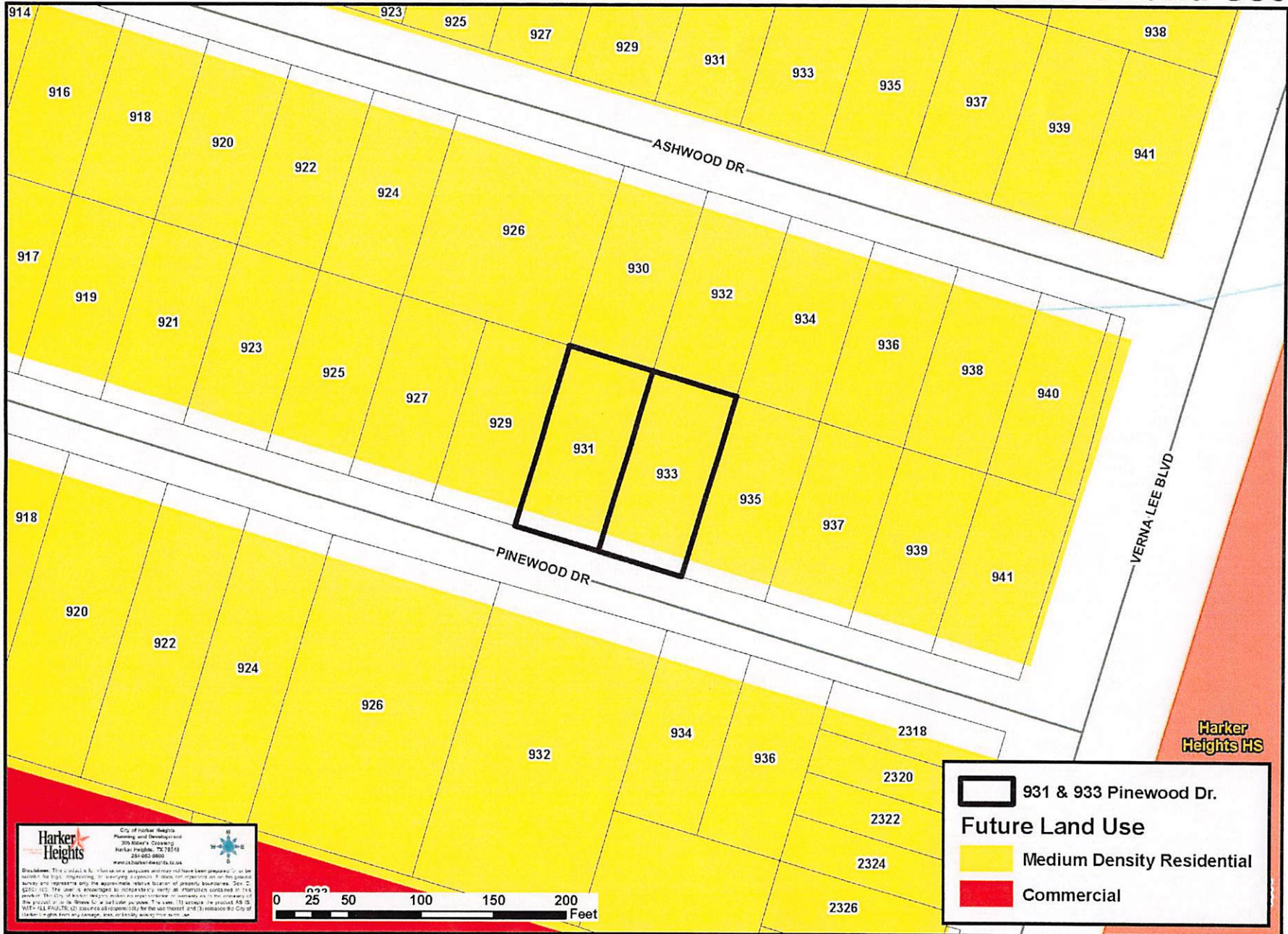
**931 & 933 Pinewood Dr.**

**Existing Land Use**

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

# Z20-10

# Future Land Use

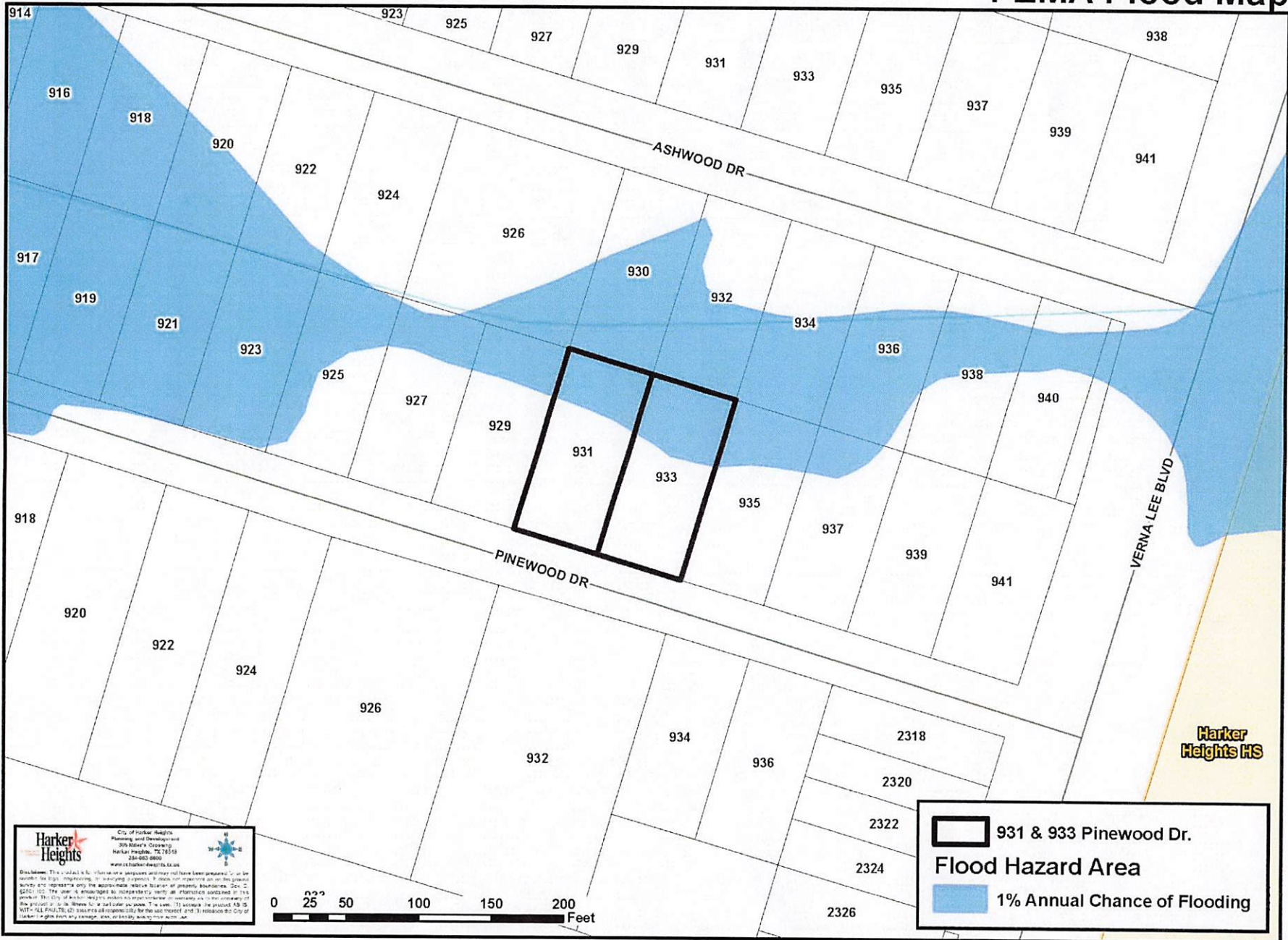


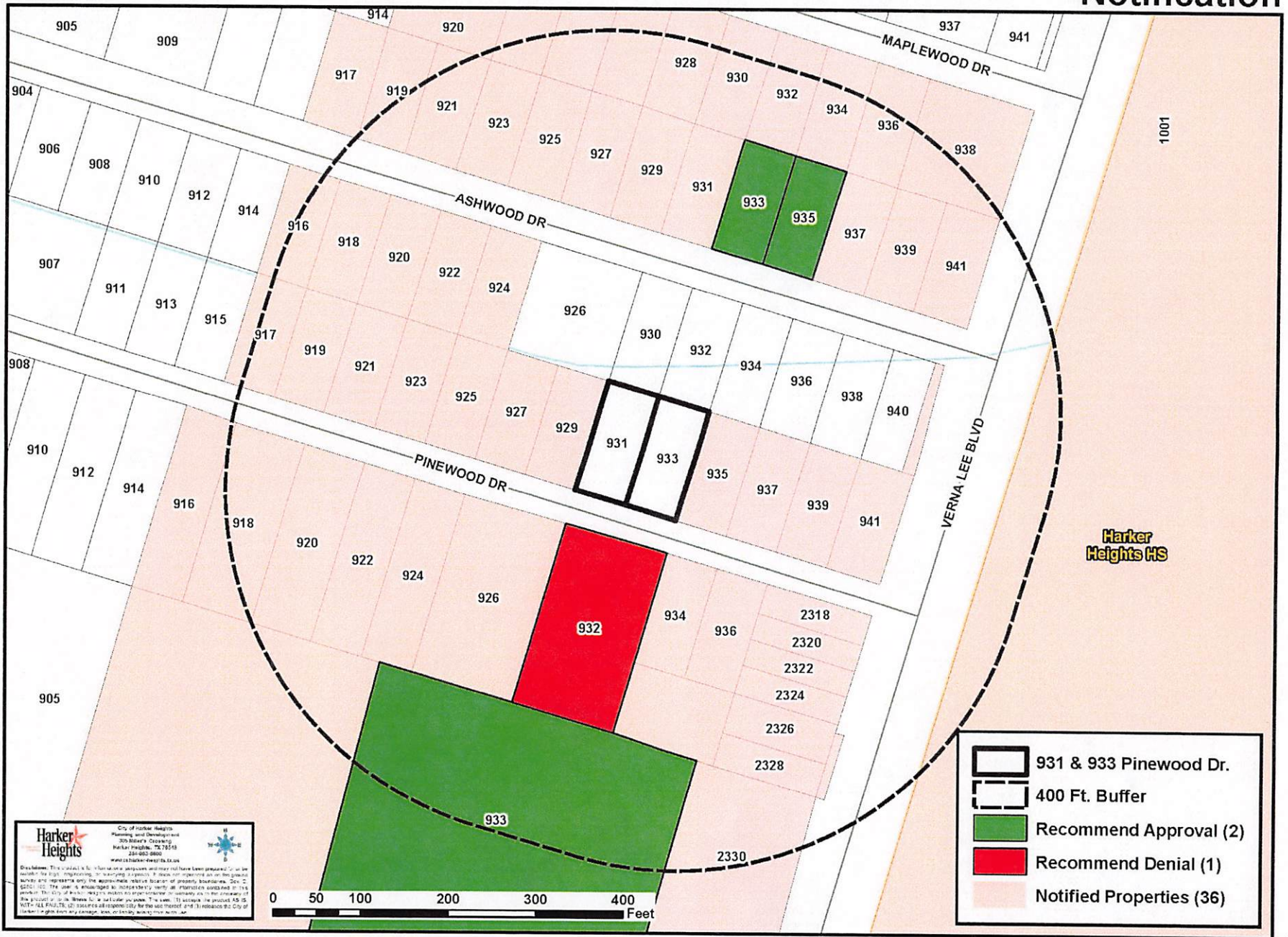

 City of Harker Heights  
 Planning and Development  
 309 Roberts Crossing  
 Harker Heights, TX 78758  
 261-603-6600  
 www.ci.harker-heights.tx.us

Disclaimer: This is a future land use map and may not have been prepared or be suitable for legal engineering or surveying purposes. It does not constitute an official survey and represents only the approximate relative location of property boundaries. Do not rely on this map for legal purposes. The user is encouraged to verify all information contained on this map. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or its use. Please contact the City of Harker Heights at 261-603-6600 for all questions.



 931 & 933 Pinewood Dr.  
**Future Land Use**  
 Medium Density Residential  
 Commercial





Harker Heights HS



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R-2 ZONING ON PROPERTY DESCRIBED WILDEWOOD ACRES AMENDED (LOT 16A, BLOCK 11), BLOCK 11, LOT 16 AND LOT 17, GENERALLY LOCATED AT 931 AND 933 PINWOOD DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.**

**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, as previously zoned R-1 (One-Family Dwelling District) is rezoned to R-2 (Two Family Dwelling District):

Wildewood Acres Amended (Lot 16A, Block 11), Block 11, Lot 16 and Lot 17,  
generally located at 931 and 933 Pinewood Drive, Harker Heights, Bell County,  
Texas.

**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>
	07/14/20	Granting R-2 zoning on property located at 931 and 933 Pinewood Drive, Harker Heights, Texas.

**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 July 14, 2020.

\_\_\_\_\_  
Spencer H. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Juliette Helsham, City Secretary



# Rezoning Request Application

**\*Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED\***

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

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

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

**Property Owner(s) Name:** John & Enka Cole **Date:** 5-25-2020

**Address:** 1493 Niagara Heights

**City/State/Zip:** Belton, TX 76513

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

**Legal Description of Property:**

**Location of Property (Address if available):** 931 + 933 Pinewood, Harker Heights

**Lot:** 16 + 17 **Block:** 11 **Subdivision:** Wildwood Acres

**Acres:** .254 **Property ID:** 931-135346; 933-135347 **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:** 2 story duplex

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

**Current Land Use:** Single family - empty lot **Proposed Land Use:** 2 story duplex

**Applicant's Representative (if applicable):**

**Applicant's Representative:** self (Enka Cole)

**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 N/A will represent the owner.

Enka Cole

Printed Name of Property Owner

Enka Cole

Signature of Property Owner

[Signature]

N/A

Signature of Representative

Printed Name of Representative

Date Submitted: 5/27/20

Received By: [Signature]

**STAFF ONLY -- DO NOT FILL OUT BELOW**

Pre-Application Meeting

Revised: 2/28/18

Receipt #: 01581001

Case #: 220-10

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

FROM: 932 PINWOOD DR  
HARKER HEIGHTS TX 76548  
(Address of Your Property that Could Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning request from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described Wildewood Acres Amended (Lot 16A, Block 11), Block 11, Lot 16 and Lot 17, generally located at 931 and 933 Pinewood Drive, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

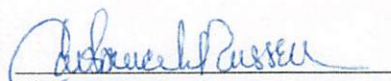
I RECOMMEND DENIAL OF THE REQUEST

Comments:

WHEN I MOVED INTO WILDEWOOD ACRES IN 1984- THERE WAS A POLICY OF NO ON STREET PARKING - IT WAS NICE AND THE ROADS WERE PASSABLE. NOW, WITH THE NUMBER OF DUPLEX BEING BUILT PEOPLE HAVE BEGUN TO PARK ON THE STREET CAUSING HOME OWNER'S DIFFICULTY GETTING OUT OF THEIR OWN DRIVE-WAYS. ALL DUPLEXES SHOULD HAVE A MINIMUM OF 2 PARKING SPACES PER SIDE SINCE THE AVERAGE HOUSE HOLD OWNS AT LEAST 2 VEHICLES. THIS WILL ALSO MAKE IT EASIER FOR ANY EMERGENCY VEHICLES TO TRAVEL ON THE STREET WITHOUT THE FEAR OF HITTING A P.D.V. WHILE IN ROUTE TO A CALL.

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

CONSTANCE L. RUSSELL  
Printed Name

  
Signature

16 JUNE 2020  
Date

**Received**  
JUN 19 2020  
Planning & Development

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

FROM: 933/935 Ashwood St.  
Harker Heights, Tx 76048  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning request from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described Wildewood Acres Amended (Lot 16A, Block 11), Block 11, Lot 16 and Lot 17, generally located at 931 and 933 Pinewood Drive, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

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If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

---

Yon Thornton  
Printed Name

  
Signature

6/15/20  
Date

**Received**

JUN 19 2020

**Planning & Development**

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

FROM:

NEAL WHITE

933 E FM 2410, Harker Hts. TX

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

RE: An application has been made to consider a rezoning request from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described Wildewood Acres Amended (Lot 16A, Block 11), Block 11, Lot 16 and Lot 17, generally located at 931 and 933 Pinewood Drive, Harker Heights, Bell County, Texas (see attached notification map).

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.**

\_\_\_\_\_

NEAL WHITE  
Printed Name

Neal White  
Signature

6/22/20  
Date

**Received**

**JUN 23 2020**

**Planning & Development**



# CITY COUNCIL MEMORANDUM

**Z20-11**

**AGENDA ITEM VII-2**

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JULY 14, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE THE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO R1-R (RURAL ONE FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS 5.63 ACRES, LOT 90 OF LAKESIDE HILLS SECTION THREE, GENERALLY LOCATED AT 11366 ORLAN DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

**BACKGROUND:**

The applicant is requesting a change from the current zoning of R-1 (One Family Dwelling District) to R1-R (Rural One Family Dwelling District) on property located at 11366 Orlan Drive. The property consists of approximately 5.63 acres of vacant land, and the request will enable the applicant to build a primary residence along with accessory buildings and keep horses on the property with their necessary enclosures. As outlined within the R1-R zoning district, the following requirements must be met:

§155.021 (3) (a) (1-3)

1. The number of accessory buildings shall not exceed one per acre;
2. Accessory buildings shall be no greater than 5,000 square feet in size;
3. The maximum aggregate square footage of all accessory buildings shall not exceed 1,000 square feet per acre and not to exceed a total of 10,000 square feet on any one tract

**Surrounding Land Uses:**

Adjacent land uses include:

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	Vacant	Single Family	R-1 (One Family Dwelling District)
<b>South</b>	Single Family/Vacant	Single Family	R1-R (Rural One Family Dwelling District)
<b>East</b>	USACOE/Extraterritorial Jurisdiction	USACOE/Extraterritorial Jurisdiction	USACOE/Extraterritorial Jurisdiction
<b>West</b>	Single Family	Single Family	R-1

The applicant's property is located in an area designated as Single Family Residential. The proposed use of the property will not affect the property's use for a single-family residence. The proposed rezoning will not alter the character of the established single-family subdivision. A survey of the area identified most of the properties in the neighborhood are comprised of large

lots and a property to the south along Orlan Drive recently obtained an R1-R zoning designation in 2020. 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 six (6) notices to property owners within the 400-foot notification area. One (1) response was received in favor of the request, and zero (0) responses were received in opposition of the request.

**RECOMMENDATION:**

Staff recommends approval of an ordinance to change zoning designation from R-1 (One Family Dwelling District) to R1-R (Rural One Family Dwelling District) on property described as 5.63 acres, Lot 90 of Lakeside Hills Section Three, generally located at 11366 Orlan Drive, Harker Heights, Bell County, Texas, based on the following;

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

**ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:**

Following a public hearing held on June 24, 2020, the Planning and Zoning Commission voted (6-0) to recommend approval of an ordinance to change zoning designation from R-1 (One Family Dwelling District) to R1-R (Rural One Family Dwelling District) on property described as 5.63 acres, Lot 90 of Lakeside Hills Section Three, generally located at 11366 Orlan Drive, Harker Heights, Bell County, Texas.

