

*The Bright Star Of  
Central Texas*

# Harker Heights



**JULY 19, 2022**

**5:00 P.M.**

**CITY COUNCIL**

**SPECIAL MEETING AGENDA**





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

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, July 19, 2022, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a special meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

**MEETING AGENDA**

**I. INVOCATION:**

**II. PLEDGE OF ALLEGIANCE:**

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

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

**III. ROLL CALL:**

**IV. CONSENT ITEMS:**

1. Discuss and consider approving the minutes of the meeting held on June 28, 2022, and take the appropriate action.

[Minutes](#)

**V. PRESENTATIONS BY CITIZENS:**

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

**VI. PRESENTATION BY OUTSIDE AGENCIES:**

1. Receive and discuss a presentation from Heights Resource Center regarding its Outside Agency Funding request for Fiscal Year 2022-2023. (Finance Director)

**VII. PUBLIC HEARINGS:**

1. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in zoning designation from R-1 (one-family dwelling district) to R-3 (multi-family dwelling district) on property described as Kern Acres 2nd Extension & Revision, Block 012, lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)

[Staff Report - Pdf](#)

2. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in land use designation from low density residential to high density residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)  
[Staff Report - Pdf](#)
3. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in land use designation from Low Density Residential to Medium Density Residential on properties described as Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)  
[Staff Report - Pdf](#)
4. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU) on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas, and take the appropriate action. (Planning and Development Director)  
[Staff Report - Pdf](#)
5. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Change in Land Use Designation from Medium Density Residential and Residential Estate to Residential Estate on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas and take the appropriate action. (Planning and Development Director)  
[Staff Report - Pdf](#)
6. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Change in Zoning Designation from R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located Northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas and take the appropriate action. (Planning and Development Director)  
[Staff Report - Pdf](#)
7. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Change in Land Use Designation from Regional Center to Medium Density Residential on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located Northwest of the Intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas and take the appropriate action. (Planning and Development Director)  
[Staff Report - Pdf](#)
8. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Change in Zoning Designation from B-4 (Secondary and Highway Business District), R-1 (one family dwelling district), and R1-M (One-Family Manufactured Home Dwelling District) to R-3 (Multi-Family Dwelling District) on properties described as All Land Located within Mobile Manor Estates Section One, generally located at the Northeast Corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas and take the appropriate action. (Planning and Development Director)  
[Staff Report - Pdf](#)

**VIII. REGULAR BUSINESS:**

1. Discuss and consider approving a Final Plat referred to as the Enclave at Indian Trail, on property described as being all that certain 16.55 Acre Tract of Land situated in the W.E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 723, and being all of the called 2.980 Acre Tract of Land Described in a Deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the called 7.971 Acre Tract of Land described in a Deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the “Parcel 1” called 3.003 Acre Tract of Land Described in a Deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the “Parcel 2” called 2.649 Acre Tract of Land described in a Deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed records of Bell County, Texas and take the appropriate action. (Planning and Development Director)  
[Staff Report - Pdf](#)
2. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, adopting the Investment Policy of the City of Harker Heights, Texas; authorizing the City's Investment Broker/Dealer List; and approving a list of investment training sponsors and take the appropriate action. (Finance Director)  
[Staff Report - Pdf](#)
3. Receive and discuss the City Manager's Report. (City Manager)

**IX. ITEMS FROM COUNCIL AND ANNOUNCEMENTS:**

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

**X. ADJOURNMENT:**

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on 15th of July, 2022, by 4:00 p.m. and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Julie Helsham  
City Secretary

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

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

Minutes of the City of Harker Heights Council Meeting that was called to order on Tuesday, June 28, 2022, at 5:00 p.m., in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548, with the following members present:

**ROLL CALL:** Mayor Spencer H Smith  
Councilmember Michael Blomquist  
Councilmember Tony Canterino  
Councilmember Sam Halabi  
  
City Manager David Mitchell  
Assistant City Secretary Ursula Paddie

**EXCUSED:** Mayor Pro Tem Jennifer McCann  
Councilmember Lynda Nash  
City Secretary Julie Helsham

**MAYORAL PROCLAMATIONS AND PRESENTATIONS:**

1. Council was presented with a Purple Heart Coin and Purple Heart Parking Sign for the City, from Tracy Brown Green, Military Order of the Purple Heart, Commander of Chapter 1876 and Texas Department Commander, and John Footman, Military Order of the Purple Heart, Senior Vice of Chapter 1876 and Texas Department Senior Vice.
2. Mayor Smith presented Jeff Achee, Parks and Recreation Director, Parks and Recreation Staff members and Parks Advisory Board members, a Proclamation declaring July 2022 as "Parks and Recreation Month" and July 15, 2022, as "Parks and Recreation Professionals Day".

**CONSENT ITEMS:**

1. Council discussed and considered approving the minutes of the meeting held on June 14, 2022.

Councilmember Blomquist made a motion to approve the minutes of the meeting held on June 14, 2022 as written. Councilmember Halabi seconded the motion. Carried unanimously.

**INITIATIVE PETITION:**

1. Council received the City Secretary's examination and Certification of Initiative Petition relating to elimination of Low-level Marijuana Enforcement and possible discussion relating thereof; Read proposed Initiative Ordinance; discussion and possible action regarding setting of date for a Public Hearing and Council consideration of Initiative Ordinance. David Mitchell, City Manager, and Charlie Olson, City Attorney, made the presentation.

The following citizens gave a presentation regarding the Initiative Petition:  
Stacey Wilson, 2401 Creek Drive, Harker Heights, Texas 76548  
Dr. Eddie West, 3203 Eagle Ridge, Harker Heights, Texas 76548  
Kayren Gray, 813 Snow Bird Drive, Harker Heights, Texas 76548  
Charles Wilson, 2401 Creek Drive, Harker Heights, Texas 76548

Councilmember Canterino made a motion to set a Public Hearing on the Initiative Petition proposed Ordinance for July 26, 2022. Councilmember Blomquist seconded the motion. Carried unanimously.

**REPORTS OF ADVISORY BOARDS & COMMISSIONS:**

1. Council received and discussed a presentation regarding an annual update on the Library Board activities in 2021. Barbara Kelly, Library Board Chairperson, made the presentation. No action taken.

**PUBLIC HEARINGS:**

1. Council conducted a Public Hearing to discuss and consider approving an Amendment to §155.0221 R1-I (Single Family Infill Dwelling District) of the Harker Heights Code of Ordinances to allow for Incentives; providing for an effective date of the Amendment. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember Blomquist made a motion to approve an Amendment to §155.0221 R1-I (Single Family Infill Dwelling District) of the Harker Heights Code of Ordinances to allow for incentives based upon staff's recommendation and findings. Councilmember Halabi seconded the motion. Carried unanimously.

2. Council conducted a Public Hearing to discuss and consider approving an Amendment to §155.0231 R2-I (Two Family Infill Dwelling District) of the Harker Heights Code of Ordinances to allow for Incentives; providing for an effective date of the Amendment. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember Canterino made a motion to approve an Amendment to §155.0231 R2-I (Two Family Infill Dwelling District) of the Harker Heights Code of Ordinances to allow for incentives based upon staff's recommendation and findings. Councilmember Blomquist seconded the motion. Carried unanimously.

**REGULAR BUSINESS:**

1. Council discussed and considered approving a request for Alcohol Services for the Harker Heights Chamber of Commerce Music Friendly Event scheduled for July 22, 2022, at the Carl Levin Park Amphitheater. Jeff Achee, Parks and Recreation Director, made the presentation.

Councilmember Halabi made a motion to approve a request for alcohol services for the Harker Heights Chamber of Commerce Music Friendly event at the Carl Levin Park Amphitheater for July 22, 2022. Councilmember Canterino seconded the motion. Carried unanimously.

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

**ITEMS FROM COUNCIL AND ANNOUNCEMENTS:**

1. Councilmember closing statements.

Councilmember Blomquist stated that he attended the following events:

- June 18th – Harker Heights Farmers’ Market.
- June 21st – Harker Heights Employee Recognition Ceremony at the Harker Heights Activities Center.

Councilmember Blomquist stated the he was unable to attend the following events due to be away on business:

- June 23rd – Harker Heights Chamber of Commerce Lunch Bunch at Bobby Lupos.
- June 25th - Harker Heights Farmers’ Market.

Councilmember Canterino stated that he attended the following events:

- June 21st - The Central Texas Council of Governments class for Newly Elected Officials.
- June 25th – His 4th consecutive visit to the Harker Heights Farmers’ Market with his dog Dutch.
- June 27th – Meeting with Harker Heights Chamber of Commerce President Gina Pence regarding an intern program with Central Texas College.
- Councilmember Canterino stated that every Tuesday night he either fishes or helps out as a scale worker, weighing the catch from teams who fish the “Tightlines Tuesday Night 3x9 Bass Tournament”.
- Canterino stated that he got his first adult Library card on June 21st.

2. Update and announcements from the Mayor.

Mayor Smith stated that he attended the following events:

- June 15th – Harker Heights City Hall meeting with City Staff.
- June 18th - Harker Heights Farmers’ Market.
- June 21st – Delivered presentation at the CTCOG Belton to Newly Elected Officials Class.
- June 21st – Harker Heights Employee Recognition Gathering at the Harker Heights Activities Center.
- June 22nd – Fort Hood Community Services Council Meeting at the Lone Star Conference Center.
- June 25th - Harker Heights Farmers’ Market.

**RECESS INTO EXECUTIVE SESSION:**

At 6:11 p.m. the Mayor announced a closed meeting for the following purposes:

1. Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551, the Council may convene into executive session to discuss the following:
  - (A) Section 551.074 Personnel – Discuss and deliberate the employment, evaluation and duties of the City Manager.

**RECONVENE INTO OPEN MEETING:**

Mayor Smith reconvened the Regular Meeting at 6:35 p.m.

1. Take action, if any, on matters discussed in Executive Session.

Councilmember Halabi made a motion to extend the contract for the City Manager with the following changes:

1. Extend contract for an additional two (2) years.
2. 5% Salary increase.
3. Increase City contribution to deferred compensation by \$10,500.00.
4. Increase the retention incentive by \$20,000.00.

Councilmember Canterino seconded the motion. Carried unanimously.

**ADJOURNMENT:**

There being no further business the City of Harker Heights City Council Meeting was adjourned at 6:36 p.m.

**CITY OF HARKER HEIGHTS, TEXAS:**

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Spencer H. Smith, Mayor

**ATTEST:**

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Julie Helsham, City Secretary



## City Council Memorandum

**FROM:** The Office of the City Manager

**DATE:** July 19, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO R-3 (MULTI-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 012, LOT 0016, (TOD DEED), GENERALLY LOCATED AT 132 E. RUBY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)**

**EXPLANATION:**

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property generally located at 132 E. Ruby Road.

Parcel History

This property is located within the original area of the city incorporation (1960) and was platted as part of the Kern Acres 2nd Extension and Revision plat.

An application to rezone the property was received in April 2019. The Planning & Zoning Commission voted unanimously (8-0) to recommend denial. The applicant requested the case be withdrawn on May 1, 2019, prior to being considered by City Council.

**STAFF ANALYSIS:**

Surrounding Land Uses

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

	<b>Existing Land Use</b>	<b>Land Use Plan</b>	<b>Zoning</b>
<b>North</b>	Low Density Residential	Low Density Residential	R-1 (One-Family Dwelling District)
<b>South</b>	High Density Residential	Medium Density Residential	R-3 (Multi-Family Dwelling District)
<b>East</b>	High Density Residential	Medium Density Residential	R-3 (Multi-Family Dwelling District)
<b>West</b>	Low Density Residential	Low Density Residential	R-1 (One-Family Dwelling District)

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Low Density Residential. The proposed R-3 zoning with its intended use will likely have an

adverse impact on the neighborhood and is not consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

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

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

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

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

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

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out fifty-two (52) notices to property owners within the 400-foot notification area. As of June 29, 2022, two (2) responses were received in favor of the request, and twenty-one (21) responses were received in opposition of the request. Of the twenty-one responses in opposition:

- Twelve (12) responses are from property owners (1 is located within the 200’ notification area, 5 are located within the 400’ notification area, and 6 are located outside of the 400’ notification area).
- Five (5) responses are from tenants (1 is located within the 400’ notification area, 4 are located outside of the 400’ notification area).

- Four (4) responses are unverified (i.e. staff could not determine if it was the property owner or tenant who responded). Of these four responses, 3 are located within the 200' notification area, and 1 is located within the 400' notification area.

Total area of land within the 200-foot notification area is: 137,443.38 sq. ft.

Total area of land within the 200-foot notification area recommending denial is: 1,375.90 sq. ft.

Percentage of land area recommending denial: 1.00%

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

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

### **RECOMMENDATION:**

#### Alternatives Considered

Staff considered three (3) alternatives for this case.

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

#### Staff Recommendation

Staff recommended disapproval to the Planning & Zoning Commission of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property generally located at the 132 E. Ruby Road.

#### Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on June 28, 2022, the Planning & Zoning Commission voted (7-0) on case #Z22-18 to recommend disapproval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property generally located at the 132 E. Ruby Road, Harker Heights, Texas, based on staff's recommendation and findings.

Additionally, the explanation provided by the Planning & Zoning Commission was that this case was recommended for denial based on the proposed zoning not being compatible with existing uses and zoning in the neighborhood.

### **ACTION BY THE COUNCIL:**

**Since the recommendation of the property was not approved by the Planning & Zoning Commission, 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.**

#### *(D) Vote Required*

*"If such proposed amendment, supplement, or change has not been approved by the Planning and Zoning Commission, the amendment, supplement or change shall not become effective except by a three-fourths approval vote by the City Council."*

1. Motion to **approve / disapprove with explanation** an ordinance to change zoning designation R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

[Z22-18-PropOrdinance](#)

[Z22-18 ATTACHMENTS-070522](#)

[Pictures from Applicant](#)

**ORDINANCE NO. 2022 - 37**

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R-3 (MULTI-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 012, LOT 0016, (TOD DEED), GENERALLY LOCATED AT 132 E. RUBY ROAD, 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; and

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

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

**SECTION 2:** The hereinafter-described property, as previously zoned R-1 (One Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (Tod Deed), generally located at 132 E. Ruby Road, 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>
2022 - 37	7/12/2022	Granting R-3 (Multi-Family Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (Tod Deed), generally located at 132 E. Ruby Road, 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** by the City Council of the City of Harker Heights on July 19, 2022.

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Spencer H. Smith, Mayor

ATTEST:

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Julie Helsham, City Secretary



# Rezoning Request Application

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

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

- 1. Pre-Application Meeting Scheduled
- 2. Payment of \$200.00 to the City of Harker Heights
- 3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

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

[planning@harkerheights.gov](mailto:planning@harkerheights.gov)

Property Owner(s) Name: Eddie J. Bass Date: 1 June 22

Address: 106 Concho Ct.

City/State/Zip: Harker Heights Texas 76548

Phone: 254-681-1105 E-mail: Ebass3@Hot.RR.com

### Legal Description of Property:

Location of Property (Address if available): 132 East Ruby

Lot: 00/6 Block: 012 Subdivision: 51163 HH

Acres: 0.24 Property ID: 17255 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: Multi Family Apartment

Current Zoning Classification: R-1 Proposed Zoning: R-3

Current Land Use: Empty Lot Proposed Land Use: 1 bedroom Apartment

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

Applicant's Representative: \_\_\_\_\_

Phone: 254-681-1105 E-Mail: Ebass3@Hot.RR.com

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

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

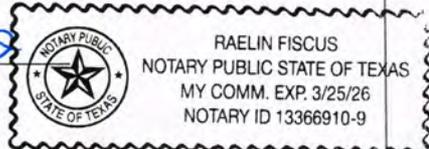
BASS, Eddie J. Dierdre  
Printed Name of Property Owner

[Signature]  
Signature of Property Owner

Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 1st DAY OF June, 2022



[Signature]  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 03/25/2026

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

Date Submitted: 06/01/2022

Pre-Application Meeting

Receipt #: 01832502

Received By: RF

Revised: 10/2021

Case #: \_\_\_\_\_

**§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.**

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§ 155.025 R-3 MULTI-FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.*

(1) Any use permitted by right in the R-2 District.

(2) Multi-family dwellings.

(3) Apartment houses.

(4) Boarding, lodging, and rooming houses.

(5) Dormitories for students.

(6) Neighborhood association facilities.

(7) Institutions of a religious, educational, charitable, or philanthropic nature, but not a penal or mental institution.

(B) *Conditional uses.*

(1) Fraternity/sorority house.

(2) Fitness center.

(3) Any conditional use permitted in the R-1 and R-2 Districts.

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

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

(E) *Intensity of use.*

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

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

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

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

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

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

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

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

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

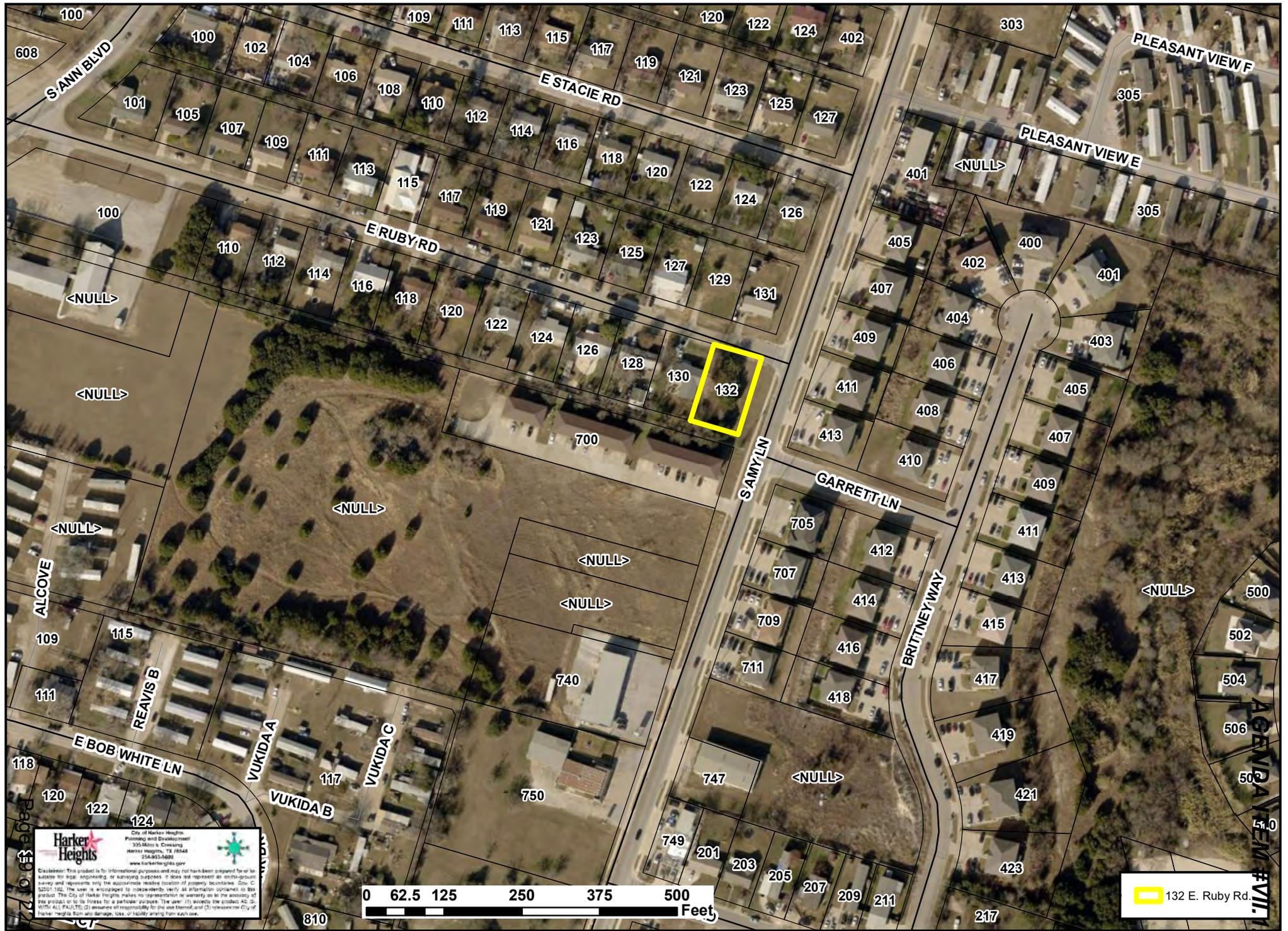
(J) *Architectural design.*

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

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

(3) Developments of 20 or more units shall have an area equal to at least 8% of the lot area, excepting required setbacks, dedicated to open space for recreational use by the occupants of the development.

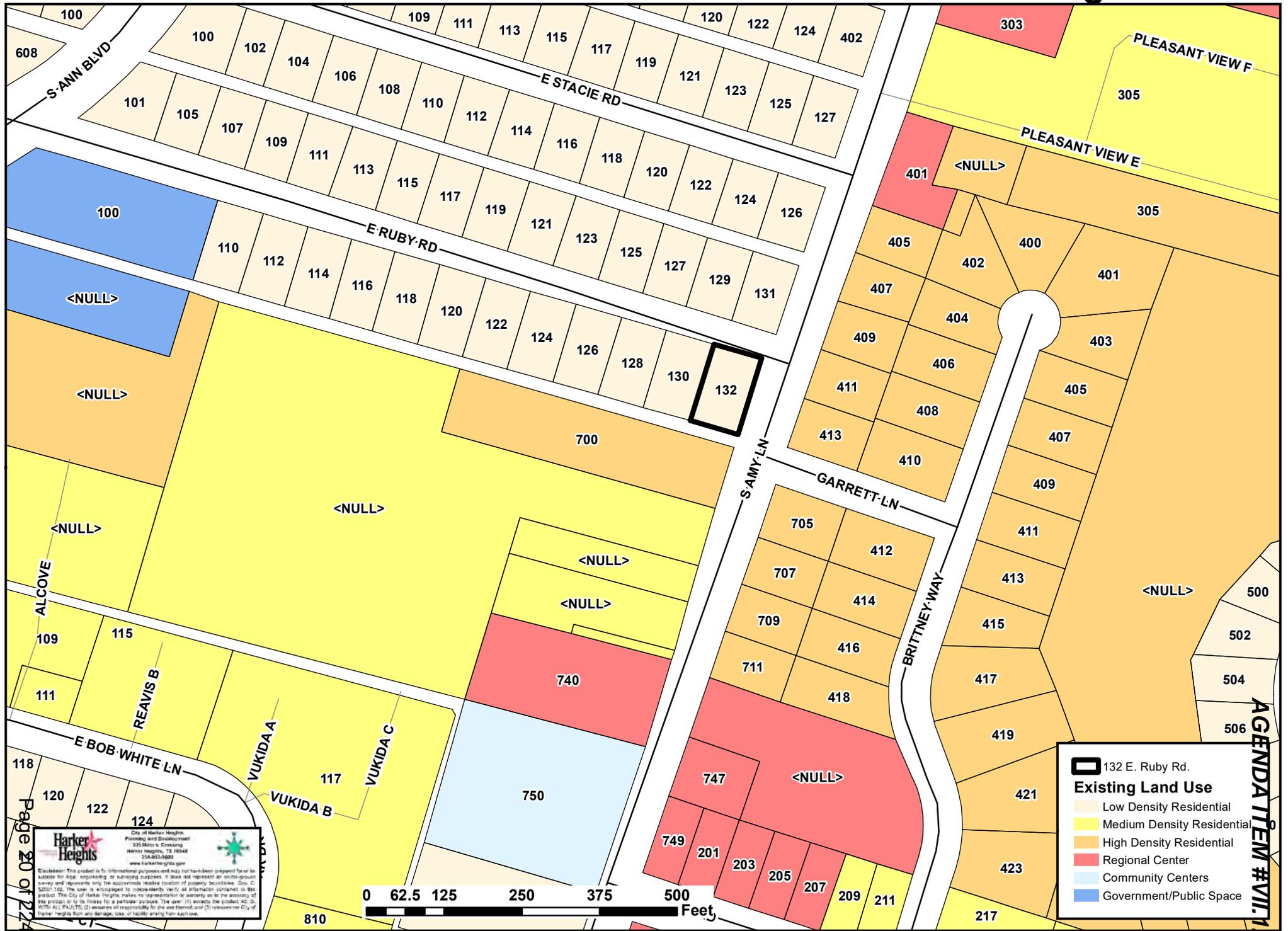
(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2012-01, passed 2-14-12; Am. Ord. 2012-04, passed 3-27-12)



**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Main St, Covington  
Harker Heights, TX 78548  
(261) 933-3499  
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate location of property boundaries. City of Harker Heights, TX 78548. The user is encouraged to independently verify all information contained on this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the product or to its fitness for a particular purpose. The user: (1) accepts the product AS-IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any and all liability arising from such use.

AGENDA VIEW E  
51.0  
51.0



**132 E. Ruby Rd.**

**Existing Land Use**

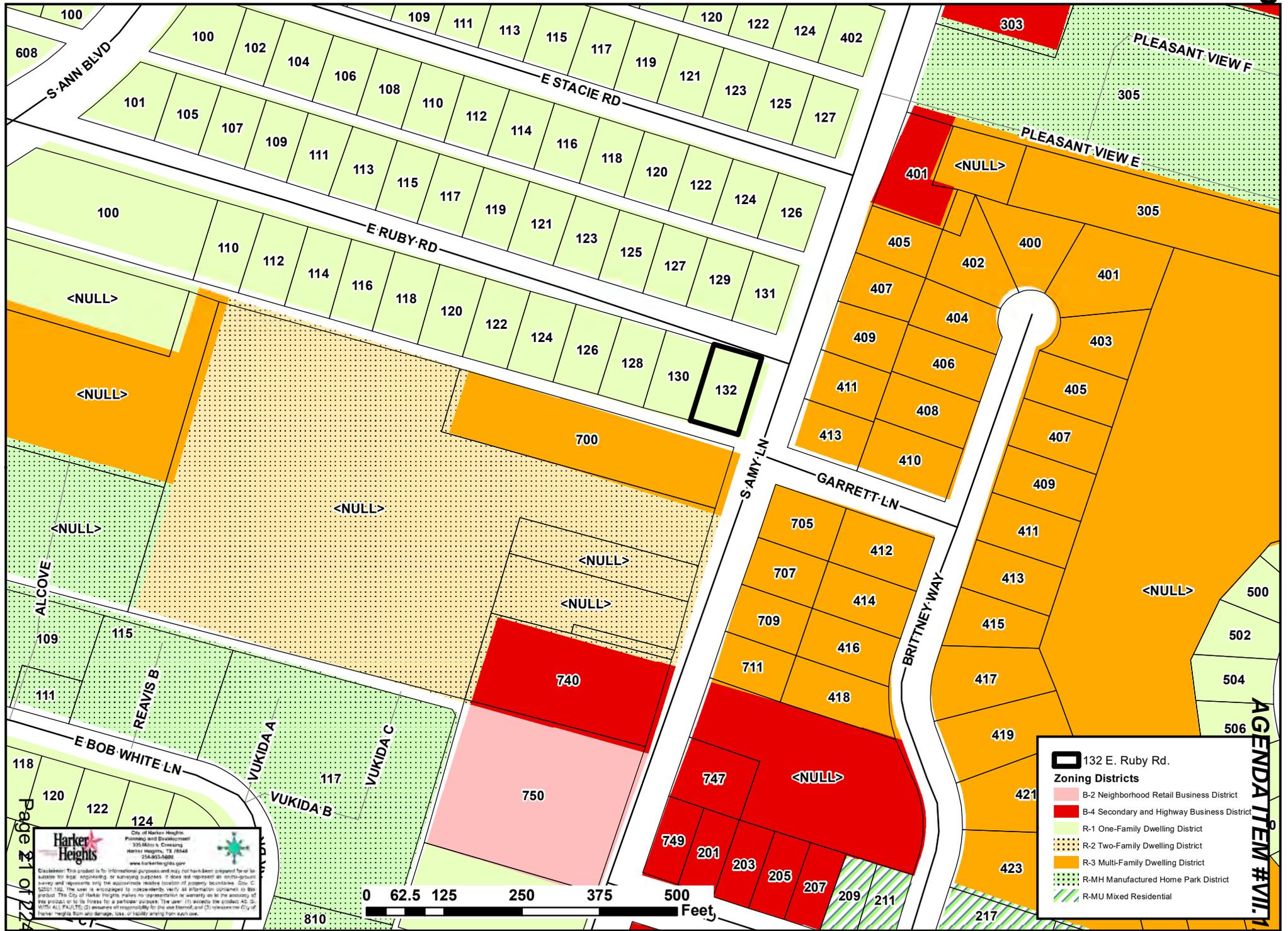
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Centers
- Government/Public Space



**Harker Heights**

City of Harker Heights  
 Planning and Development  
 300 Mills Crossing  
 Harker Heights, TX 78548  
 (254) 933-3400  
 www.harkerheights.gov

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**132 E. Ruby Rd.**

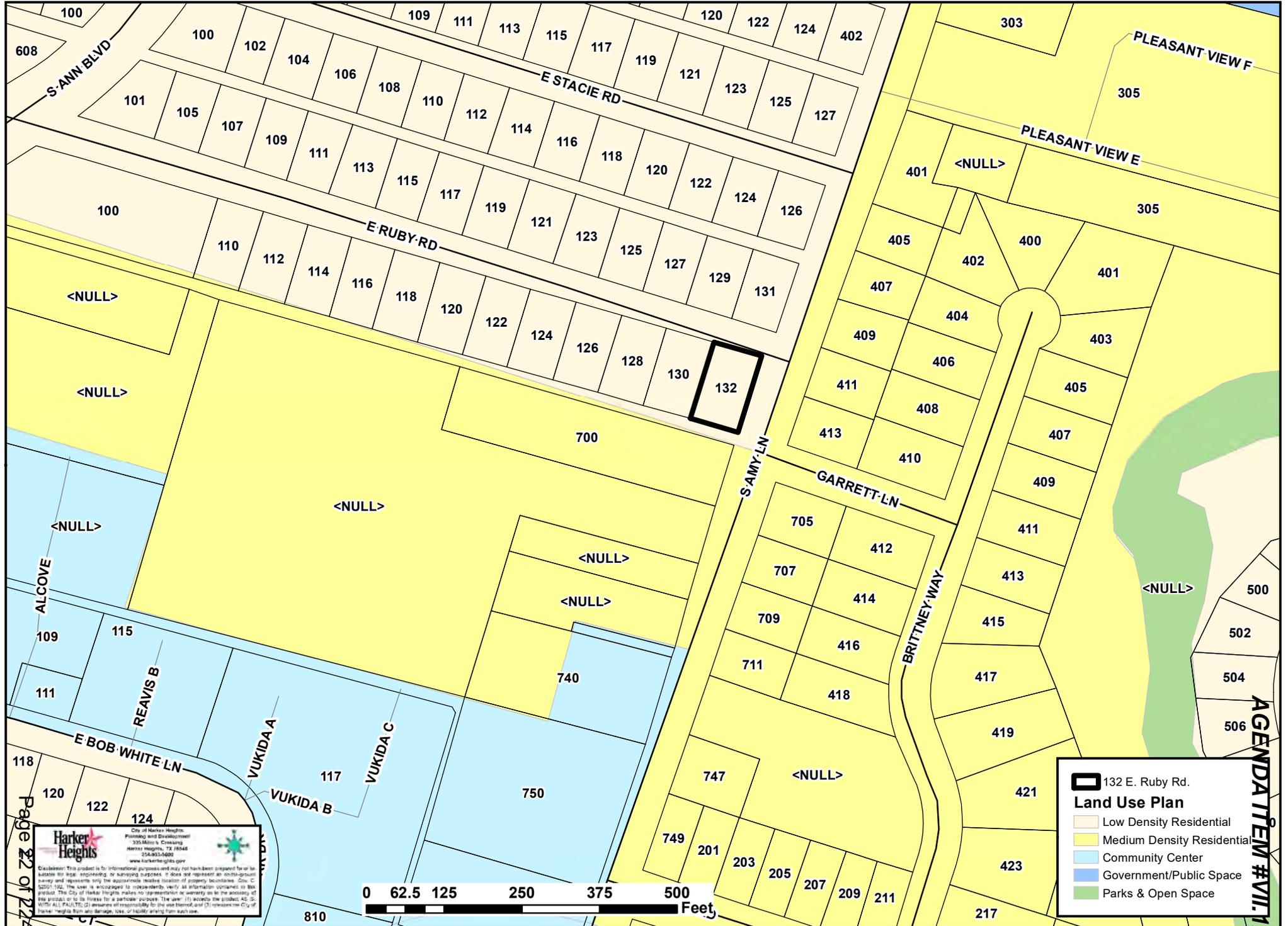
**Zoning Districts**

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

**Harker Heights**

City of Harker Heights  
Planning and Development  
300 Main St. Crossing  
Harker Heights, TX 78548  
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**132 E. Ruby Rd.**

**Land Use Plan**

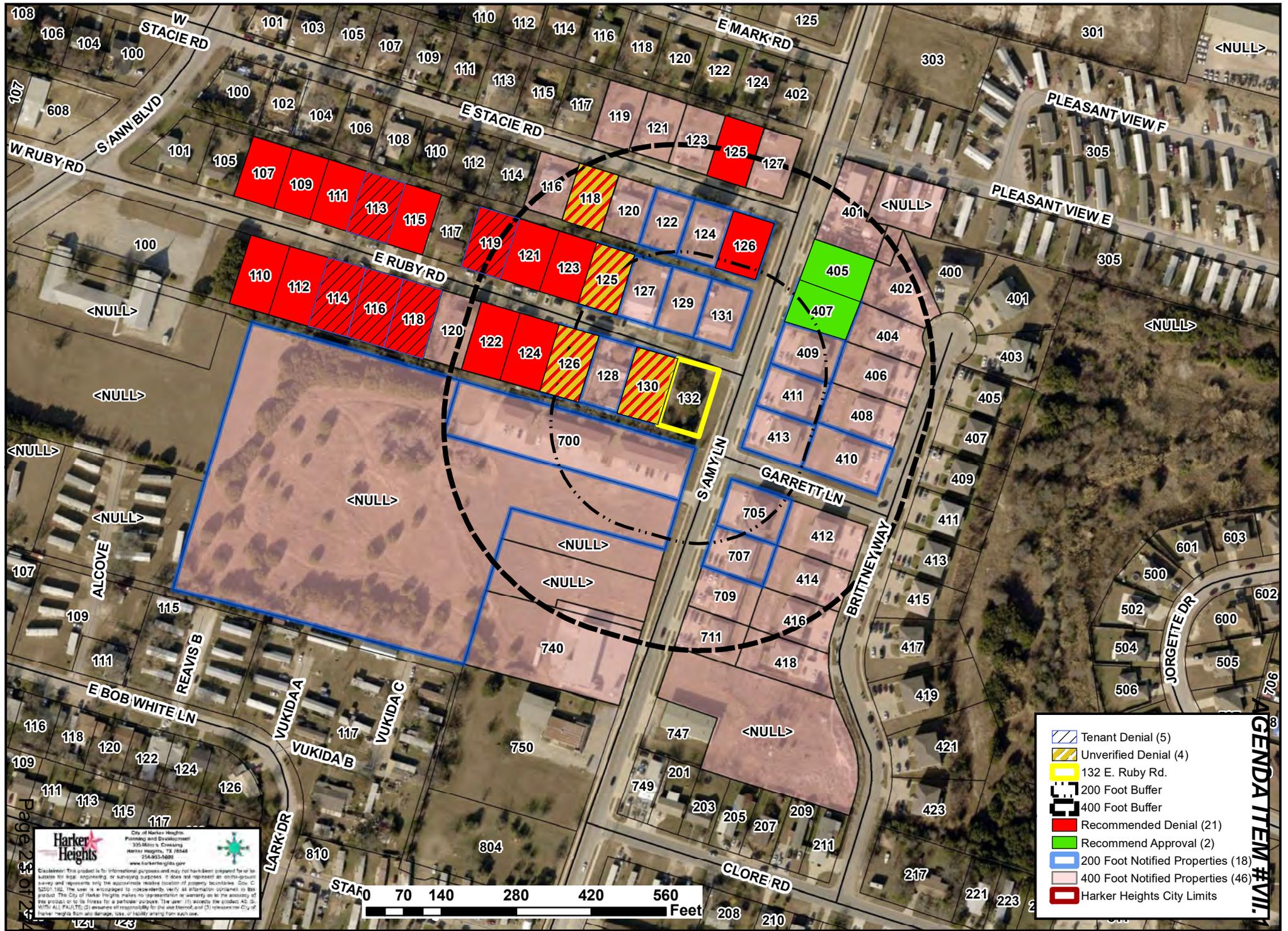
- Low Density Residential
- Medium Density Residential
- Community Center
- Government/Public Space
- Parks & Open Space



**Harker Heights**

City of Harker Heights  
Planning and Development  
300 Main St. Cowling  
Harker Heights, TX 78548  
(254) 933-3400  
www.harkerheights.gov

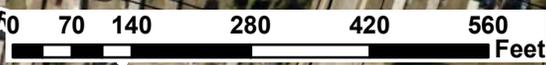
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- Tenant Denial (5)
- Unverified Denial (4)
- 132 E. Ruby Rd.
- 200 Foot Buffer
- 400 Foot Buffer
- Recommended Denial (21)
- Recommend Approval (2)
- 200 Foot Notified Properties (18)
- 400 Foot Notified Properties (46)
- Harker Heights City Limits

City of Harker Heights
   
 Planning and Development
   
 300 Main St, Crossing
   
 Harker Heights, TX 78548
   
 (281) 933-4699
   
 www.harkerheights.gov

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Property ID	Address	Street	Owner Tenant Unverified	Inside 200' Notification Area	Inside 400' Notification Area	Outside Notification Area	Deny or Approve
75481	107	E. Ruby	Owner			X	D
96466	109	E. Ruby	Owner			X	D
129133	110	E. Ruby	Owner			X	D
36712	111	E. Ruby	Owner			X	D
92358	112	E. Ruby	Owner			X	D
64601	115	E. Ruby	Owner			X	D
46654	121	E. Ruby	Owner		X		D
43385	122	E. Ruby	Owner		X		D
17251	123	E. Ruby	Owner		X		D
46299	124	E. Ruby	Owner		X		D
*40468	125	E. Stacie	Owner		X		D
78340	126	E. Stacie	Owner	X			D
350598	405	S. Amy	Owner		X		A
350597	407	S. Amy	Owner	X			A
38973	113	E. Ruby	Tenant			X	D
129916	114	E. Ruby	Tenant			X	D
15015	116	E. Ruby	Tenant			X	D
46300	118	E. Ruby	Tenant			X	D
46297	119	E. Ruby	Tenant		X		D
118469	118	E. Stacie	Unverified		X		D
60208	125	E. Ruby	Unverified	X			D
68165	126	E. Ruby	Unverified	X			D
17252	130	E. Ruby	Unverified	X			D

Total Denials 21  
 Total Approval 2

\*Property was originally incorrectly identified as being within the 200' notification area in the P&Z packets. Property is actually located in the 400' notification area.

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022. 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: City of Harker Heights  
Planning & Development Department

FROM: HART, CLEO J ETUX MELVINA L

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

Physical Address	Property ID
121 E RUBY RD	46654

**Z22-18 RE:** application has been made to request a change in zoning designation from R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas. (see attached notification map).

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

**Because our R1 zoning designation is a well established neighborhood and community, the ones who have made the area their home, do not approve of zoning 132 East Ruby from R1 to R3. It is not in the best interest of the people. Since the construction of the nearby multi family dwellings, there has been a diminished safety presence due to an increase in people walking in the street and in people's yards, mainly going to and coming from Harker Heights Elementary School. There has also been a great increase in vehicle traffic. A rezoning from R1 to R3 is not beneficial to the community.**

**Z22-18-F RE:** application has been made to consider a request to change land use designation from Low Density Residential to High Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas. (see attached notification map).

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

Comments:  
*For the same reasons listed above.*

Melvina L. Hart  
Printed Name  
*Melvina L. Hart*  
Signature  
June 22, 2022  
Date

**Received**  
JUN 21 2022

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: SWAIN, KATIE LEE & EVA SHANE AVANS

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

Physical Address	Property ID
122 E RUBY RD	4385

Z22-18 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

Comments:

Z22-18-F RE: application has been made to consider a request to change land use designation from **Low Density Residential** to **High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

Comments:

*I AM STRONGLY AGAINST CHANGING THE ZONING FOR THE ADDRESS LISTED ABOVE.*

KATIE L. SWAIN  
Printed Name

*Katie L. Swain*  
Signature

06/22/22  
Date

*(planning@harkerheights.gov)*

TO: CITY OF HARKER HEIGHTS  
PLANNING & DEVELOPMENT DEPARTMENT  
planning@harkerheights.gov

FROM: ROBERSON, DONNA & MICHAEL METZGER

PHYSICAL ADDRESS                      PROPERTY ID  
124 E RUBY ROAD

Z22-18                      APPLICATION HAS BEEN MADE TO CHANGE ZONING FROM R-1 TO R-3

**I RECOMMEND DENIAL OF REQUEST**

Z22-18F                      APPLICATION HAS BEEN MADE TO CHANGE ZONING FROM LOW DENSITY  
TO HIGH DENSITY RESIDENTIAL.

**I RECOMMEND DENIAL OF REQUEST**

DONNA A ROBERSON

*Donna A Roberson*  
*6/22/22 3:00pm*



SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: BASS, DIERDE M & EDDIE J

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

Physical Address	Property ID
405 S AMY LN	350598

**Z22-18** RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, 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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**Z22-18-F** RE: application has been made to consider a request to change land use designation from **Low Density Residential** to **High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

**Received**

**JUN 16 2022**

**Planning & Development**

Comments:

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*Bass Eddie J.*

*6/16/2022*

Printed Name

Signature

Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: BASS, EDDIE J ETUX DIERDRE M

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

Physical Address	Property ID
407 AMY LN	350597

**Z22-18** RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, 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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**Z22-18-F** RE: application has been made to consider a request to change land use designation from **Low Density Residential** to **High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, 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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**Received**

**JUN 16 2022**

**Planning & Development**

Eddie J. Bass  
Printed Name

[Signature]  
Signature

6/16/2022  
Date

We the citizens of Harker Heights that live on East Ruby RD **AGENDA ITEM #VII.1.**  
 below are against the rezoning of 132 E Ruby from R1 to R3.

Many citizens travel on E Ruby Rd. to take their kids to the Elementary School on south Ann Blvd. driving and walking, and a large number of Kids that live in the fourplexes on Brittney way and the east side of Amy Ln going to school and going to the park on south Ann Blvd. This has created a high volume of traffic of people walking on east Ruby, keep in mind that there are No sidewalks on east Ruby. This is very Unsafe, because we have a Large number of people walking in the Street, not all of the vehicles that travel on east Ruby are doing the speed limit 30 mph, a lot of them are going faster especially in the morning going to work which is very Dangerous. As you all know, the whole east end of Ruby Rd. is zoned R-1 with the exception of the Church on the corner of East Ruby Rd. and South Ann Blvd. If 132 E Ruby were to be rezoned from R-1 to R-3 this would make it even more Dangerous for our Citizens, Parents, and Children walking on East Ruby Rd. Because this would just be adding more volume of people than we already have. Also it would diminish the integrity of the whole east end of Ruby Rd. allowing part of it to be zoned differently than the rest of East Ruby. 129 East Ruby is a empty Lot across the street from 132 East Ruby if 132 East Ruby were to be rezoned to R-3 what would stop someone from getting 129 East Ruby rezoned to R-3 ? these two Properties are within 100 Ft of each other. The rezoning of one Property on East Ruby could very easily cause a Domino Effect on the Whole East end of Ruby as prosperities are bought and sold. Please help us keep the Whole East End of Ruby Rd zoned R-1 to keep everyone Safe. Please see the attached Map showing the route people take walking to school and the Park on East Ruby RD. Thank You.

- |   |   |
|---|---|
| 1. <u>Enid &amp; Michelle Loria 115 E. Ruby</u>         | 13. <u>Melinda L. Hart 121 E. Ruby</u>    |
| 2. <u>Kevin L Crocker 116 E. Ruby</u>                   | 14. <u>William Jett 123 E Ruby</u>        |
| 3. <u>Carolyn Crocker 116 E. Ruby</u>                   | 15. <u>B. R. D. 125 E Ruby</u>            |
| 4. <u>Linda A Jackson 114 E. Ruby Rd<br/>Harker Hts</u> | 16. <u>John J. 126 E. Ruby</u>            |
| 5. <u>Joe Perry 111 E. Ruby R</u>                       | 17. <u>John J. 130 E. RUBY</u>            |
| 6. <u>Joe Perry 111 E. Ruby Rd</u>                      | 18. <u>Kim Schuman 126 E Stacie</u>       |
| 7. <u>Carl Paul 112 E. Ruby Rd</u>                      | 19. <u>Justin Daisch 126 E Stacie</u>     |
| 8. <u>Ti Sam 110 E. Ruby</u>                            | 20. <u>Jamie Williams 126 E Stacie</u>    |
| 9. <u>Sandra Montes 107 E. Ruby</u>                     | 21. <u>Arnold Cochran 118 E Stacie Rd</u> |
| 10. <u>Marc Lopez 119 EAST Ruby Rd.</u>                 | 22. <u>Kelga Presley 113 E Ruby Rd</u>    |
| 11. <u>Lester E. Carter 118 E. Ruby</u>                 | 23. _____                                 |
| 12. <u>Jodi Renee Adams 109 E. Ruby</u>                 | 24. _____                                 |



Legend

# EAST RUBY RD

Write a description for your map.











# City Council Memorandum

**FROM:** The Office of the City Manager

**DATE:** July 19, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 012, LOT 0016, (TOD DEED), GENERALLY LOCATED AT 132 E. RUBY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)**

**EXPLANATION:**

The applicant is requesting a change land use designation from Low Density Residential to High Density Residential on property generally located at 132 E. Ruby Road.

Parcel History

This property is located within the original area of the city incorporation (1960) and was platted as part of the Kern Acres 2nd Extension and Revision plat.

An application to rezone the property was received in April 2019. The Planning & Zoning Commission voted unanimously (8-0) to recommend denial. The applicant requested the case be withdrawn on May 1, 2019, prior to being considered by City Council.

**STAFF ANALYSIS:**

Surrounding Land Uses

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

	<b>Land Use Plan</b>
<b>North</b>	Low Density Residential
<b>South</b>	Medium Density Residential
<b>East</b>	Medium Density Residential
<b>West</b>	Low Density Residential

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Low Density Residential; the proposed R-3 zoning with its intended use will likely have an adverse impact on the neighborhood and is not consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

E. Ruby Road is classified as a residential street. Per §154.01 of the City’s code of ordinances, Residential Streets are defined as: “Streets that serve individual residential lots. They carry low traffic volumes at low speeds. RESIDENTIAL STREETS shall be 36 feet in width back-of-curb

to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots”.

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

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

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

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

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out fifty-two (52) notices to property owners within the 400-foot notification area. As of June 29, 2022, two (2) responses were received in favor of the request, and twenty-one (21) responses were received in opposition of the request. Of the twenty-one responses in opposition:

- Twelve (12) responses are from property owners (1 is located within the 200’ notification area, 5 are located within the 400’ notification area, and 6 are located outside of the 400’ notification area).
- Five (5) responses are from tenants (1 is located within the 400’ notification area, 4 are located outside of the 400’ notification area).
- Four (4) responses are unverified (i.e. staff could not determine if it was the property owner or tenant who responded). Of these four responses, 3 are located within the 200’ notification area, and 1 is located within the 400’ notification area.

Total area of land within the 200-foot notification area is: 137,443.38 sq. ft.

Total area of land within the 200-foot notification area recommending denial is: 1,375.90 sq. ft.

Percentage of land area recommending denial: 1.00%

Per Texas Local Government Code Section 211.006, opposition that is written and signed by the owners of at least 20% of the area of the lots within the 200-foot buffer requires a super

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

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

**RECOMMENDATION:**

Staff Recommendation

Since the R-3 zoning classification case for this parcel was recommended for disapproval by the Planning & Zoning Commission, staff recommended disapproval of this request based on the following:

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

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on June 28, 2022, the Planning & Zoning Commission voted (7-0) on case #Z22-18F to recommend disapproval of an ordinance to change land use designation from Low Density Residential to High Density Residential on property generally located at the 132 E. Ruby Road, Harker Heights, Texas, based on staff's recommendation and findings.

Additionally, the explanation provided by the Planning & Zoning Commission was that this case was recommended for denial based on the proposed zoning not being compatible with the current Comprehensive Plan and Land Use Plan.

**ACTION BY THE COUNCIL:**

**Since the recommendation of the property was not approved by the Planning & Zoning Commission, 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.**

*(D) Vote Required*

*"If such proposed amendment, supplement, or change has not been approved by the Planning and Zoning Commission, the amendment, supplement or change shall not become effective except by a three-fourths approval vote by the City Council."*

1. Motion to **approve / disapprove with explanation** an ordinance to change land use designation from Low Density Residential to High Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

[Z22-18F-PropOrdinance](#)

[Z22-18-F Attachments](#)

[Pictures from Applicant](#)

**ORDINANCE NO. 2022 - 38**

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING HIGH DENSITY RESIDENTIAL LAND USE DESIGNATION ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 012, LOT 0016, (TOD DEED), GENERALLY LOCATED AT 132 E. RUBY ROAD, 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; and

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

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

**SECTION 2:** The hereinafter-described property, as previously designated as Low Density Residential to High Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (Tod Deed), generally located at 132 E. Ruby Road, 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>
2022 - 38	7/12/2022	Granting High Density Residential Land Use on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (Tod Deed), generally located at 132 E. Ruby Road, 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** by the City Council of the City of Harker Heights on July 19, 2022.

---

Spencer H. Smith, Mayor

ATTEST:

---

Julie Helsham, City Secretary



# Rezoning Request Application

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

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

1. Pre-Application Meeting Scheduled
2. Payment of \$200.00 to the City of Harker Heights
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

**City of Harker Heights**  
 Planning & Development  
 305 Millers Crossing  
 Harker Heights, TX 76548  
 Phone: (254) 953-5600  
 Email:  
[planning@harkerheights.gov](mailto:planning@harkerheights.gov)

**Property Owner(s) Name:** Eddie J. Bass **Date:** 1 June 22  
**Address:** 106 Concho Ct.  
**City/State/Zip:** Harker Heights Texas 76548  
**Phone:** 254-681-1105 **E-mail:** Ebass3@Hot.RR.com

### Legal Description of Property:

**Location of Property (Address if available):** 132 East Ruby  
**Lot:** 00/6 **Block:** 012 **Subdivision:** 51163 HH  
**Acres:** 0.24 **Property ID:** 17255 **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:** Multi Family Apartment  
**Current Zoning Classification:** R-1 **Proposed Zoning:** R-3  
**Current Land Use:** Empty Lot **Proposed Land Use:** 1 bedroom Apartment

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

**Applicant's Representative:** \_\_\_\_\_  
**Phone:** 254-681-1105 **E-Mail:** Ebass3@Hot.RR.com

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

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

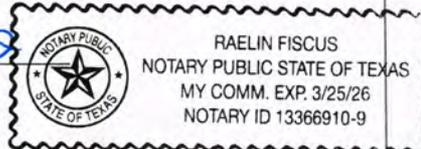
BASS, Eddie J. Dierdre  
Printed Name of Property Owner

[Signature]  
Signature of Property Owner

\_\_\_\_\_  
Printed Name of Representative

\_\_\_\_\_  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 1st DAY OF June, 2022



[Signature]  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 03/25/2026

### STAFF ONLY – DO NOT FILL OUT BELOW

Date Submitted: 06/01/2022

Pre-Application Meeting

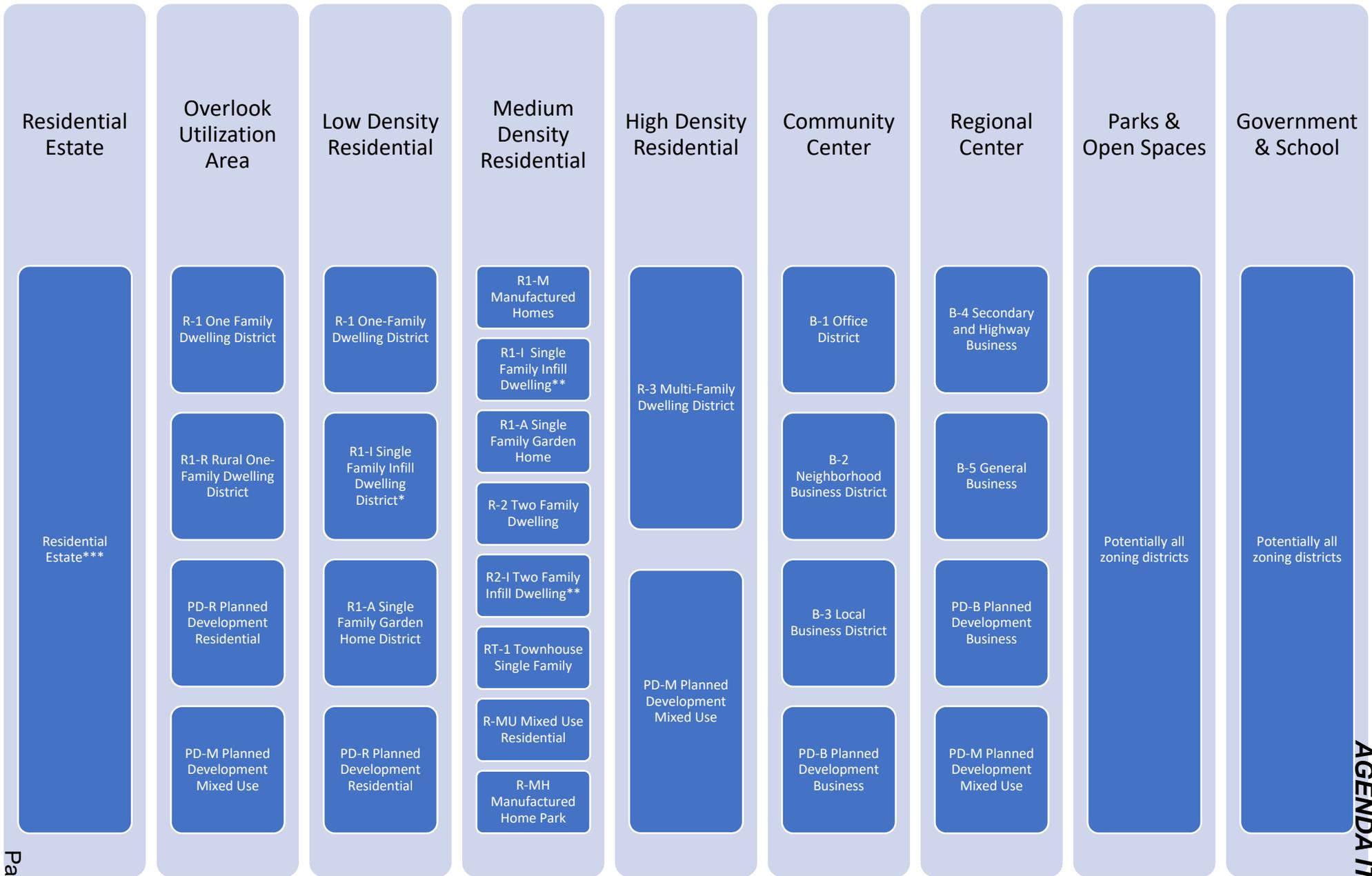
Receipt #: 01832502

Received By: RF

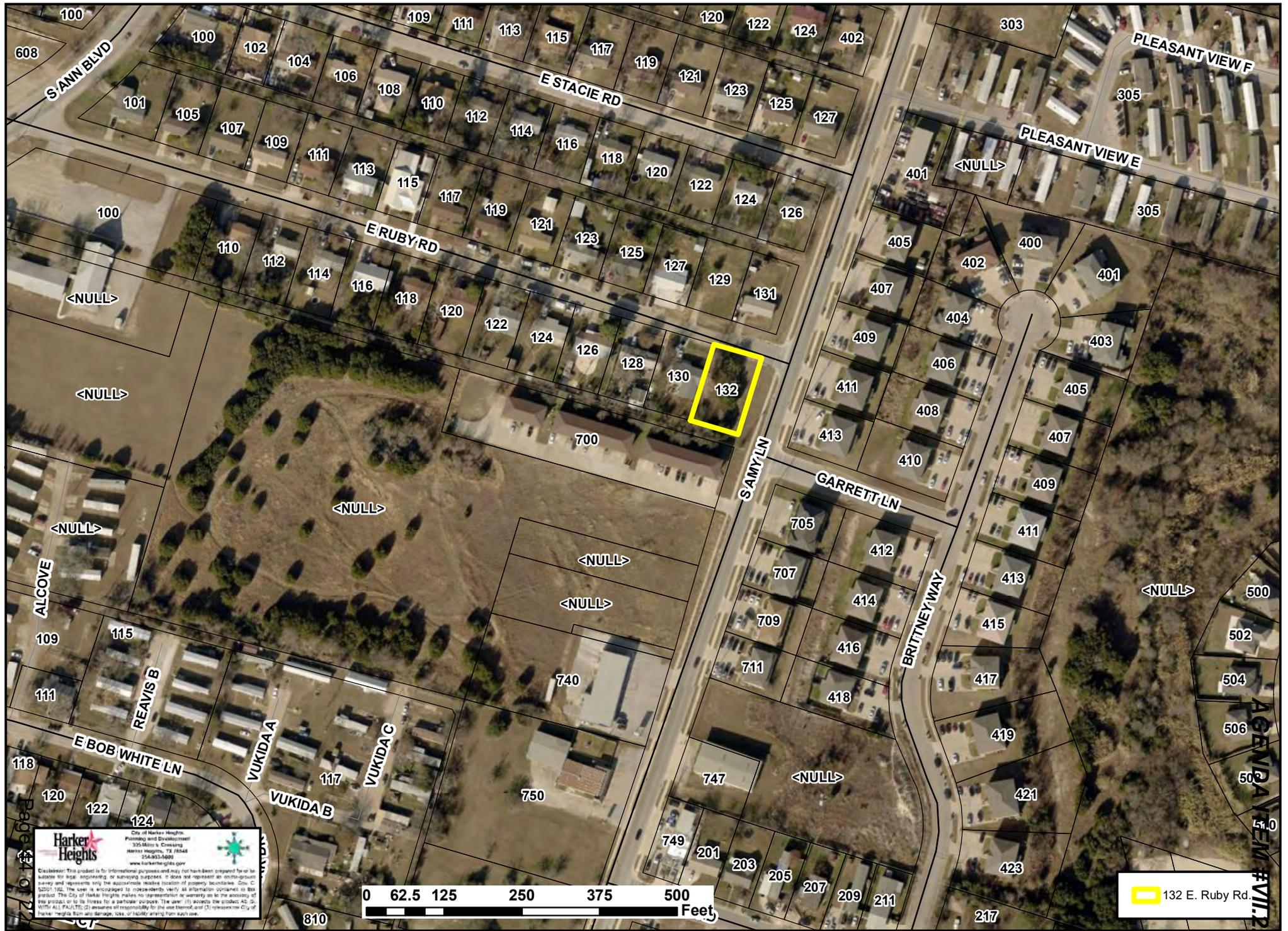
Revised: 10/2021

Case #: \_\_\_\_\_

# Zoning Districts Per Land Use\*



Adoption of Land Use Plan included definitions for each type of land use. This represents the Zoning Districts that correspond to those definitions.  
 Zoning Districts are only allowed in areas as shown on maps/exhibits included with respective adopted ordinances  
 \*Currently R-1 larger than 0.5 acres and R1-R Zoning Districts are being utilized for Residential Estates proposed Zoning District.