**ACTION BY THE CITY COUNCIL:**

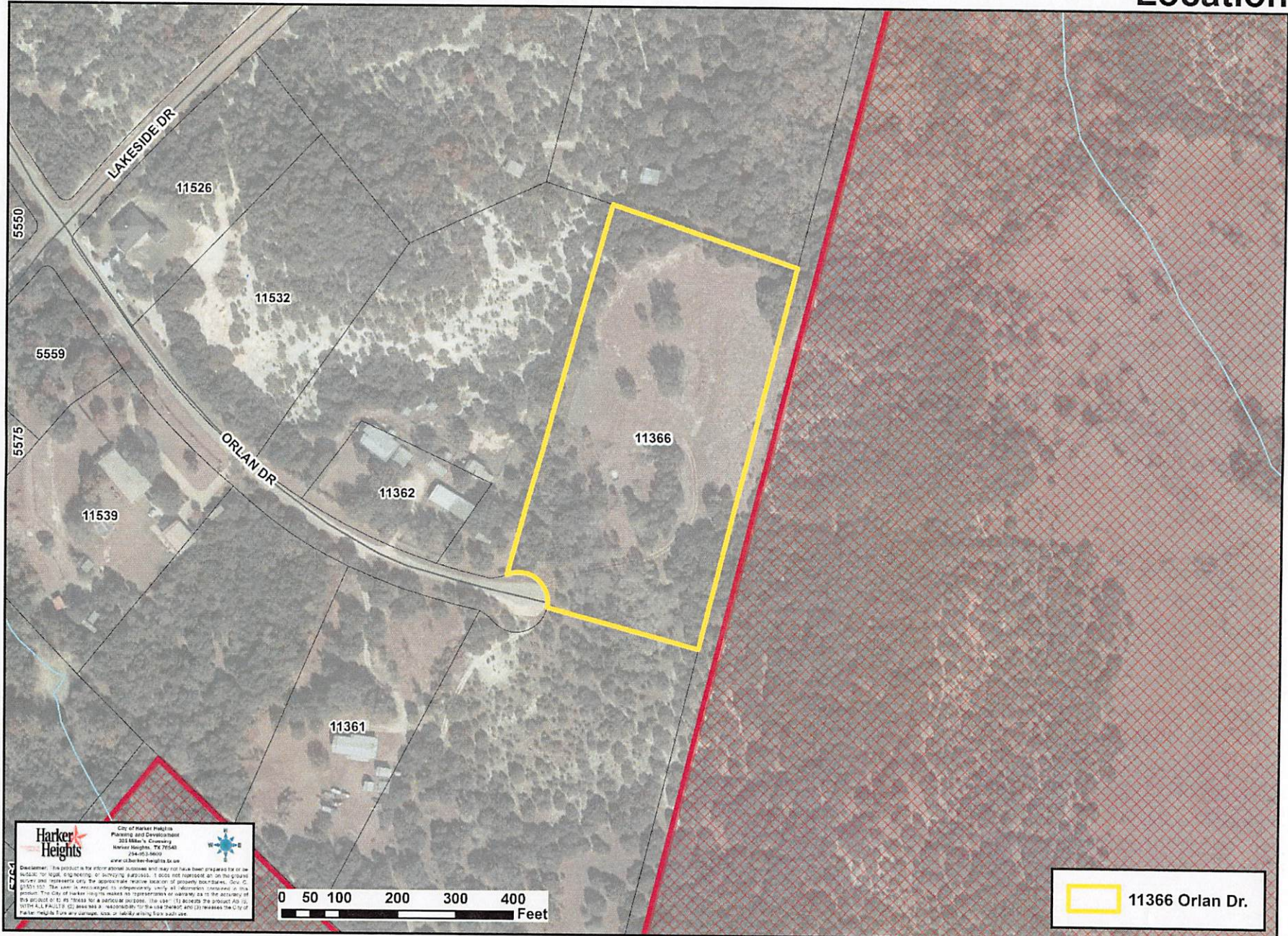
1. Motion to Approve/Disapprove an ordinance to change zoning designation from R-1 (One Family Dwelling District) to R1-R (Rural One Family Dwelling District) on property described as 5.63 acres, Lot 90 of Lakeside Hills Section Three, generally located at 11366 Orlan Drive, Harker Heights, Bell County, Texas.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. PowerPoint:
  - a) Location Map
  - b) Street View Photograph
  - c) Zoning Map
  - d) Existing Land Use Map
  - e) Future Land Use Map
  - f) Notification Area Map
2. Ordinance
3. Application
4. Citizen Responses

Z20-11


Location



**Harker Heights**  
City of Harker Heights  
Planning and Development  
203 Main's Building  
Harker Heights, TX 77548  
(261) 313-3600  
www.ci.harkerheights.tx.us

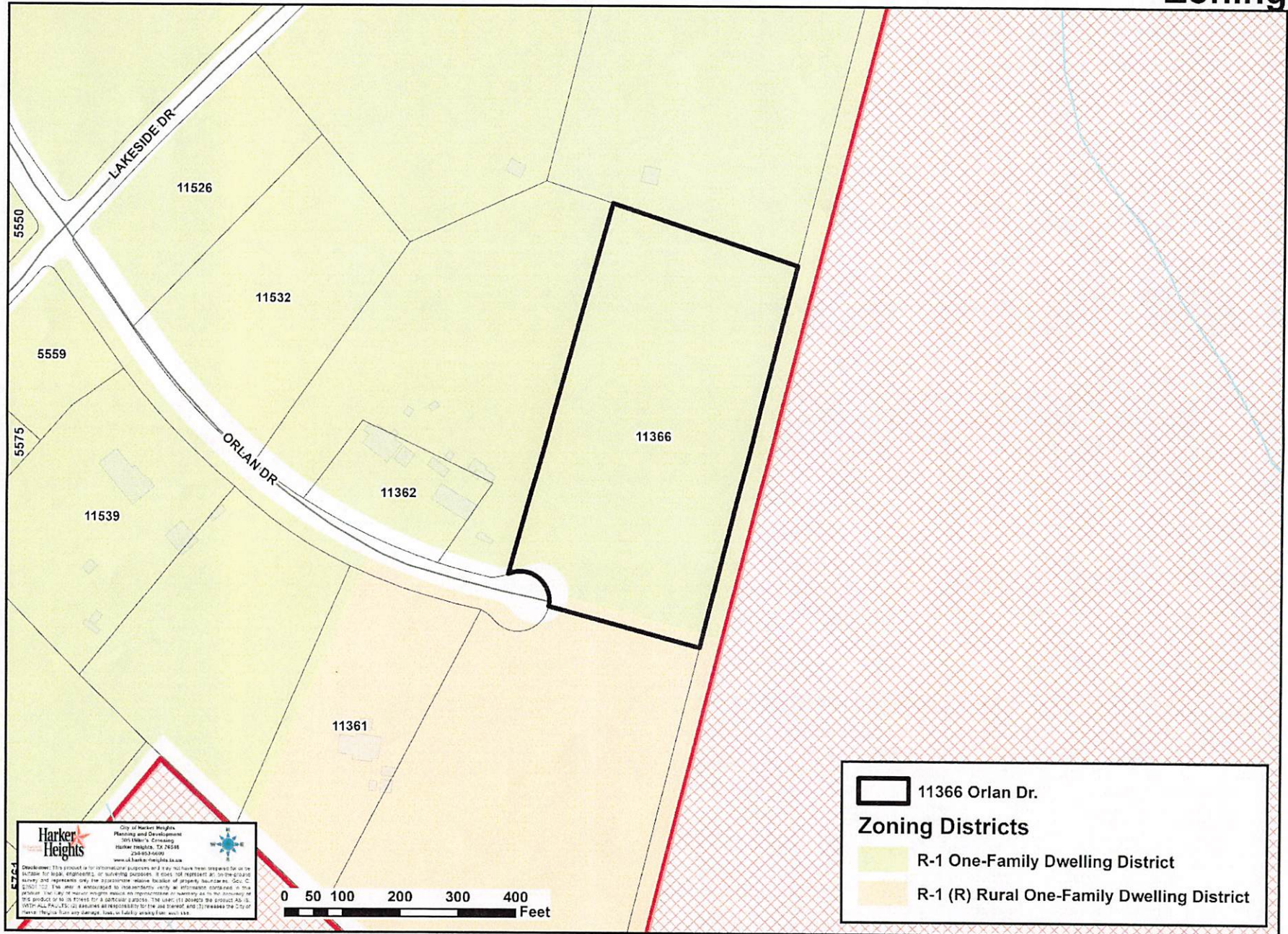
Disclaimer: The product is the author's opinion and may not have been prepared by or for the author for legal, engineering, or surveying purposes. It does not constitute an offer of insurance or any other financial product. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or its use for a particular purpose. The user is responsible for the product and its use. The City of Harker Heights is not liable for any damages, loss, or liability arising from its use.



 11366 Orlan Dr.







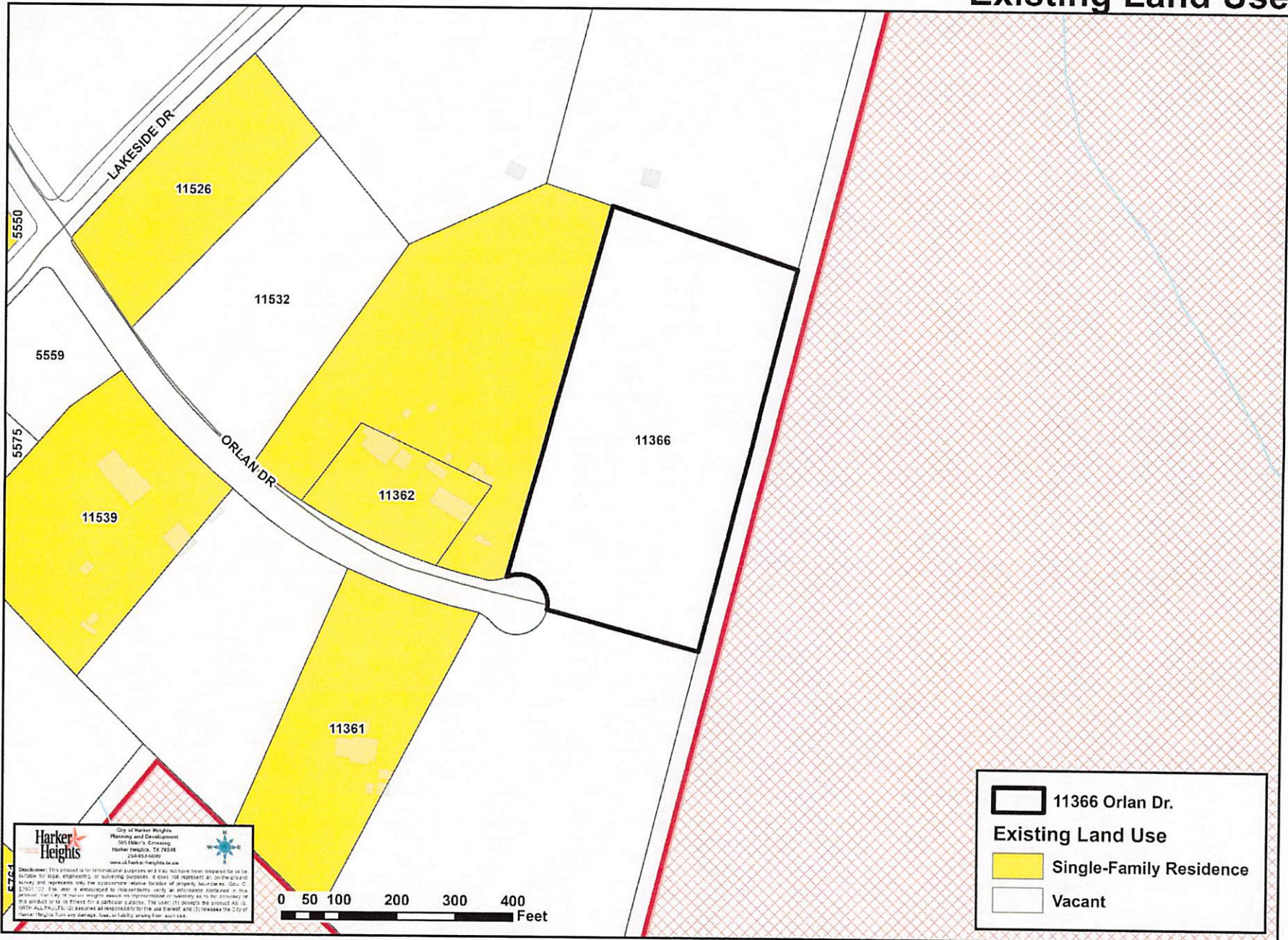
**11366 Orlan Dr.**

**Zoning Districts**

- R-1 One-Family Dwelling District
- R-1 (R) Rural One-Family Dwelling District

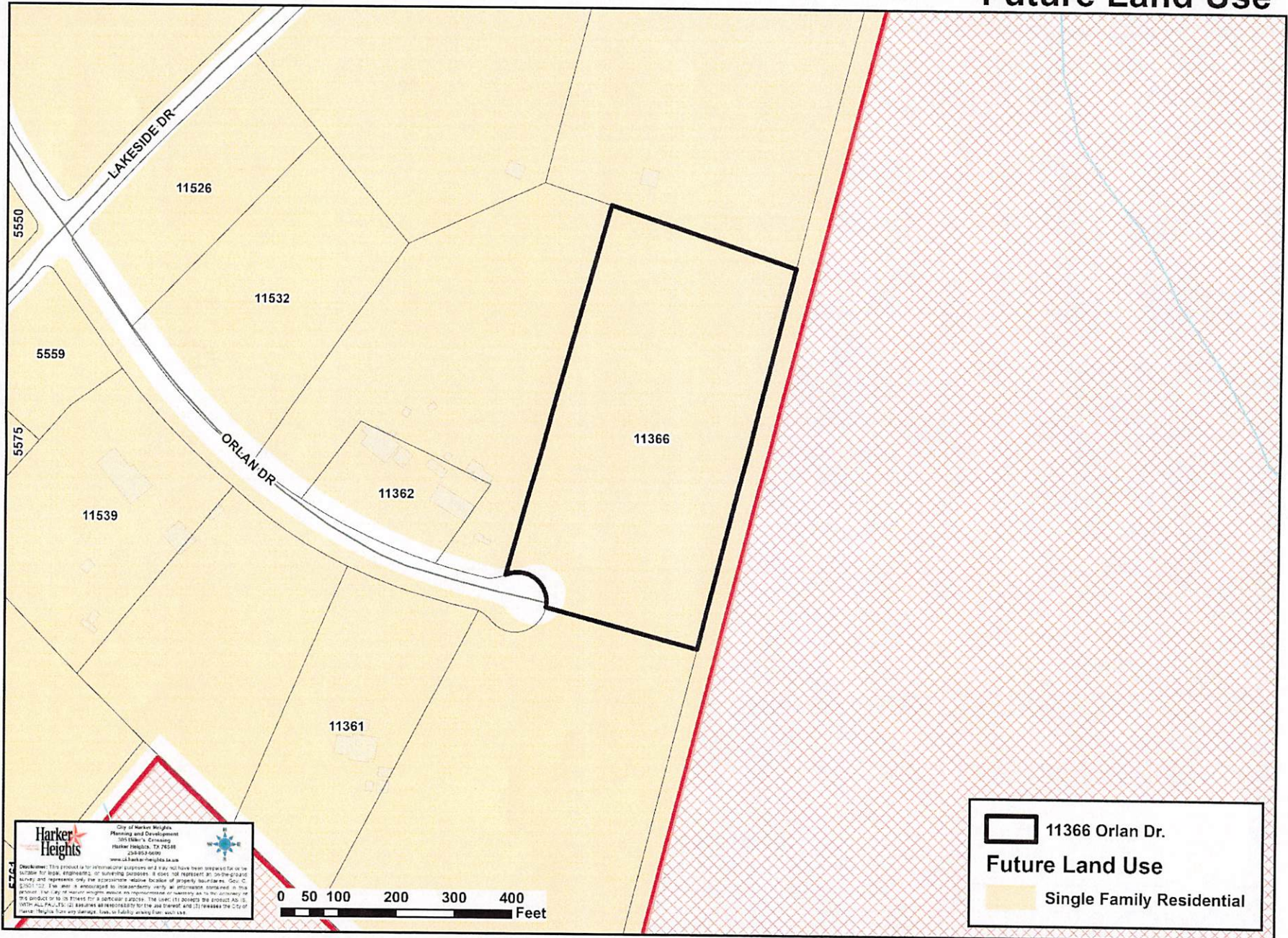
# Z20-11

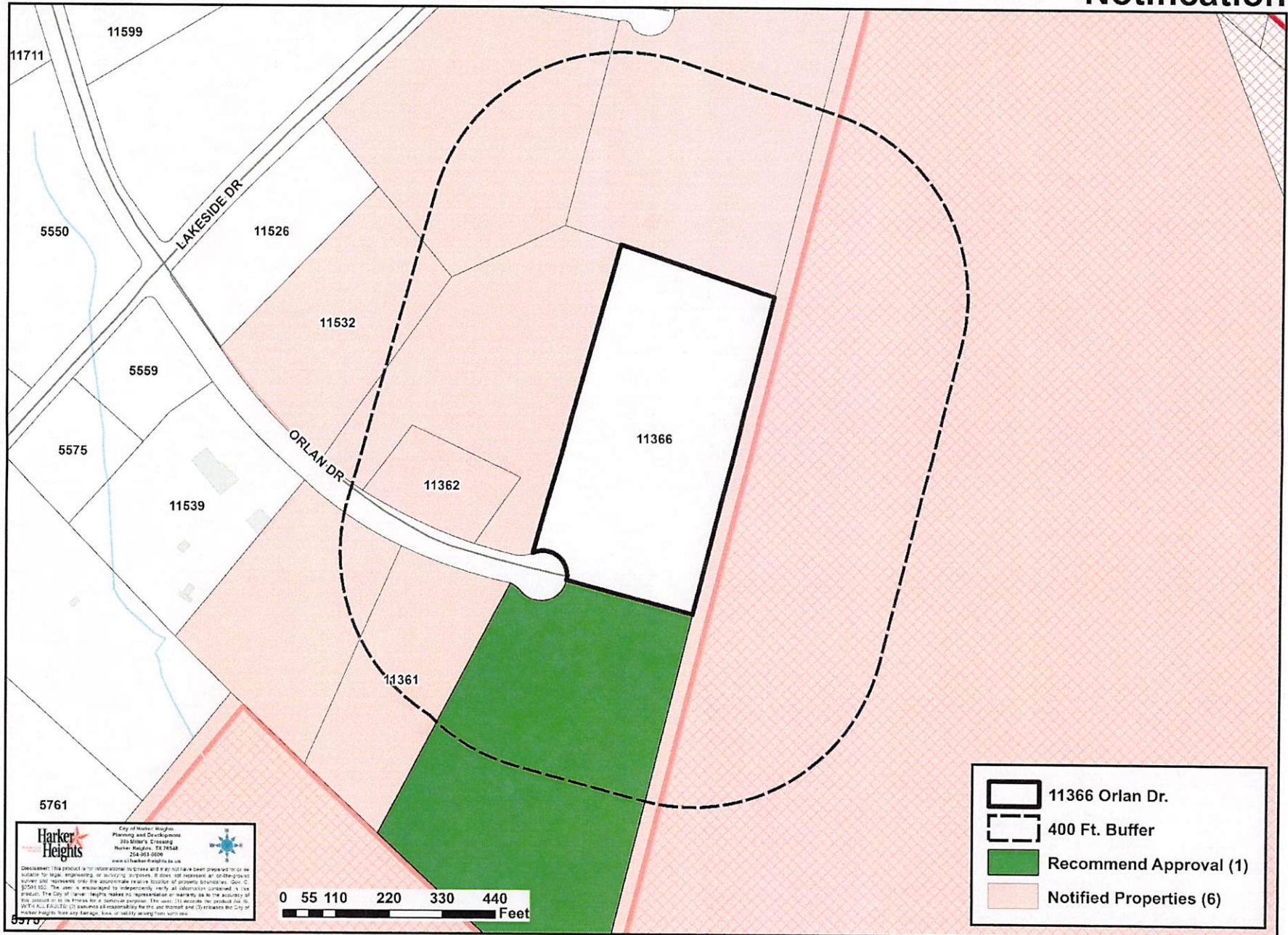
# Existing Land Use



Z20-11

Future Land Use





-  11366 Orlan Dr.
-  400 Ft. Buffer
-  Recommend Approval (1)
-  Notified Properties (6)

0 55 110 220 330 440 Feet

**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 200 Miller's Crossing  
 Harker Heights, TX 76048  
 254-953-0506  
 www.ci.harkerheights.tx.us

DISCLAIMER: This product is for informational purposes only and is not intended to be used for legal, engineering, or surveying purposes. It does not represent an official record or survey and represents only the approximate location of property boundaries. 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 shall assume the product for its own use and shall be held responsible for any inaccuracies and shall release the City of Harker Heights from any liability arising from its use.

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R1-R ZONING ON PROPERTY DESCRIBED AS 5.63 ACRES, LOT 90 OF LAKESIDE HILLS SECTION THREE, GENERALLY LOCATED AT 11366 ORLAN DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.**

**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, as previously zoned R-1 (One-Family Dwelling District) is rezoned to R1-R (Rural One-Family Dwelling District):

Section 5.63 acres, Lot 90 of Lakeside Hills Section Three, generally located at 11366 Orlan Drive, Harker Heights, Bell County, Texas.

**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>
	07/14/20	Granting R1-R zoning on property described as 5.63 acres, Lot 90 of Lakeside Hills Section Three, generally located at 11366 Orlan Drive, Harker Heights, Bell County, Texas

**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 July 14, 2020.

\_\_\_\_\_  
Spencer H. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Juliette Helsham, City Secretary



# Rezoning Request Application

**\*Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED\***

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

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

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

Property Owner(s) Name: Kyle E. Cheadle Date: 05-27-2020

Address: 2530 Comanche Gap Rd.

City/State/Zip: Harker Heights, TX 76548

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

### Legal Description of Property:

Location of Property (Address if available): Orlan Dr., Harker Heights, TX 76548

Lot: Tract 90 Block: Section 3 Subdivision: Lakeside Hills

Acres: 5.563 Property ID: 111607 Survey: N/A

*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: Residence w/ accessory buildings and fencing for horses

Current Zoning Classification: R1 Proposed Zoning: R1-R

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

### 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.

Kyle E. Cheadle  
 \_\_\_\_\_

Printed Name of Property Owner

[Signature]  
 \_\_\_\_\_

Signature of Property Owner

Printed Name of Representative

Signature of Representative

Date Submitted: 5/27/20

### STAFF ONLY -- DO NOT FILL OUT BELOW

Pre-Application Meeting

Receipt #: 01581002

Received By: [Signature]

Case #: Z 20-11

TO: City of Harker Heights  
Planning & Development Department

FROM: Roy DeBolt  
11365 Orlan Dr.  
(Address of Your Property that Could  
Be Impacted by this Request)

RE: An application has been made to consider a rezoning request from R-1 (One Family Dwelling District) to R1-R (Rural One Family Dwelling District) on property described as 5.63 acres, Lot 90 of Lakeside Hills Section Three, generally located at 11366 Orlan Drive, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:  
 I own the 8.02 tract that shares a property line and the cul-de-sac with 11366 Orlan (although my 11365 is not noted on the map).  
 I support this application for rezoning from R-1 to R1-R.