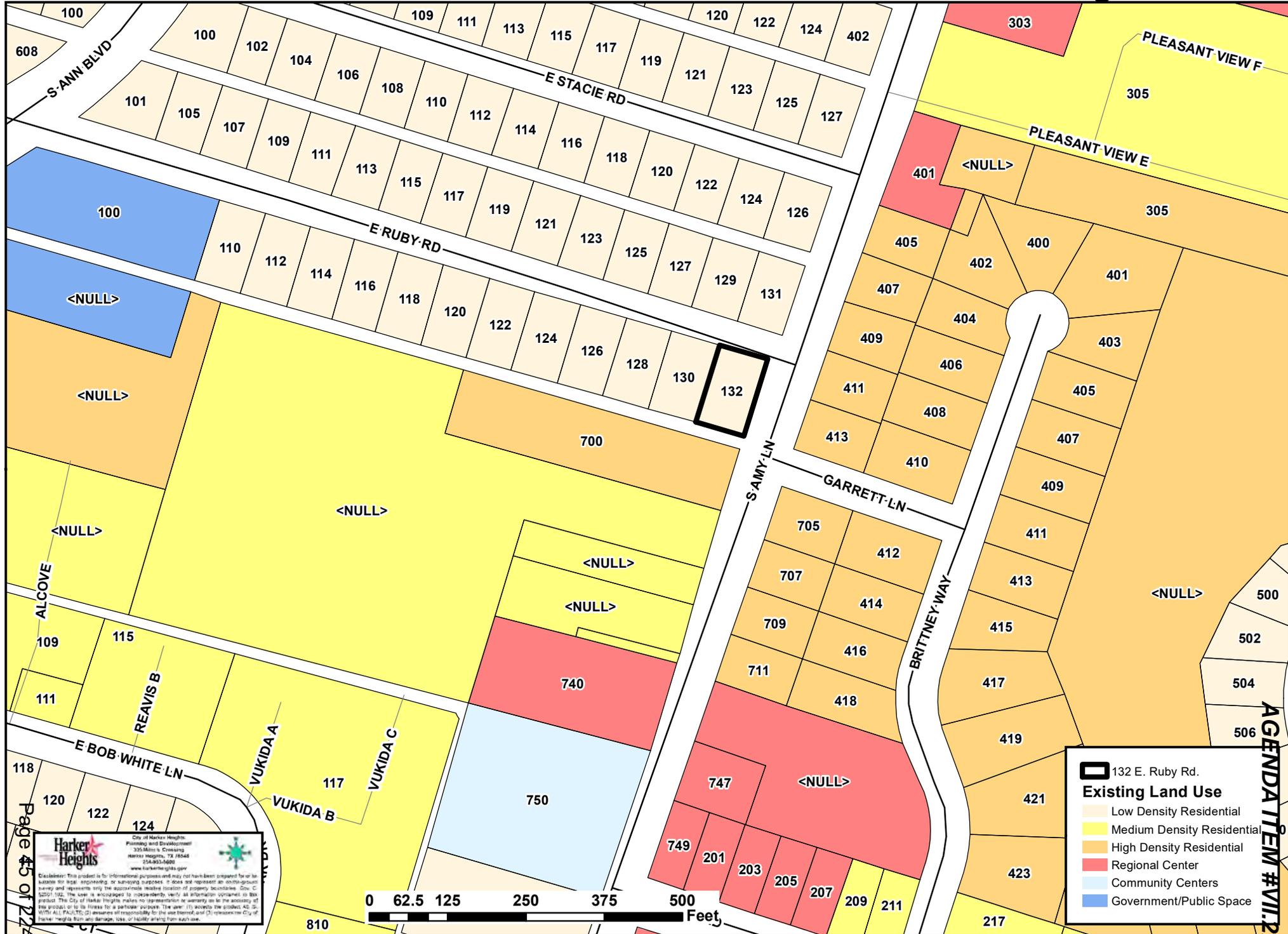


**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Main St, Covington  
Harker Heights, TX 78548  
(254) 933-3400  
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate location of property boundaries. City of Harker Heights, TX 78548. The user is encouraged to independently verify all information contained on this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the product or to its fitness for a particular purpose. The user: (1) accepts the product AS-IS; (2) releases the City of Harker Heights from any and all liability arising from such use.



 132 E. Ruby Rd.



**132 E. Ruby Rd.**

**Existing Land Use**

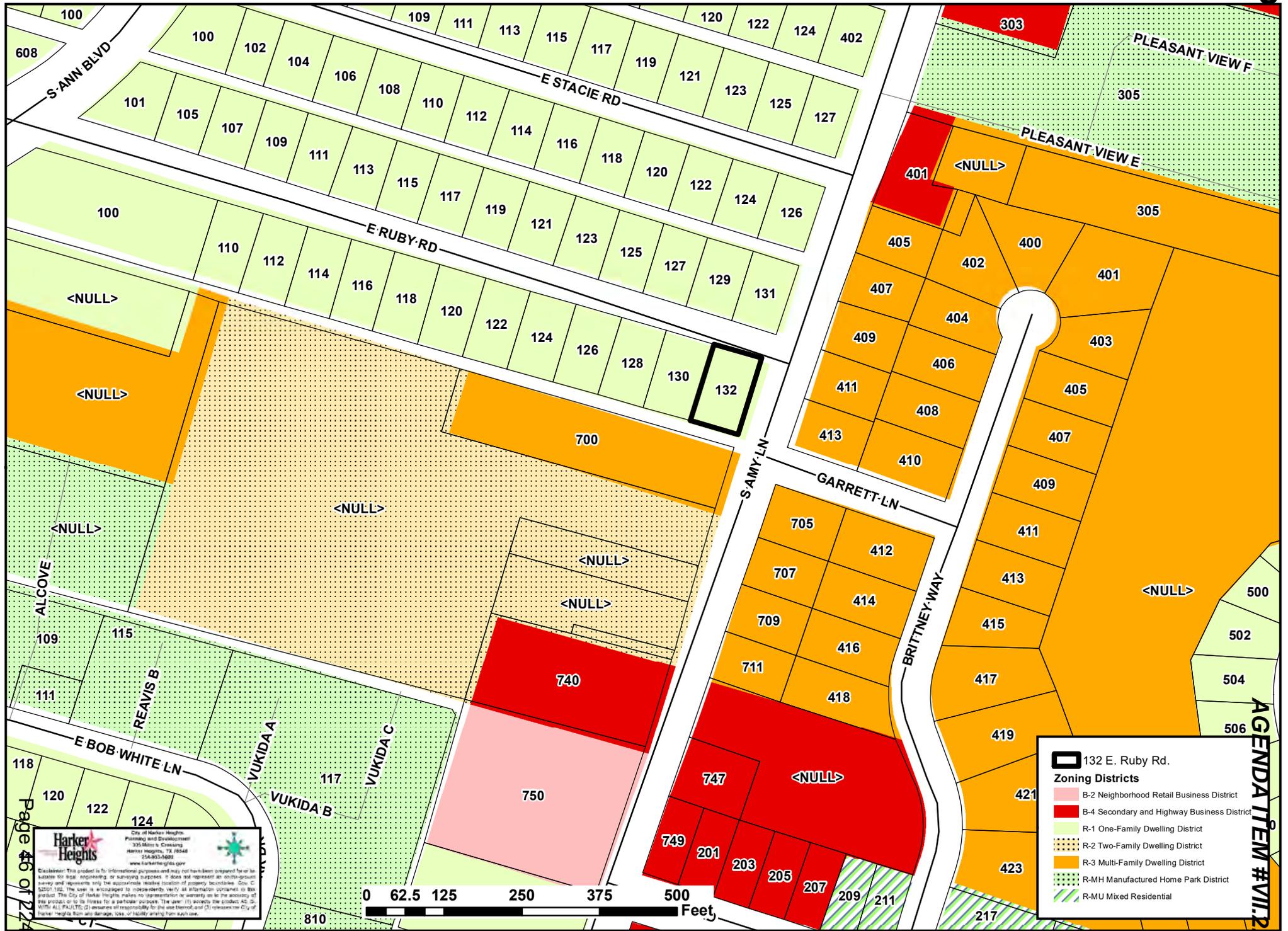
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Centers
- Government/Public Space



**Harker Heights**

City of Harker Heights  
 Planning and Development  
 300 Mills Creek  
 Harker Heights, TX 78548  
 (254) 933-4600  
 www.harkerheights.gov

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**132 E. Ruby Rd.**

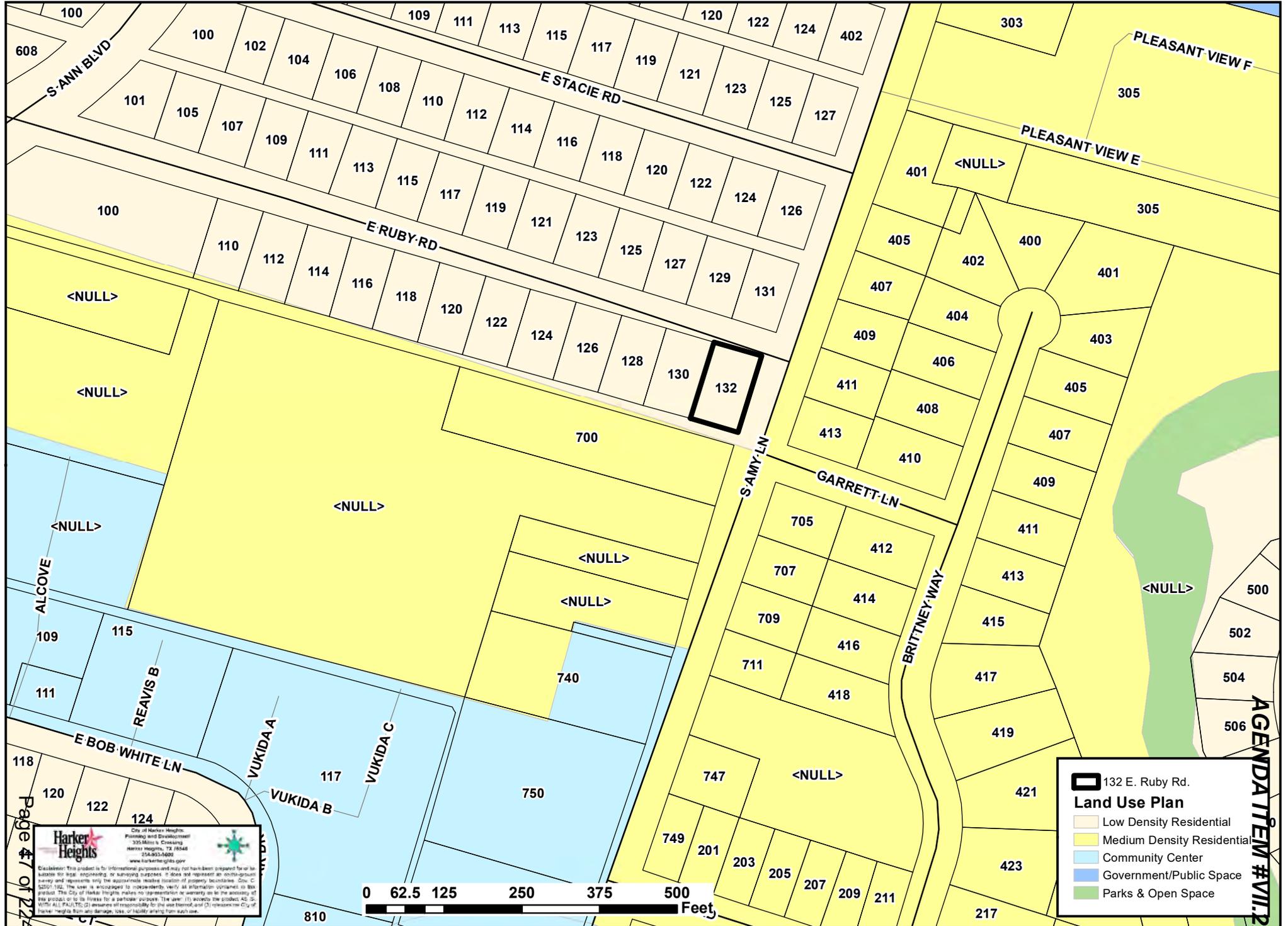
**Zoning Districts**

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

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 300 Main St. Crossing  
 Harker Heights, TX 78548  
 (254) 933-3400  
 www.harkerheights.gov

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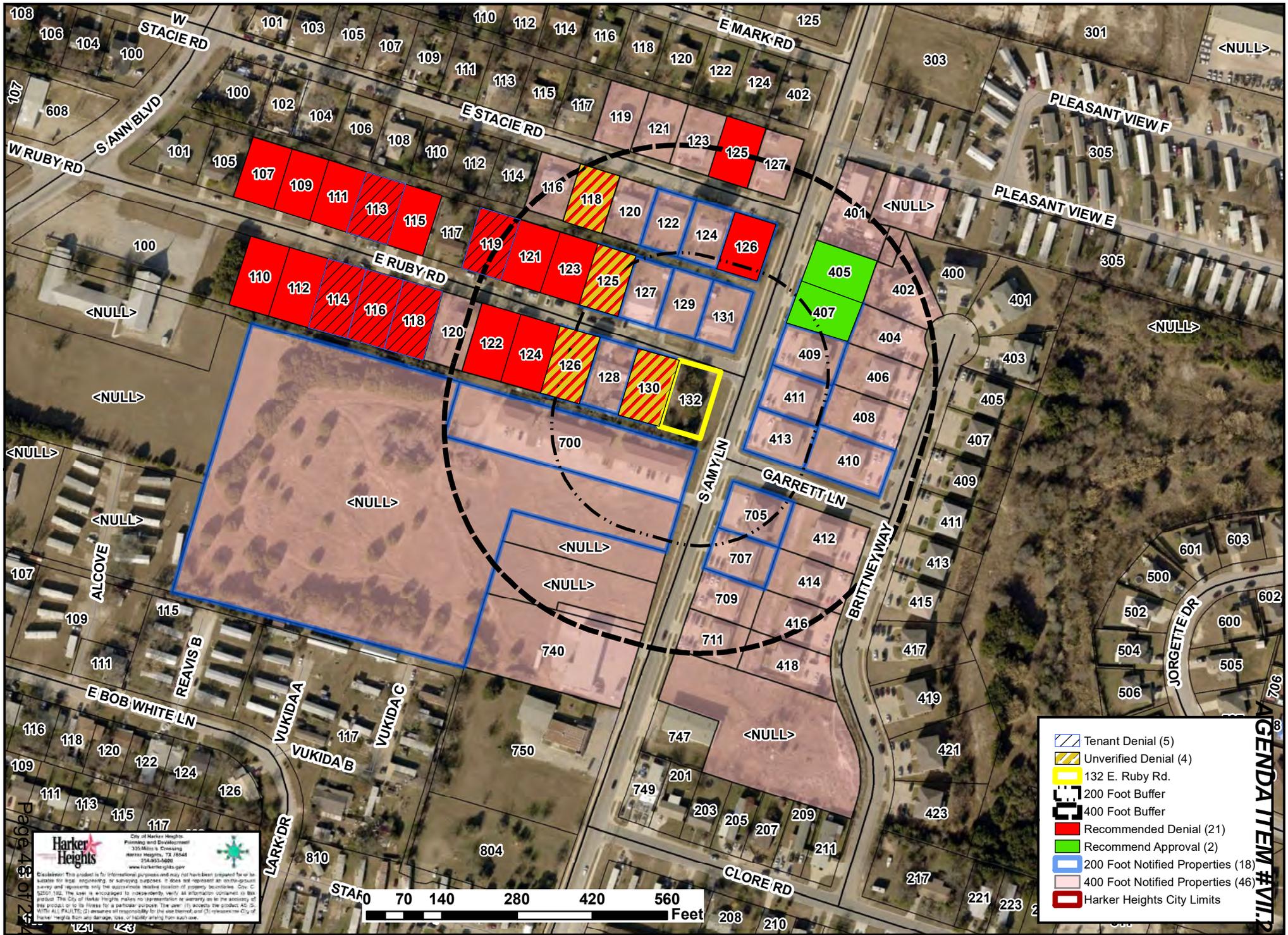
**132 E. Ruby Rd.**

**Land Use Plan**

- Low Density Residential
- Medium Density Residential
- Community Center
- Government/Public Space
- Parks & Open Space

**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 300 Main St. Crossing  
 Harker Heights, TX 78548  
 (254) 933-3400  
 www.harkerheights.gov

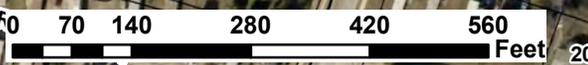
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- Tenant Denial (5)
- Unverified Denial (4)
- 132 E. Ruby Rd.
- 200 Foot Buffer
- 400 Foot Buffer
- Recommended Denial (21)
- Recommend Approval (2)
- 200 Foot Notified Properties (18)
- 400 Foot Notified Properties (46)
- Harker Heights City Limits

City of Harker Heights
   
 Planning and Development
   
 300 Main St.
   
 Harker Heights, TX 78548
   
 (281) 933-4400
   
 www.harkerheights.gov

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Property ID	Address	Street	Owner Tenant Unverified	Inside 200' Notification Area	Inside 400' Notification Area	Outside Notification Area	Deny or Approve
75481	107	E. Ruby	Owner			X	D
96466	109	E. Ruby	Owner			X	D
129133	110	E. Ruby	Owner			X	D
36712	111	E. Ruby	Owner			X	D
92358	112	E. Ruby	Owner			X	D
64601	115	E. Ruby	Owner			X	D
46654	121	E. Ruby	Owner		X		D
43385	122	E. Ruby	Owner		X		D
17251	123	E. Ruby	Owner		X		D
46299	124	E. Ruby	Owner		X		D
*40468	125	E. Stacie	Owner		X		D
78340	126	E. Stacie	Owner	X			D
350598	405	S. Amy	Owner		X		A
350597	407	S. Amy	Owner	X			A
38973	113	E. Ruby	Tenant			X	D
129916	114	E. Ruby	Tenant			X	D
15015	116	E. Ruby	Tenant			X	D
46300	118	E. Ruby	Tenant			X	D
46297	119	E. Ruby	Tenant		X		D
118469	118	E. Stacie	Unverified		X		D
60208	125	E. Ruby	Unverified	X			D
68165	126	E. Ruby	Unverified	X			D
17252	130	E. Ruby	Unverified	X			D

Total Denials 21  
 Total Approval 2

\*Property was originally incorrectly identified as being within the 200' notification area in the P&Z packets. Property is actually located in the 400' notification area.

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022. 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: City of Harker Heights  
Planning & Development Department

FROM: HART, CLEO J ETUX MELVINA L

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

Physical Address	Property ID
121 E RUBY RD	46654

**Z22-18 RE:** application has been made to request a change in zoning designation from R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas. (see attached notification map).

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

**Because our R1 zoning designation is a well established neighborhood and community, the ones who have made the area their home, do not approve of zoning 132 East Ruby from R1 to R3. It is not in the best interest of the people. Since the construction of the nearby multi family dwellings, there has been a diminished safety presence due to an increase in people walking in the street and in people's yards, mainly going to and coming from Harker Heights Elementary School. There has also been a great increase in vehicle traffic. A rezoning from R1 to R3 is not beneficial to the community.**

**Z22-18-F RE:** application has been made to consider a request to change land use designation from Low Density Residential to High Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas. (see attached notification map).

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

Comments:  
*For the same reasons listed above.*

*Melvina L. Hart*  
Printed Name  
*Melvina L. Hart*  
Signature  
*June 22, 2022*  
Date

**Received**  
JUN 21 2022

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: SWAIN, KATIE LEE & EVA SHANE AVANS

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

Physical Address	Property ID
122 E RUBY RD	4385

Z22-18 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

Comments:

Z22-18-F RE: application has been made to consider a request to change land use designation from **Low Density Residential** to **High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

Comments:

*I AM STRONGLY AGAINST CHANGING THE ZONING FOR THE ADDRESS LISTED ABOVE.*

KATIE L. SWAIN  
Printed Name

Katie L. Swain  
Signature

06/22/22  
Date

*(planning@harkerheights.gov)*

TO: CITY OF HARKER HEIGHTS  
PLANNING & DEVELOPMENT DEPARTMENT  
planning@harkerheights.gov

FROM: ROBERSON, DONNA & MICHAEL METZGER

PHYSICAL ADDRESS                      PROPERTY ID  
124 E RUBY ROAD

Z22-18                      APPLICATION HAS BEEN MADE TO CHANGE ZONING FROM R-1 TO R-3

**I RECOMMEND DENIAL OF REQUEST**

Z22-18F                      APPLICATION HAS BEEN MADE TO CHANGE ZONING FROM LOW DENSITY  
TO HIGH DENSITY RESIDENTIAL.

**I RECOMMEND DENIAL OF REQUEST**

DONNA A ROBERSON

*Donna A Roberson*  
*6/22/22 3:00pm*



SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: BASS, DIERDE M & EDDIE J

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

Physical Address	Property ID
405 S AMY LN	350598

**Z22-18** RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, 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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**Z22-18-F** RE: application has been made to consider a request to change land use designation from **Low Density Residential** to **High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas.* (see attached notification map).

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

**Received**

**JUN 16 2022**

**Planning & Development**

Comments:

---



---



---

*Bass Eddie J.*

*[Handwritten Signature]*

*6/16/2022*

Printed Name

Signature

Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: BASS, EDDIE J ETUX DIERDRE M

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

Physical Address	Property ID
407 AMY LN	350597

**Z22-18** RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, 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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**Z22-18-F** RE: application has been made to consider a request to change land use designation from **Low Density Residential** to **High Density Residential** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, 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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**Received**

JUN 16 2022

**Planning & Development**

Eddie J. Bass  
Printed Name

  
Signature

6/16/2022  
Date

We the citizens of Harker Heights that live on East Ruby RD **AGENDA ITEM #VII.2.** below are against the rezoning of 132 E Ruby from R1 to R3.

Many citizens travel on E Ruby Rd. to take their kids to the Elementary School on south Ann Blvd. driving and walking, and a large number of Kids that live in the fourplexes on Brittney way and the east side of Amy Ln going to school and going to the park on south Ann Blvd. This has created a high volume of traffic of people walking on east Ruby, keep in mind that there are No sidewalks on east Ruby. This is very Unsafe, because we have a Large number of people walking in the Street, not all of the vehicles that travel on east Ruby are doing the speed limit 30 mph, a lot of them are going faster especially in the morning going to work which is very Dangerous. As you all know, the whole east end of Ruby Rd. is zoned R-1 with the exception of the Church on the corner of East Ruby Rd. and South Ann Blvd. If 132 E Ruby were to be rezoned from R-1 to R-3 this would make it even more Dangerous for our Citizens, Parents, and Children walking on East Ruby Rd. Because this would just be adding more volume of people than we already have. Also it would diminish the integrity of the whole east end of Ruby Rd. allowing part of it to be zoned differently than the rest of East Ruby. 129 East Ruby is a empty Lot across the street from 132 East Ruby if 132 East Ruby were to be rezoned to R-3 what would stop someone from getting 129 East Ruby rezoned to R-3 ? these two Properties are within 100 Ft of each other. The rezoning of one Property on East Ruby could very easily cause a Domino Effect on the Whole East end of Ruby as prosperities are bought and sold. Please help us keep the Whole East End of Ruby Rd zoned R-1 to keep everyone Safe. Please see the attached Map showing the route people take walking to school and the Park on East Ruby RD. Thank You.

- |   |  |
|---|--|
| 1. <u>Enid &amp; Michelle Loren 115 E. Ruby</u>         | 13. <u>Melinda L. Hart 121 E. Ruby</u>   |
| 2. <u>Kevin L Crocker 116 E. Ruby</u>                   | 14. <u>William Jett 123 E Ruby</u>       |
| 3. <u>Carolyn Crocker 116 E. Ruby</u>                   | 15. <u>B. R. D. 125 E Ruby</u>           |
| 4. <u>Linda A Jackson 114 E. Ruby Rd<br/>Harker Hts</u> | 16. <u>John J. 126 E. Ruby</u>           |
| 5. <u>Joe R. 111 E. Ruby R</u>                          | 17. <u>John J. 130 E. RUBY</u>           |
| 6. <u>Joe R. 111 E. Ruby Rd</u>                         | 18. <u>Kim Schuman 126 E Stacie</u>      |
| 7. <u>Carl Paul 112 E. Ruby Rd</u>                      | 19. <u>Justin Dais 126 E Stacie</u>      |
| 8. <u>Ti Sam 110 E. Ruby</u>                            | 20. <u>Jamie Williams 126 E Stacie</u>   |
| 9. <u>Sandra Montes 107 E. Ruby</u>                     | 21. <u>Donna Cochran 118 E Stacie Rd</u> |
| 10. <u>Marc Lopez 119 EAST Ruby Rd.</u>                 | 22. <u>Kelga Presley 113 E Ruby Rd</u>   |
| 11. <u>Lester E. Carter 118 E. Ruby</u>                 | 23. _____                                |
| 12. <u>Jodi Renee Adams 109 E. Ruby</u>                 | 24. _____                                |

Legend

# EAST RUBY RD

Write a description for your map.











# City Council Memorandum

**FROM:** The Office of the City Manager

**DATE:** July 19, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL ON PROPERTIES DESCRIBED AS MEADOW ACRES, BLOCK 005, LOT PT 2, (E 1/2 OF 2), GENERALLY LOCATED AT 214 W. BOB WHITE LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND MEADOW ACRES, BLOCK 005, LOT PT 2 (W 1/2 OF 2), GENERALLY LOCATED AT 216 W. BOB WHITE LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)**

**EXPLANATION:**

The applicant is requesting a change land use designation from Low Density Residential to Medium Density Residential on properties generally located at 214 & 216 W. Bob White Lane.

Parcel History

This parcel is located within the original area of the city incorporation (1960), as part of the Meadow Acres Subdivision.

**STAFF ANALYSIS:**

Surrounding Land Uses

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

	<b>Land Use Plan</b>
<b>North</b>	Low Density Residential
<b>South</b>	Low Density Residential
<b>East</b>	Low Density Residential
<b>West</b>	Low Density Residential

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Low Density Residential. The new R2-I (Two-Family Infill Dwelling District) zoning with its intended use will not likely have an adverse impact on the neighborhood.