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

Roy DeBolt  
Printed Name

  
Signature

6/15/2020  
Date

**Received**  
JUN 15 2020  
Planning & Development





# CITY COUNCIL MEMORANDUM

**Z20-12**

**AGENDA ITEM VII-3**

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JULY 14, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO R-2 (TWO FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS 9.10 ACRES OUT OF THE H.B. LITTLEFIELD SURVEY, ABSTRACT 511, GENERALLY LOCATED WITHIN THE 1700 BLOCK OF WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

**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 approximately 9.10 acres located north of the intersection of Warriors Path and Pontotoc Trace. This request is to enable the construction of a two-family (duplex) development in the future.

**Surrounding Land Uses:**

Adjacent land uses include:

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	KISD Middle School No. 14	None	R-1 (One Family Dwelling District)
<b>South</b>	Duplex, Manufactured Home, Single Family, & Vacant	Medium Density/High Density Residential	R-2, R-MH, R-3
<b>East</b>	Vacant	Single Family Residential	R-1
<b>West</b>	Vacant	Medium Density Residential	R-2

The applicant’s property was annexed in 2009 and is therefore in an area without a land use designation per the 2007 Comprehensive Plan. The proposed designation for two-family dwellings is considered an acceptable replacement for aging manufactured housing or for new development within area designated as Medium Density Residential, and this designation surrounds a majority of the subject property to the west and south boundaries. The proposed rezoning from R-1 to R-2 will allow for the construction of duplexes and therefore, the proposed rezoning and intended use would be consistent with development of the area. Staff has not identified any critical issues with the potential use that would negatively affect the health, safety, or general welfare of the City

**Flood Damage Prevention:**

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

**Notices:**

Staff sent out thirty-eight (38) notices to property owners within the 400-foot notification area. There was one (1) response 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 9.10 acres out of the H.B. Littlefield Survey, Abstract 511, generally located within the 1700 block of Warriors Path, Harker Heights, Bell County, Texas, based on the following:

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

**ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:**

Following a public hearing on June 24, 2020, the Planning and Zoning Commission voted (6-0) to recommend 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 9.10 acres out of the H.B. Littlefield Survey, Abstract 511, generally located within the 1700 block of Warriors Path, Harker Heights, Bell County, Texas.

**ACTION BY THE CITY COUNCIL:**

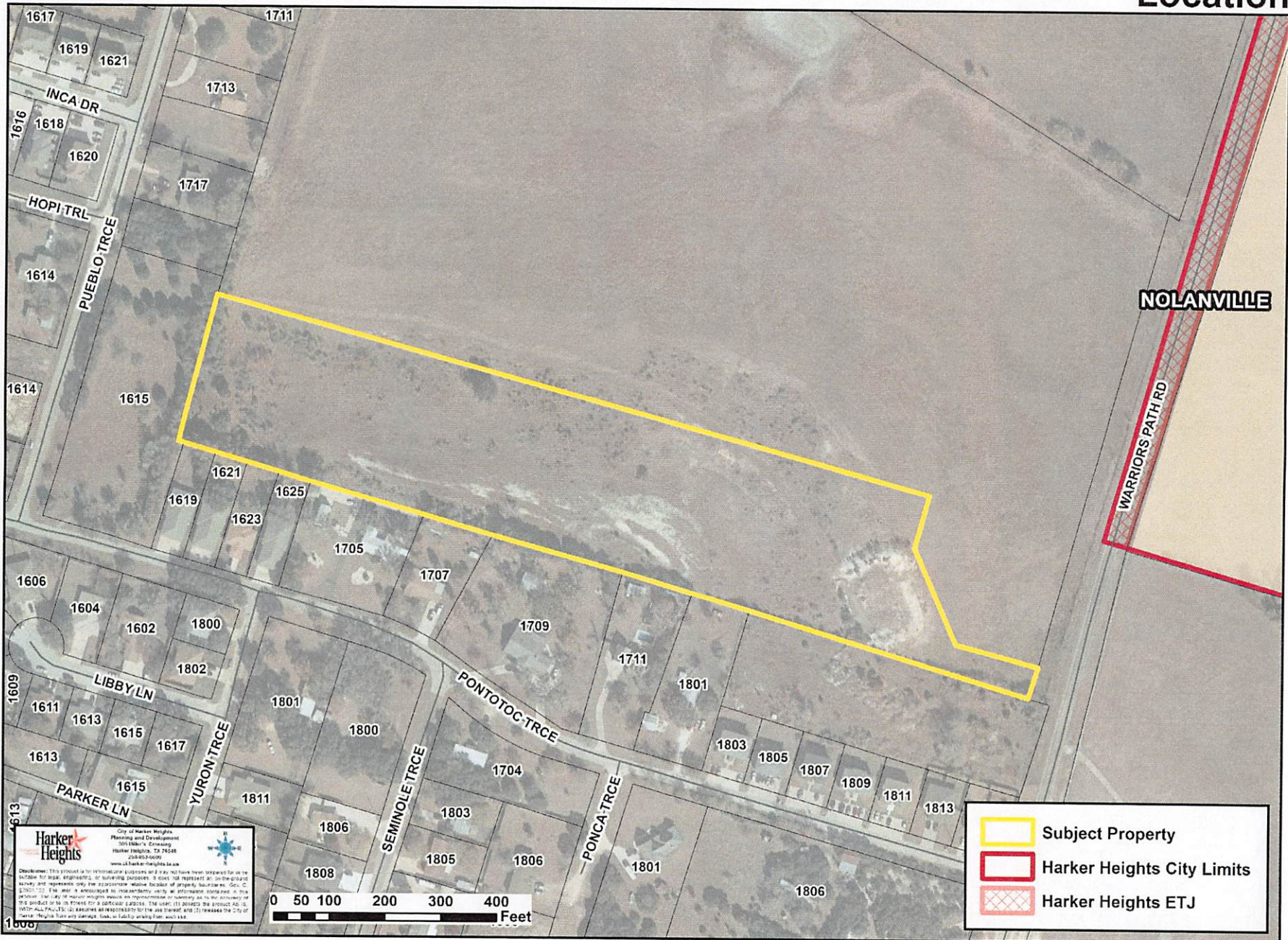
1. Motion to Approve/Disapprove an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as 9.10 acres out of the H.B. Littlefield Survey, Abstract 511, generally located within the 1700 block of Warriors Path, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

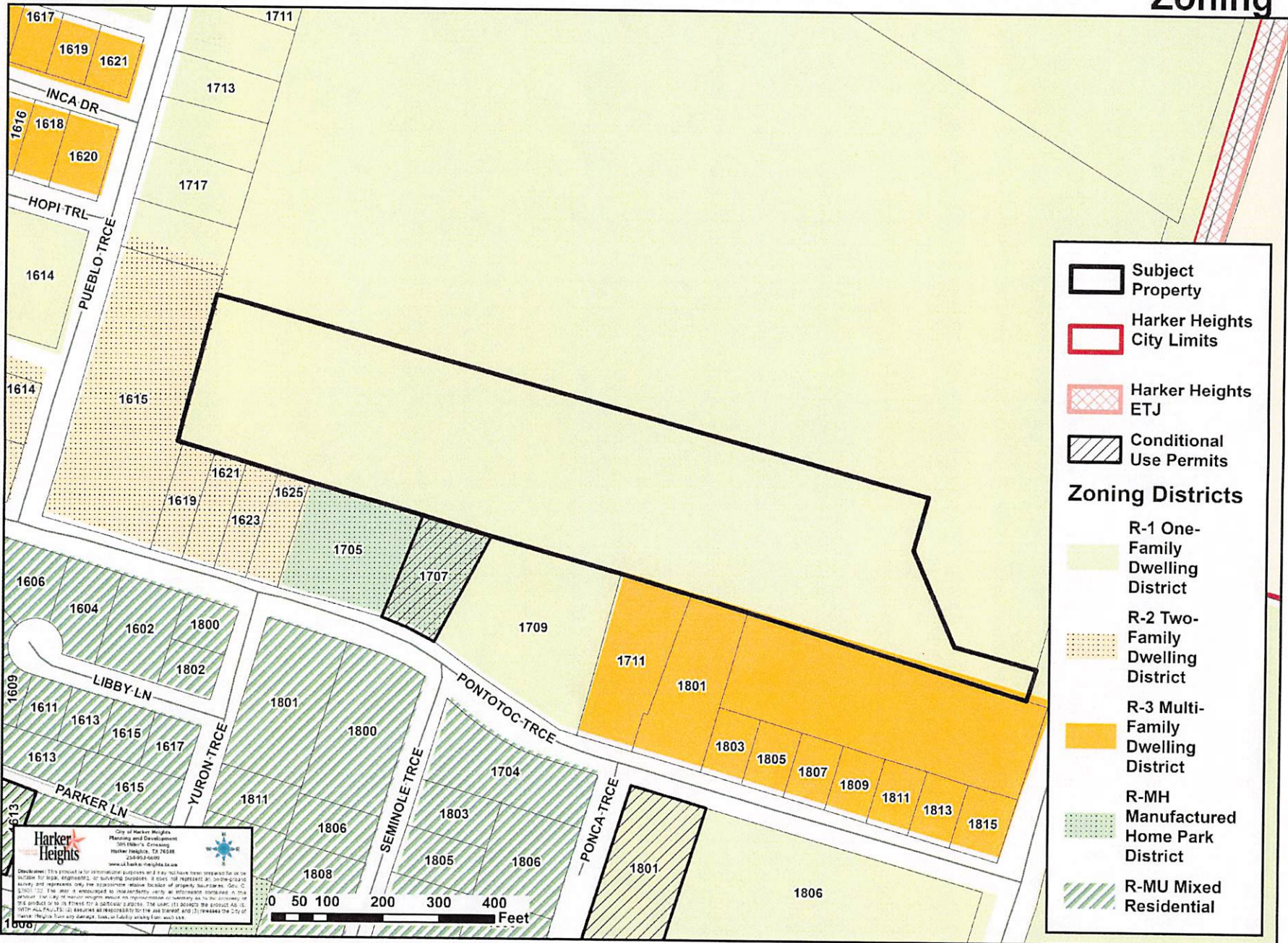
**ATTACHMENTS:**

1. PowerPoint:
  - a) Location Map
  - b) Zoning Map
  - c) Existing Land Use Map
  - d) Future Land Use Map
  - e) Notification Area Map
2. Ordinance
3. Application
4. Citizen Responses

# Z20-12

# Location





**Legend**

- Subject Property
- Harker Heights City Limits
- Harker Heights ETJ
- Conditional Use Permits

**Zoning Districts**

- R-1 One-Family Dwelling District
- R-2 Two-Family Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District
- R-MU Mixed Residential

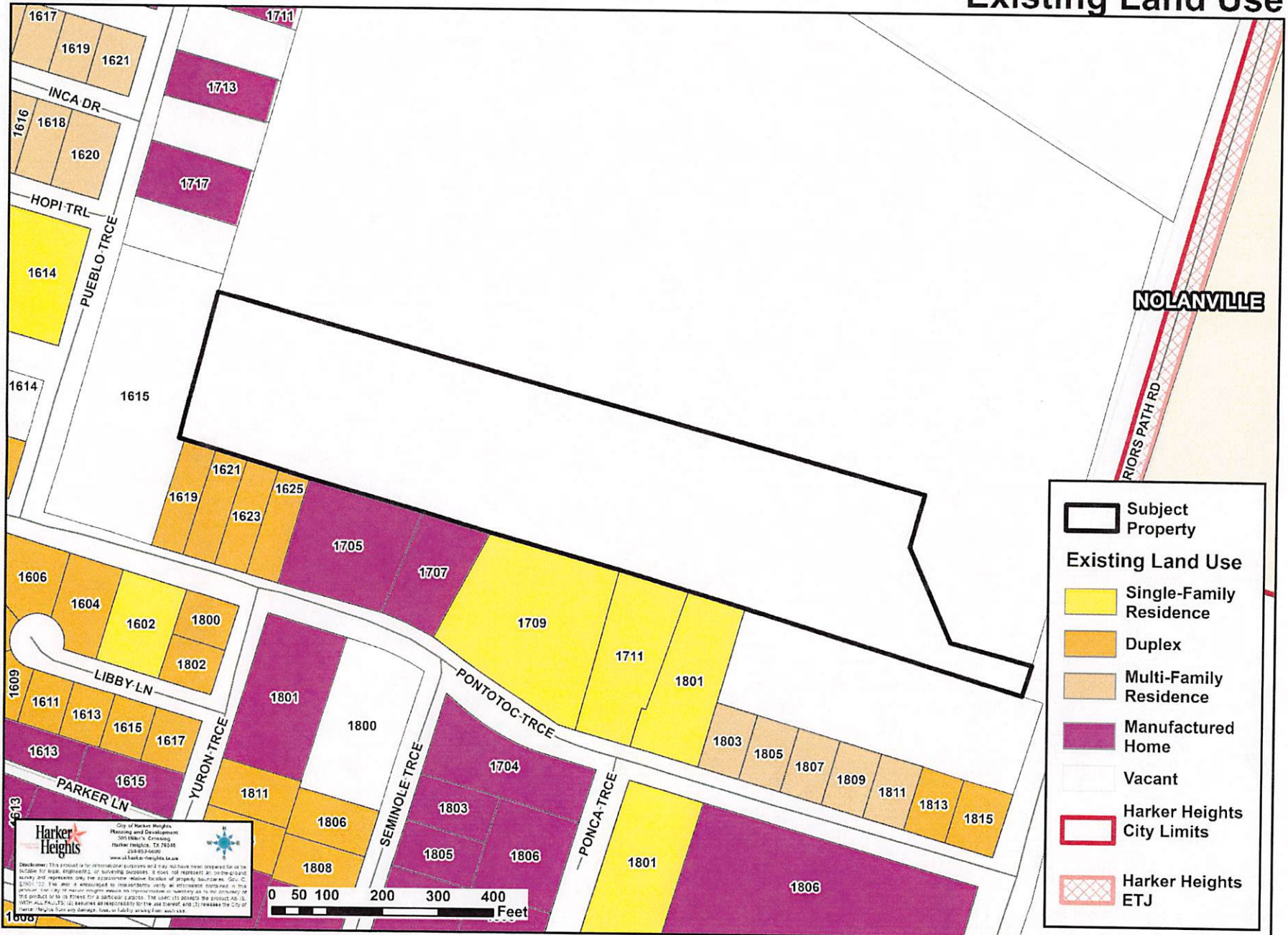
**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 500 E. Main, 3rd Floor  
 Harker Heights, TX 76588  
 254.885.4400  
 www.ci.harkerheights.tx.us

Disclaimer: This document is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or accounting purposes. It does not represent an engineering or architectural survey and represents only the information relative to the subject property. The City of Harker Heights is not responsible for any errors or omissions in this document. The City of Harker Heights is not responsible for any errors or omissions in this document. The City of Harker Heights is not responsible for any errors or omissions in this document. THE USER ASSUMES ALL RESPONSIBILITY FOR THE USE THEREOF AND SHALL INDEMNIFY THE CITY OF Harker Heights from any damage, loss or liability arising from such use.



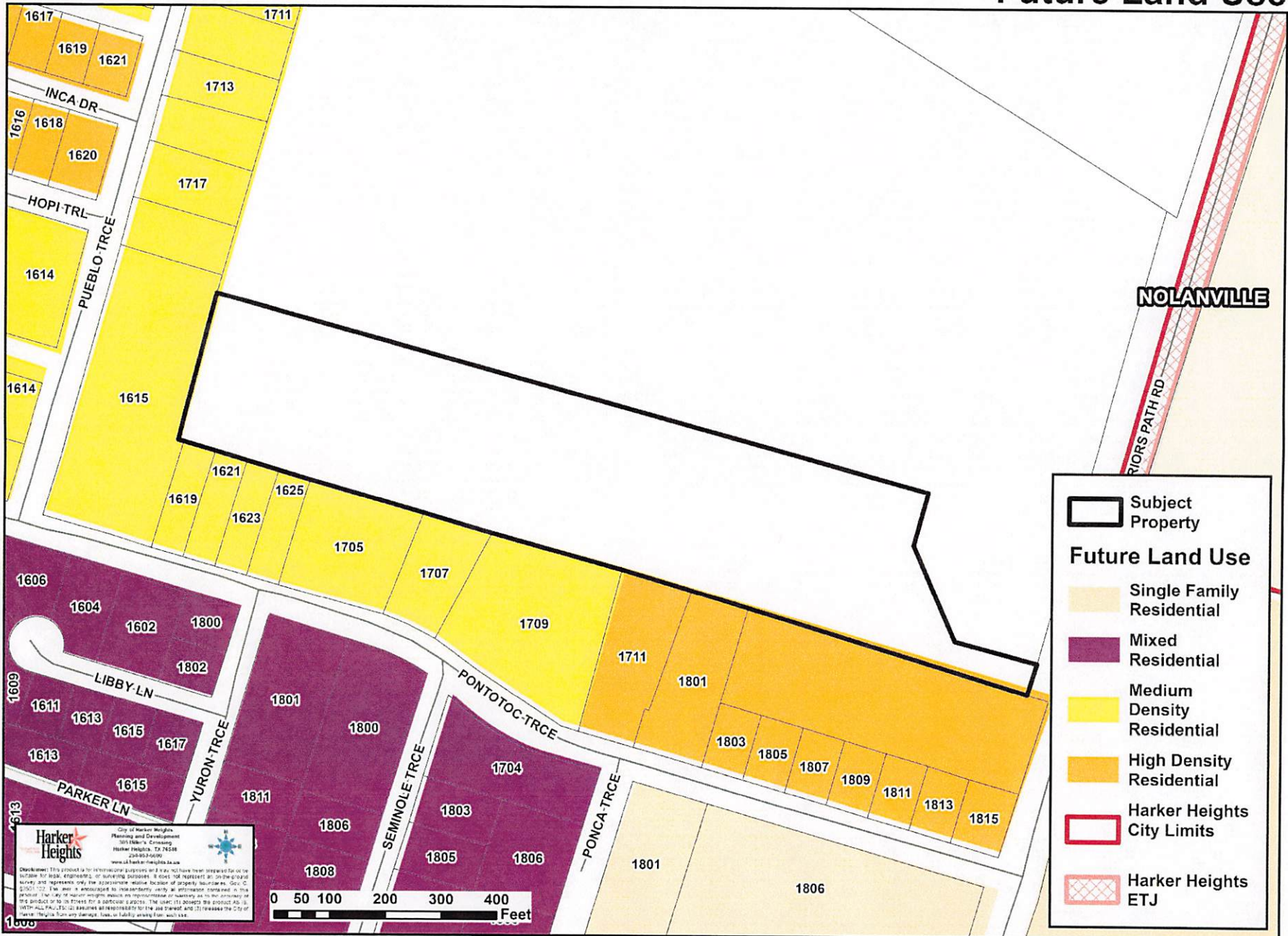
# Z20-12

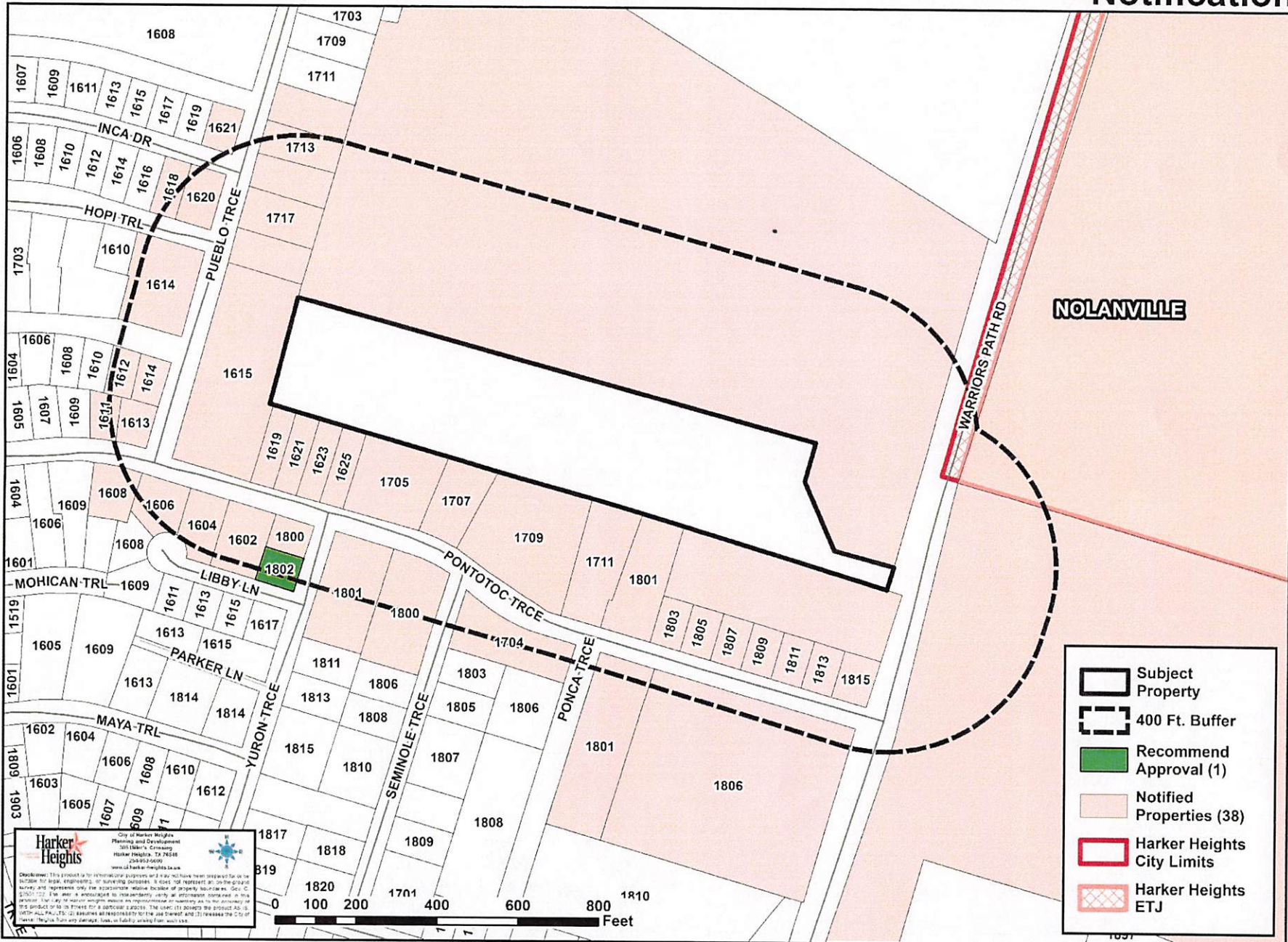
# Existing Land Use



# Z20-12

# Future Land Use

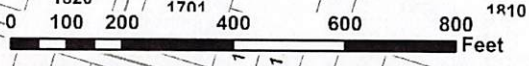




-  Subject Property
-  400 Ft. Buffer
-  Recommend Approval (1)
-  Notified Properties (38)
-  Harker Heights City Limits
-  Harker Heights ETJ

**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 300 Lakeview  
 Harker Heights, TX 76548  
 254-835-6600  
 www.ci.harker-heights.tx.us

Disclaimer: This product is for informational purposes only and does not constitute an offer of insurance or any other financial product. It is not intended to be used as a substitute for legal, engineering, or surveying services. It does not represent or warrant the accuracy of the information contained herein. The City of Harker Heights makes no representation or warranty as to the accuracy of the product or its use for any other purpose. THE USER ASSUMES THE ENTIRE RISK OF ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS PRODUCT. THE CITY OF HARKER HEIGHTS AND ITS EMPLOYEES SHALL NOT BE HELD RESPONSIBLE FOR THE USE OF THIS PRODUCT.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R-2 ZONING ON PROPERTY DESCRIBED AS 9.10 ACRES OUT OF THE H.B. LITTLEFIELD SURVEY, ABSTRACT 511, GENERALLY LOCATED WITHIN THE 1700 BLOCK OF WARRIORS PATH, HARKER HEIGHTS, BELL COUNTY, TEXAS.**

**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, as previously zoned of R-1 (One-Family Dwelling District) is rezoned to R-2 (Two Family Dwelling District):

Wildewood Acres Amended (Lot 16A, Block 11), Block 11, Lot 16 and Lot 17,  
generally located at 931 and 933 Pinewood Drive, Harker Heights, Bell County,  
Texas

**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>
	07/14/20	Granting R-2 zoning on property located at 931 and 933 Pinewood Drive, Harker Heights, Texas.

**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.

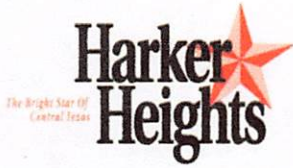
**PASSED AND APPROVED** on July 14, 2020.

\_\_\_\_\_  
Spencer H. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Juliette Helsham, City Secretary





# Rezoning Request Application

**\*Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED\***

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

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

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

**Property Owner(s) Name:** Robert Dow Sutton Trustee **Date:** 5/26/20

**Address:** 1408 Warriors Path

**City/State/Zip:** Harker Heights, Tx 76548

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

**Legal Description of Property:**

**Location of Property (Address if available):** 10.395 Acres South of Nolan Middle School

**Lot:** \_\_\_\_\_ **Block:** \_\_\_\_\_ **Subdivision:** \_\_\_\_\_

**Acres:** 10.395 **Property ID:** 459646 **Survey:** H B Litterfield

*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:** multi-family development

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

**Current Land Use:** Ag **Proposed Land Use:** duplex development

**Applicant's Representative (if applicable):**

**Applicant's Representative:** Jerome Gomer

**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 Jerome Gomer will represent the owner.

Robert Dow Sutton Trustee

Printed Name of Property Owner

Jerome Gomer

Printed Name of Representative

Date Submitted: 5/27/20

Received By: CPate

Robert Dow Sutton

Signature of Property Owner

[Signature]

Signature of Representative

**STAFF ONLY - DO NOT FILL OUT BELOW**

Pre-Application Meeting

Receipt #: 01581003

Case #: 220-12

TO: City of Harker Heights  
Planning & Development Department

FROM:

TDDL Family Holdings LLC  
1802 YUEN TRACT, H.H. TX

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

RE: An application has been made to consider a rezoning request R-1 (One Family Dwelling District) to R-2 (Two Family Dwelling District) on property described as 9.10 acres out of the H.B. Littlefield Survey, Abstract 511, generally located within the 1700 block of Warriors Path, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST \*

I RECOMMEND DENIAL OF THE REQUEST

Comments:

\* My biggest concern is only 1 ROAD IN AND 1 ROAD OUT FOR THE SIZE OF THIS DEVELOPMENT

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

JOAN REIORT  
Printed Name

  
Signature

JUNE 12 2020  
Date

**Received**

JUN 17 2020

**Planning & Development**



## CITY COUNCIL MEMORANDUM

**Z20-13**

**AGENDA ITEM VII-4**

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JULY 14, 2020

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO PD-B (PLANNED DEVELOPMENT BUSINESS DISTRICT) ON PROPERTY DESCRIBED AS A 14.908 ACRE TRACT OF LAND LOCATED IN THE J.M. CROSS SURVEY, ABSTRACT NO. 179, GENERALLY LOCATED AT 12025 E. KNIGHTS WAY (E. FM 2410), HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

**EXPLANATION:**

The applicant, TEMBEL Developments, LLC, has requested consideration of a Planned Development – Business (PD-B) rezoning to allow a Recreational Vehicle (RV) Park use in place of a previously existing mobile home park. The proposed Planned Development-Business (PD-B) is located along East Knights Way (E. FM 2410) and falls within the city limits of Harker Heights. The subject property is approximately 14.908 acres and is generally located at 12025 E. Knights Way (E. FM 2410), within a rural developing area of the City. The PD-B is planned for the creation of a recreational vehicle park with related commercial amenities.

Per the workshop held on July 7, 2020, the applicant is the current owner of Basin RV Resort located just beyond Harker Heights City Limits at 10502 E. FM 2410 and intends to open a second RV Resort within the Harker Heights city limits. The resort would provide additional recreational vehicle camping, vacation cabin rentals, and various amenities.

**Zoning: Planned Development – Business:**

The Planned Development District accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to insure against misuse of increased flexibility (City of Harker Heights Code §155.036).

**City of Harker Heights Code §155.036 (B) (2) Permitted Uses:**

Planned Development - Business (PD-B). All uses permitted in the B-1 through B-5 zoning districts (except sexually-oriented businesses) are permitted in a PD-B development. Alcoholic beverages sale and service are allowed in the wet area only, subject to applicable regulations.

**ANALYSIS:**

Staff has met with the applicants, reviewed their request for rezoning, and offers the following analysis.

**Service Availability:**

*Streets* – The property will be served by access onto East Knights Way (East Farm-to-Market 2410) a TXDOT maintained roadway designated as a Principal Arterial street in the City of Harker Heights (per Mobility 2030 –Thoroughfare Plan).

*Utilities* – The location of the RV Resort within the City Limits of Harker Heights is a predominately rural location with intermittent utility connections. Various public utilities are immediately available to serve the subject property. A summary of these services is as follows:

- Sanitary Sewer – A 10" sanitary sewer line and manhole is located roughly 290 feet west of the most western property line boundary along the frontage of E. Knights Way.
- Water – A 16" water line is located along E. Knights Way and extends the entire property frontage (roughly 1,000 feet).
- Electricity, Telephone, and other Utilities – Electricity, telephone, and other utility services are available adjacent to the subject property.

**Fire Protection:**

Fire protection is provided by the City of Harker Heights Fire Department with the nearest station being Station #2 located at 3207 Stillhouse Lake Road. Three (3) Fire Hydrants are located along the south side of E. Knights Way and are located immediately beyond the subject property parcel boundaries. Additional fire requirements will be determined during the permitting phase of the project.

**Knights Way Overlay:**

The subject property falls within Development District Overlay 1 – The Knights Way Corridor and shall comply with all applicable commercial design goals and guidelines as stated in The Knights Way Overlay manual.

**Land Use Regulations:**

The 2007 Harker Heights Comprehensive Plan provides the future land use plan and projects the subject parcel to be Commercial along the frontage of E. Knights Way for approximately 260 feet into the property and identifies the remainder of the property to the south as Single Family Residential.

**Surrounding Land Uses:**

Adjacent land uses include:

	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	Extraterritorial Jurisdiction (ETJ) - Residential	ETJ	ETJ
<b>South</b>	ETJ - Residential	ETJ	ETJ
<b>East</b>	Vacant	Single Family	R-1 (One Family Dwelling District)
<b>West</b>	Vacant	Commercial/Single Family	R-1

According to the Future Land Use Map within the 2007 Comprehensive Plan, the property is designated as Commercial along the frontage of E. Knights Way and Single Family Residential towards the rear of the property. The zoning classification of PD-B will require that the development consist of at least 5 acres, provide an open space landscape or screening buffer between land uses, and be located along an arterial street. The development complies with all minimum requirements for a Planned Development Business district. The development falls within the Knights Way Overlay District and must comply with all regulations as outlined in the overlay manual. The proposed use will maintain the character, appearance and zoning of commercial property and does not conflict with the 2007 Comprehensive Plan.

**Flood Damage Prevention:**

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

**NOTICES:**

Staff sent out seven (7) notices to property owners within the 400-foot notification area. Zero (0) responses were received in favor of the request, one (1) response was received providing comments, and one (1) response was received in opposition of the request.

**STAFF RECOMMENDATION:**

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

The proposed rezoning request to PD-B likely **does not**:

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

Staff therefore recommends approval of an ordinance to allow the Planned Development – Business (PD-B) on property described R-1 (One Family Dwelling District) to PD-B (Planned Development Business District) on property described as a 14.908 acre tract of land located in the J.M. Cross Survey, Abstract No. 179, generally located at 12025 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, subject to the following conditions:

1. Recreation vehicle housing shall be so harbored on each lot that there shall be at least a forty-two (42) foot distance between recreational vehicles, measured from utility pedestal to utility pedestal.
2. No recreation vehicle or accessory building shall be located closer than ten (10) feet from any building, roadway, lot line, or from any property bounding the parcel.

3. A minimum of one (1) parking space constructed of one (1) inch compacted stone or decomposed/crushed granite will be provided for off-street parking for each recreational vehicle.
4. All park lots shall abut upon an internal roadway of not less than twenty-four (24) feet in width, which shall have unobstructed access to any public street, alley, or highway.
5. All internal roadways shall be well marked for visibility in the daytime and all sites will have downward-shielded lighting no higher than six (6) feet off the ground.
6. All streets and internal roadways within the parks will be a minimum of two-inch (2") HMAC on a six-inch (6") road base.
7. Any interior roadway not connected to a public street on both ends must have a turn around with a minimum radius of eighty (80) feet.
8. Requests for occupancy for any period exceeding six (6) months shall be submitted in writing to the Harker Heights Building Official. Recreational vehicles are permitted to occupy the park for no more than twelve (12) months.
9. A recreational vehicle must be placed on not less than a two-thousand one hundred (2,100) square foot lot.
10. The planned development will have full-time, onsite management.
11. The planned development must screen their waste collection facilities from view along E. Knights Way (E. FM 2410).
12. No on-street parking will be allowed along E. Knights Way (E. FM 2410). Additional parking shall be provided in the park consisting of at least five (5) recreational vehicle parking spaces for the purpose of check-in only.
13. The planned development shall maintain a vegetative buffer and screening fence along all property lines adjacent to occupied residential properties.
14. The planned development shall have all the rights and uses of an RV park and the B-3 (Local Business District) zoning district as regulated in the Harker Heights Code of Ordinances.
15. The planned development shall adhere to all other commercial requirements as directed from the City of Harker Heights Code of Ordinances, The Knights Way Overlay, and all current, adopted Building Codes.

**ACTION BY THE PLANNING AND ZONING COMMISSION:**

Following a public hearing held on June 24, 2020, the Planning and Zoning Commission's motion to recommend approval to change the zoning designation from R-1 (One Family Dwelling District) to PD-B (Planned Development Business District) on property generally located at 12025 E. Knights Way (E. FM 2410) failed approval by a vote of 2-4.

Because the recommendation to change the zoning of the property was not approved by the P&Z, per §155.212(D)(2) of the City of Harker Heights Code of Ordinances, **a zoning district change will require a three-fourths (super-majority) approval vote from the City Council.**

**ACTION BY THE CITY COUNCIL:**

1. Motion to APPROVE/DENY an ordinance to change zoning designation from R-1 (One Family Dwelling District) to PD-B (Planned Development Business District) on property described as a 14.908 acre tract of land located in the J.M. Cross Survey, Abstract No. 179, generally located at 12025 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas, with the conditions recommended by the Planning and Development Director.
2. Any other action deemed necessary.

**ATTACHMENTS:**

1. PD-B Proposed Conditions
2. PowerPoint:
  - a) Location Map
  - b) Two (2) Photographs of Street View
  - c) Zoning Map
  - d) Existing Land Use Map
  - e) Future Land Use Map
  - f) Notication Area Map
  - g) Basin RV Resort Presentation
  - h) Proposed Conditions
3. Ordinance
4. Application
5. Citizen Responses

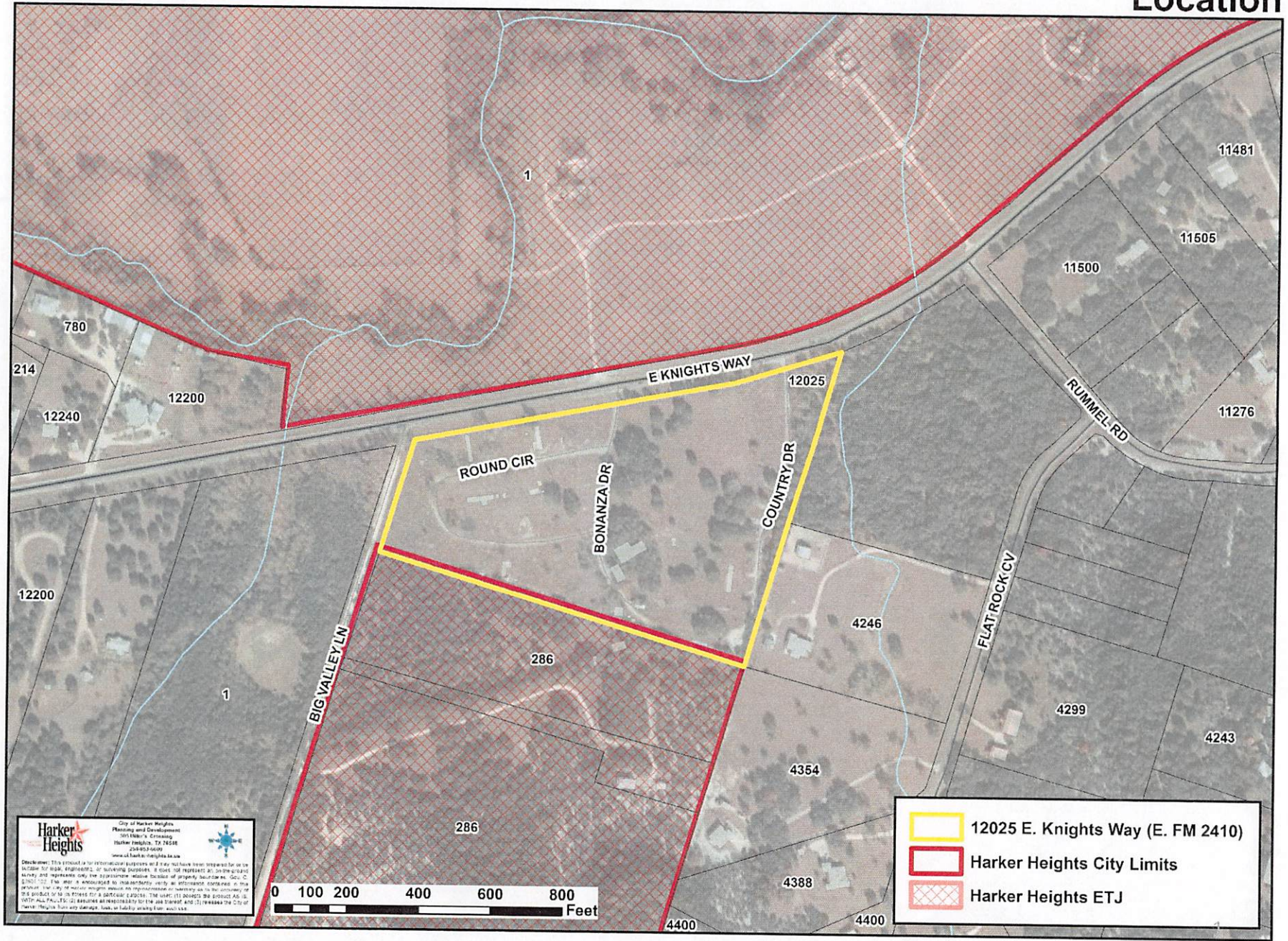
# Conditions for PD-B

12025 E. Knights Way (E. FM 2410)

Case No.: Z20-13

1. Recreation vehicle housing shall be so harbored on each lot that there shall be at least a forty-two (42) foot distance between recreational vehicles, measured from utility pedestal to utility pedestal.
2. No recreation vehicle or accessory building shall be located closer than ten (10) feet from any building, roadway, lot line, or from any property bounding the parcel.
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15. The planned development shall adhere to all other commercial requirements as directed from the City of Harker Heights Code of Ordinances, The Knights Way Overlay, and all current, adopted Building Codes.