Thoroughfare Plan

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

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out fifty-three (53) notices to property owners within the 400-foot notification area. As of June 29, 2022, three (3) responses were received in favor of the request, and zero (0) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

**RECOMMENDATION:**

Staff Recommendation

The request to change zoning designation from R-3 (Multi-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) was recommended for approval by the Planning & Zoning Commission unanimously (7-0) on May 25, 2022, and was approved by City Council unanimously (5-0) on June 14, 2022. Therefore, staff recommended approval to the Planning & Zoning Commission of an ordinance to change the Land Use Plan designation from Low Density Residential use to Medium Density Residential use on properties described as Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas, based on the following:

1. This action would amend the current Comprehensive Plan and Land Use Plan such that the proposed use would be compatible with the new R2-I zoning.
2. The proposed use is compatible with the new R2-I zoning in the vicinity.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on June 28, 2022, the Planning & Zoning Commission voted (7-0) on case #Z22-14F to recommend approval of an ordinance to change land use designation from Low Density Residential to Medium Density Residential on property generally located at 214 and 216 W Bob White Lane, Harker Heights, Texas, based on staff's recommendation and findings.

**ACTION BY THE COUNCIL:**

1. Motion to **approve / disapprove with explanation** an ordinance to change land use designation from Low Density Residential to Medium Density Residential on properties described as Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block

**AGENDA ITEM #VII.3.**

005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.

2. Any other action deemed necessary.

**ATTACHMENTS:**

[Z22-14F-PropOrdinance](#)

[Z22-14-F Attachments-062922](#)

**ORDINANCE NO. 2022 - 39**

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION ON PROPERTY DESCRIBED AS MEADOW ACRES, BLOCK 005, LOT PT 2, (E 1/2 OF 2), GENERALLY LOCATED AT 214 W. BOB WHITE LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND MEADOW ACRES, BLOCK 005, LOT PT 2 (W 1/2 OF 2), GENERALLY LOCATED AT 216 W. BOB WHITE LANE, 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; and

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

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

**SECTION 2:** The hereinafter-described property, as previously designated as Low Density Residential to Medium Density Residential on property described as Meadow Acres, Block 005, Lot Pt 2, (E 1/2 Of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot Pt 2 (W 1/2 Of 2), generally located at 216 W. Bob White Lane, 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>
2022 - 39	7/12/2022	Granting Medium Density Residential Land Use on property described as Meadow Acres, Block 005, Lot Pt 2, (E 1/2 Of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot Pt 2 (W 1/2 Of 2), generally located at 216 W. Bob White Lane, 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** by the City Council of the City of Harker Heights on July 19, 2022.

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Spencer H. Smith, Mayor

ATTEST:

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Julie Helsham, City Secretary

# Rezoning Request Application



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

[planning@harkerheights.gov](mailto:planning@harkerheights.gov)

**\*Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED\***  
This application must be completed and returned to the Planning and Development Department of the City of Harker Heights, Texas along with the following:  
1. Pre-Application Meeting Scheduled  
2. Payment of \$200.00 to the City of Harker Heights  
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

Property Owner(s) Name: Pamela Flohr Date: 04/27/2022

Address: 216 W Bob White Lane

City/State/Zip: Harker Heights, TX 76548

Phone: (254) 289-7417 E-mail: \_\_\_\_\_

**Legal Description of Property:**

Location of Property (Address if available): 214 and 216 W Bob White Lane

Lot: W part of 2/E part of 2 Block: 5 Subdivision: Meadow Acres

Acres: +/-1 Property ID: 46161 & 11415 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: Residential

Current Zoning Classification: R3 Proposed Zoning: R2-I

Current Land Use: LOW DENSITY RESIDENTIAL Proposed Land Use: MEDIUM DENSITY RESIDENTIAL

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

Applicant's Representative: Ace Reneau - Mitchell and Associates

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

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 ACE RENEAU MITCHELL & ASSOC. will represent the owner.

Pamela Flohr  
Printed Name of Property Owner

Pamela S Flohr  
Signature of Property Owner

Ace Reneau  
Printed Name of Representative

Ace Reneau  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 27th DAY OF April, 2022

Jennifer Henderson  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 10-20-2024



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

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

Pre-Application Meeting

Receipt #: \_\_\_\_\_

Received By: \_\_\_\_\_

Revised: 10/2021

Case #: \_\_\_\_\_

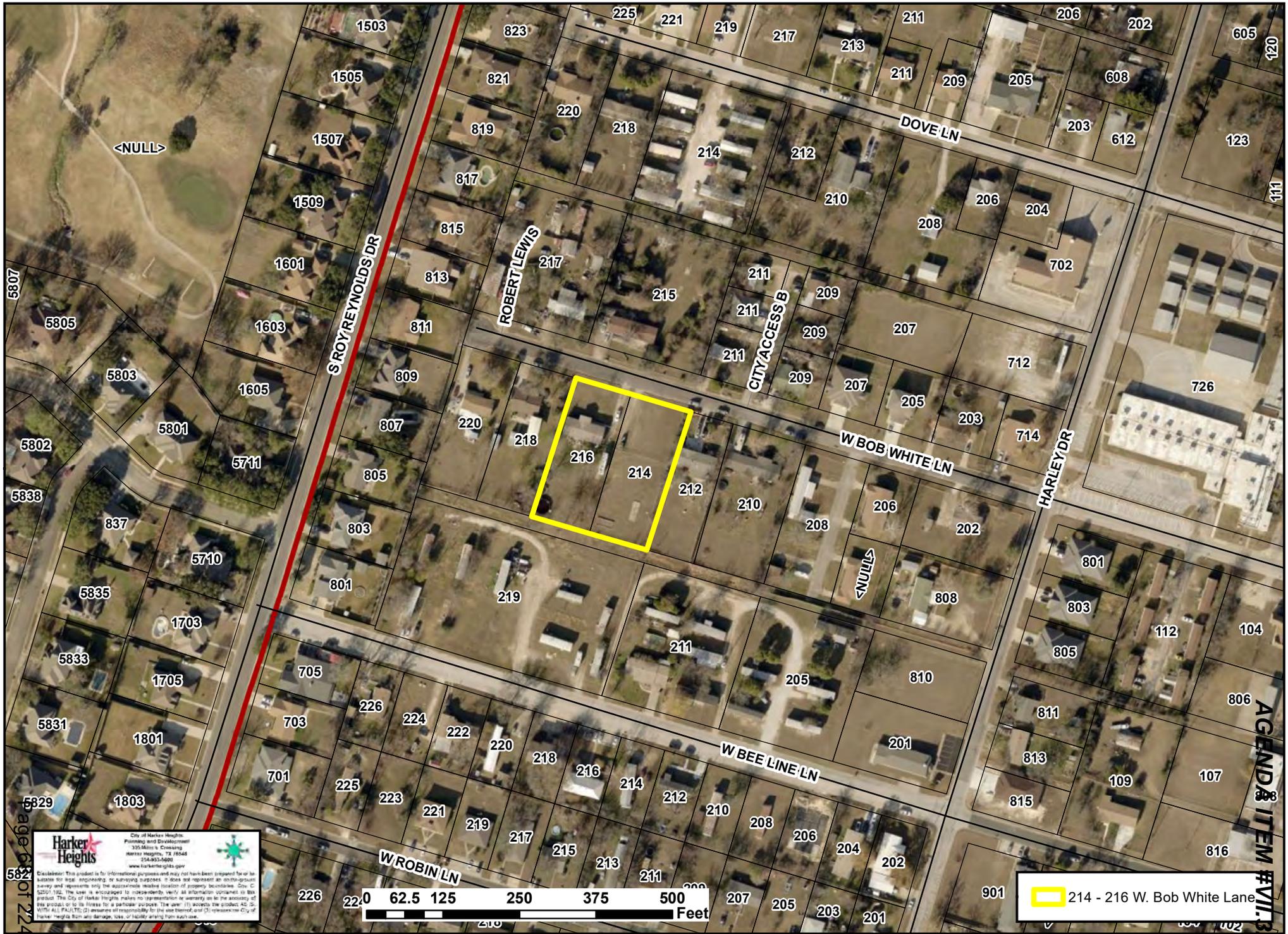
# Zoning Districts Per Land Use\*

Residential Estate	Overlook Utilization Area	Low Density Residential	Medium Density Residential	High Density Residential	Community Center	Regional Center	Parks & Open Spaces	Government & School
Residential Estate***	R-1 One Family Dwelling District	R-1 One-Family Dwelling District	R1-M Manufactured Homes	R-3 Multi-Family Dwelling District	B-1 Office District	B-4 Secondary and Highway Business	Potentially all zoning districts	Potentially all zoning districts
	R1-R Rural One-Family Dwelling District	R1-I Single Family Infill Dwelling District*	R1-I Single Family Garden Home		B-2 Neighborhood Business District	B-5 General Business		
	PD-R Planned Development Residential	R1-A Single Family Garden Home District	R-2 Two Family Dwelling	PD-M Planned Development Mixed Use	B-3 Local Business District	PD-B Planned Development Business		
	PD-M Planned Development Mixed Use	PD-R Planned Development Residential	R2-I Two Family Infill Dwelling**		PD-B Planned Development Business	PD-M Planned Development Mixed Use		
			RT-1 Townhouse Single Family					
			R-MU Mixed Use Residential					
			R-MH Manufactured Home Park					

Adoption of Land Use Plan included definitions for each type of land use. This represents the Zoning Districts that correspond to those definitions.

Zoning Districts are only allowed in areas as shown on maps/exhibits included with respective adopted ordinances

\*\*Currently R-1 larger than 0.5 acres and R1-R Zoning Districts are being utilized for Residential Estates proposed Zoning District.



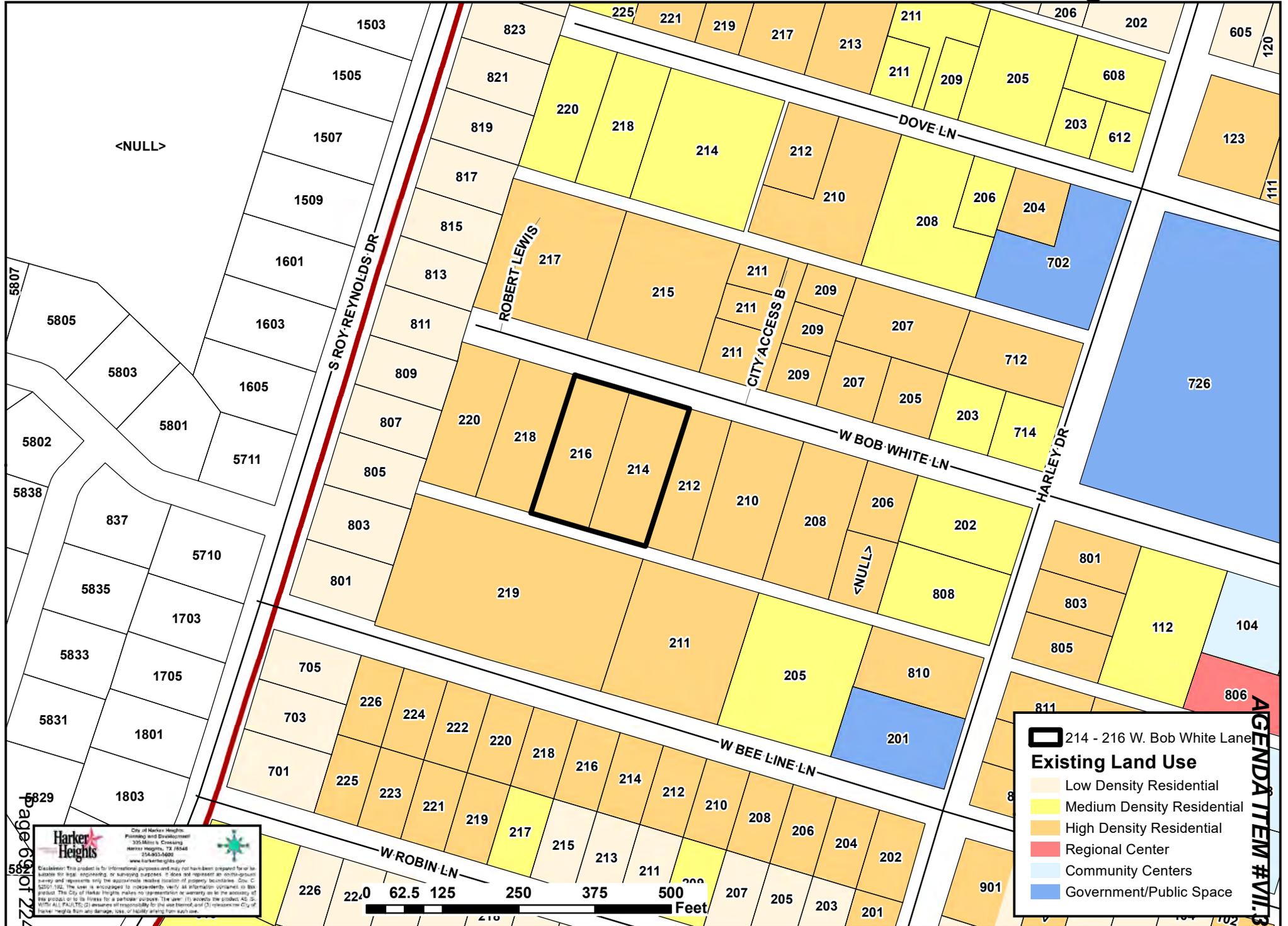
**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Main's Crossing  
Harker Heights, TX 78548  
(254) 933-4600  
www.harkerheights.gov

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



214 - 216 W. Bob White Lane

AGENDA ITEM #VIL13



**214 - 216 W. Bob White Lane**

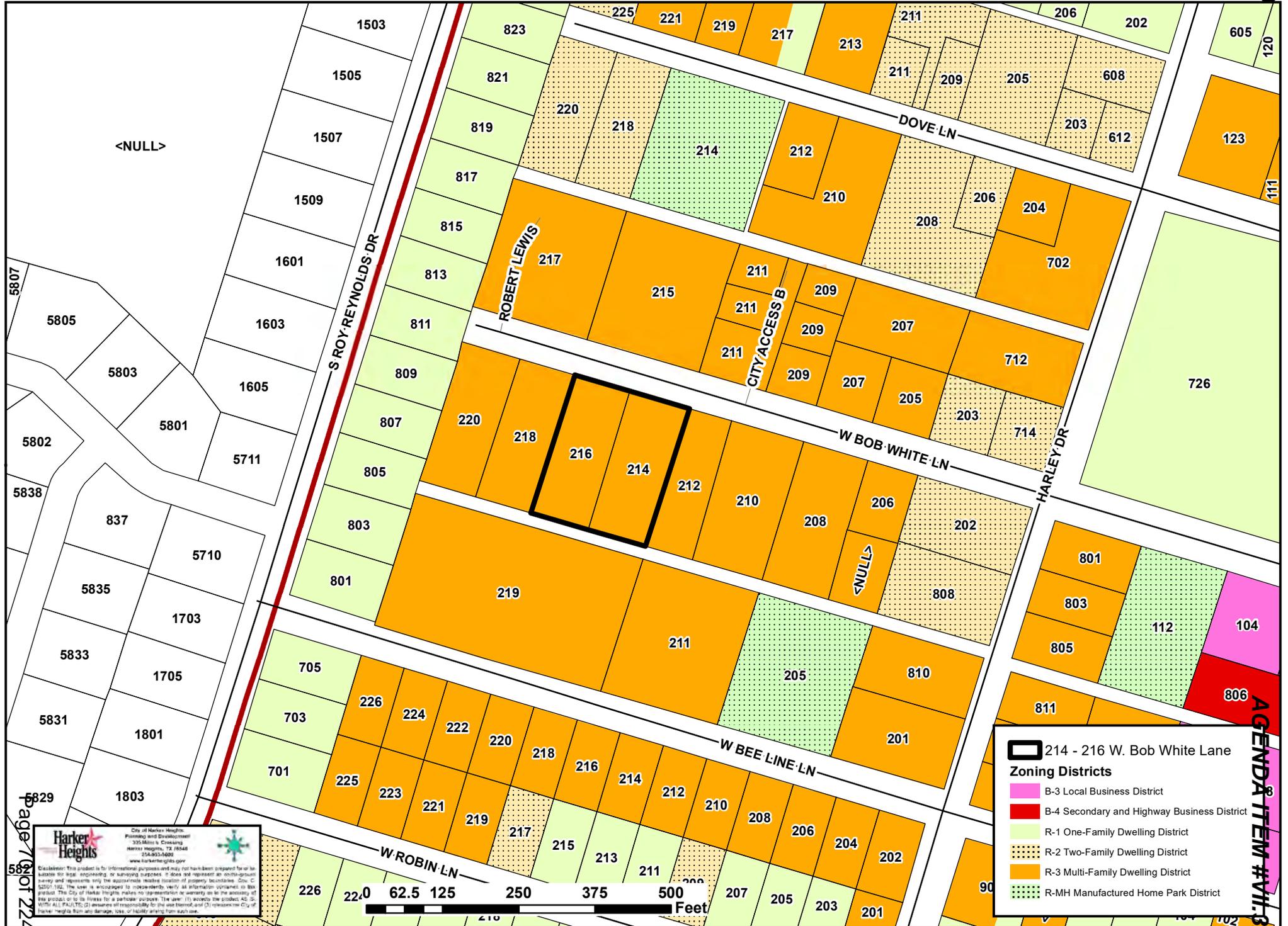
**Existing Land Use**

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

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 300 Main Crossing  
 Harker Heights, TX 78548  
 (254) 933-4600  
 www.harkerheights.gov

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**214 - 216 W. Bob White Lane**

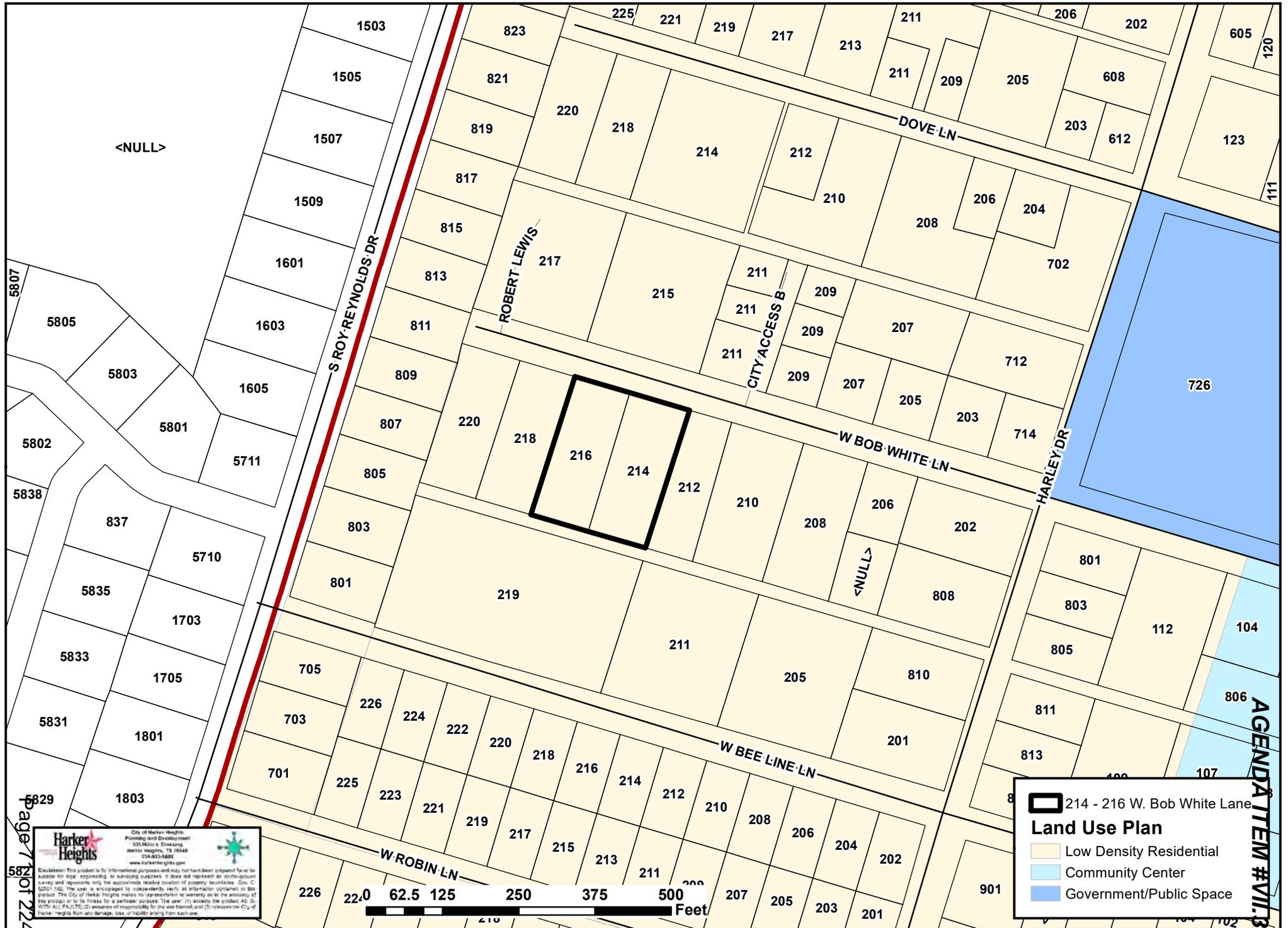
**Zoning Districts**

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

**Harker Heights**

City of Harker Heights  
Planning and Development  
300 Main Crossing  
Harker Heights, TX 78548  
(254) 933-3400  
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate location of property boundaries. City of Harker Heights, TX 78548. 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 the product or to its fitness for a particular purpose. The user: (1) accepts the product "AS IS" WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any and all claims, damages, or liability arising from such use.



Page 7 of 22

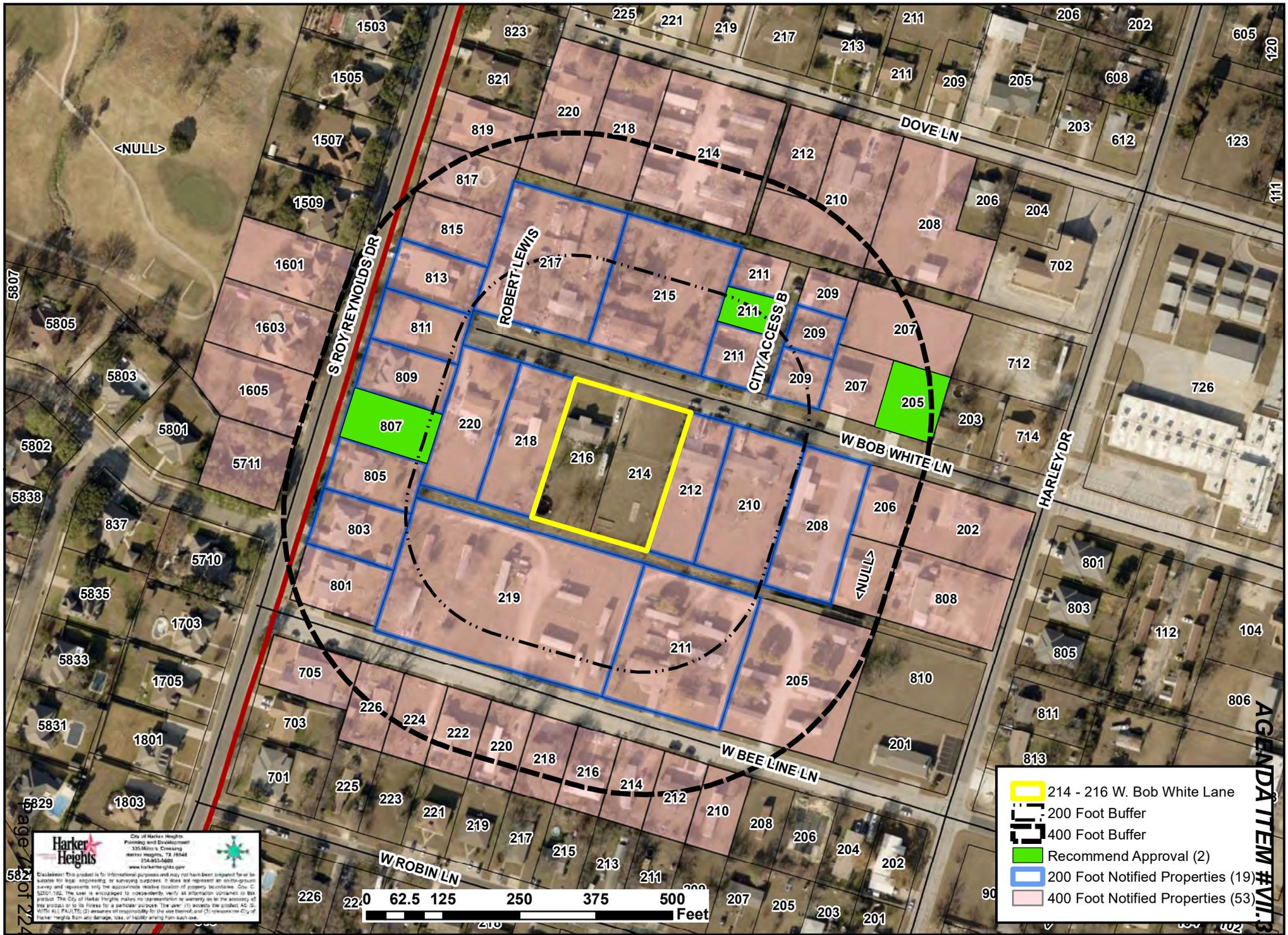
AGENDA ITEM #VIL.3

**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 300 Main St. Crossing  
 Harker Heights, TX 78548  
 (254) 933-3400  
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate location of property boundaries. City of Harker Heights, TX 78548. The user is encouraged to independently verify all information contained on this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the product or to its fitness for a particular purpose. The user: (1) accepts the product AS-IS; (2) releases the City of Harker Heights from any and all liability arising from such use.

214 - 216 W. Bob White Lane  
**Land Use Plan**  
 Low Density Residential  
 Community Center  
 Government/Public Space





City of Harker Heights  
Planning and Development  
300 Main St. Cowling  
Harker Heights, TX 78548  
(254) 933-3400  
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or to update the legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. City of Harker Heights, TX, is not responsible for any errors or omissions in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the product or its fitness for a particular purpose. The user: (1) accepts the product AS-IS; (2) releases the City of Harker Heights from any and all liability, loss, or damage arising from such use.



AGENDA ITEM #11.3

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: DOSSO, IBRAHIM

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

Physical Address	Property ID
205 BOB WHITE LN	470293

**Z22-14-F** RE: application has been made to consider a change in land use designation from **Low Density Residential to Medium Density Residential** on properties described as *Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, 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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DOSSO, IBRAHIM  
Printed Name

  
Signature

06/13/2022  
Date

**Received**

JUN 14 2022

**Planning & Development**



SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: CHUBBS, MATTHEW R JR ETUX

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

Physical Address	Property ID
807 ROY REYNOLDS DR	20106

**Z22-14-F** RE: application has been made to consider a change in land use designation from **Low Density Residential to Medium Density Residential** on properties described as *Meadow Acres, Block 005, Lot PT 2, (E 1/2 of 2), generally located at 214 W. Bob White Lane, Harker Heights, Bell County, Texas, and Meadow Acres, Block 005, Lot PT 2 (W 1/2 of 2), generally located at 216 W. Bob White Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

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

*Metda Chubbs*  
Printed Name

*Metda Chubbs*  
Signature

*6/16/2022*  
Date

**Received**

JUN 24 2022

**Planning & Development**



## City Council Memorandum

**FROM:** The Office of the City Manager

**DATE:** July 19, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR AN ACCESSORY DWELLING UNIT (ADU) ON PROPERTY DESCRIBED AS LAKESIDE HILLS SECTION ONE, LOT TRACT 15, ACRES 5.3 GENERALLY LOCATED AT 4001 HIGH OAK DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS AND LOCALLY KNOWN AS 4001 HIGH OAK DRIVE, BELTON, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)**

**EXPLANATION:**

The applicant is requesting a change from the current zoning of R1-R (Rural One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) with a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU) on property generally located at 4001 High Oak Drive. The applicant indicated that the intent is to allow a family member to reside in the ADU. The existing 30' X 50' detached garage/shop building was permitted for construction in 2017. The site plan included with the CUP/ADU application showed approximately half of the 2-story structure will be maintained as a shop/garage, and the remaining half to be converted to the accessory dwelling unit. Square footage of each floor is approximately 1,500 square feet, with half of the floor area for both stories being requested as living space, resulting in the applicants square foot area request for the accessory dwelling unit to be approximately 1,500 square feet (not including porches/awnings).