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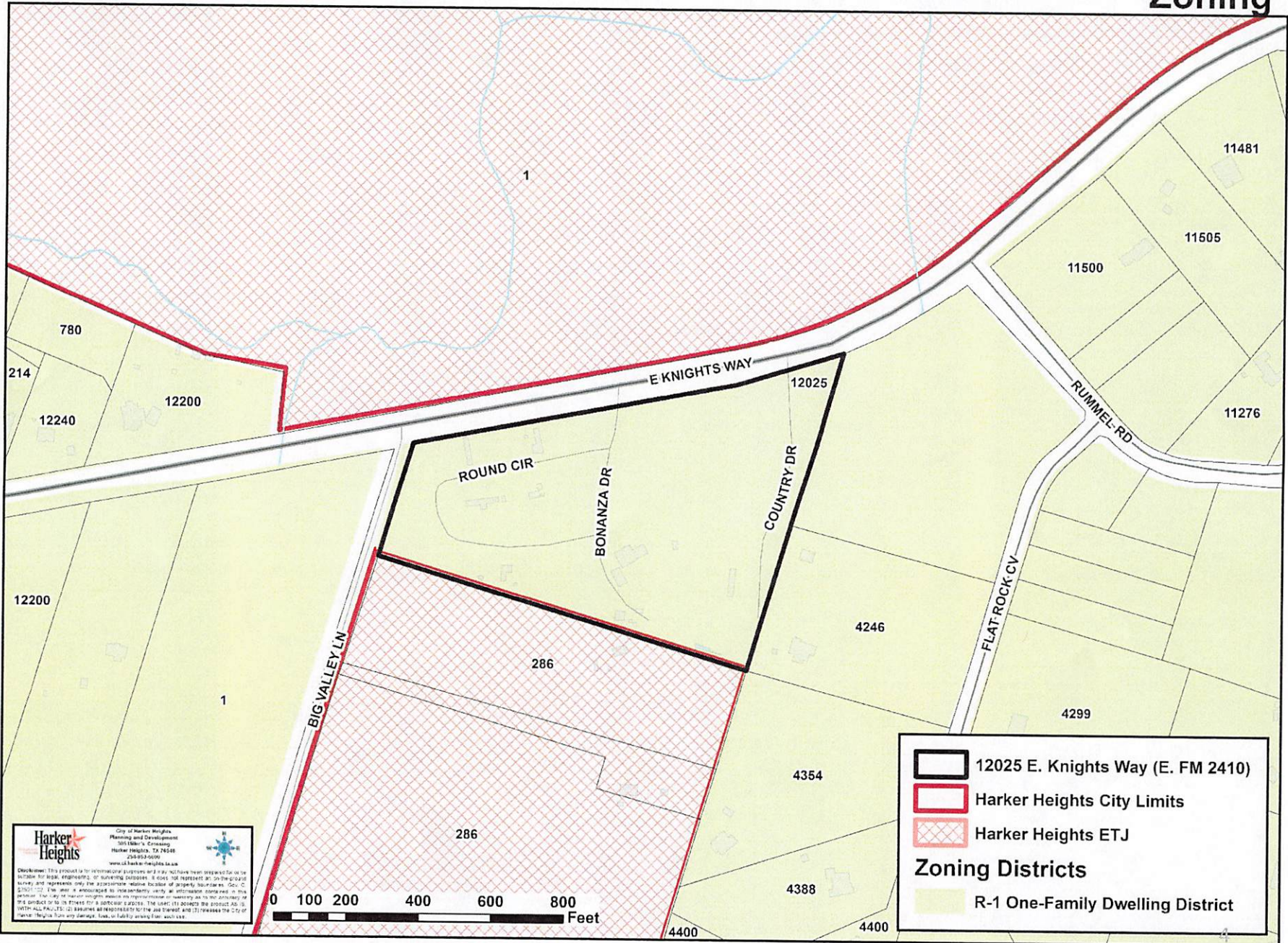
- 12025 E. Knights Way (E. FM 2410)
- Harker Heights City Limits
- Harker Heights ETJ





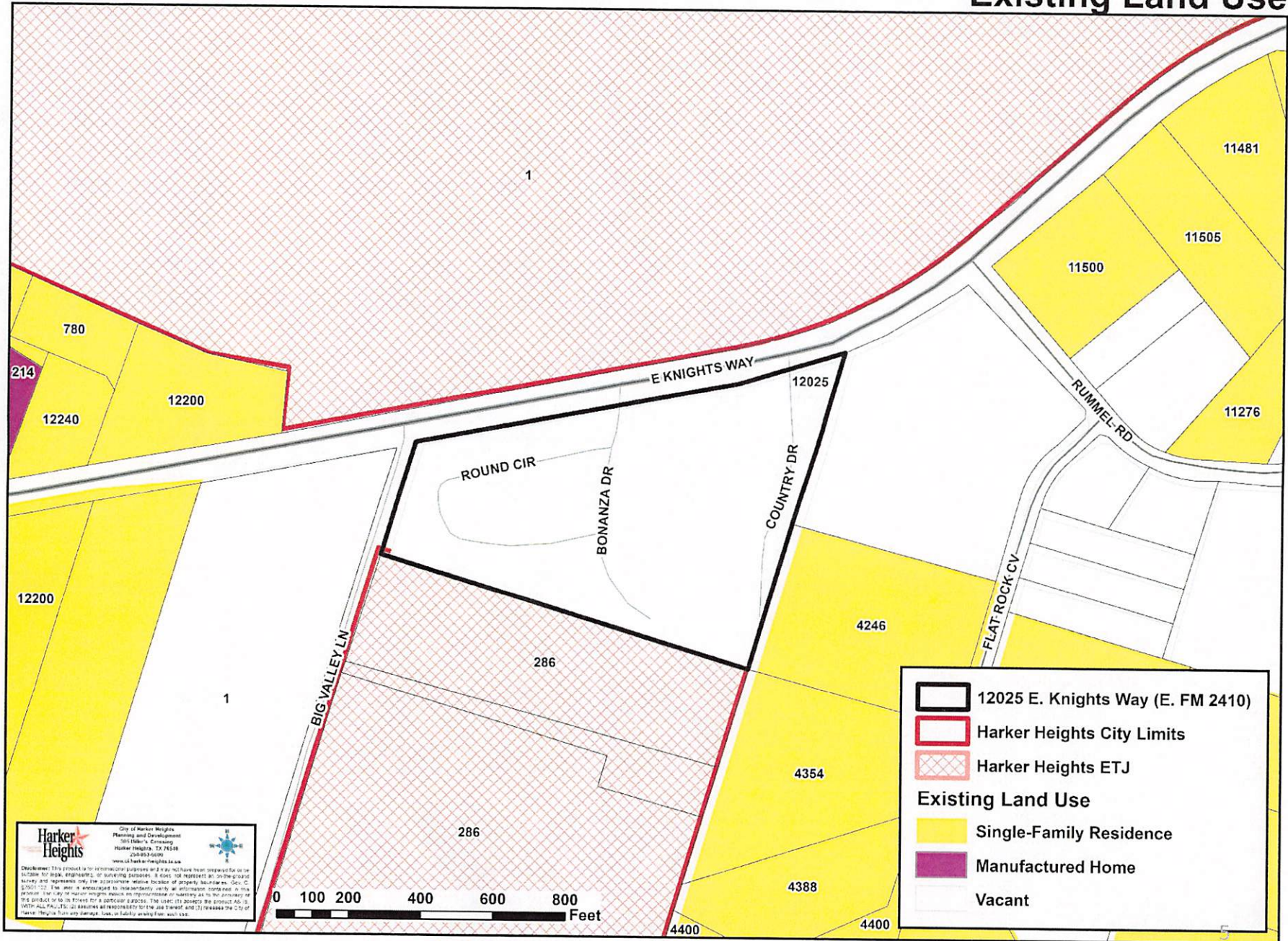
Z20-13

Zoning



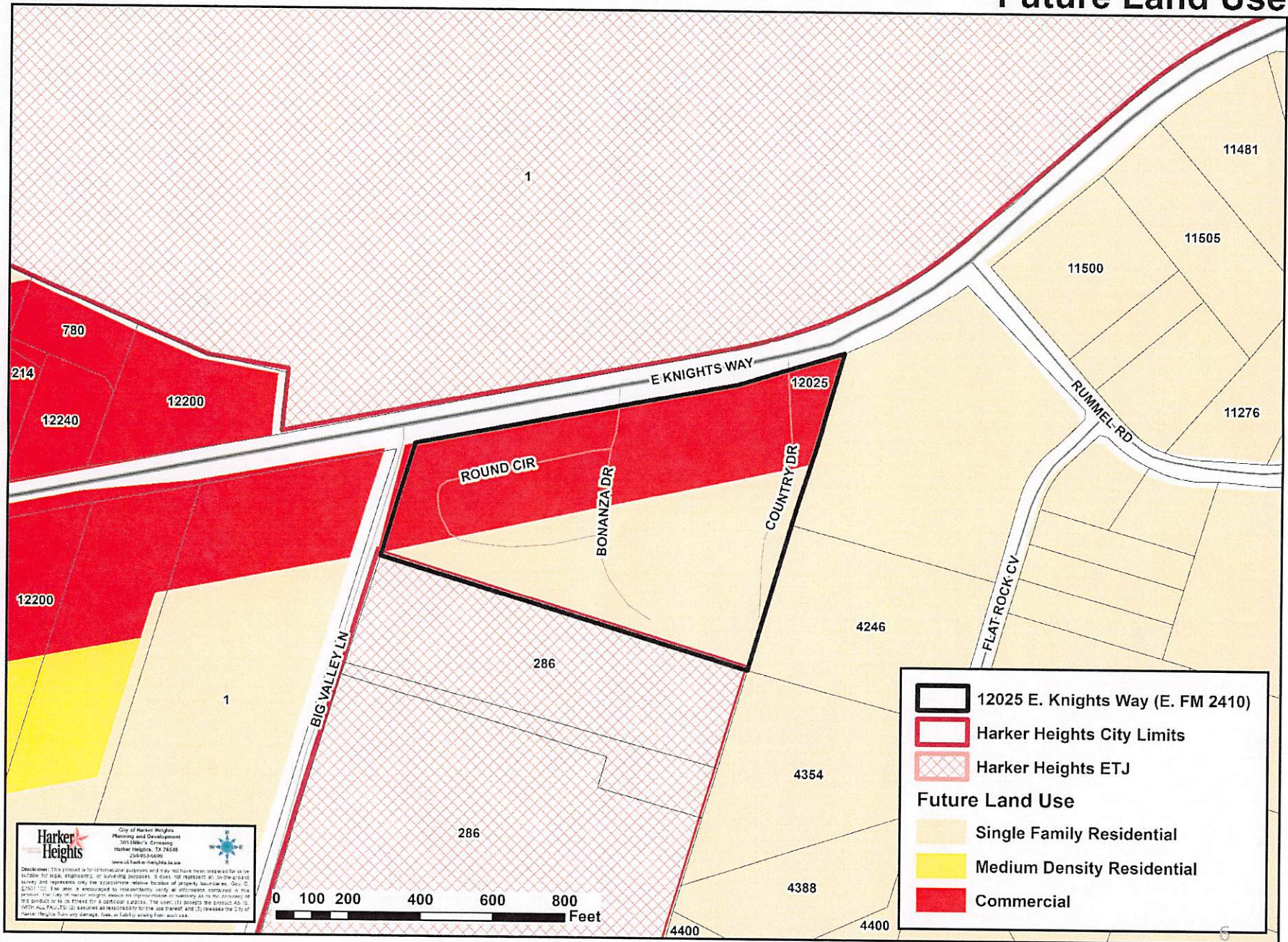
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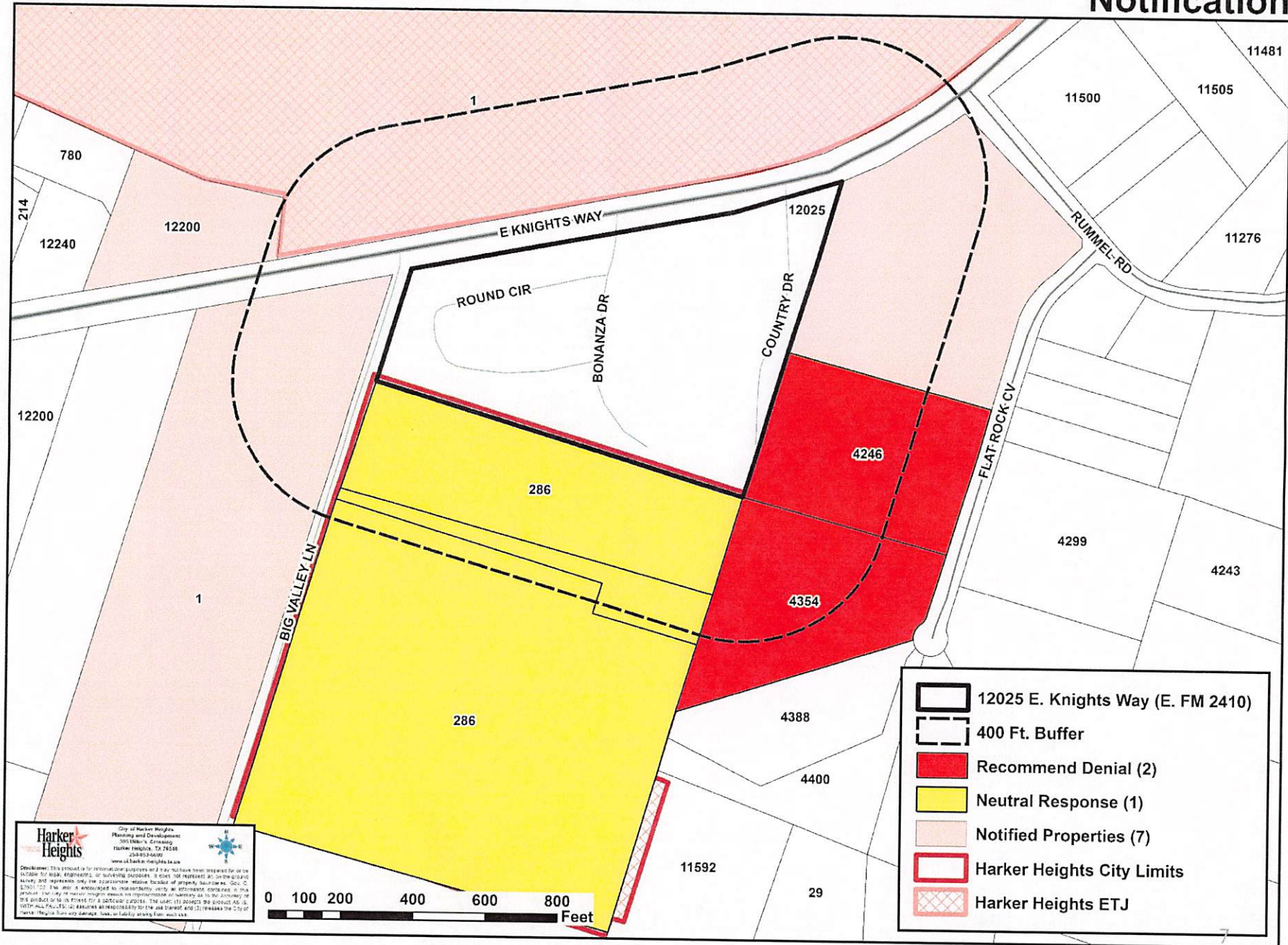
Disclaimer: This report is for informational purposes and is not intended to be used as a basis for legal, engineering, or other professional services. It does not represent an opinion of the City of Harker Heights and represents only the approximate relative location of property boundaries. City of Harker Heights does not warrant the accuracy of the information contained in this report. The City of Harker Heights makes no representation or warranty as to the accuracy of the information or as to the existence of a particular property. The user of this report shall be responsible for the use thereof and shall release the City of Harker Heights from any and all liability arising from such use.



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- 12025 E. Knights Way (E. FM 2410)
- 400 Ft. Buffer
- Recommend Denial (2)
- Neutral Response (1)
- Notified Properties (7)
- Harker Heights City Limits
- Harker Heights ETJ

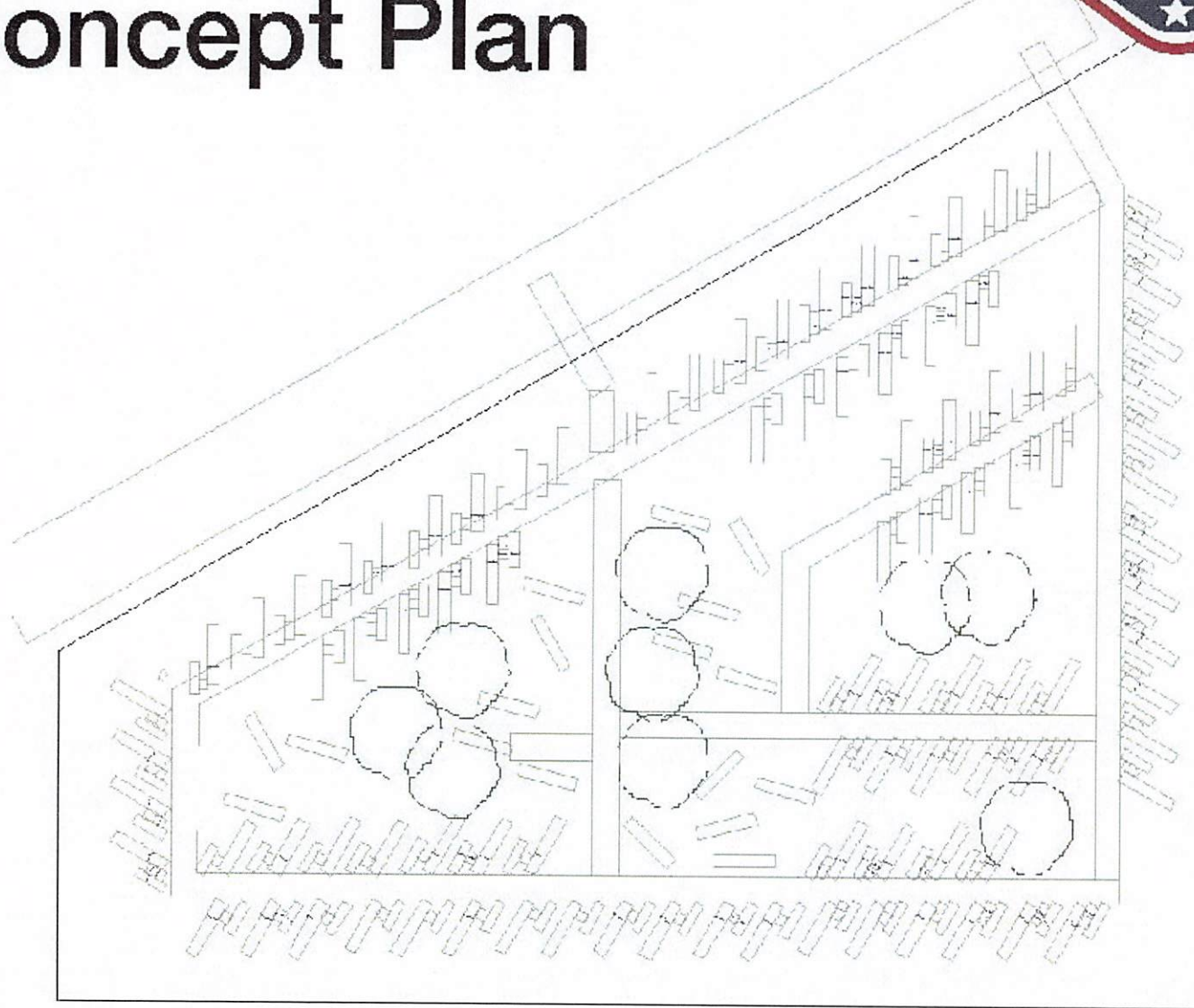
# BASIN RV RESORT



3481

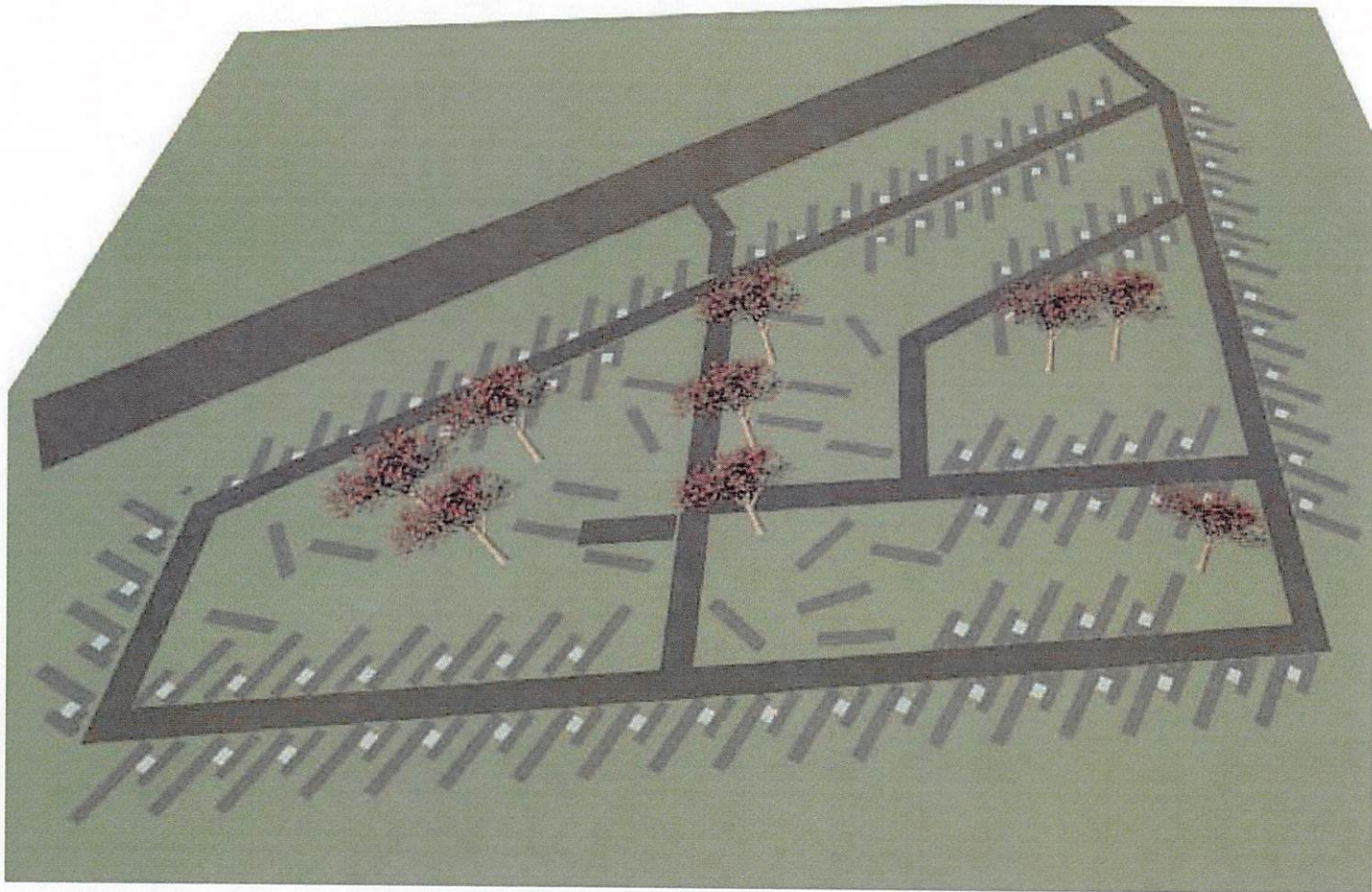


# Basin Concept Plan



# Concept Plan

## 93 RV / 13 Cottages





## Basin RV Resort - Harker Heights

### Park Features

- Gated / Secure
- Walking Trails
- Indoor Heated Pool
- Outdoor Pool
- 24 Hour Video Surveillance
- Asphalt Roads
- Bark Park
- Overflow Parking Area
- Full-time Staff
  - Manager
  - Housekeeping
  - Park Maintenance
- Daily / Weekly / Monthly
- Convenience Store / Vending
- ADA Restrooms
- 24 hour Rec Room
- 24 hour Laundry Facility



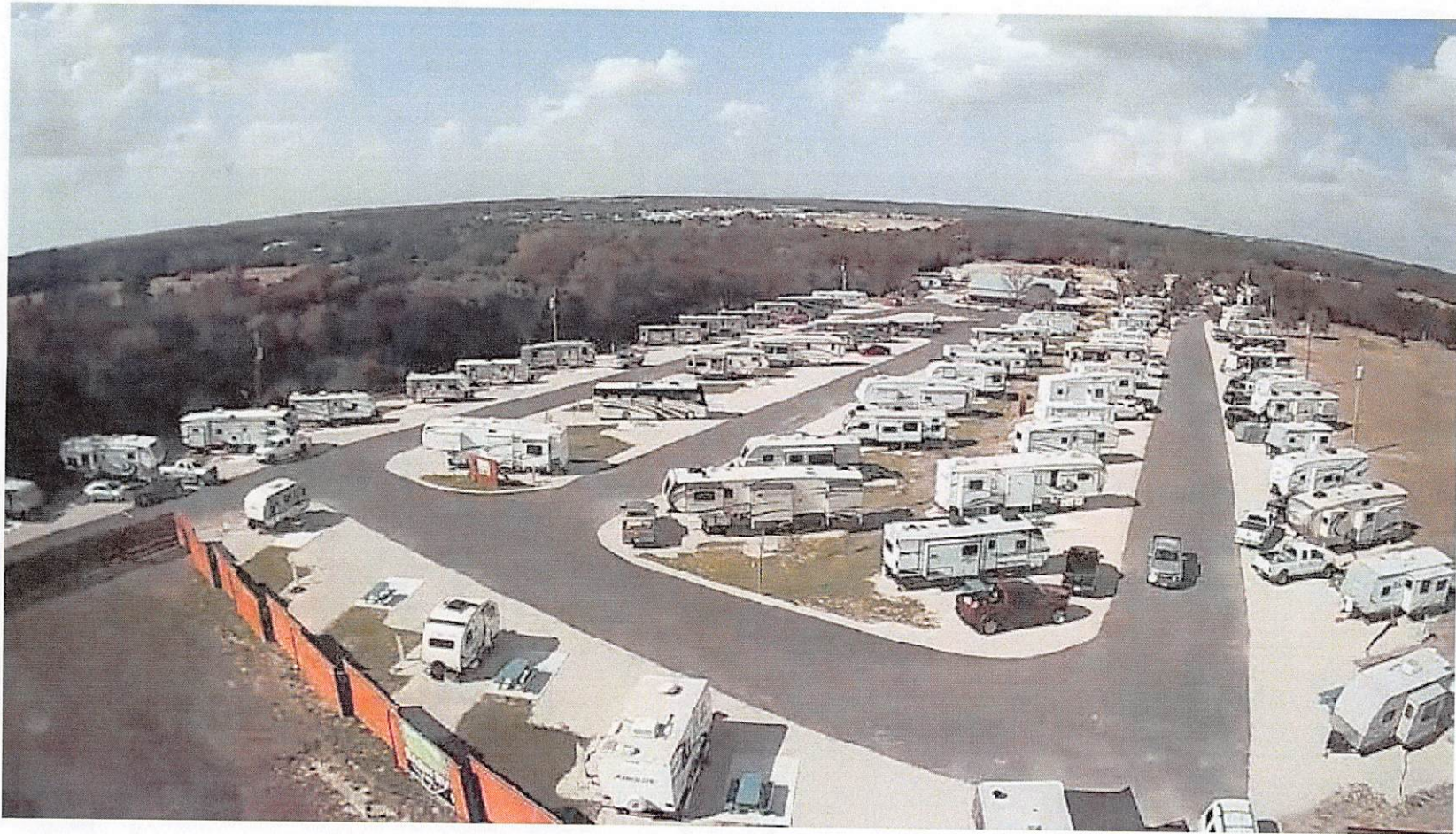
### Site Features

- Back in Sites / Pull thru Sites
- Concrete Patio and Picnic Tables
- 2 car parking
- Grass / Trees - All Sites
- LED Photocell lights at sites
- Full Hookup

### Cottage Features

- Furnished efficiency cabins
- 2 car parking
- Kitchen / Living / Bath / Patio
-

# FM 2410 - Belton



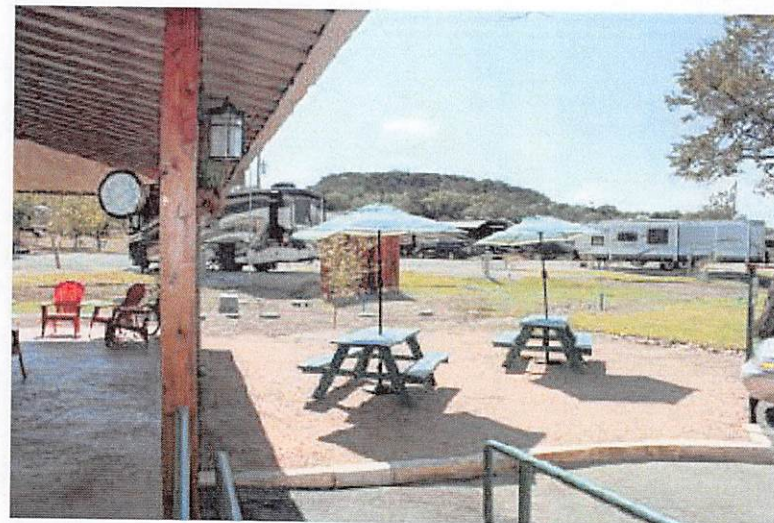
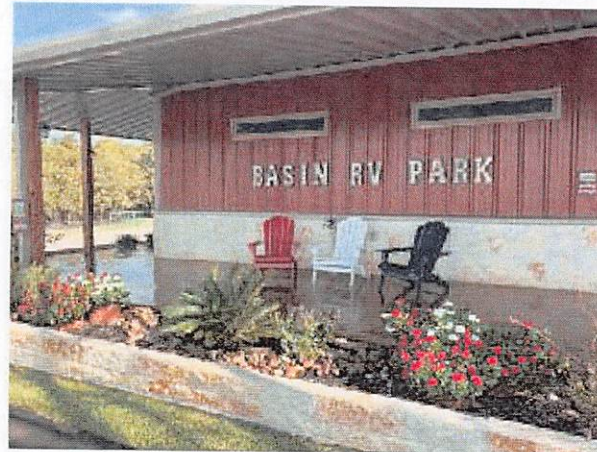
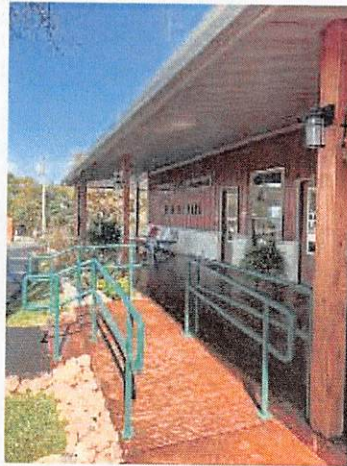
# Gated Entry

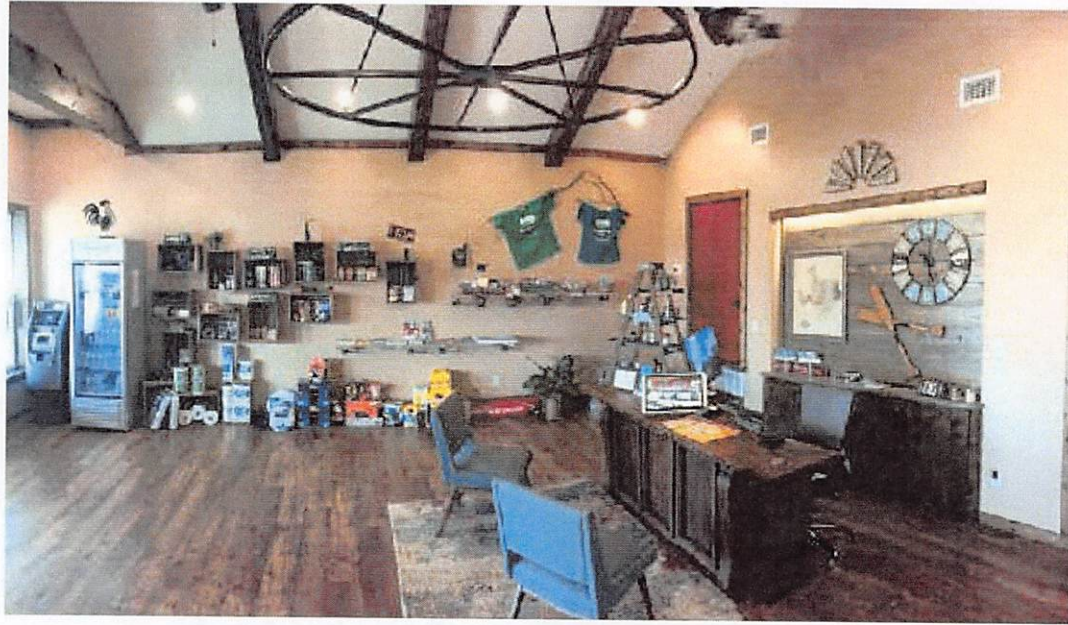


# The Lodge



# Around the Lodge





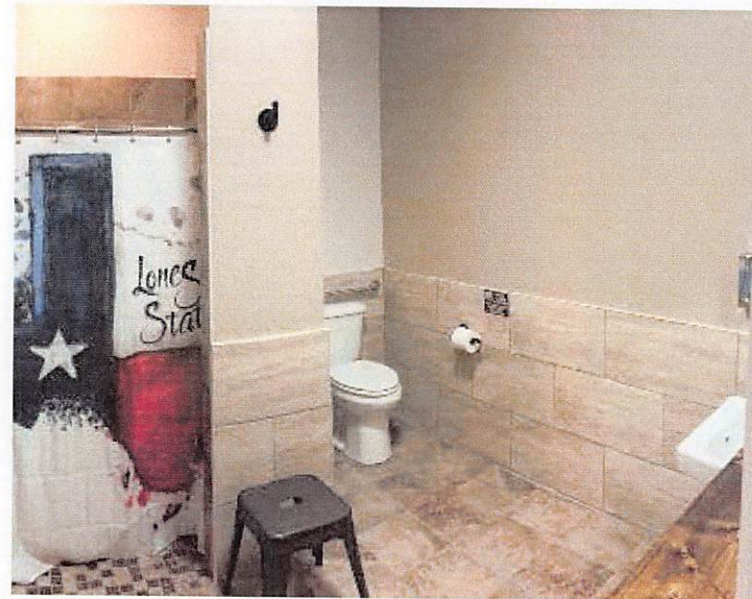
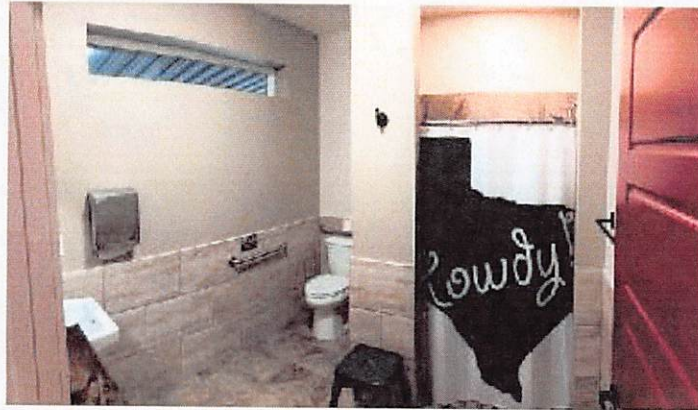
# Reception

# Rec Room





# Private ADA Restrooms



# 24 Hour Laundry





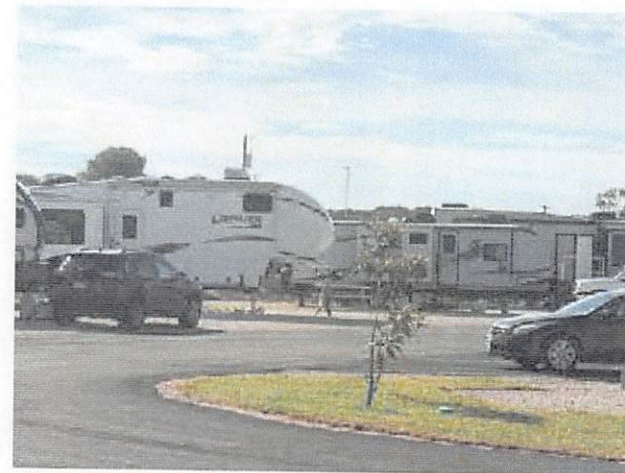
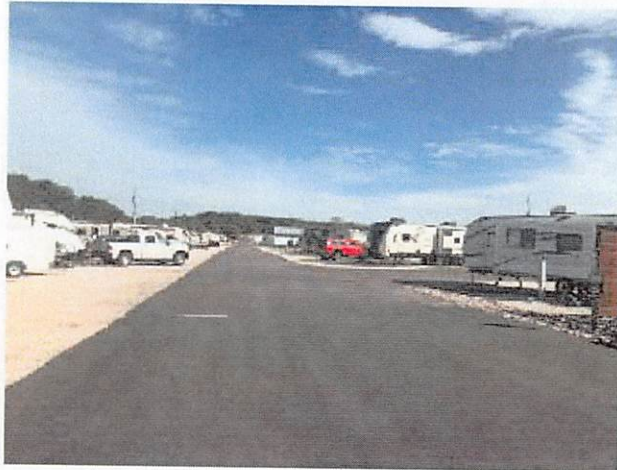
# Bark Park



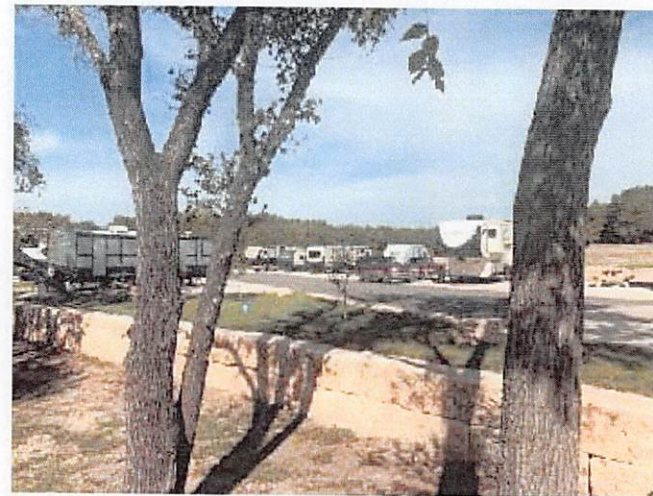
# Frontage



# RV Sites



# Trees & Shade



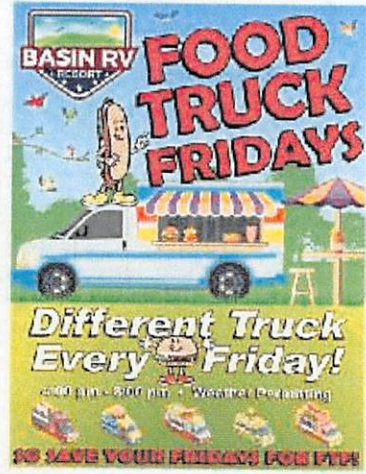
# Ribbon Cutting



## Hark Heights / Belton Chamber



# Social - Friends



# Park Host







- **Retirees**
- **Visitors/Family**
- **Project Talent**
- **Students**
- **Military**
- **Vacationers**
- **Lifestyle Choice**



**Basin RV Resort**

**10502 FM 2410**

**Belton, TX 76513**

**[info@basinrv-park.com](mailto:info@basinrv-park.com)**

**254-393-1450**

**[www.basinrv-park.com](http://www.basinrv-park.com)**

# Proposed Conditions

1. Recreation vehicle housing shall be so harbored on each lot that there shall be at least a forty-two (42) foot distance between recreational vehicles, measured from utility pedestal to utility pedestal.
2. No recreation vehicle or accessory building shall be located closer than ten (10) feet from any building, roadway, lot line, or from any property bounding the parcel.
3. A minimum of one (1) parking space constructed of one (1) inch compacted stone or decomposed/crushed granite will be provided for off-street parking for each recreational vehicle.
4. All park lots shall abut upon an internal roadway of not less than twenty-four (24) feet in width, which shall have unobstructed access to any public street, alley, or highway.
5. All internal roadways shall be well marked for visibility in the daytime and all sites will have downward-shielded lighting no higher than six (6) feet off the ground.
6. All streets and internal roadways within the parks will be a minimum of two-inch (2") HMAC on a six-inch (6") road base.
7. Any interior roadway not connected to a public street on both ends must have a turn around with a minimum radius of eighty (80) feet.
8. Requests for occupancy for any period exceeding six (6) months shall be submitted in writing to the Harker Heights Building Official. Recreational vehicles are permitted to occupy the park for no more than twelve (12) months.
9. A recreational vehicle must be placed on not less than a two-thousand one hundred (2,100) square foot lot.
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15. The planned development shall adhere to all other commercial requirements as directed from the City of Harker Heights Code of Ordinances, The Knights Way Overlay, and all current, adopted Building Codes.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING PD-B ZONING ON PROPERTY DESCRIBED AS 14.908 ACRE TRACT OF LAND LOCATED IN THE J.M. CROSS SURVEY, ABSTRACT NO. 179, GENERALLY LOCATED AT 12025 EAST KNIGHTS WAY (E. FM 2410), HARKER HEIGHTS, BELL COUNTY, TEXAS.**

**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, as previously zoned of R-1 (One Family Dwelling District) is rezoned to PD-B (Planned Development Business):

14.908 acre tract of land located in the J.M. Cross Survey, Abstract No. 179, generally located at 12025 East Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

**SECTION 3:** The PD-B (Planned Development Business) zoning will be subject to the following conditions:

1. Recreation vehicle housing shall be so harbored on each lot that there shall be at least a forty-two (42) foot distance between recreational vehicles, measured from utility pedestal to utility pedestal.
2. No recreation vehicle or accessory building shall be located closer than ten (10) feet from any building, roadway, lot line, or from any property bounding the parcel.
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14. The planned development shall have all the rights and uses of an RV park and the B-3 (Local Business District) zoning district as regulated in the Harker Heights Code of Ordinances.
15. The planned development shall adhere to all other commercial requirements as directed from the City of Harker Heights Code of Ordinances, The Knights Way Overlay, and all current, adopted Building Codes.

**SECTION 4:** 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>
	7/14/20	Granting PD-B zoning on property located at 12025 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas.

**SECTION 5:** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**SECTION 6:** 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 July 14, 2020.

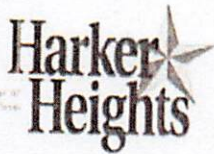
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Spencer H. Smith, Mayor

ATTEST:

---

Juliette Helsham, City Secretary



# Rezoning Request Application

**\*Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED\***

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

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

Property Owner(s) Name: TEMBEL DEVELOPMENTS LLC Date: 5-26-2020

Address: 1084 FREDERICK LN.

City/State/Zip: TEMPLE, TX 76502

Phone: [Redacted] E-mail: [Redacted]

### Legal Description of Property:

Location of Property (Address if available): 12025 KNIGHTS WAY, BELTON, TX 76513

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Acres: 14.908 Property ID: 125458 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: RV RESORT

Current Zoning Classification: MHP Proposed Zoning: PD-13

Current Land Use: VACANT Proposed Land Use: RV RESORT

### Applicant's Representative (if applicable):

Applicant's Representative: KEN EMERY

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.

TEMBEL DEVELOPMENTS LLC  
Printed Name of Property Owner

[Signature]  
Signature of Property Owner

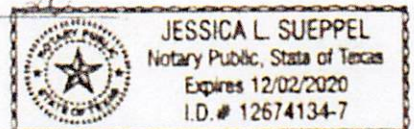
KEN EMERY  
Printed Name of Representative

[Signature]  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 27<sup>th</sup> DAY OF May, 2020

Jessica L. Sueppel  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 12-2-2020



Date Submitted: 5/29/20

STAFF ONLY -- DO NOT FILL OUT BELOW

Receipt #: 01582050

Received By: [Signature]

Pre-Application Meeting

Case #: 220-13

Revised: 5/2020

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

FROM: Beverly Brunson  
286 Big Valley  
(Address of Your Property that Could  
Be **Impacted** by this Request)

RE: An application has been made to consider a rezoning request from R-1 (One Family Dwelling District) to PD-B (Planned Development Business District) on property described as a 14.908 acre tract of land located in the J.M. Cross Survey, Abstract No. 179, generally located at 12025 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

I am concerned with the fencing for this rezoning request.

Thank you.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.

\_\_\_\_\_

Beverly Brunson  
Printed Name

Beverly Brunson  
Signature

June 16, 2020  
Date

**Received**

JUN 19 2020

**Planning & Development**

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

FROM: Wilbert F. McLeMore Jr

4354 Flat Rock Cove Belton Tx 76513

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

RE: An application has been made to consider a rezoning request from R-1 (One Family Dwelling District) to PD-B (Planned Development Business District) on property described as a 14.908 acre tract of land located in the J.M. Cross Survey, Abstract No. 179, generally located at 12025 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

The property considered for commercial rezoning is directly connected to my property line of Flat Rock Cove. Approval for rezoning has the potential to directly affect the value of my land, to include, but not limited to; noise, crime and the overall well-being and purpose for my purchase of an extended piece of land in Central Texas. Please strongly consider my request to deny the rezoning of property as stated above.