Parcel History

The parcel is located within Lakeside Hills Section 1, a plat that was recorded on May 8, 1979. The area was annexed into the city limits in November 2008, as R-1 (One-Family Dwelling District). The parcel was re-zoned from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) in August of 2011.

**STAFF ANALYSIS:**

Surrounding Land Uses

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

R-1 (One-Family Dwelling District)

	<b>Existing Land Use</b>	<b>Land Use Plan</b>	<b>Zoning</b>
<b>North</b>	Low Density Residential	Medium Density Residential; Regional Center	R1-R (Rural One-Family Dwelling District)

<b>South</b>	Low Density Residential	Residential Estate	
<b>East</b>	ETJ Area; Low Density Residential	ETJ Area; Medium Density Residential; Residential Estate	ETJ Area; R-1 (One-Family Dwelling District)
<b>West</b>	Low Density Residential	Medium Density Residential; Residential Estate	R-1 (One-Family Dwelling District)

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Medium Density Residential and Regional Center use. The proposed CUP with its intended use will not likely have an adverse impact on the neighborhood.

Thoroughfare Plan

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

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

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out ten (10) notices to property owners within the 400-foot notification area. As of June 23, 2022, two (2) responses were received in favor of the request, and one (1) response was received in opposition of the request.

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

**RECOMMENDATION:**

Alternatives Considered

Staff considered two (2) alternatives for this case.

1. Recommend approval of the applicant's zoning request as presented.
2. Recommend disapproval of the applicants zoning request based on Pharr & Tippett.

Staff Recommendation

Staff recommended approval to the Planning & Zoning Commission of an ordinance to change zoning designation from R1-R (Rural One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) with a Conditional use Permit (CUP) for the property in this case with the following conditions:

1. The accessory dwelling unit shall be used as a living space for a relative (not for rent).
2. The accessory dwelling unit will be located behind the front façade of the primary structure.
3. The accessory dwelling unit will gain access from the existing private driveway.
4. The accessory dwelling unit will have a maximum dwelling area footprint of 1,700 square feet.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on June 28, 2022, the Planning & Zoning Commission voted (7-0) on case #Z22-15 to recommend approval of an ordinance to change zoning designation from R1-R (Rural One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) with a Conditional use Permit (CUP) on property generally located at 4001 High Oak Drive, Harker Heights, Texas, with the four conditions presented by staff and based on staff's recommendation and findings.

**ACTION BY THE COUNCIL:**

1. Motion to **approve with conditions** an ordinance for a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU) on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas, **with the four conditions presented by staff and based on staff's recommendation and findings.**
2. Motion to **approve / disapprove with explanation** an ordinance for a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU) on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas, **based on the City Council's recommendation and findings.**
3. Any other action deemed necessary.

**ATTACHMENTS:**

[Z22-15-PropOrdinance](#)

[Z22-15 Attachments](#)

**ORDINANCE NO. 2022-40**

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R1-R (RURAL ONE-FAMILY DWELLING DISTRICT) WITH A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR AN ACCESSORY DWELLING UNIT (ADU) ON PROPERTY DESCRIBED AS LAKESIDE HILLS SECTION ONE, LOT TRACT 15, ACRES 5.3 GENERALLY LOCATED AT 4001 HIGH OAK DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS AND LOCALLY KNOWN AS 4001 HIGH OAK DRIVE, BELTON, 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; and

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

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

**SECTION 2:** The hereinafter-described property, as previously zoned R1-R (Rural One Family Dwelling District) to R1-R (Rural One Family Dwelling District) with a Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU) on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas, with the following conditions:

1. The accessory dwelling unit shall be used as a living space for a relative (not for rent).
2. The accessory dwelling unit will be located behind the front façade of the primary structure.
3. The accessory dwelling unit will gain access from the existing private driveway.
4. The accessory dwelling unit will have a maximum gross foundation footprint of 1,700 square feet.

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

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022-40	7/12/2022	Granting R1-R zoning with a CUP to allow for an ADU on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, 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** by the City Council of the City of Harker Heights on July 19, 2022.

---

Spencer H. Smith, Mayor

ATTEST:

---

Julie Helsham, City Secretary



# Conditional Use Permit Application

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

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

- 1. Pre-Application Meeting Scheduled
- 2. Payment of \$200.00 to the City of Harker Heights
- 3. Site Plan
- 4. Letter of Intent
- 5. Please thoroughly read Section 155.201 - Conditional Use Permits (see attached)

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

Property Owner(s) Name: Amy Katherine Mason  
Kieran Jesse Martin  
Sarah Lentz Martin Date: 6/1/2022

Address: 4001 High Oak Dr.

City/State/Zip: Harker Heights, TX 76513

Phone: 406-214-5294 E-mail: Firedancerranch@gmail.com

### Legal Description of Property:

Location of Property (Address if available): 4001 High Oak Dr., Harker Heights TX 76513

Lot: Tract 15 Block: \_\_\_\_\_ Subdivision: Lakeside Hills Section 1

Acres: 5.3 Property ID: 53509 Survey: \_\_\_\_\_

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

Current Zoning Classification: R1R Future Land Use Designation: R1R with a CUP

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

Applicant's Representative: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

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

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

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

Amy Katherine Mason  
Kieran Jesse Martin Sarah Lentz Martin Printed Name of Property Owner  
Amy Katherine Mason  
[Signature] Signature of Property Owner

Printed Name of Representative \_\_\_\_\_

Signature of Representative \_\_\_\_\_

Date Submitted: 06/01/22

Received By: RF

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

Pre-Application Meeting

[Signature]

Receipt #: 01830402

Case #: \_\_\_\_\_

Amy Katherine Mason  
2521 Bargello St.  
Harker Heights, TX 73548

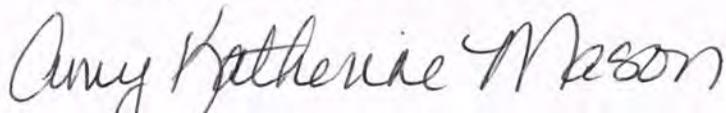
June 1, 2022

City of Harker Heights  
Planning & Development  
305 Millers Crossing  
Harker Heights, TX 76548

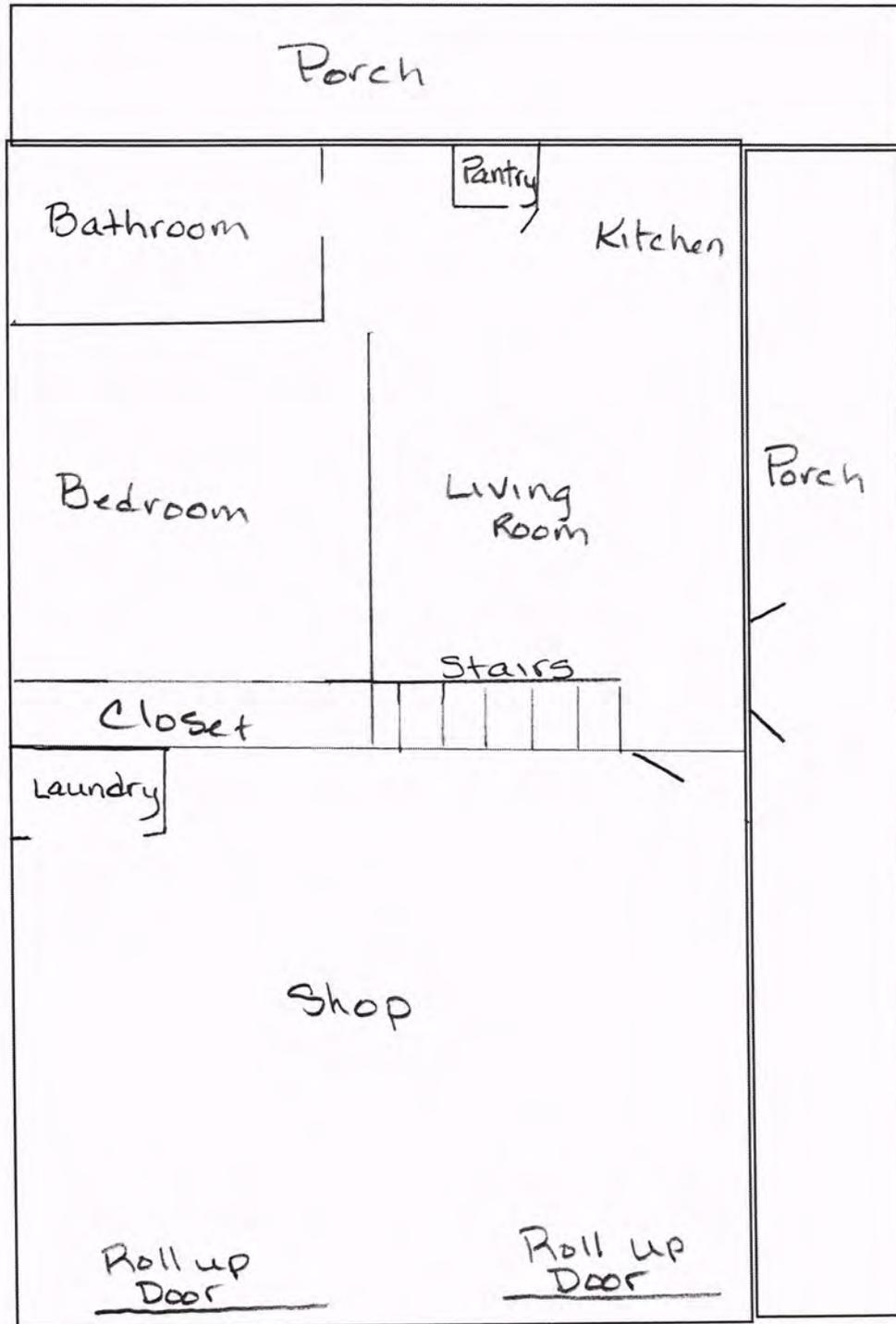
To whom it may concern:

I am applying for a conditional use permit for 4001 High Oak Dr., Harker Heights, TX 76513. I recently purchased the property with my son and his family. Our intent is that they will live in the main house, and I would like to build an apartment for my living space in the 30'x50' shop that already exists on the property. The apartment will be approximately 1,000 square feet with two bedrooms, a full bathroom, a half bath on the second floor, and a kitchen. I would also like to add a deck on two sides of the building. There will be no changes made to landscaping, parking or intended usage of the land.

Thank you for your consideration.

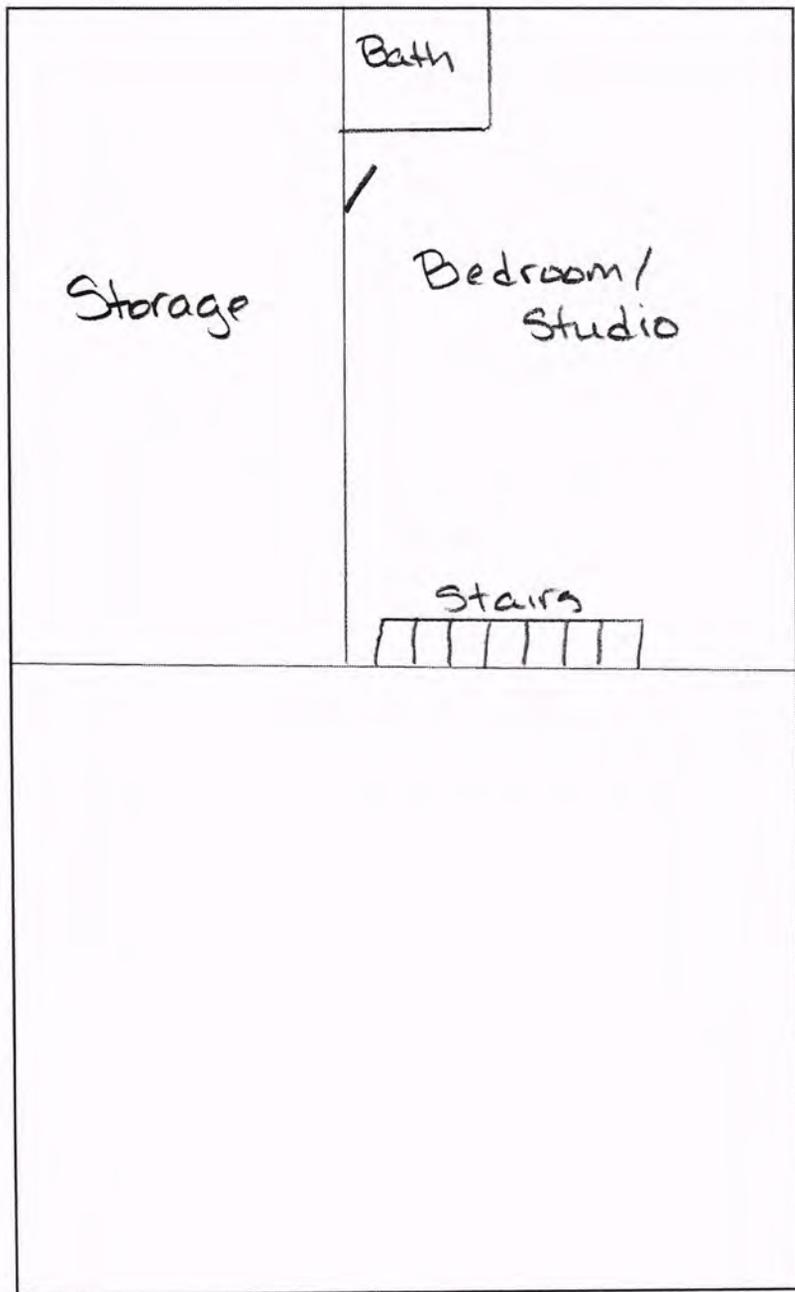
A handwritten signature in cursive script that reads "Amy Katherine Mason".

Amy Katherine Mason  
406-214-5294



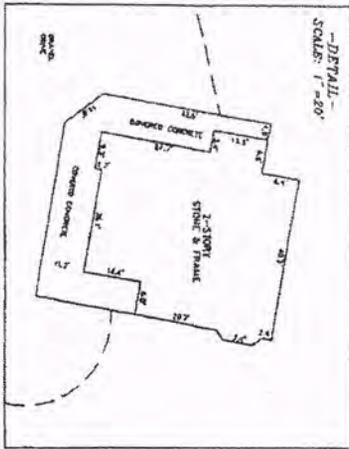
First Floor

Amy Katherine Mason  
4001 High Oak Dr.  
Harker Heights, TX 76513



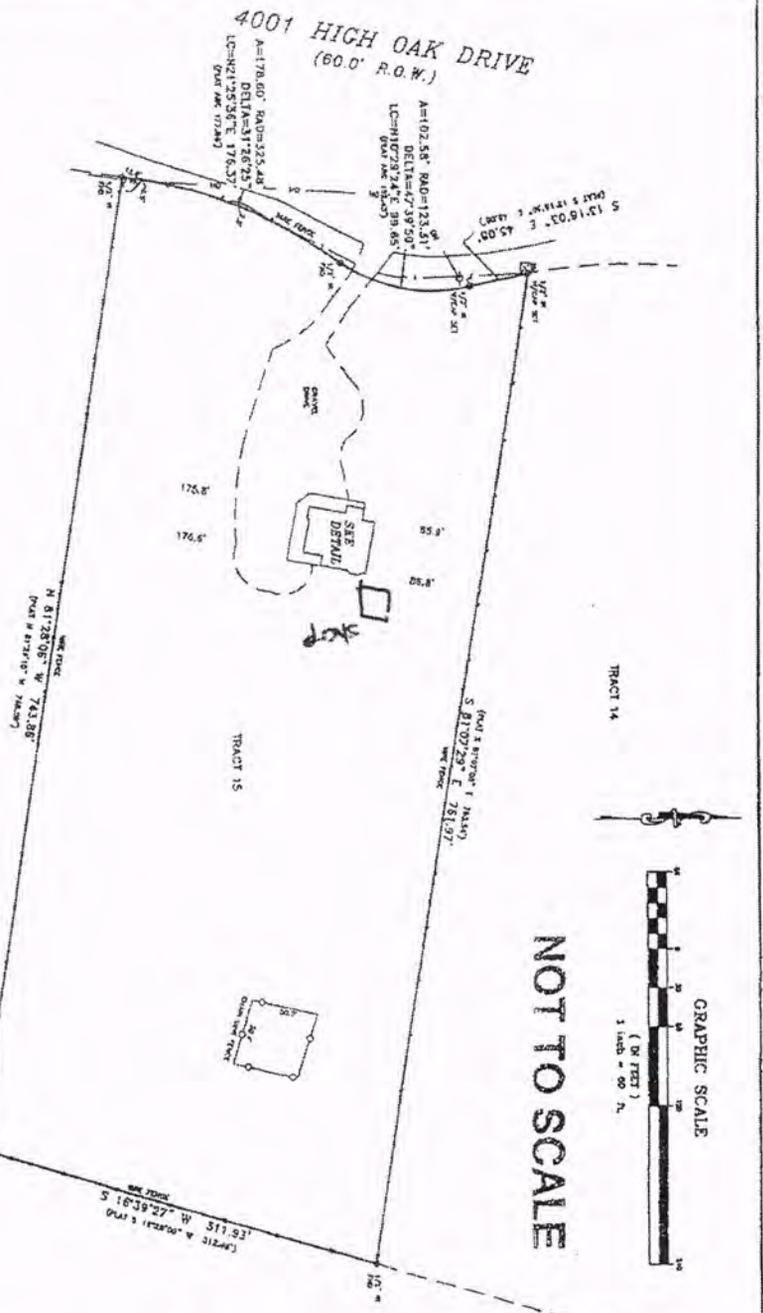
Second floor

Amy Katherine Mason  
4001 High Oak Dr.  
Harker Heights, TX 76513



**NOTES:**  
 1. ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE NOTED.  
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 9. ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE NOTED.  
 10. ALL DIMENSIONS ARE GIVEN UNLESS OTHERWISE NOTED.

USING THE 1/4" SCALE FROM THE PLAN TO DETERMINE THE LOCATION OF THE POINTS.



STATE OF TEXAS  
 COUNTY OF BELL  
 KNOW ALL MEN BY THESE PRESENTS, that I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that the foregoing is a true and correct copy of the original of the plat of the above described land and that the same is a true and correct copy of the original of the plat of the above described land and that the same is a true and correct copy of the original of the plat of the above described land.



Witness my hand and seal this 10th day of July, 2013.

Rex D. Haas  
 Registered Professional Land Surveyor, No. 4378

<p><b>MITCHELL &amp; ASSOCIATES, INC.</b>          ENGINEERING &amp; SURVEYING          102 N. COLLEGE          KILLEEN, TEXAS 78541          PHONE: (254) 634-5541          FAX: (254) 634-2141</p> <p>TEXAS BOARD OF PROFESSIONAL ENGINEERS / NEW REGISTRATION NO. 3741          T. &amp; P. E. &amp; S. REGISTRATION NO. 100364-00</p>		<p>TRACT 15, LAKESIDE HILLS SECTION ONE,          BELL COUNTY, TEXAS.          RECORDED IN CABINET A, SLIDE 43-B,          PLAT RECORDS OF BELL COUNTY TEXAS.</p>		<p>SHEET TITLE: <b>BOUNDARY &amp; IMPROVEMENT SURVEY</b></p>	
DWG No.	DATE	SCALE	REV.	BY	CLIENT
12-127-C	07/06/12	AS SHOWN	1715/10	GPS	JENNIFER DRAYMAN

SHEET 1 OF 1

**§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.**

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§ 155.021 R1-R RURAL ONE-FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.*

(1) Any use permitted by right in the R-1 District.

(2) Non-commercial/small scale agricultural related uses to include:

(a) 1. Farm animals kept and/or maintained for family food production, education, or recreation but excluding retail sales or commercial production.

2. All farm animals kept and/or maintained for family food production, education or recreation shall be subject to all regulations stated in Chapter 90 of this code.

(b) The raising of and harvesting of tree crops, row crops, or field crops for family food production but excluding retail sales or commercial production.

(c) The growing of horticultural and floricultural specialties such as flowers, shrubs, or trees intended for ornamental or landscaping purposes but excluding retail sales or commercial production.

(3) *Accessory buildings.*

(a) Accessory building or buildings whose use is incidental to the above uses (not involving the conduct of a business or to be used as a dwelling unit), when located on the same lot, other than private garage for one or more cars. Accessory buildings that fall under this category shall include such buildings as private stables, barns, farm equipment storage buildings and other buildings incidental to small agricultural production and storage are permitted provided they meet the following standards:

1. The maximum 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;

4. Materials, building design and construction must comply with the requirements of Chapter 150 of this code.

(b) Accessory buildings with metal exteriors shall be allowed in an R1-R District provided they meet the following

standards:

1. The accessory building shall meet all the requirements of division (A)(3)(a) above;
2. Metal exteriors must be constructed using permanently painted 26 gauge or higher steel.

(B) *Conditional uses.*

- (1) Any conditional use permitted in the R-1 District.
- (2) Commercial or large scale agriculture provided that the density of the lot or tract of land is ten acres or greater and that all farm animals kept and/or maintained shall be subject to all regulations stated in Chapter 90 of this code.

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

(D) *Area regulations.* As per Table 21-A.

- (1) *Front yard.* There shall be a front yard along the front property line of the lot. The minimum depth of such front yard shall be 40 feet.
- (2) *Side yard.* There shall be a side yard on each side of a building of not less than ten feet. A side yard adjacent to a street shall not be less than 25 feet.
- (3) *Rear yard.* The depth of a rear yard shall be a minimum of 25 feet.

(E) *Intensity of use.*

- (1) Every lot or tract of land shall have an area of not less than two acres. The lot width shall be a minimum of 100 feet.
- (2) If a long narrow strip of land is utilized for lot access to a public right-of-way it shall have a minimum width of 60 feet and shall not be included when calculating the overall density of the lot.

(F) *Signs.* As per Chapter 151.

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

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2010-26, passed 9-14-10)

**§ 155.201 CONDITIONAL USE PERMITS.**

(A) *Purpose.* The purpose of the conditional use permit process is to identify those land uses which may be appropriate within a zoning district but, due to either their location, function or operation could have a harmful impact on adjacent properties or the surrounding area, and to provide a procedure whereby such uses may be permitted by further restricting or conditioning them so as to mitigate or eliminate such potential adverse impacts. The conditional use permit remains with land, regardless of ownership, until termination thereof.

(B) *Planning and Zoning Commission consideration.*

(1) *Application.* Only the property owner may apply for conditional use permits. The application for a conditional use permit shall be submitted on a form approved by the Planning and Development Director and shall be accompanied by a site plan in a form acceptable to the Planning and Development Director. The application shall be filed with the Planning and Zoning Commission, together with the application fee and all required attachments, not less than 30 days prior to the meeting at which the applicant wishes to have his or her request considered.

(2) *Notice and hearing.* For purposes of giving notice and conducting a public hearing, the Planning and Zoning Commission shall treat the application as a rezoning request.

(3) *Report by Planning and Zoning Commission.* Following proper application, notice to affected landowners and public hearing, the Planning and Zoning Commission shall make a report to the City Council which shall recommend approval or denial of the application for a conditional use permit, and which shall further specify such restrictions or conditions of approval as the Planning and Zoning Commission may deem appropriate.

(4) *Criteria for approval.* The Planning and Zoning Commission may recommend approval of a conditional use permit by majority vote, but should recommend disapproval of application if it finds one or more of the following to be true:

- (a) The proposed use does not conform with applicable regulations and standards established by this chapter;
- (b) The proposed use will be inconsistent with the objectives and purposes of the zoning district in which the development is located, or the goals, objectives and policies set forth in the city's current Comprehensive Zoning Plan;
- (c) The proposed use will be incompatible with existing or permitted uses on abutting sites because of use, building height, bulk and scale, setbacks and open spaces, coverage, landscaping and screening, drainage, or access and circulation features;
- (d) The proposed use is not suitable to the premises or structure(s) in which it will be conducted;

(e) The proposed use potentially creates greater unfavorable effects or impacts on existing or permitted uses on abutting sites than those which might reasonably result from the use of the site for a use permitted by right;

(f) The proposed use will be detrimental to the public health, safety or welfare, or will materially injure property or improvements in the vicinity in a manner specified by the Commission;

(g) The proposed use fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, or similar hazards or impacts;

(h) The proposed use will materially and 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 under existing zoning regulations;

(i) The proposed use will materially and adversely affect traffic control or adjacent properties by inappropriate location, lighting or types of signs; or

(j) The proposed use fails to provide adequate and convenient off-street parking and loading facilities.

(C) *City Council consideration.*

(1) *Generally.* The City Council shall consider the application at the first regular meeting scheduled after it has received the final report of the Planning and Zoning Commission. The Council may vote to approve the application, vote to deny the application, table matter for future consideration, or refer the application back to the Planning and Zoning Commission for further study and a new recommendation. In the event that an application for a conditional use permit is not approved by the City Council within 180 days after the date it was first considered by the Planning and Zoning Commission, such application shall be deemed to have been denied on the 180th day after such first day of consideration.

(2) *Vote required.* The application may be approved by a majority vote of the Council, provided that the Council may not approve an application for a conditional use permit except by three-fourths approval vote if a written protest against such permit has been filed with the Building Official and such protest has been duly signed and acknowledged by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the requested permit and extending 200 feet from that area.

(3) *Conditions of approval.* Regardless of whether such conditions have been recommended by the Planning and Zoning Commission, the City Council may establish such conditions of approval as are reasonably necessary to insure compatibility with surrounding uses and to preserve the public health, safety and welfare. Such conditions may include, without limitation, a limited term or duration of the permit; requirements for special yards, lot sizes, open spaces, buffers, fences, walls or screening; requirements for the installation and maintenance of landscaping or erosion control measures; requirements for street improvements, regulation of vehicular ingress or egress and traffic circulation regulation of signs; regulation of hours or other characteristics of operation; establishment of development schedules for performance or completion; and such other reasonable conditions as the City Council may deem necessary to preserve the health, safety, and welfare of the applicant and the public. In any event, no conditional use permit shall be granted unless and until the recipient thereof shall agree in writing to comply with such conditions of approval as may be imposed by the City Council.

(4) *Ordinance required.* If the application is duly approved by the City Council, an ordinance authorizing its issuance shall be promptly thereafter executed by the Mayor. The ordinance shall set forth the conditions of approval, and may provide that any person or legal entity found guilty of violating such ordinance may be fined an amount not exceeding \$2,000 for each day during which a violation is committed.

(5) *Submission of application following disapproval.* If an application for a conditional use permit has been disapproved by the City Council, whether such disapproval results from formal Council action or the failure to approve the application within the specified time, the same or substantially identical application shall not be filed with the Planning and Zoning Commission for a period of at least 180 days after the date of such disapproval. Upon disapproval of any subsequent identical or substantially identical application, the same or substantially identical application shall not be filed for a period of 12 months from the date of the last disapproval. However, the provisions of this division shall not operate to prohibit the filing of an application after legal title of record has been transferred to a new owner.

(D) *Record of permits.* The Planning and Development Director shall maintain a record of all conditional use permits granted by the city.

(E) *Term.*

(1) A conditional use permit shall continue in full force and effect until the earliest occurrence of any of the following events of termination, at which time it shall immediately become void and shall have no further effect:

(a) The building or premises is not put to the permitted use for a period of one year or more from the effective date of the ordinance authorizing issuance of the permit;

(b) The permit expires by its own terms;

(c) The property is rezoned;

(d) Another conditional use permit is approved for the site;

(e) The building or premises is substantially enlarged, extended, reconstructed or altered;

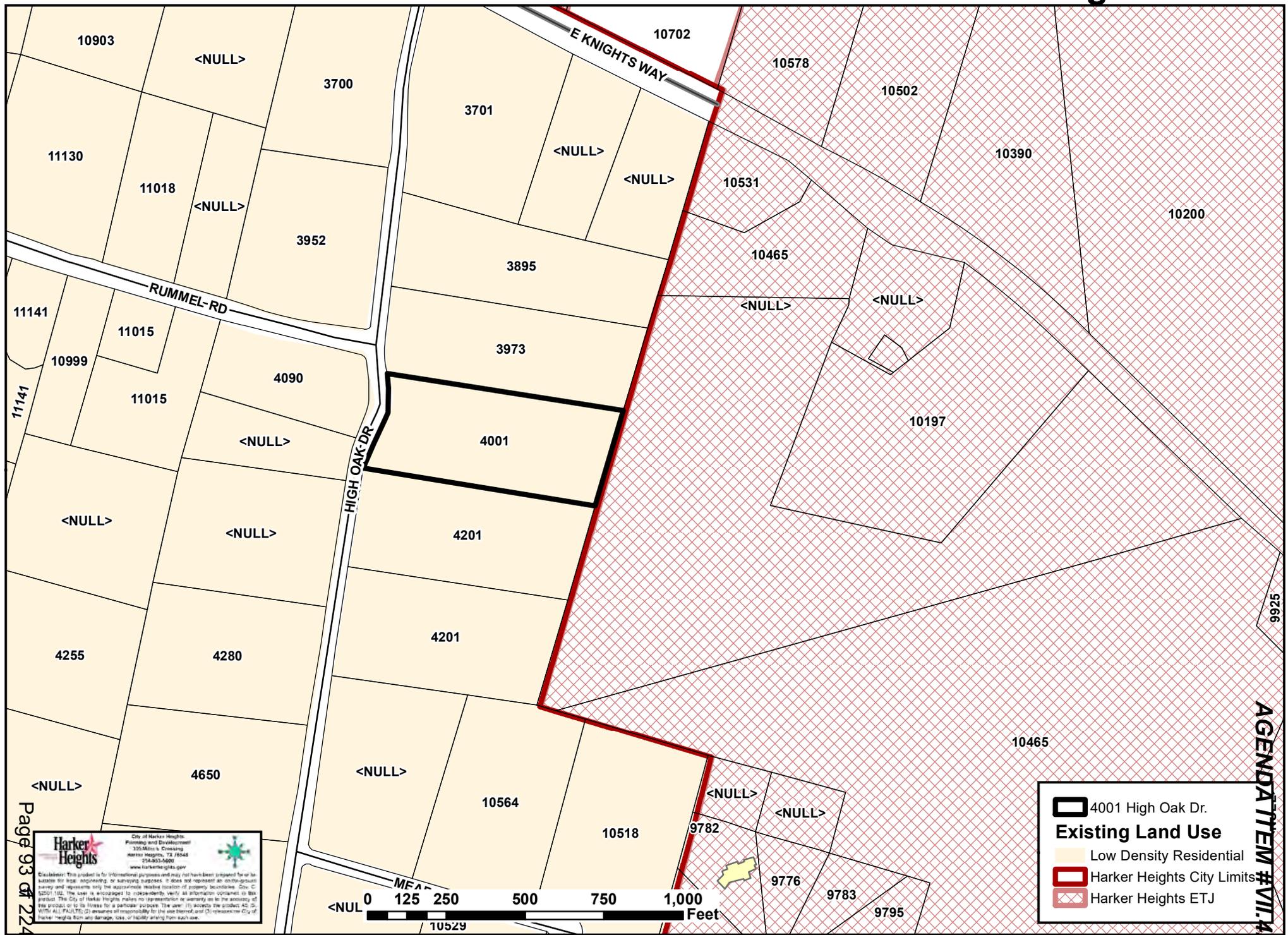
(f) The use of the building or premises is materially expanded, increased or otherwise altered; or

(g) The violation of any one or more of the conditions of approval.

(2) For purposes of this section the City Manager shall have the authority, subject to review by the Zoning Board of Adjustment, to determine whether an event of termination has occurred. Whenever the City Manager shall make a formal determination as to whether an event of termination has occurred, he shall promptly make and forward to the Planning and Zoning Commission and Zoning Board of Adjustment a written report describing the facts surrounding such determination and the reasons for such determination.

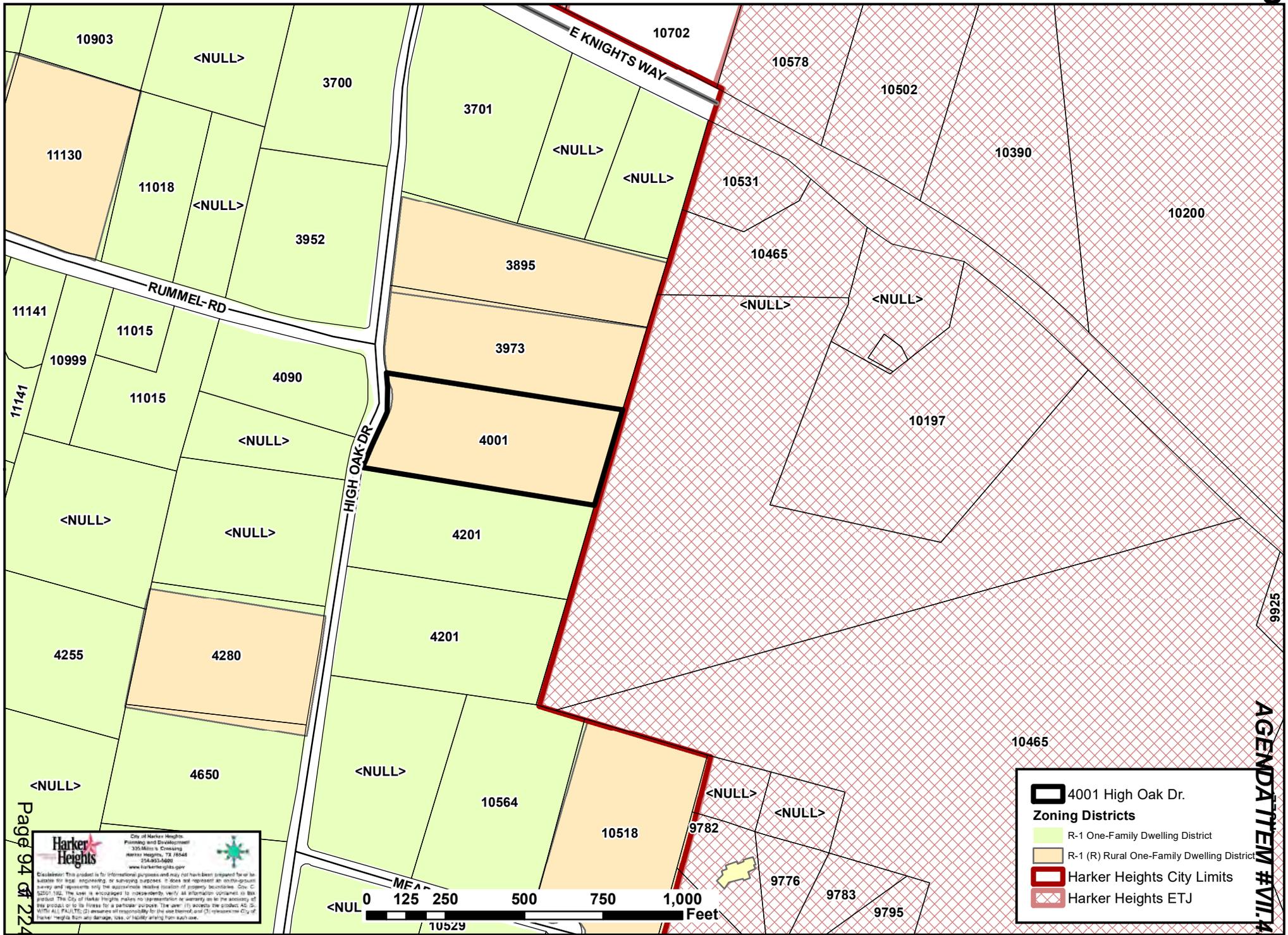
(Ord. 2001-36, passed 11-13-01)





**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Main Street  
 Harker Heights, TX 78548  
 (281) 933-3400  
 www.harkerheights.gov

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**4001 High Oak Dr.**

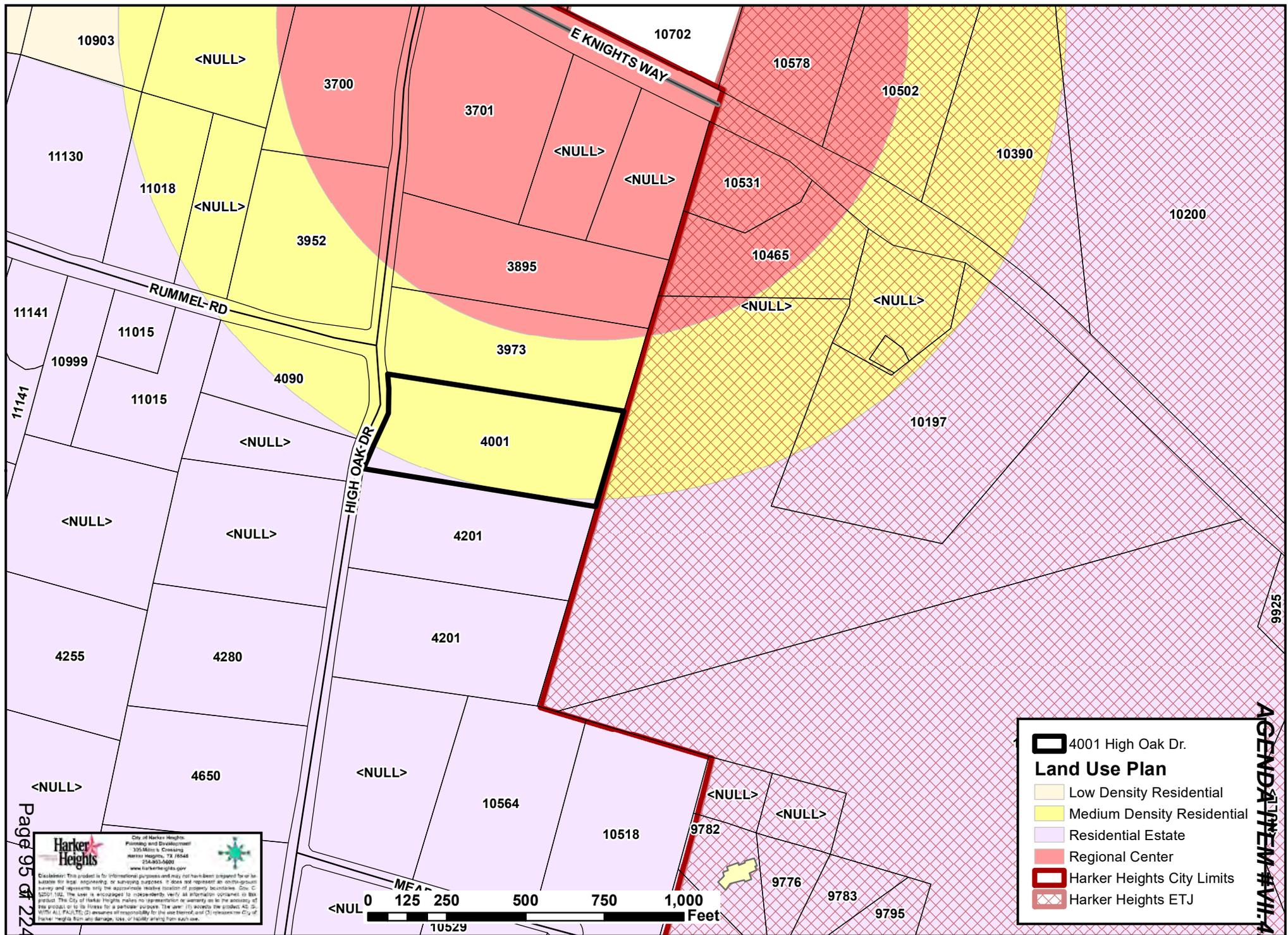
**Zoning Districts**

- R-1 One-Family Dwelling District
- R-1 (R) Rural One-Family Dwelling District
- Harker Heights City Limits
- Harker Heights ETJ

**Harker Heights**

City of Harker Heights  
 Planning and Development  
 300 Main St. Crossing  
 Harker Heights, TX 78548  
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**4001 High Oak Dr.**

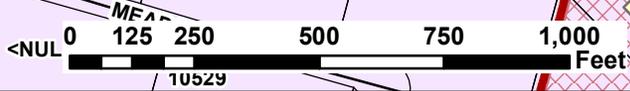
**Land Use Plan**

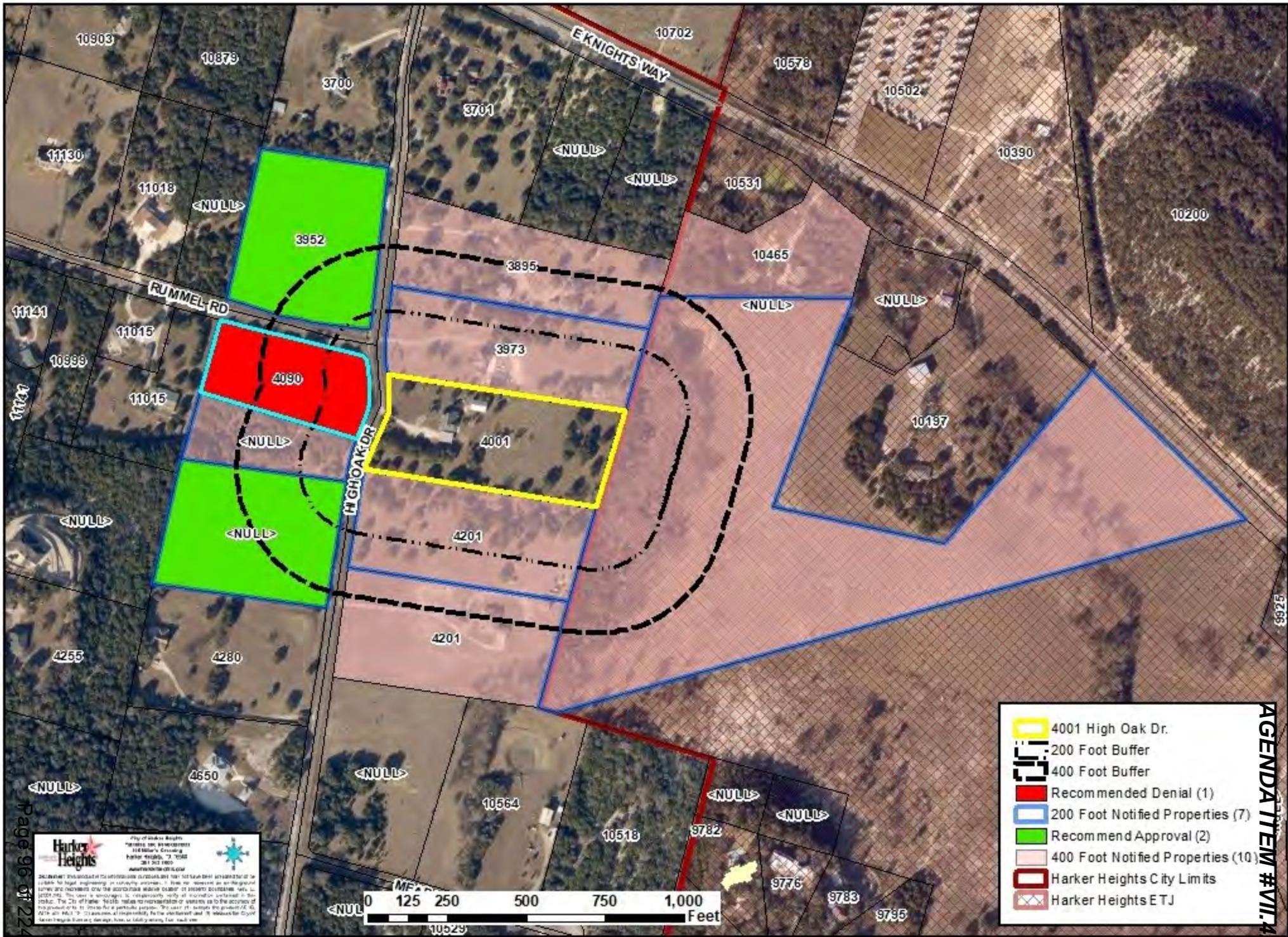
- Low Density Residential
- Medium Density Residential
- Residential Estate
- Regional Center
- Harker Heights City Limits
- Harker Heights ETJ

**Harker Heights**

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- 4001 High Oak Dr.
- 200 Foot Buffer
- 400 Foot Buffer
- Recommended Denial (1)
- 200 Foot Notified Properties (7)
- Recommend Approval (2)
- 400 Foot Notified Properties (10)
- Harker Heights City Limits
- Harker Heights ETJ

AGENDA ITEM #VII.4

**Harker Heights**  
 City of Harker Heights  
 Planning and Zoning Department  
 11000 S. Highway 73, Box 1000  
 Harker Heights, TX 76788  
 www.harkerheights.com



RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: CRAWFORD, KEITH A

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

Physical Address	Property ID
3952 HIGH OAK RD	31562

**Z22-15** RE: application has been made to consider a request for a **Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU)** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

Comments:

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**Z22-15-F** RE: application has been made to consider a request to change land use designation from **Medium Density Residential and Residential Estate to Residential Estate** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

Comments:

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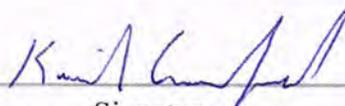
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**Received**

JUN 21 2022

**Planning & Development**

KEITH CRAWFORD



6-16-2022

Printed Name

Signature

Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: CHEADLE, DAVID L & CATHY L

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

Physical Address	Property ID
4090 HIGH OAK DR	20042

**Z22-15** RE: application has been made to consider a request for a **Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU)** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

Comments:

NOT ENOUGH INFORMATION - LOCATION OF ADU OR INTENDED USE, I.E. RENTAL?

**Z22-15-F** RE: application has been made to consider a request to change land use designation from **Medium Density Residential and Residential Estate to Residential Estate** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

**Received**

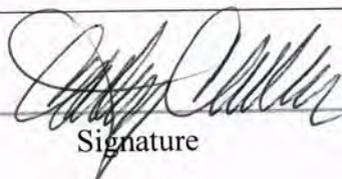
JUN 21 2022

**Planning & Development**

Comments:

NOT ENOUGH INFORMATION

CATHY CHEADLE



6-15-2022

Printed Name

Signature

Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: NORMAN, MARGARET ELAINE

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

Physical Address	Property ID
HIGH OAK DR	128115

**Z22-15** RE: application has been made to consider a request for a **Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU)** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

Comments:

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**Z22-15-F** RE: application has been made to consider a request to change land use designation from **Medium Density Residential and Residential Estate to Residential Estate** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

**Received**  
JUN 17 2022  
**Planning & Development**

Comments:

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margaret Norman      Margaret Norman      15 Jun 22  
Printed Name                      Signature                      Date



## City Council Memorandum

**FROM:** The Office of the City Manager

**DATE:** July 19, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL AND RESIDENTIAL ESTATE TO RESIDENTIAL ESTATE ON PROPERTY DESCRIBED AS LAKESIDE HILLS SECTION ONE, LOT TRACT 15, ACRES 5.3 GENERALLY LOCATED AT 4001 HIGH OAK DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS AND LOCALLY KNOWN AS 4001 HIGH OAK DRIVE, BELTON, BELL COUNTY, TEXAS AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)**

**EXPLANATION:**

The applicant is requesting a change in land use designation from Medium Density Residential and Residential Estate to Residential Estate on property generally located at 4001 High Oak Drive. Because of the previous public hearing case regarding a change in zoning, staff feels it would be appropriate to also update the land use designation to be in conformance with the present use of this parcel.

Parcel History

The parcel is located within Lakeside Hills Section 1, a plat that was recorded on May 8, 1979. The area was annexed into the city limits in November 2008, as R-1 (One-Family Dwelling District). The parcel was re-zoned from R-1 (One-Family Dwelling District) to R1-R (Rural One-Family Dwelling District) in August of 2011.

**STAFF ANALYSIS:**

Surrounding Land Uses

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

	<b>Land Use Plan</b>
<b>North</b>	Medium Density Residential; Regional Center
<b>South</b>	Residential Estate ETJ Area;
<b>East</b>	Medium Density Residential; Residential Estate
<b>West</b>	Medium Density Residential; Residential Estate

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Medium Density Residential and Residential Estate. The proposed CUP with its intended use will not likely have an adverse impact on the neighborhood.

Thoroughfare Plan

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

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

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out ten (10) notices to property owners within the 400-foot notification area. As of June 23, 2022, two (2) responses were received in favor of the request, and one (1) response was received in opposition of the request.

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

**RECOMMENDATION:**

Staff Recommendation

Staff recommended approval to the Planning & Zoning Commission of an ordinance to change land use designation from Medium Density Residential and Residential Estate to Residential Estate on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas.

Action Taken By The Planning & Zoning Commission

## ***AGENDA ITEM #VII.5.***

During the Planning & Zoning Commission meeting held on June 28, 2022, the Planning & Zoning Commission voted (7-0) on case #Z22-15F to recommend approval of an ordinance to change land use designation from Medium Density Residential and Residential Estate to Residential Estate on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas based on staff's recommendation and findings.

### **ACTION BY THE COUNCIL:**

1. Motion to **approve / disapprove with explanation** an ordinance to change land use designation from Medium Density Residential and Residential Estate to Residential Estate on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas based on staff's recommendation and findings.
2. Any other action deemed necessary.

### **ATTACHMENTS:**

[Z22-15F-PropOrdinance](#)

[Z22-15-F Attachments](#)

**ORDINANCE NO. 2022 - 41**

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING RESIDENTIAL ESTATE LAND USE DESIGNATION ON PROPERTY DESCRIBED AS LAKESIDE HILLS SECTION ONE, LOT TRACT 15, ACRES 5.3 GENERALLY LOCATED AT 4001 HIGH OAK DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS AND LOCALLY KNOWN AS 4001 HIGH OAK DRIVE, BELTON, 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; and

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

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

**SECTION 2:** The hereinafter-described property, as previously designated as Medium Density Residential and Residential Estate to Residential Estate on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, 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>
2022-41	7/12/2022	Granting Residential Estate Land Use on property described as Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, 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** by the City Council of the City of Harker Heights on July 19, 2022.

---

Spencer H. Smith, Mayor

ATTEST:

---

Julie Helsham, City Secretary



# Conditional Use Permit Application

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

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

- 1. Pre-Application Meeting Scheduled
- 2. Payment of \$200.00 to the City of Harker Heights
- 3. Site Plan
- 4. Letter of Intent
- 5. Please thoroughly read Section 155.201 - Conditional Use Permits (see attached)

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

Property Owner(s) Name: Amy Katherine Mason  
Kieran Jesse Martin  
Sarah Lentz Martin Date: 6/1/2022

Address: 4001 High Oak Dr.

City/State/Zip: Harker Heights, TX 76513

Phone: 406-214-5294 E-mail: Firedancerranch@gmail.com

### Legal Description of Property:

Location of Property (Address if available): 4001 High Oak Dr., Harker Heights TX 76513

Lot: Tract 15 Block: \_\_\_\_\_ Subdivision: Lakeside Hills Section 1

Acres: 5.3 Property ID: 53509 Survey: \_\_\_\_\_

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

Current Zoning Classification: R1R Future Land Use Designation: R1R with a CUP

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

Applicant's Representative: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

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

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

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

Amy Katherine Mason  
Kieran Jesse Martin Sarah Lentz Martin Printed Name of Property Owner  
Amy Katherine Mason  
[Signature] Signature of Property Owner

Printed Name of Representative \_\_\_\_\_

Signature of Representative \_\_\_\_\_

Date Submitted: 06/01/22

Received By: RF

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

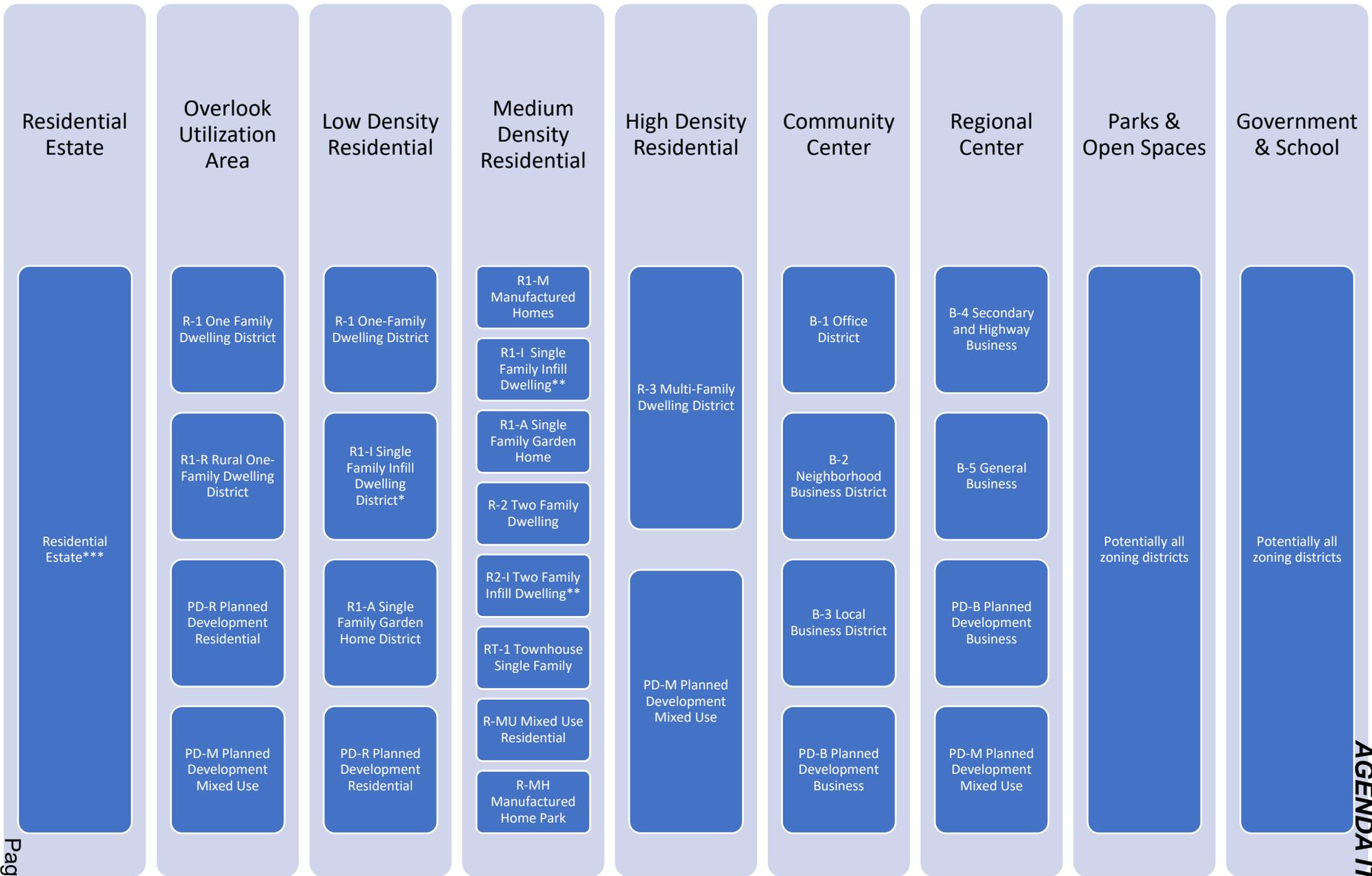
Pre-Application Meeting

[Signature]