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.



Wilbert F. McLeMore Jr  
Printed Name

Wilbert F. McLeMore Jr  
Signature

June 24, 2020  
Date

**Received**  
JUN 24 2020  
Planning & Development



TO: City of Harker Heights  
Planning & Development Department

FROM: Carlene Weaver  
22416 Flat Rock Cove

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

RE: An application has been made to consider a rezoning request from R-1 (One Family Dwelling District) to PD-B (Planned Development Business District) on property described as a 14.908 acre tract of land located in the J.M. Cross Survey, Abstract No. 179, generally located at 12025 E. Knights Way (E. FM 2410), Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Absolutely NO! PLEASE NO!

This is a safe area for families to grow - Establish new families  
in a safe, healthy environment  
A business would only invite unwanted guest/crimes -

If you desire follow-up regarding this case please provide the best means to contact you (phone, e-mail etc.) below.



Carlene Weaver  
Printed Name

[Signature]  
Signature

06.15.20  
Date

**Received**  
JUN 15 2020  
Planning & Development



## CITY COUNCIL MEMORANDUM

**CP20-01**

**AGENDA ITEM IX-1**

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JULY 14, 2020

DISCUSS AND CONSIDER APPROVING AN APPLICANT REQUEST FOR CONCEPT PLAN APPROVAL ON PROPERTY DESCRIBED AS A 2.32 ACRE TRACT OF LAND BEING PART OF THE H.B. LITTLEFIELD SURVEY, ABSTRACT NO. 511; THE LAND HEREIN DESCRIBED BEING ALL OF A CALLED 0.31 ACRES PARCEL DESIGNATED AS TRACT 1 AND A 2.018 ACRE PARCEL DESIGNATED AS TRACT 2, GENERALLY LOCATED NEAR THE INTERSECTION OF PUEBLO TRACE AND PONTOTOC TRACE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

**PROJECT DESCRIPTION:**

The applicant, Rebecca Slentz, and her representative, Jerome Gomer, have submitted an application for concept plan approval for approximately 2.33 acres of land currently zoned R-2 (Two Family Dwelling District) located near the intersection of Pontotoc and Pueblo Trace. The concept plan, called Abooha Toklo, outlines three phases of development to consist of seven (7) duplex lots and an extension of the Tejas Trail right-of-way.

Staff has reviewed the submitted concept plan and has made comments to address utility locations, connectivity, and other pertinent requirements to ensure that it adheres to all developmental regulations stipulated in the City of Harker Heights Code of Ordinances.

**STAFF RECOMMENDATION:**

The comments provided by Staff have been addressed or will be resolved during the platting process, and the submitted concept plan meets the standards and ordinances of the City of Harker Heights. Staff recommends approval of the concept plan request by Rebecca Slentz for Concept Plan approval on property described as a 2.32 acre tract of land being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being all of a called 0.31 acres parcel designated as Tract 1 and a 2.018 acre parcel designated as Tract 2, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas.

**ACTION BY THE PLANNING AND ZONING COMMISSION:**

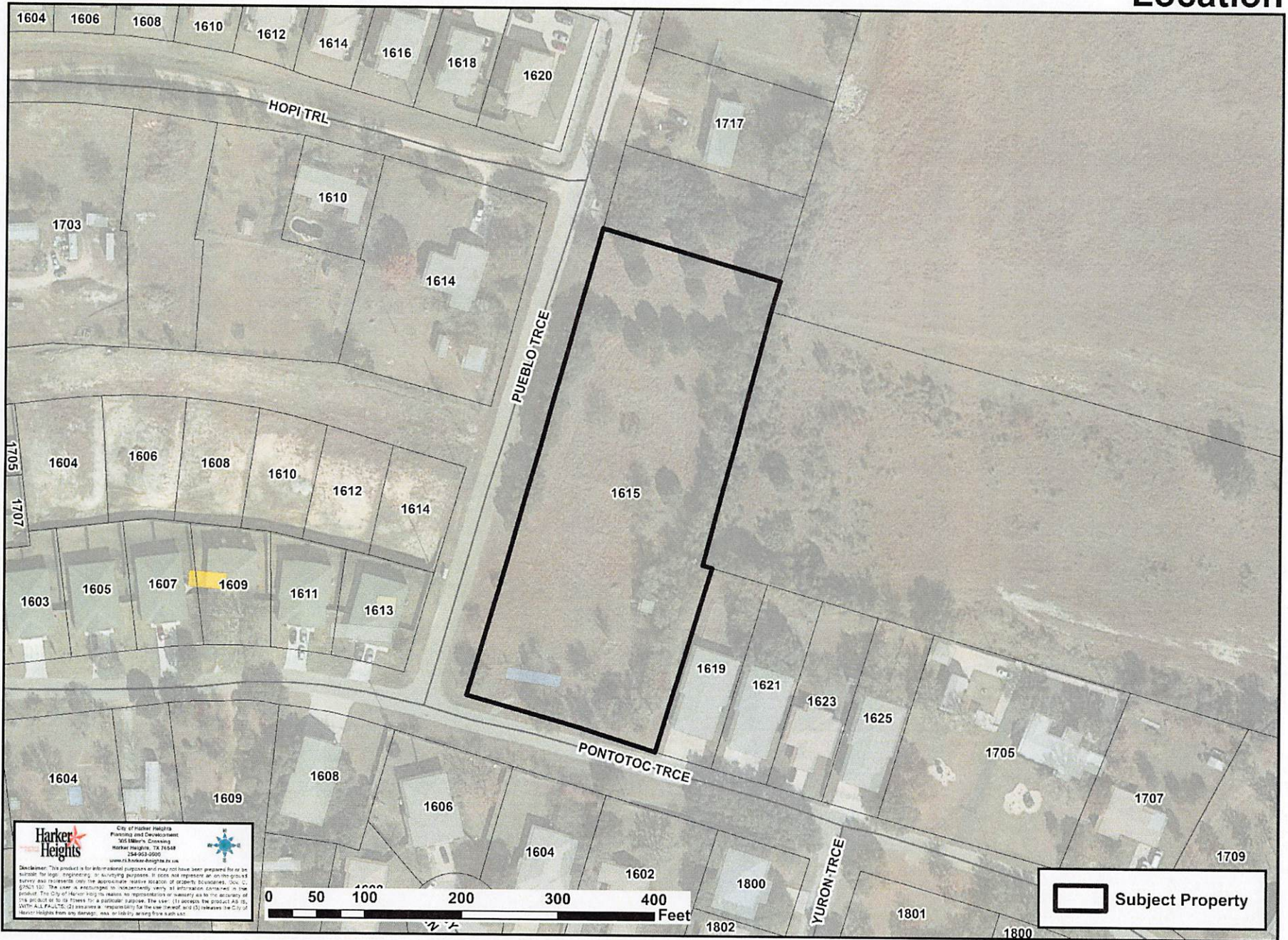
On June 24, 2020, the Planning and Zoning Commission vote 6-0 to approve the Concept Plan on property described as a 2.32 acre tract of land being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being all of a called 0.31 acres parcel designated as Tract 1 and a 2.018 acre parcel designated as Tract 2, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas.

**ACTION BY THE CITY COUNCIL:**

1. Motion to approve/disapprove a request for Concept Plan approval on property described as a 2.32 acre tract of land being part of the H.B. Littlefield Survey, Abstract No. 511, the land herein described being all of a called 0.31 acres parcel designated as Tract 1 and a 2.018 acre parcel designated as Tract 2, generally located near the intersection of Pueblo Trace and Pontotoc Trace, Harker Heights, Bell County, Texas.
2. Any other action desired.

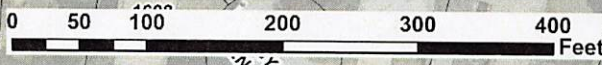
**ATTACHMENTS:**


1. PowerPoint
  - a) Location Map
  - b) Two (2) Photographs of Street View
  - c) Concept Plan (Showing Phases)
2. Application
3. Concept Plan
4. Staff Comments (comments addressed 6/16/2020)



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Liberty Crossing  
 Harker Heights, TX 76548  
 254-963-3000  
 www.ci.harkerheights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be subject to legal responsibility or accuracy. It does not represent an on-the-ground survey and represents only the approximate relative location of objects. Boundaries, area, and other information shown on this product are not to be used for a particular purpose. The user of this product shall be held responsible for any damage, loss, or injury resulting from its use.

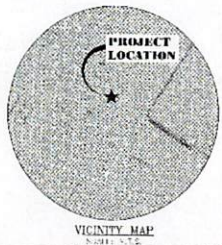
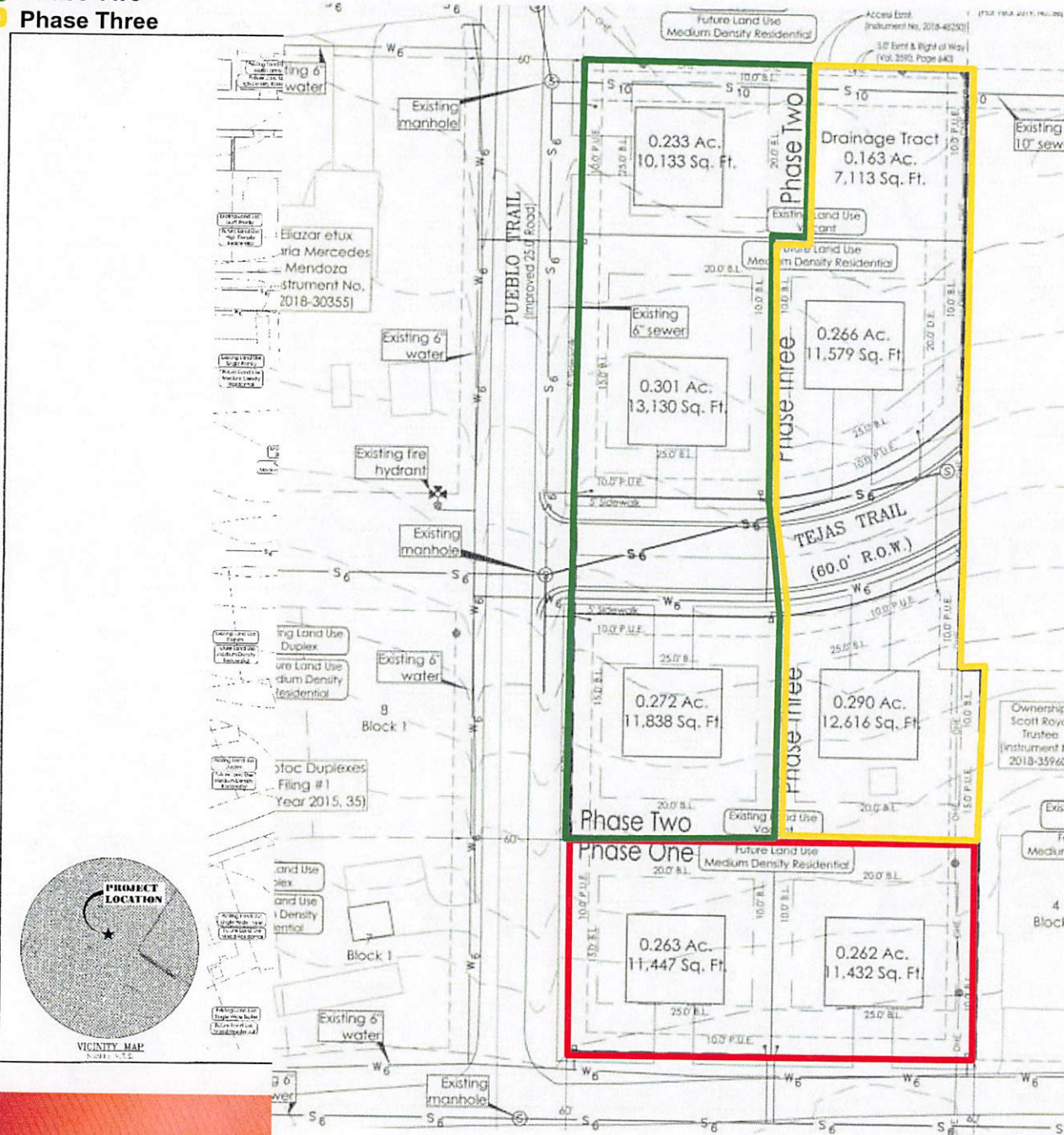


 Subject Property





- Phase One
- Phase Two
- Phase Three



**PROPERTY OWNER:**  
Rebecca S. Stentz  
6 W Aztec Ln  
Belton, TX 76513

**SURVEYOR/ENGINEER:**  
MITCHELL & ASSOCIATES, INC.  
P.O. Box 1088  
Killeen, TX 76540

- NOTES:**
1. Existing Land Use: Vacant proposed lot use: Multi Family Residential (7 Lot)
  2. Topography shown is based upon City of Harke Heights Aerial Topography (2013)
  3. Sidewalks to be installed along all frontages of the line of structure construction.
  4. Phase 3 lot not to be constructed without a code compliant vehicle turnaround.

**ABOOHA TOKLO ADDITION**  
**HARKER HEIGHTS, BELL COUNTY, TEXAS**  
**CONCEPT PLAN**

SHEET #1

**MITCHELL & ASSOCIATES, INC.**  
ENGINEERING & SURVEYING  
1011 W. 11TH ST., SUITE 100  
BELTON, TEXAS 76513  
PHONE: (254) 934-5501  
FAX: (254) 934-5501  
WWW.MITCHELL-ASSOCIATES.COM

DATE: 01/24/2018  
DRAWN BY: J. W. WILSON  
CHECKED BY: J. W. WILSON  
SCALE: AS SHOWN  
SHEET NO. 1 OF 1  
PROJECT NO. 18-001

SHEET P1



# Concept Plan Application

**\*Requirements - MUST BE COMPLETED OF 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 \$50.00 to the City of Harker Heights

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

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

### Property Information:

Subdivision Name: Altoona TOKIO Addition Date Submitted: 6/3/2020

Site Address or General Location: 1615 Pontotoc, HH, TX 76548

Zoning: R2 Acreage: 2.332 Proposed # of Lots: 3

### Owner Information/Authorization:

Property Owner: Rebecca S. Slentz

Address: 6 W. Aztec Lane, Belton, TX 76513

Phone: 254-681-7817 E-Mail: \_\_\_\_\_

Developer: Jerome Gomez

Address: 1524 Indian Trail

Phone: 254-289-8282 E-Mail: jkg3builders@gmail.com

Engineer/Surveyor: Mitchell & Associates, Inc.

Address: 102 N. College / P.O. Box 1088 Killeen, TX 76540

Phone: 254-634-5541 E-Mail: areneau@mitshellinc.net

### CHECK ONE OF THE FOLLOWING:

- I will represent the application myself.
- I hereby designate Jerome Gomez (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this development application.

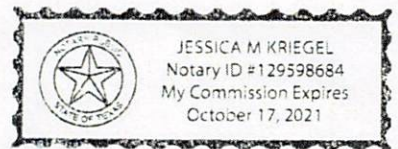
The property owner and/or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear during a meeting may be deemed a withdrawal of the plat or plan.

OWNER SIGNATURE: [Signature]

SWORN AND SUBSCRIBED BEFORE ME THIS 3rd DAY OF June, 2020.

Jessica M. Kriegel  
 NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 10/17/21



Date Submitted: 6/3/2020 **STAFF ONLY -- DO NOT FILL OUT BELOW** Receipt #: \_\_\_\_\_

Received By: [Signature]  Pre-Application Meeting Case #: CP20-01



# CITY OF HARKER HEIGHTS

254-953-5600

REC#: 01584092      6/03/2020      1:23 PM  
OPER: TERM8 TERM: 008  
REF#: TD

ACCT #: XXXX-XXXX-XXXX-7552  
AUTH #: 076796  
TRAN #: 000001584092

TYPE: PURCHASE  
APP NAME: Mastercard  
ENTRY MODE: CHIP  
CVM: SIGN

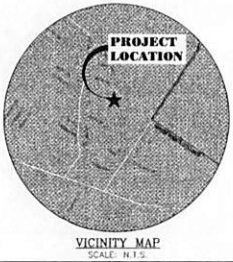
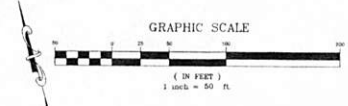
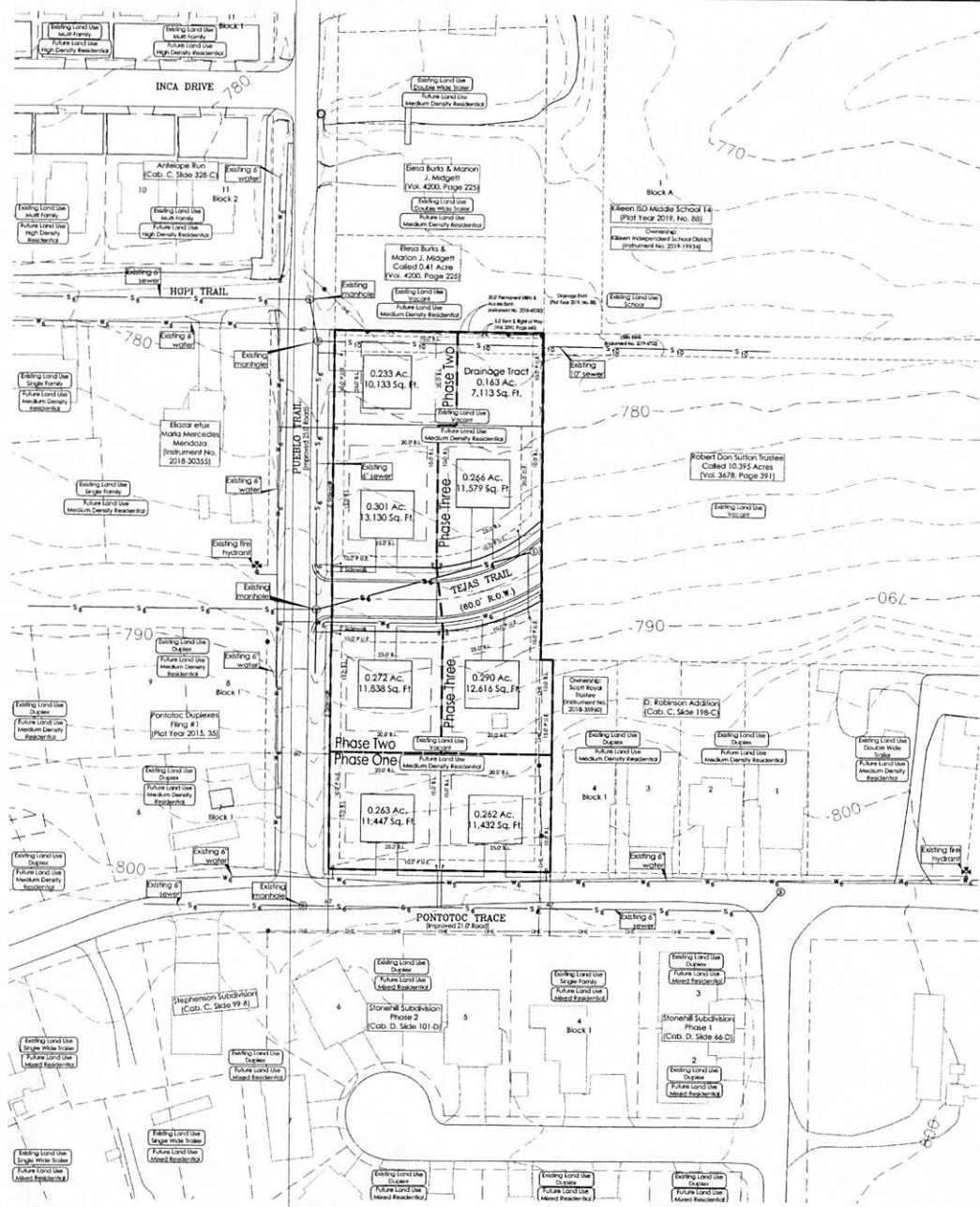
AMOUNT USD\$            50.00

EMV DETAILS:  
AID: A0000000041010  
ARC: 00  
IAD: 01106010012200000000000000000000000000FF  
TSI: 6800  
TVR: 8000008000

TRAN: 111.0000    OTHER INCOME  
    Concept Plan  
    Abooha Toklo Addition  
    OTHER INCOME                            50.00CR

TENDERED:            50.00    CREDIT CARD  
APPLIED:             50.00-

CHANGE:                             0.00



**PROPERTY OWNER:**  
 Rebecca S. Slentz  
 6 W Aztec Ln  
 Belton, TX 76513

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

- NOTES:**
- Existing Land Use: Vacant  
Proposed Land Use: Multi-Family Residential (7 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.
  - Phase 3 shall not be constructed without a code compliant vehicle turnaround.