Receipt #: 01832402

Case #: \_\_\_\_\_

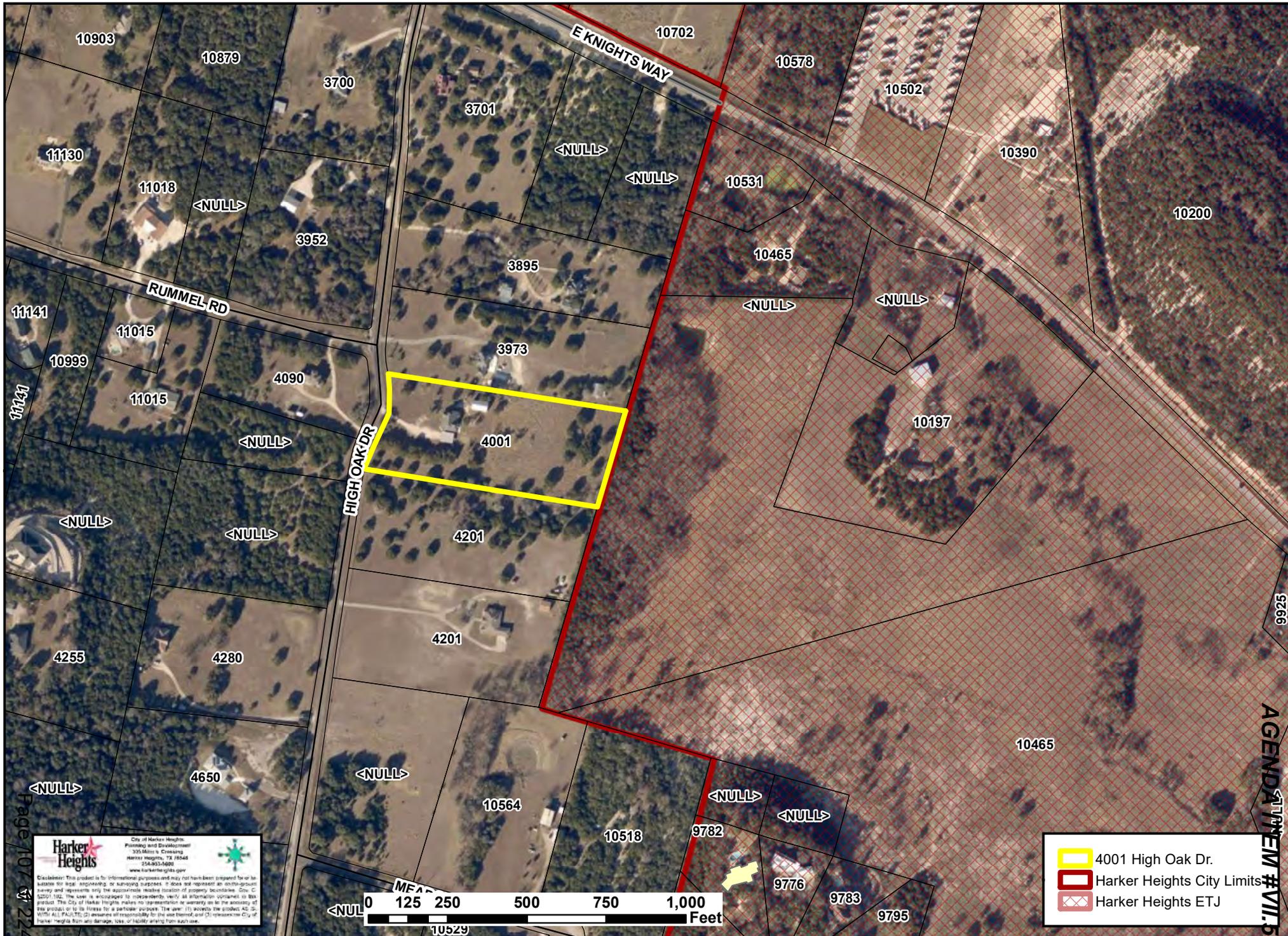
# Zoning Districts Per Land Use\*

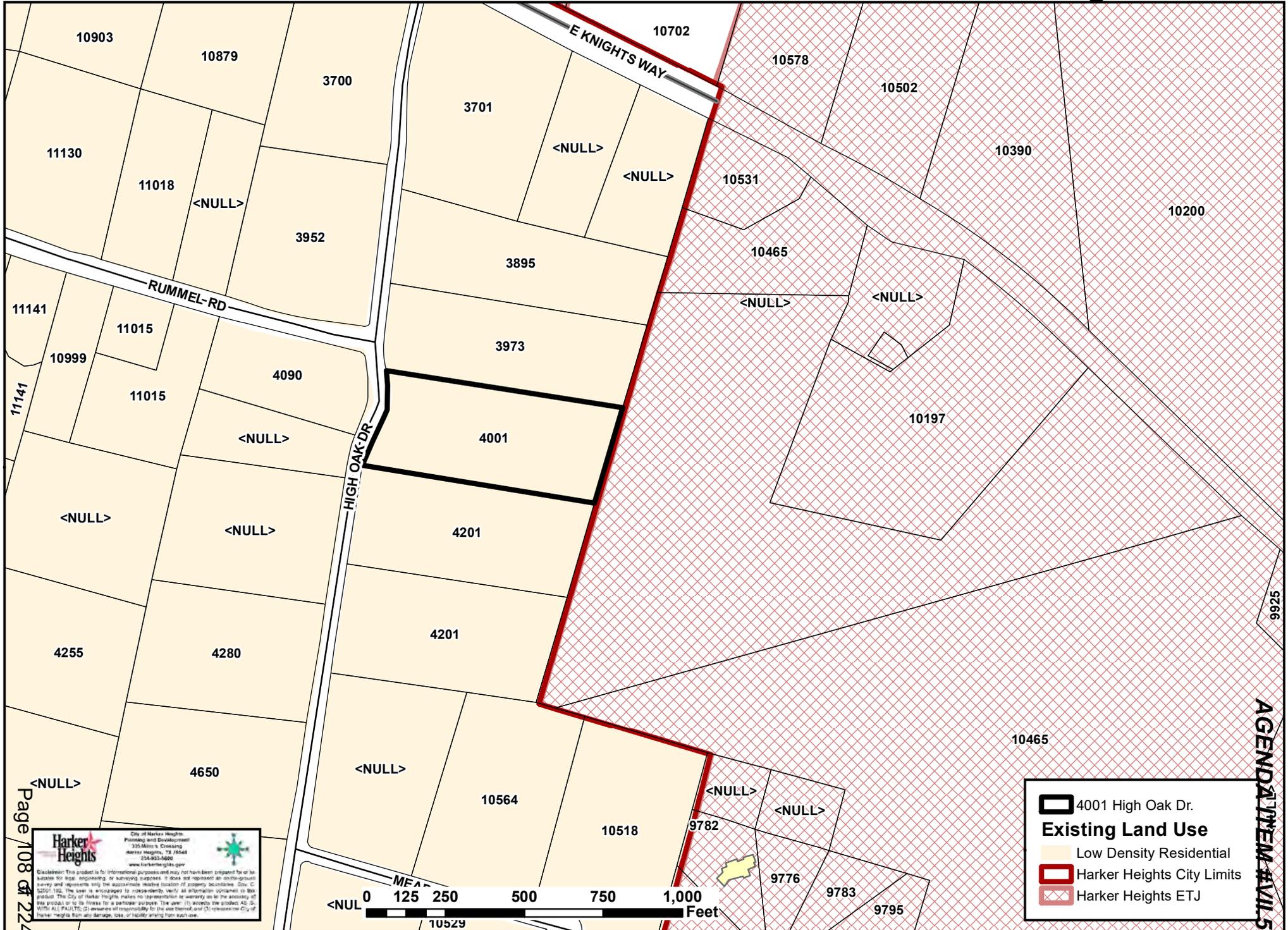


Adoption of Land Use Plan included definitions for each type of land use. This represents the Zoning Districts that correspond to those definitions.

Zoning Districts are only allowed in areas as shown on maps/exhibits included with respective adopted ordinances

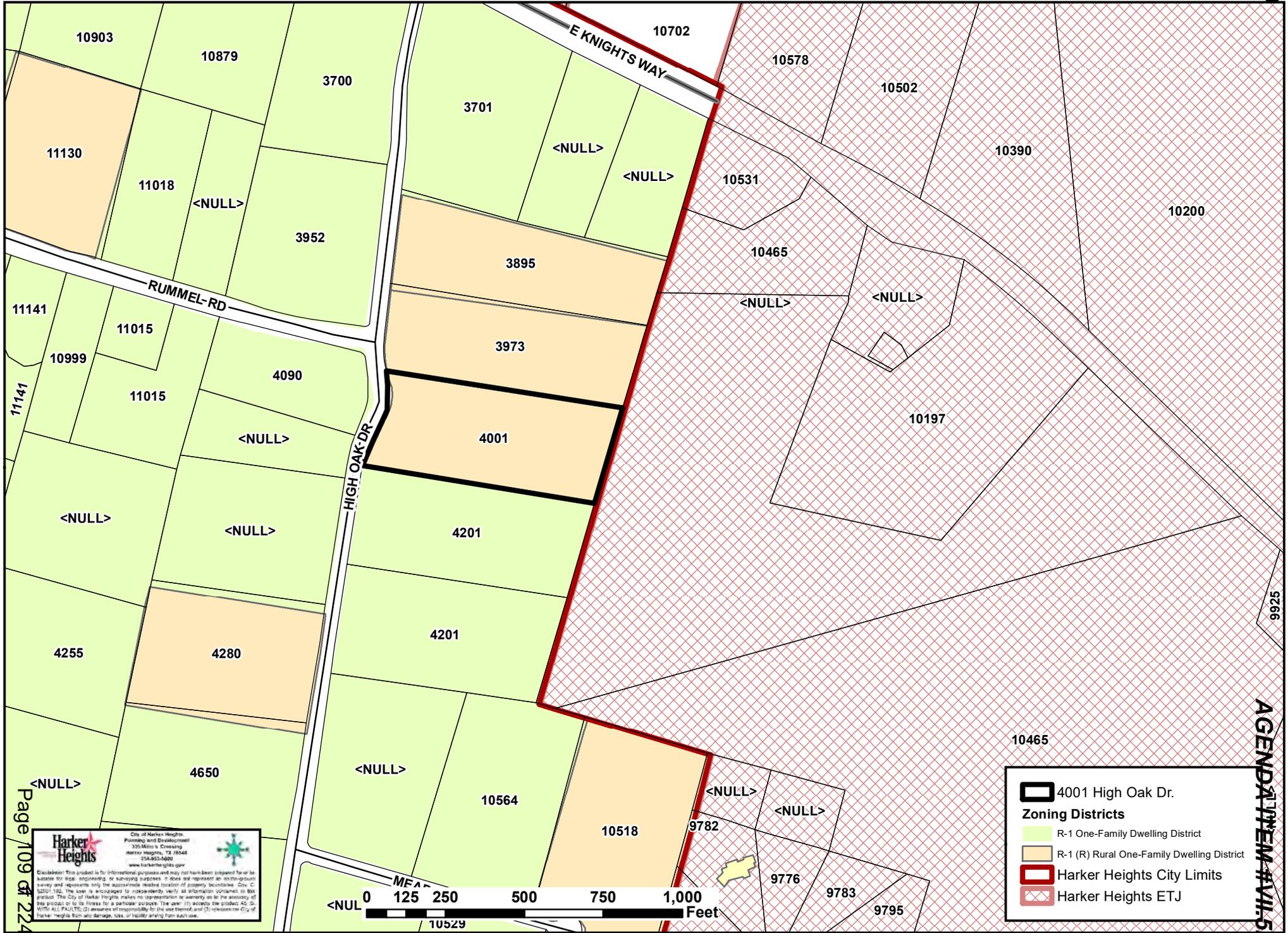
\*Currently R-1 larger than 0.5 acres and R1-R Zoning Districts are being utilized for Residential Estates proposed Zoning District.

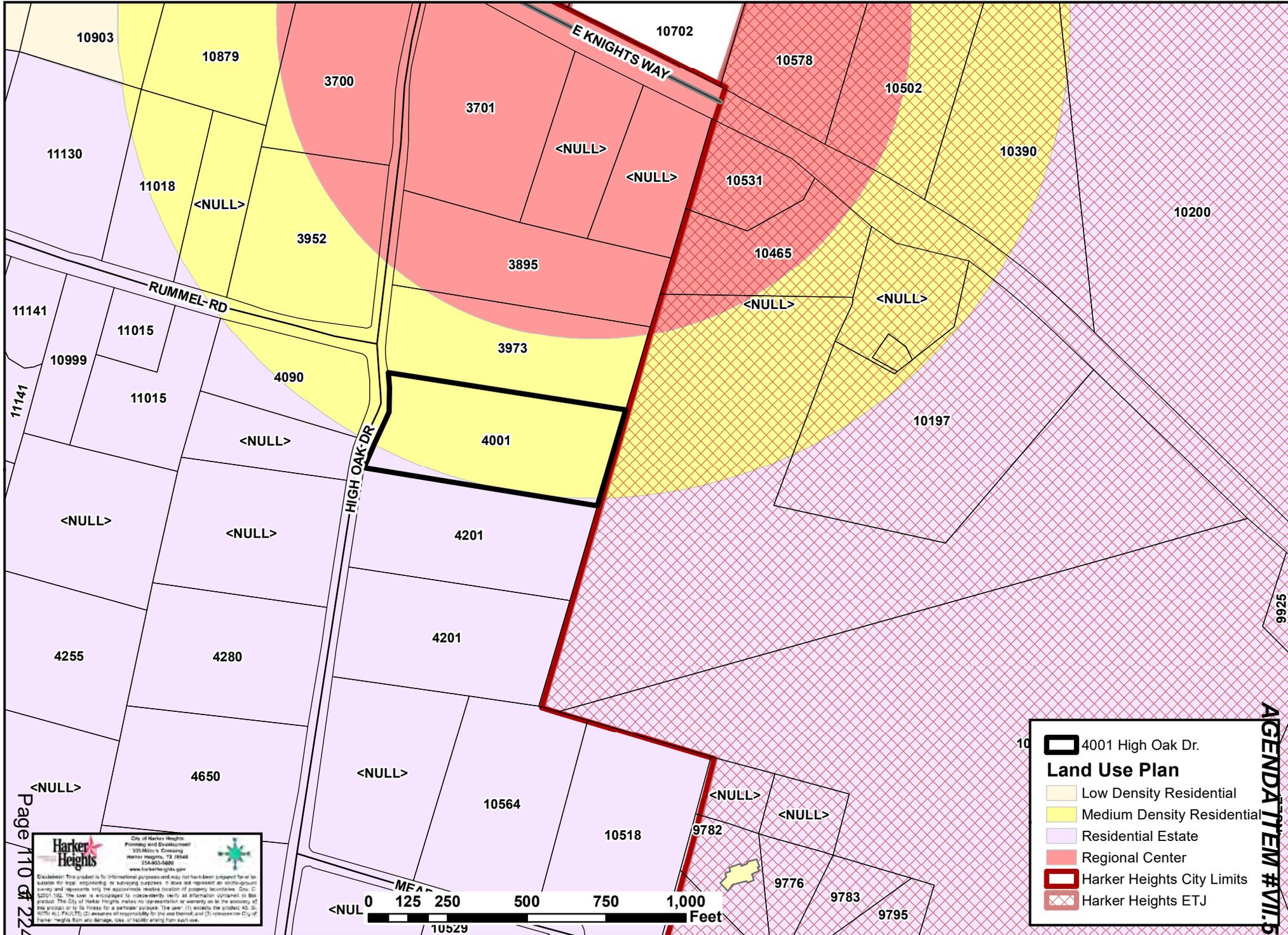




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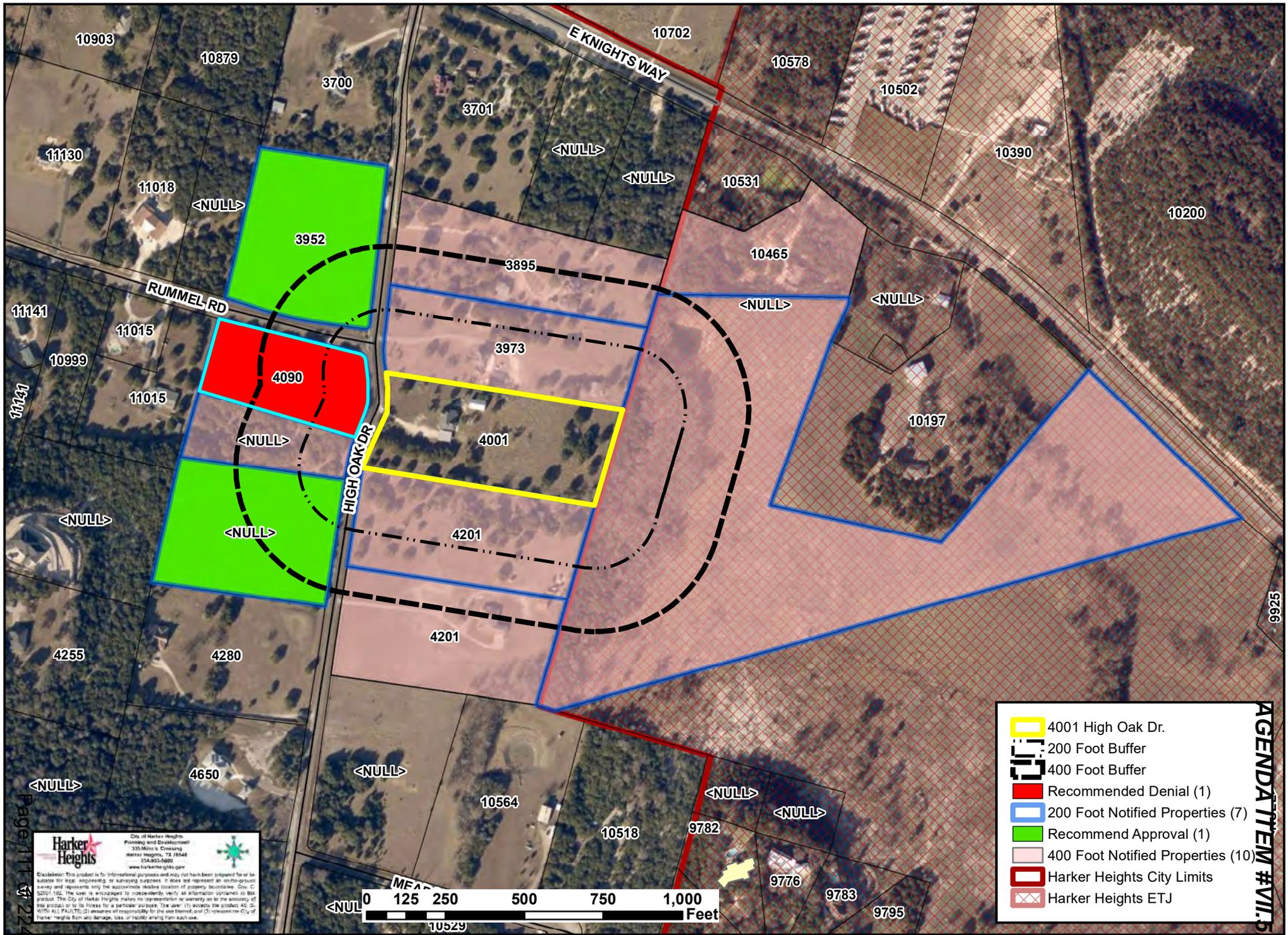
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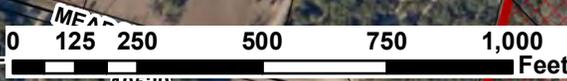


- 4001 High Oak Dr.
- 200 Foot Buffer
- 400 Foot Buffer
- Recommended Denial (1)
- 200 Foot Notified Properties (7)
- Recommend Approval (1)
- 400 Foot Notified Properties (10)
- Harker Heights City Limits
- Harker Heights ETJ

AGENDA ITEM #VII.5

**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Main Street  
Harker Heights, TX 78548  
(254) 933-1400  
www.harkerheights.gov

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



RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: CRAWFORD, KEITH A

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

Physical Address	Property ID
3952 HIGH OAK RD	31562

**Z22-15** RE: application has been made to consider a request for a **Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU)** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

Comments:

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**Z22-15-F** RE: application has been made to consider a request to change land use designation from **Medium Density Residential and Residential Estate to Residential Estate** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

Comments:

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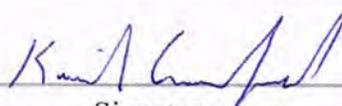
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**Received**

JUN 21 2022

**Planning & Development**

KEITH CRAWFORD



6-16-2022

Printed Name

Signature

Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: CHEADLE, DAVID L & CATHY L

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

Physical Address	Property ID
4090 HIGH OAK DR	20042

**Z22-15** RE: application has been made to consider a request for a **Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU)** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

Comments:

NOT ENOUGH INFORMATION - LOCATION OF ADU OR INTENDED USE, I.E. RENTAL?

**Z22-15-F** RE: application has been made to consider a request to change land use designation from **Medium Density Residential and Residential Estate to Residential Estate** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

**Received**

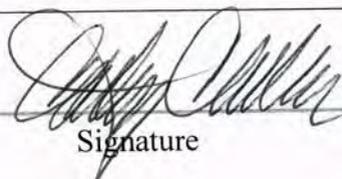
JUN 21 2022

**Planning & Development**

Comments:

NOT ENOUGH INFORMATION

CATHY CHEADLE



6-15-2022

Printed Name

Signature

Date

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: NORMAN, MARGARET ELAINE

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

Physical Address	Property ID
HIGH OAK DR	128115

**Z22-15** RE: application has been made to consider a request for a **Conditional Use Permit (CUP) to allow for an Accessory Dwelling Unit (ADU)** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

Comments:

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**Z22-15-F** RE: application has been made to consider a request to change land use designation from **Medium Density Residential and Residential Estate to Residential Estate** on property described as *Lakeside Hills Section One, Lot Tract 15, Acres 5.3 generally located at 4001 High Oak Drive, Harker Heights, Bell County, Texas and locally known as 4001 High Oak Drive, Belton, Bell County, Texas* (see attached notification map).

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

Comments:

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**Received**

JUN 17 2022

**Planning & Development**

margaret Norman  
Printed Name

Margaret Norman  
Signature

15 Jun 22  
Date



## City Council Memorandum

**FROM:** The Office of the City Manager

**DATE:** July 19, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN ZONING DESIGNATION FROM R1-M (ONE-FAMILY MANUFACTURED HOME DWELLING DISTRICT) TO R-2 (TWO-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS A0288BC VL EVANS, ACRES .78, PROPERTY ID #77900, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF N. MARY JO DRIVE AND W. VALLEY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)**

**EXPLANATION:**

The applicant is requesting a change from the current zoning of R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) on property generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road (Property ID #77900). The application submitted indicates the intended zoning use for the property is R-2 (Two-Family Dwelling).

Parcel History

This parcel is located within the original area of the city incorporation (1960) and is not platted. Bell County Appraisal District information shows this parcel is approximately .78 acres and is vacant.

**STAFF ANALYSIS:**

Surrounding Land Uses

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

	<b>Existing Land Use</b>	<b>Land Use Plan</b>	<b>Zoning</b>
<b>North</b>	Medium Density Residential	Medium Density Residential	R2-I (Two-Family Infill Dwelling District)
<b>South</b>	Regional Center	Regional Center	B-4 (Secondary and Highway Business District)
<b>East</b>	Medium Density Residential	Medium Density Residential	R2-I (Two-Family Infill Dwelling District)
<b>West</b>	Regional Center	Regional Center	B-4 (Secondary and Highway Business District)

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Regional Center use. The proposed R-2 zoning with its intended use will not likely have an adverse impact on the neighborhood.

Thoroughfare Plan

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

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out forty-seven (47) notices to property owners within the 400-foot notification area. As of June 23, 2022, four (4) responses were received in favor of the request, and zero (0) responses were received in opposition of the request.

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

**RECOMMENDATION:**

Alternatives Considered

Staff considered three (3) alternatives for this case.

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

Staff Recommendation

Although the request to change zoning designation is not in compliance with the 2021 Land Use Plan, staff advised the Planning & Zoning Commission that staff was not be opposed to a duplex subdivision that faced Mary Jo and was no larger than a depth of one lot off N. Mary Jo Drive. Future development of the lot immediately to the south would require an extension of W. Valley Road and would not support development of back to back lots on this parcel that is being considered for rezoning.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on June 28, 2022, the Planning & Zoning Commission voted (7-0) on case #Z22-16 to recommend approval of an ordinance to change zoning designation from R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) on property generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road (Property ID #77900) based on staff's recommendation and findings.

**ACTION BY THE COUNCIL:**

1. Motion to **approve / disapprove with explanation** an ordinance to change zoning designation R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

[Z22-16-PropOrdinance](#)

[Z22-16 Attachments](#)

**ORDINANCE NO. 2022-42**

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R-2 (TWO-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS A0288BC VL EVANS, ACRES .78, PROPERTY ID #77900, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF N. MARY JO DRIVE AND W. VALLEY ROAD, 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; and

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

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

**SECTION 2:** The hereinafter-described property, as previously zoned R1-M (One Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, 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>
2022-42	7/12/2022	Granting R-2 (Two-Family Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, 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** by the City Council of the City of Harker Heights on July 19, 2022.

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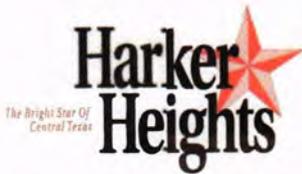
Spencer H. Smith, Mayor

ATTEST:

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Julie Helsham, City Secretary

# Rezoning Request Application



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

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

- 1. Pre-Application Meeting Scheduled
- 2. Payment of \$200.00 to the City of Harker Heights
- 3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

City of Harker Heights  
 Planning & Development  
 305 Millers Crossing  
 Harker Heights, TX 76548  
 Phone: (254) 953-5600  
 Email:  
[planning@harkerheights.gov](mailto:planning@harkerheights.gov)

Property Owner(s) Name: Patricia Purkey Date: May 20, 2022

Address: 1405 Duvall Dr

City/State/Zip: Killeen Tx 76541

Phone: 254-432-1480 E-mail: triciapurkey@live.com

**Legal Description of Property:**

Location of Property (Address if available): 000 Jamie Rd, Harker Heights

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: A0288BC V L EVANS, ACRES .78

Acres: \_\_\_\_\_ Property ID: 77900 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: Duplexes

Current Zoning Classification: R1M Proposed Zoning: R-2

Current Land Use: NA Proposed Land Use: Build Duplexes

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

Applicant's Representative: Andrea Thompson

Phone: 254-291-3685 E-Mail: homeskilleen@gmail.com

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

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

Patricia Purkey  
Printed Name of Property Owner

Patricia Purkey  
Signature of Property Owner

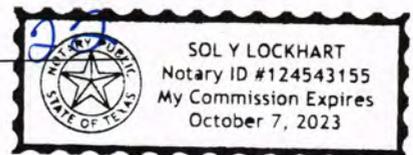
Andrea Thompson  
Printed Name of Representative

[Signature]  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 31 DAY OF May, 2022

[Signature]  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/7/23



Date Submitted: 6/1/22

Received By: C. Jye

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

Pre-Application Meeting

Revised: 10/2021

Receipt #: 01832507

Case #: \_\_\_\_\_

**§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.**

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§ 155.023 R-2 TWO-FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.*

(1) Any use permitted by right in the R-1 District, or (subject to the location requirements for such tracts) in the R1-I Districts.

(2) Two-family or duplex dwelling.

(3) Industrialized duplex dwelling, provided such dwelling complies with all regulations applicable to industrialized single-family housing.

(B) *Conditional uses.* Neighborhood association facilities.

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

(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.

(E) *Intensity of use.*

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

(2) 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.

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

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

(H) *Signs.* Same as in R-1 district.

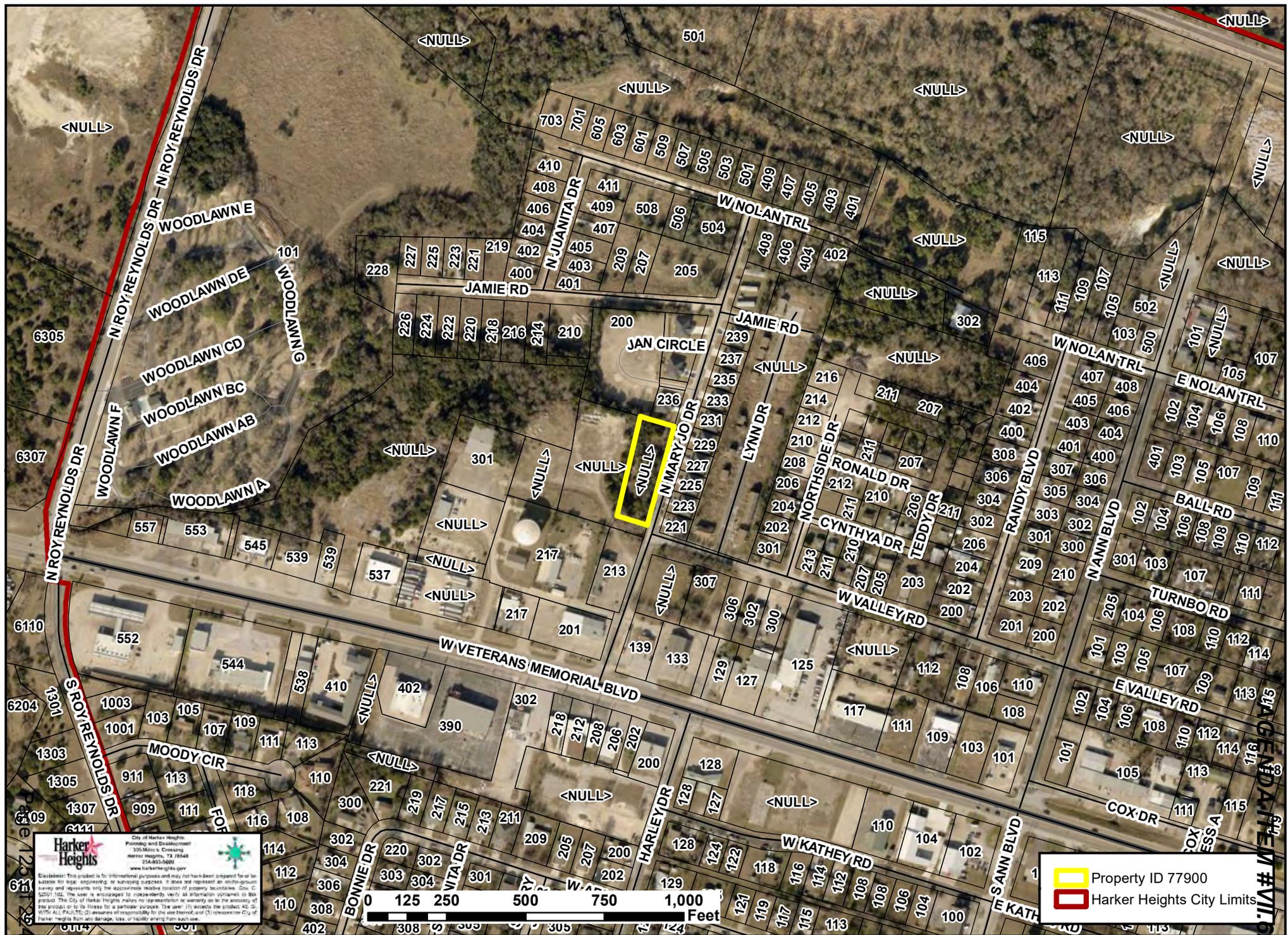
(I) *Storage.* Open storage is prohibited, except for materials for the residents' use such as firewood, gardening materials,

and similar materials.