DATE	BY	REVISION
11/15/2012	STC	ISSUE FOR CONSTRUCTION
11/15/2012	STC	ISSUE FOR PERMITS
11/15/2012	STC	ISSUE FOR RECORDS

**ABOOHA TOKLO ADDITION**  
**HARKER HEIGHTS, BELL COUNTY, TEXAS**  
**CONCEPT PLAN**

SHEET FILE



**MITCHELL & ASSOCIATES, INC.**  
 ENGINEERING AND SURVEYING  
 102 N. COLLEGE  
 KILLEEN, TEXAS 76541  
 PHONE: (254) 834-7141  
 FAX: (254) 834-7141

SEAL OF PROFESSIONAL ENGINEER AND SURVEYOR NO. 247  
 STATE OF TEXAS  
 EXPIRES 12/31/14  
 12/31/14  
 12/31/14  
 12/31/14



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# ABOOHA TOKLO ADDITION

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## CP20-01 – Concept Plan

Plat Distributed to HH Staff: June 3, 2020

Comments Returned to Mitchell & Associates: June 10, 2020

Comments Response: June 16, 2020

### Planning & Development

1. Revise Pontotoc Trail to Pontotoc Trace  
[Street name has been revised.](#)
2. Phases One and Two – side yards abutting side streets may have a 15' side street setback.  
[Side yards abutting Pueblo Trail have been revised.](#)
3. Please align the proposed street with Tejas Trail.  
[The conceptual alignment of Tejas Trail has been revised.](#)

### Public Works, Mark Hyde

1. Public Per section 154.20(2)(d)(3), the applicant shall site the source of contours depicted and label the elevations.  
[Source of contour information has been provided.](#)
2. Per section 154.20(2)(d)(5), the applicant shall identify the land use for the proposed development and adjoining properties for a distance of 300 feet.  
[Land use for a distance of 300 feet has been provided.](#)
3. Per section 154.20(2)(d)(10), the applicant shall provide public utility easements (connectivity for non-municipal utilities) for the entire development.  
[Additional public utility easement have been provided.](#)
4. Per section 154.20(2)(d)(11), the applicant shall provide proposed stormwater drainage easements or onsite detention plan for the entire tract.  
[A possible drainage tract has been shown. The applicability will be evaluated in future phases.](#)
5. Per section 154.20(2)(d)(12), the applicant shall identify the locations of proposed sidewalks.  
[Location of sidewalks have been provided.](#)
6. Per section 154.20(2)(d)(13), the applicant's proposed connectivity plan does not meet current standards for spacing of intersections (greater than 200 feet between the outermost edges of right of way for non-aligned intersections). Applicant shall align the proposed road ROW with the existing Tejas Trail at the intersection with Pueblo.  
[The conceptual alignment of Tejas Trail has been revised.](#)
7. Per section 154.20(2)(d)(15), the applicant shall identify all existing and proposed fire hydrants servicing the proposed development.  
[All existing fire hydrants have been shown.](#)

Works, Kristina Ramirez

Consulting Engineer, Otto Wiederhold

Fire Marshal, Brad Alley

1. Tejas does not add up  
The conceptual alignment of Tejas Trail has been revised.

Building Official, Mike Beard

ONCOR, Derex Spencer

1. Oncor to maintain current easements and facilities

Century Link, Chris McGuire

Charter/Spectrum, Shaun Whitehead

ATMOS, Shawn Kelley

Atmos Energy does NOT have gas facilities/mains near this property plat.

Atmos cannot warrant the accuracy of these locations without field verification of our assets relative to the property. Final verification of gas main locations can best be obtained through the Statewide One Call System at 1-800-545-6005.



## CITY COUNCIL MEMORANDUM

### AGENDA ITEM # IX-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JULY 14, 2020

**DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING THE APPROVAL OF AN INTERLOCAL PARTICIPATION AGREEMENT WITH THE CITIES OF TEMPLE, BELTON, COPPERAS COVE, HARKER HEIGHTS AND KILLEEN, AND THE COUNTIES OF BELL, CORYELL, HAMILTON, LAMPASAS, LLANO, MASON, MILAM, MILLS AND SAN SABA TO CONDUCT A TRANSIT STUDY TO DEVELOP REGIONAL TRANSPORTATION ALTERNATIVES; AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY AND TAKE APPROPRIATE ACTION.**

#### **BACKGROUND:**

The purpose of this agreement is to coordinate and fund a transit study in order to develop regional transportation alternatives to assist county and city leaders in determining the best way to fund and provide transit services in their respective communities.

In the Agreement, the City of Temple is designated as the lead contracting agency to contract with a transportation consultant. The transportation consultant will conduct a regional transit study to include:

- Evaluation of the existing transit infrastructure.
- Assess the region's transportation needs.
- Recommendations for future planning.
- Identify transportation alternatives and include funding mechanisms.
- Provide peer review comparables and case studies.
- Articulate the goals for the region's transit services moving forward.
- Develop a technical memorandum detailing service provision alternative assessments.
- Provide a recommendation on the best approach for regional transit with next steps for implementation.

The estimated cost under this agreement will not exceed \$32,500, which consists of a "base study" totaling \$20,000 and remaining project scope costs of \$12,500.

- The cities of Temple, Belton, Copperas Cove, Harker Heights, Killeen and Bell County are defined in this Agreement as the "Urban Area Entities". The Urban Area Entities will divide the base study costs of \$20,000 evenly between the 6 entities, resulting in an apportionment to each entity of \$3,333.

- The Rural Counties that will be participating in this Agreement will divide the remaining project scope costs of \$12,500 evenly between the Counties. If none of the Rural Counties elects to participate, the remaining \$12,500 in project scope costs will be removed from the project and only the base study will be conducted.

**RECOMMENDATION:**

Staff recommends approval.

**ACTION BY THE CITY COUNCIL:**

1. Motion to APPROVE/DENY a Resolution of the City of Harker Heights, Texas, authorizing the approval of an interlocal participation agreement with the cities of Temple, Belton, Copperas Cove, Harker Heights and Killeen, and the counties of Bell, Coryell, Hamilton, Lampasas, Llano, Mason, Milam, Mills and San Saba to conduct a transit study to develop regional transportation alternatives, and authorize the City Manager to sign the contract on behalf of the City.
2. Any other action desired.

**ATTACHMENTS:**

1. Resolution
2. Interlocal Participation Agreement

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY OF HARKER HEIGHTS, TEXAS AUTHORIZING THE APPROVAL OF AN INTERLOCAL PARTICIPATION AGREEMENT WITH THE CITIES OF TEMPLE, BELTON, COPPERAS COVE, HARKER HEIGHTS AND KILLEEN, AND THE COUNTIES OF BELL, CORYELL, HAMILTON, LAMPASAS, LLANO, MASON, MILAM, MILLS AND SAN SABA TO CONDUCT A TRANSIT STUDY TO DEVELOP REGIONAL TRANSPORTATION ALTERNATIVES; AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY.**

**WHEREAS**, the City of Harker Heights ("City"), pursuant to the authority granted by Article 791 et seq. of the Interlocal Cooperation Act, as amended, desires to enter into interlocal contract for governmental purposes including planning and other governmental functions in which the contracting parties are mutually interested; and

**WHEREAS**, the City designates the City of Temple as the lead contracting agency to contract with a consultant to conduct a regional transit study and develop transportation alternatives to aid county and city leaders in regional planning efforts; and

**WHEREAS**, the City is of the opinion that participation in the Interlocal Agreement will be highly beneficial to the taxpayers of the local government through the transit study identifying the current and future transportation needs, and the potential savings to implement transportation alternatives; and

**WHEREAS**, the City desires to participate in a Interlocal Participation Agreement ("Agreement") for the purpose of fulfilling and implementing their respective public; and governmental purposes, needs, objectives, programs, functions and services.

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Harker Heights, Texas:

- I. To authorize its City Manager to execute the Interlocal Participation Agreement with the cities of Temple, Belton, Copperas Cove, Harker Heights and Killeen, and the counties of Bell, Coryell, Hamilton, Lampasas, Llano, Mason, Milam, Mills and San Saba to conduct a transit study to develop regional transportation alternatives.

**PRESENTED AND PASSED** on this 14<sup>th</sup> day of July, 2020, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays at a regular meeting of the City Council of the City of Harker Heights, Texas, at which meeting a quorum was present, held in accordance with the provisions of Texas Government Code; Chapter 551.

\_\_\_\_\_  
Spencer H. Smith, Mayor, City of Harker Heights

ATTEST:

\_\_\_\_\_  
Juliette Helsham, City Secretary

INTERLOCAL AGREEMENT  
BETWEEN  
THE CITIES OF TEMPLE, BELTON, COPPERAS COVE, HARKER HEIGHTS, AND  
KILLEEN AND THE COUNTIES OF BELL, CORYELL, HAMILTON, LAMPASAS, LLANO,  
MASON, MILAM, MILLS AND SAN SABA  
TO CONDUCT A TRANSIT STUDY AND DEVELOP REGIONAL TRANSPORTATION  
ALTERNATIVES

This Interlocal Agreement ("the Agreement"), is entered into this \_\_\_\_ day of \_\_\_\_\_, 2020, between the City of Temple ("Temple"), the City of Belton ("Belton"), the City of Copperas Cove ("Copperas Cove"), the City of Harker Heights ("Harker Heights"), the City of Killeen ("Killeen"), and the County of Bell ("Bell"), also referred to herein as the 'Urban Area Entities' to conduct a regional transit study and provide an assessment.

The County of Coryell ("Coryell"), the County of Hamilton ("Hamilton"), the County of Lampasas ("Lampasas") the County of Llano ("Llano"), the County of Mason ("Mason"), the County of Milam ("Milam"), the County of Mill ("Mills"), and the County of San Saba ("San Saba"), referred to herein as the 'Rural Counties' may also elect to participate as outlined herein.

Temple, Belton, Copperas Cove, Harker Heights, Killeen, Bell, Coryell, Hamilton, Lampasas, Llano, Mason, Milam, Mills and San Saba may hereinafter be referred to individually as the "Party" and/or collectively as the "Parties."

**WHEREAS**, the Parties are local governmental entities and subdivisions of the State of Texas, each with their own governing bodies; and

**WHEREAS**, the Parties to this Agreement are currently served by the Hill Country Transit District, an urban and rural transit district authorized by the Texas Transportation Code, and desire to enter into an interlocal agreement to provide governmental planning functions, specifically to obtain consulting services to research options for the most efficient provision of transit service in their respective jurisdictions;

**WHEREAS**, the Parties designate Temple as the lead contracting agency to contract with a consultant to conduct a regional transit study and develop transportation alternatives to aid county and city leaders in regional planning efforts; and

**WHEREAS**, the Texas Government Code, Chapter 791, the "Interlocal Cooperation Act," authorizes local governmental entities to enter into interlocal contracts for governmental purposes including planning and other governmental functions in which the contracting parties are mutually interested; and

**WHEREAS**, the governing bodies of the Parties to this Agreement have considered this Interlocal Agreement, and deem it to be in the best interest of the citizens of each respective Party; and

**NOW, THEREFORE**, the Parties mutually agree to the terms of this Interlocal Agreement as set forth below.

**I. GENERAL PROVISIONS**

- A. Purpose. The purpose of this Agreement is to coordinate and fund a transit study in order to develop regional transportation alternatives to assist county and city leaders in



determining the best way to fund and provide transit services in their respective communities. The Parties will obtain the services of a transportation consultant to perform a regional transit study, to evaluate the region's transportation needs and existing transit infrastructure and modalities, and identify alternatives and recommendations for future transportation planning, including funding mechanisms. The selected consultant will evaluate the existing transit system and its background, and articulate the goals for the regions transit services moving forward, provide peer review comparables and case studies, develop a technical memorandum detailing service provision alternative assessments and provide a recommendation on the best approach for regional transit in a final report, with next steps for implementation.

B. Effective Date; Termination; Amendment. This Agreement will become effective upon execution by the Parties and will remain in full force and effect until canceled by mutual agreement of the Parties as evidenced in writing, or upon thirty (30) days prior written notice of any Party of said Party's intent to terminate. If any Party terminates its participation in this Agreement, this Agreement will remain in full force and effect as to the remaining Parties. This Agreement may be reviewed and revised from time to time as required, upon the mutual agreement of the Parties, and as evidenced in writing.

C. Apportionment of Costs:

1. Estimated Cost. The proposed cost for the services under this Agreement will be a not to exceed amount of \$32,500, which consists of a "base study" totaling \$20,000 and remaining project scope costs of \$12,500.
2. Urban Area Entities. The Urban Area Entities will be defined in this Agreement as Temple, Belton, Copperas Cove, Harker Heights, Killeen and Bell County. The Urban Area Entities will divide the base study costs of \$20,000 evenly between the 6 entities, resulting in an apportionment to each entity of \$3,333.
3. Rural Counties. The Rural Counties will be defined in this Agreement as the counties of Coryell, Hamilton, Lampasas, Llano, Mason, Milam, Mills and San Saba. The Rural Counties will elect to participate in this Agreement by notifying Temple by July 31, 2020 of the county's decision to participate. If Temple has not heard from a Rural County regarding participation on or before July 31, 2020, it will be presumed that that county has elected not to participate. After determining which of the Rural Counties will be participating in this Agreement, the remaining project scope costs of \$12,500 will be apportioned evenly between the participating Rural Counties. If none of the Rural Counties elects to participate, the remaining \$12,500 in project scope costs will be removed from the project and only the base study will be conducted.
4. Payment of Apportioned Costs. Each Party's respective portion of the costs must be paid by each Party as a lump sum up front and must be remitted to Temple within 30 days of execution of this Agreement.
5. Termination or Withdrawal of a Party. Should any Party terminate its participation in this Agreement, that Party's portion of the apportioned costs will be reallocated among the remaining Parties, determined on the classification of the Party as set forth above.
6. Overpayments. Any overpayment for the consultant's services which are not utilized will be apportioned evenly among the participating Parties in the respective allocated category. and reimbursed to each Party.

D. Additional Services; Costs. Prior written approval of all Parties will be obtained if the cost is to exceed the agreed upon amount for consultant's services. The cost for any additional services will be first be allocated towards either the Urban Area Entities, Rural Counties,

or both and then apportioned evenly among the participating Parties in the respective allocate category. Each Party will submit its portion of the additional costs to Temple within 30 days of written approval of the additional costs.

- E. Current Revenues. Pursuant to Texas Government Code § 791.011(d)(3), each Party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying Party.
- F. Designation of lead agency. Temple will serve as the lead contracting agency under this Agreement and will contract with the consultant for the services required hereunder. Temple will also serve as the lead point of contact for this Interlocal Agreement.
- F. Implementation. The city manager, county judge, or respective authorized county commissioner of each Party to this Agreement is authorized and directed to meet and draft any detailed plans to effectively implement this Agreement, or subsequent transportation or transit plans, or to execute any professional services agreements necessary to obtain the consulting services necessary under this Agreement.
- G. Remedy. The sole remedy for failure to provide aid under this Agreement or for breach of this Agreement is termination.

## II. MISCELLANEOUS PROVISIONS

- A. Notice. All notice to be provided pursuant to this Agreement shall be made to the following:

City of Temple  
Brynn Myers, City Manager  
2 North Main Street, Ste. 306  
Temple, Texas 76501

City of Belton  
Sam Listi, City Manager  
333 Water Street  
P.O. Box 120  
Belton, Texas 76513

City of Copperas Cove  
Ryan Haverlah, City Manager  
914 S. Main St., Ste. D  
Copperas Cove, Texas 76522

City of Harker Heights  
David Mitchell, City Manager  
305 Miller's Crossing  
Harker Heights, Texas 76548

City of Killeen  
Kent Cagle, City Manager  
101 North College Street  
Killeen, Texas 76541

County of Bell  
David Blackburn, County Judge  
101 E. Central Avenue  
P.O. Box 768  
Belton, Texas 76513

County of Coryell  
Roger Miller, County Judge  
Coryell County Main Street Annex  
800 East Main Street, Ste. A  
Gatesville, Texas 76528

County of Hamilton  
W. Mark Tynes, County Judge  
102 North Rice, Ste. 124  
Hamilton, Texas 76531

County of Lampasas  
Randall Hoyer, County Judge  
501 East 4<sup>th</sup> Street, Ste. 103  
Lampasas, Texas 76550

County of Llano  
Peter Jones, County Commissioner, Precinct 1  
801 Ford Street, Room 101  
Llano, Texas 78643

County of Mason  
Jerry Bearden, County Judge  
201 Ft. McKavitt  
P.O. Box 1726  
Mason, Texas 76856

County of Milam  
Steve Young, County Judge  
102 South Fannin Avenue  
Cameron, Texas 76520

County of Mills  
Ed Smith, County Judge  
1011 4<sup>th</sup> Street  
P.O. Box 483  
Goldthwaite, Texas 76844

County of San Saba  
Byron Theodosios, County Judge  
500 E. Wallace Street  
San Saba, Texas 76877

- B. Compliance. The Parties shall comply with all Federal, State, and city statutes, ordinances, and regulations applicable to the performance of services under this Agreement.
- C. Entire Agreement. This Agreement embodies the entire agreement and understanding of the Parties hereto, and there are no other agreements, understandings, oral or written, with reference to the subject matter contained herein that are not merged here or superseded by this Agreement.
- D. Amendments. No alteration, change, modification, or amendment to the terms of this Agreement will be valid or effective unless made in writing and signed by all Parties hereto and approved by appropriate action of the governing body of each Party.
- E. No waiver. No waiver of performance by any Party shall be construed as or operate as a waiver for any subsequent default of any terms, conditions, or covenants of this Agreement.
- F. Assignment. No Party shall assign any or all of its rights, privileges, or duties under this Agreement without the prior written approval of the governing bodies of the Parties.
- G. Status of Governmental Entities. The Parties will in no way operate as an agent of the other Party. Each Party shall be responsible for the acts and omissions of its own officers, directors, authorized agents, servants, and employees in connection with this Agreement. Each Party will at all times be legally responsible for its own personnel, officers, agents and/or equipment.
- H. Governmental Immunity. No Party to this Agreement waives any governmental immunity entitled to them by law, whether statutory or at common law, by virtue of entering into this Interlocal Agreement. All Parties expressly retain all such immunities afforded to them.
- I. Governing law and venue. In the event of any action arising under this Agreement, venue will be in Bell County, Texas or in the United States District Court for the Western District of Texas. This Agreement shall be construed in accordance with the laws of the State of Texas.
- J. Severability. If any provision of this Agreement is held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions will not in any way be affected or impaired.
- K. Termination; Force Majeure. This Agreement may be terminated for any reason by any Party by providing thirty (30) days advanced written notice to the other Parties. No Party will be responsible for damages, nor expected to fulfill its obligations under this Agreement should an act of God or other unforeseen catastrophe, or other event beyond the reasonable control of the Party occur and cause such damage or prevent the performance of any obligation contained within this Agreement.

### III. EXECUTION

This Agreement shall be executed by the duly authorized official(s) of each Party as expressed in approving resolution or order of the governing body of such Party. By execution of this Agreement, each Party warrants that its governing body has considered this Agreement and deems it in the

best interest of the citizens of each respective governmental subdivision. This Agreement will first be executed by the 6 participating Urban Area Entities and will be automatically updated to include the Rural Counties as they elect to participate.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement on the date indicated above.

**URBAN AREA ENTITIES:**

**CITY OF TEMPLE, TEXAS**

\_\_\_\_\_  
BRYNN MYERS  
CITY MANAGER

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
JANA LEWELLEN  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**CITY OF COPPERAS COVE, TEXAS**

\_\_\_\_\_  
RYAN HAVERLAH  
CITY MANAGER

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
LISA WILSON  
CITY SECRETARY

**CITY OF BELTON, TEXAS**

\_\_\_\_\_  
SAM LISTI  
CITY MANAGER

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
AMY CASEY  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**CITY OF HARKER HEIGHTS, TEXAS**

\_\_\_\_\_  
DAVID MITCHELL  
CITY MANAGER

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
JULIETTE HELSHAM  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**CITY OF KILLEEN, TEXAS**

\_\_\_\_\_  
KENT CAGLE  
CITY MANAGER

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
LUCY ALDRICH  
CITY SECRETARY

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**RURAL COUNTIES:**

**COUNTY OF CORYELL, TEXAS**

\_\_\_\_\_  
ROGER MILLER  
COUNTY JUDGE

Date: \_\_\_\_\_

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**COUNTY OF BELL, TEXAS**

\_\_\_\_\_  
DAVID BLACKBURN  
COUNTY JUDGE

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_

**COUNTY OF HAMILTON, TEXAS**

\_\_\_\_\_  
W. MARK TYNES  
COUNTY JUDGE

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_

**COUNTY OF LAMPASAS, TEXAS**

\_\_\_\_\_  
RANDALL HOYER  
COUNTY JUDGE

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_

**COUNTY OF MASON, TEXAS**

\_\_\_\_\_  
JERRY BEARDEN  
COUNTY JUDGE

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_

**COUNTY OF LLANO, TEXAS**

\_\_\_\_\_  
PETER JONES  
COUNTY COMMISSIONER,  
PRECINCT 1

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_

**COUNTY OF MILAM, TEXAS**

\_\_\_\_\_  
STEVE YOUNG  
COUNTY JUDGE

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_

**COUNTY OF MILLS, TEXAS**

**COUNTY OF SAN SABA, TEXAS**

\_\_\_\_\_  
ED SMITH  
COUNTY JUDGE

\_\_\_\_\_  
BRYAN THEODOSIS  
COUNTY JUDGE

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO FORM:

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