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

(K) *Architectural design.* R-2 buildings shall be designed to avoid repetitions of buildings or roof lines, and the same elevation may not be used within any five lot groupings. Primary entrances shall face the public street. Windows shall be provided with trim or recessed, rather than flush with exterior wall treatment.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2006-40, passed 10-24-06; Am. Ord. 2012-01, passed 2-14-12; Am. Ord. 2012-04, passed 3-27-12; Am. Ord. 2016-24, passed 10-11-16)

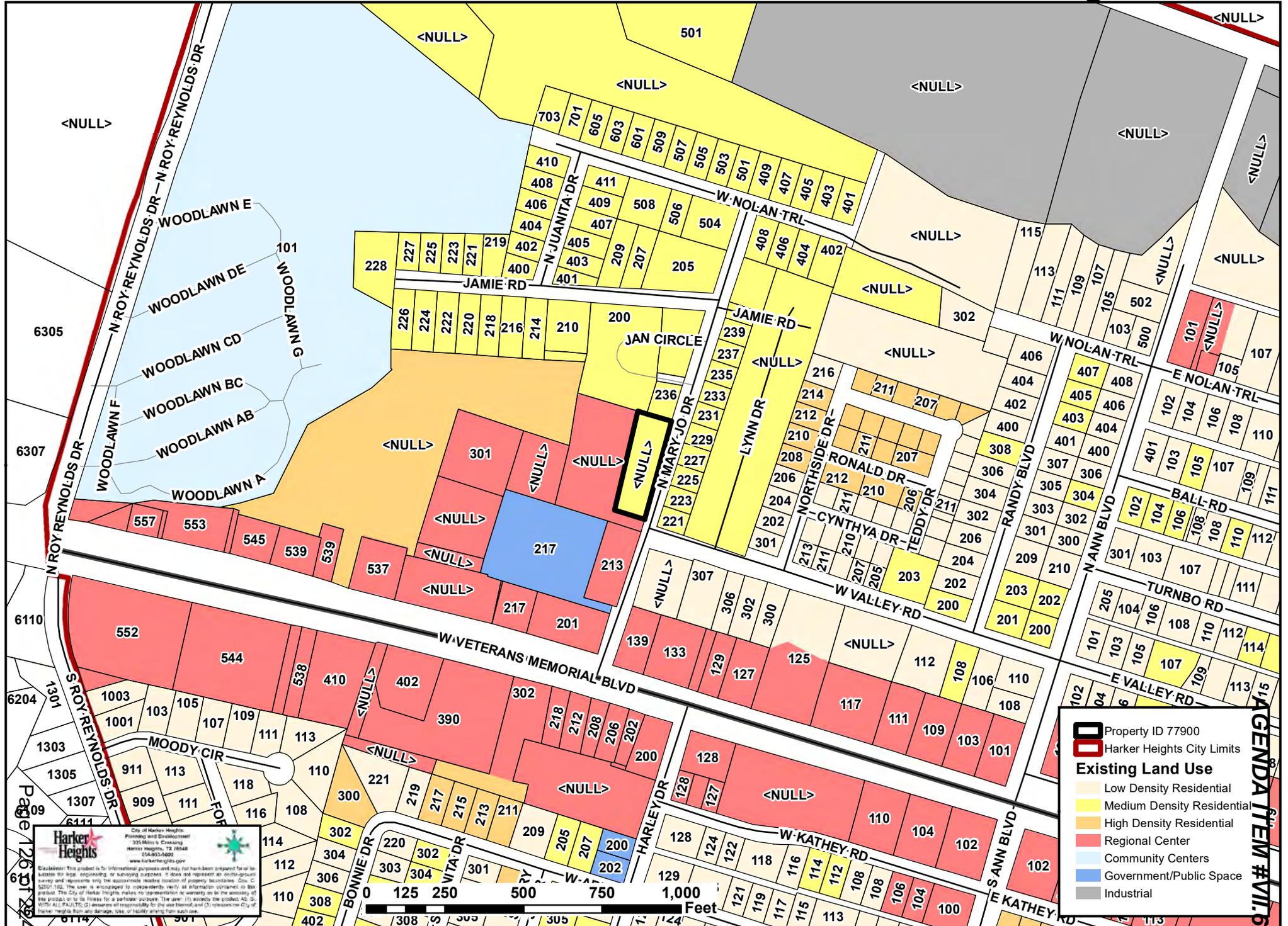


City of Harker Heights  
 Planning and Development  
 300 Main St, Covington  
 Harker Heights, TX 78548  
 254-933-4499  
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. City of Harker Heights makes no representation or warranty as to the accuracy of the product or its fitness for a particular purpose. The user accepts the product AS-IS. WITH ALL FAULTS. City of Harker Heights disclaims all responsibility for the use thereof, and it releases the City of Harker Heights from any damage, loss, or liability arising from such use.



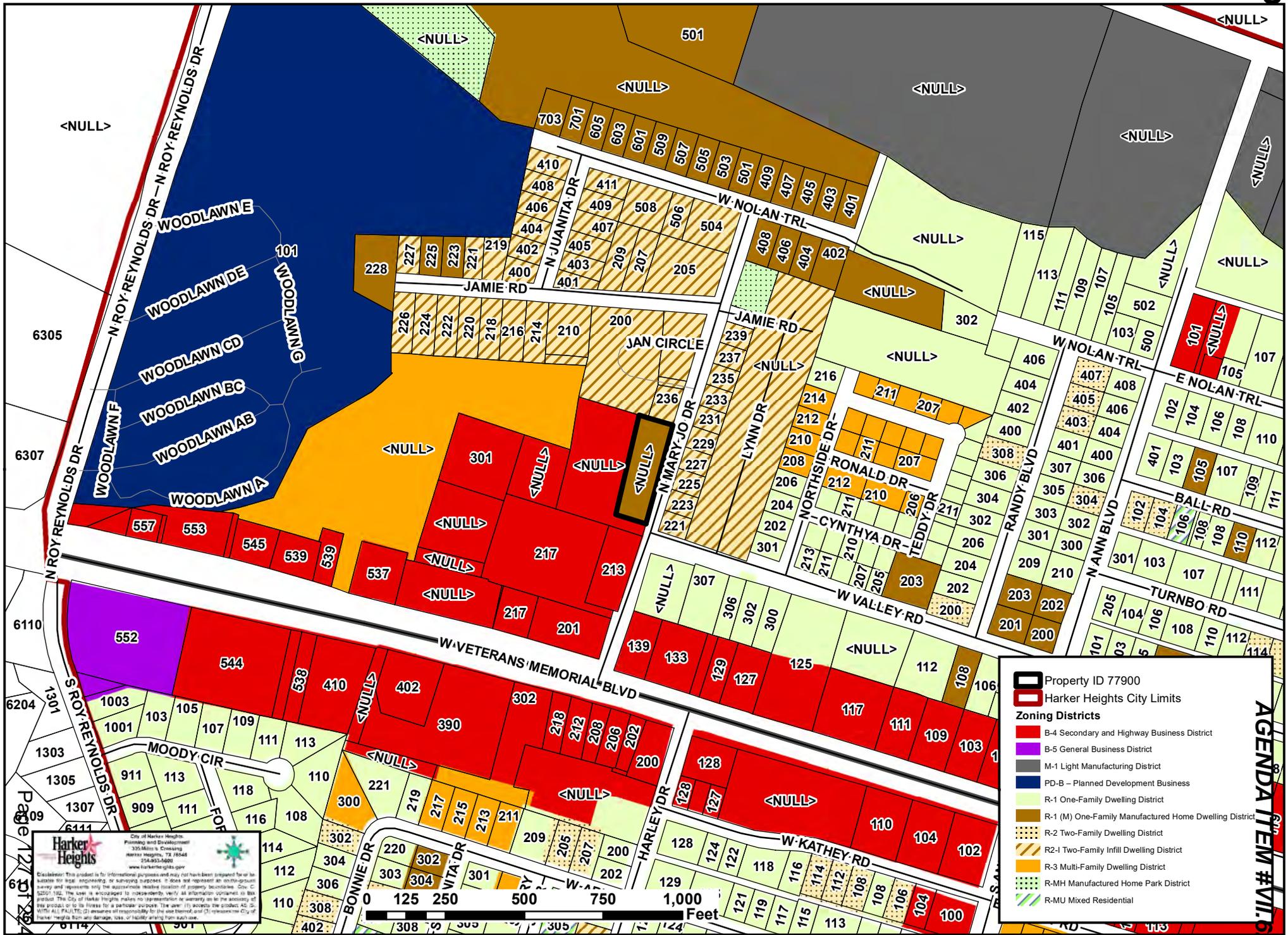
- Property ID 77900
- Harker Heights City Limits



 Property ID 77900  
 Harker Heights City Limits  
**Existing Land Use**  
 Low Density Residential  
 Medium Density Residential  
 High Density Residential  
 Regional Center  
 Community Centers  
 Government/Public Space  
 Industrial


 City of Harker Heights  
 Planning and Development  
 300 Mills Crossing  
 Harker Heights, TX 78548  
 (254) 983-5400  
 www.harkerheights.gov

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**Property ID 77900**

**Harker Heights City Limits**

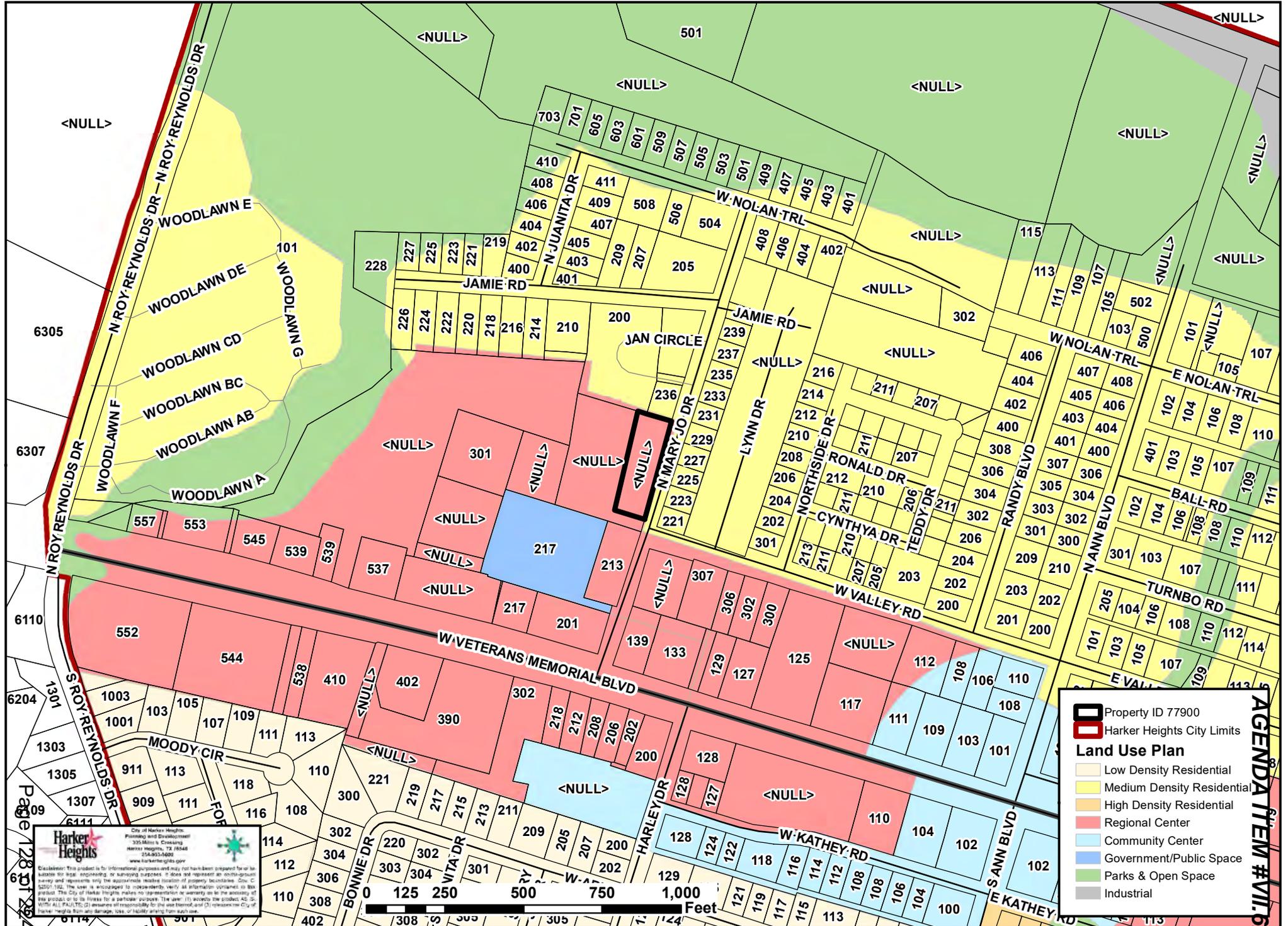
**Zoning Districts**

- B-4 Secondary and Highway Business District
- B-5 General Business District
- M-1 Light Manufacturing District
- PD-B - Planned Development Business
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- R2-1 Two-Family Infill Dwelling District
- R-3 Multi-Family Dwelling District
- R-MH Manufactured Home Park District
- R-MU Mixed Residential

**Harker Heights**  
City of Harker Heights  
Planning and Development  
300 Main St. Crossing  
Harker Heights, TX 78548  
(254) 933-3400  
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate location of property boundaries. Civic ID 2201102. The user is encouraged to independently verify all information contained on this product. The City of Harker Heights makes no representation or warranty as to the accuracy of the product or its fitness for a particular purpose. The user: (1) accepts the product "AS IS" WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from all damage, loss of liability arising from such use.

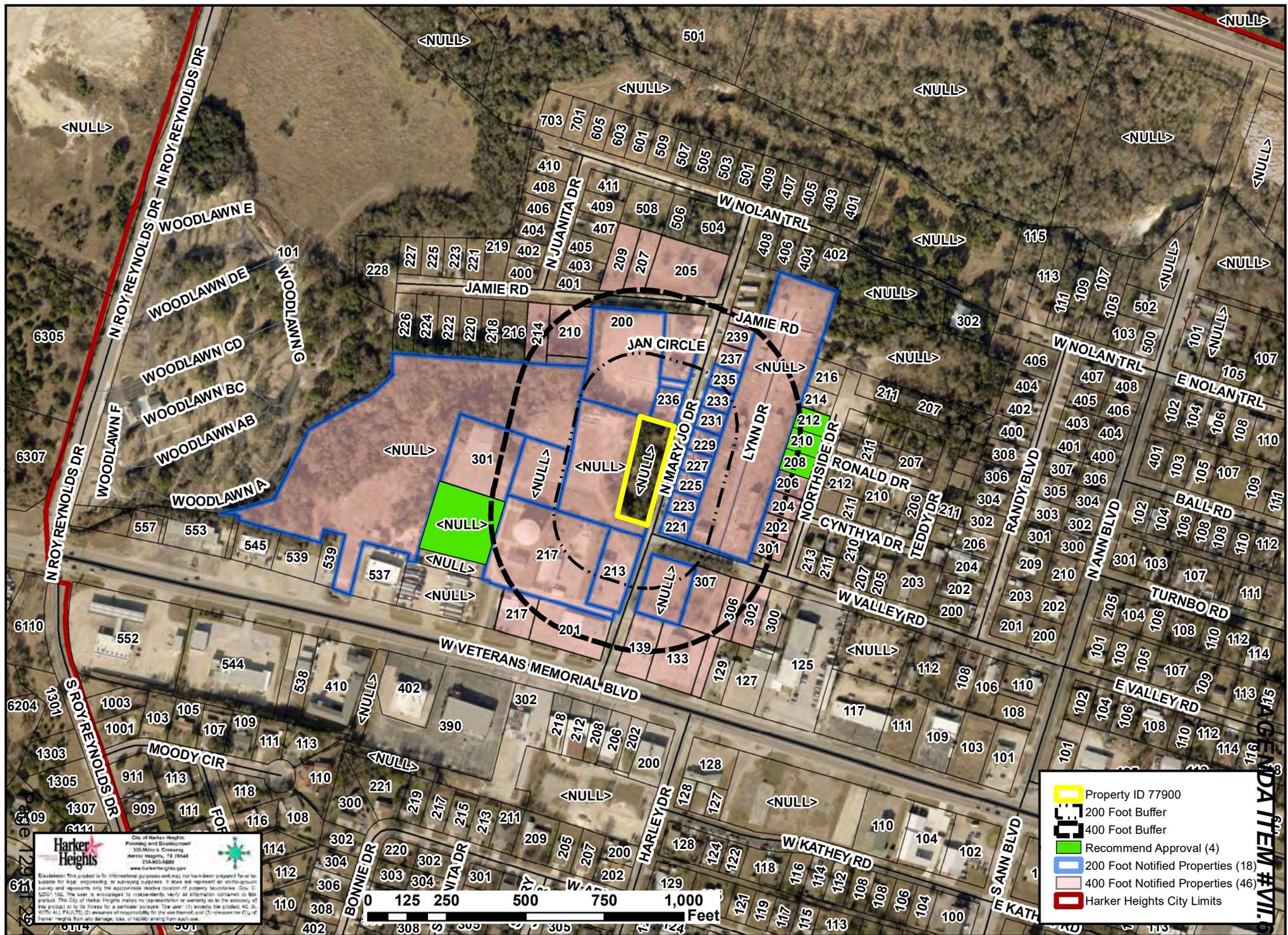




 Property ID 77900  
 Harker Heights City Limits  
**Land Use Plan**  
 Low Density Residential  
 Medium Density Residential  
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 Government/Public Space  
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 Industrial


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 City of Harker Heights  
 Planning and Development  
 300 Main St, Covington  
 Harker Heights, TX 78548  
 254-933-4499  
 www.harkerheights.gov

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-  Property ID 77900
-  200 Foot Buffer
-  400 Foot Buffer
-  Recommend Approval (4)
-  200 Foot Notified Properties (18)
-  400 Foot Notified Properties (46)
-  Harker Heights City Limits

SAGANDA ITEM #VIL06

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

Physical Address	Property ID
208 NORTHSIDE DR	39738

**Z22-16** RE: application has been made to request a change in zoning designation from **R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District)** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

**Received**

JUN 16 2022

**Planning & Development**

**Z22-16-F** RE: application has been made to consider a request to change land use designation from **Regional Commercial Center to Medium Density Residential** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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I RECOMMEND DENIAL OF THE REQUEST

Comments:

*Kristin Smith*

Printed Name

*Kristin Smith, COO*

Signature

*6/13/22*

Date

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Physical Address	Property ID
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JUN 16 2022

Comments:

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- I RECOMMEND DENIAL OF THE REQUEST

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*Kristin Smith*  
Printed Name

*Kristin Smith, COO*  
Signature

*6/15/2022*  
Date

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Planning & Development Department**

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

Physical Address	Property ID
212 NORTHSIDE DR	39740

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JUN 16 2022

Comments:

**Planning & Development**

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- I RECOMMEND DENIAL OF THE REQUEST

Comments:

*Kristin Smith*  
Printed Name

*Kristin Smith, COO*  
Signature

*6/13/22*  
Date





# City Council Memorandum

**FROM:** The Office of the City Manager

**DATE:** July 19, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN LAND USE DESIGNATION FROM REGIONAL CENTER TO MEDIUM DENSITY RESIDENTIAL ON PROPERTY DESCRIBED AS A0288BC VL EVANS, ACRES .78, PROPERTY ID #77900, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF N. MARY JO DRIVE AND W. VALLEY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)**

**EXPLANATION:**

The applicant is requesting a change in land use designation from Regional Center to Medium Density Residential on property generally located Northwest of the intersection of N. Mary Jo Drive and W. Valley Road.

Parcel History

This parcel is located within the original area of the city incorporation (1960) and is not platted. Bell County Appraisal District information shows this parcel is approximately .78 acres and is vacant.

**STAFF ANALYSIS:**

Surrounding Land Uses

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

	<b>Land Use Plan</b>
<b>North</b>	Medium Density Residential
<b>South</b>	Regional Center
<b>East</b>	Medium Density Residential
<b>West</b>	Regional Center

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Regional Center use. The proposed CUP with its intended use will not likely have an adverse impact on the neighborhood.

Thoroughfare Plan

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

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out forty-seven (47) notices to property owners within the 400-foot notification area. As of June 23, 2022, four (4) responses were received in favor of the request, and zero (0) responses were received in opposition of the request.

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

**RECOMMENDATION:**

Staff Recommendation

Since the R-2 zoning classification case for this parcel was recommended for approval by the Planning & Zoning Commission, Staff recommended approval to the Planning & Zoning Commission of an ordinance to change the Land Use Plan designation from Regional Center use to Medium Density Residential use on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas, based on the following:

1. This action would amend the current Comprehensive Plan and Land Use Plan such that the proposed use would be compatible with the new R-2 zoning.
2. The proposed use is compatible with existing R-2 zoning in the vicinity.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on June 28, 2022, the Planning & Zoning Commission voted (7-0) on case #Z22-16F to recommend approval of an ordinance to change land use designation from Regional Center to Medium Density Residential on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas based on staff's recommendation and findings.

**ACTION BY THE COUNCIL:**

1. Motion to **approve / disapprove with explanation** an ordinance to change land use designation from Regional Center to Medium Density Residential on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas based on staff's recommendation and findings.

2. Any other action deemed necessary.

**ATTACHMENTS:**

[Z22-16F-PropOrdinance](#)

[Z22-16-F Attachments](#)

**ORDINANCE NO. 2022-43**

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION ON PROPERTY DESCRIBED AS A0288BC VL EVANS, ACRES .78, PROPERTY ID #77900, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF N. MARY JO DRIVE AND W. VALLEY ROAD, 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; and

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

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

**SECTION 2:** The hereinafter-described property, as previously designated as Regional Commercial to Medium Density Residential on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, 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>
2022-43	7/12/2022	Granting Medium Density Residential on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, 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** by the City Council of the City of Harker Heights on July 19, 2022.

---

Spencer H. Smith, Mayor

ATTEST:

---

Julie Helsham, City Secretary

# Rezoning Request Application



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

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

1. Pre-Application Meeting Scheduled
2. Payment of \$200.00 to the City of Harker Heights
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

**City of Harker Heights**  
 Planning & Development  
 305 Millers Crossing  
 Harker Heights, TX 76548  
 Phone: (254) 953-5600  
 Email:  
[planning@harkerheights.gov](mailto:planning@harkerheights.gov)

**Property Owner(s) Name:** Patricia Purkey **Date:** May 20, 2022

**Address:** 1405 Duvall Dr

**City/State/Zip:** Killeen Tx 76541

**Phone:** 254-432-1480 **E-mail:** triciapurkey@live.com

**Legal Description of Property:**

Location of Property (Address if available): 000 Jamie Rd, Harker Heights

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: A0288BC V L EVANS, ACRES .78

Acres: \_\_\_\_\_ Property ID: 77900 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:** Duplexes

**Current Zoning Classification:** R1M **Proposed Zoning:** R-2

**Current Land Use:** NA **Proposed Land Use:** Build Duplexes

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

**Applicant's Representative:** Andrea Thompson

**Phone:** 254-291-3685 **E-Mail:** homeskilleen@gmail.com

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

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

Patricia Purkey  
Printed Name of Property Owner

Patricia Purkey  
Signature of Property Owner

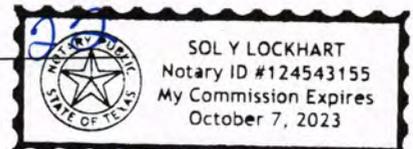
Andrea Thompson  
Printed Name of Representative

[Signature]  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 31 DAY OF May, 2022

[Signature]  
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 10/7/23



Date Submitted: 6/1/22  
Received By: C. Jye

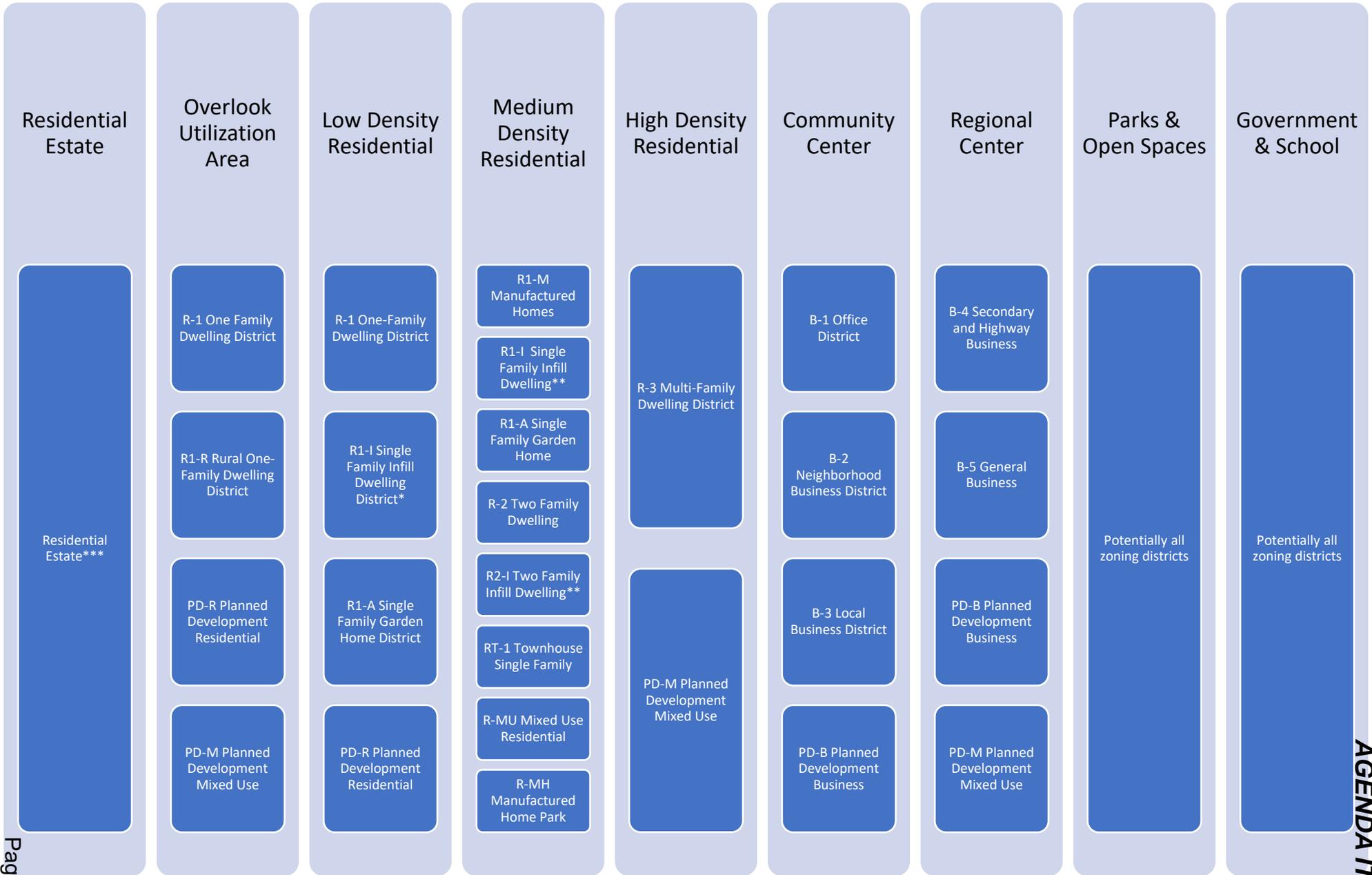
**STAFF ONLY -- DO NOT FILL OUT BELOW**

Pre-Application Meeting

Receipt #: 01832507

Case #: \_\_\_\_\_

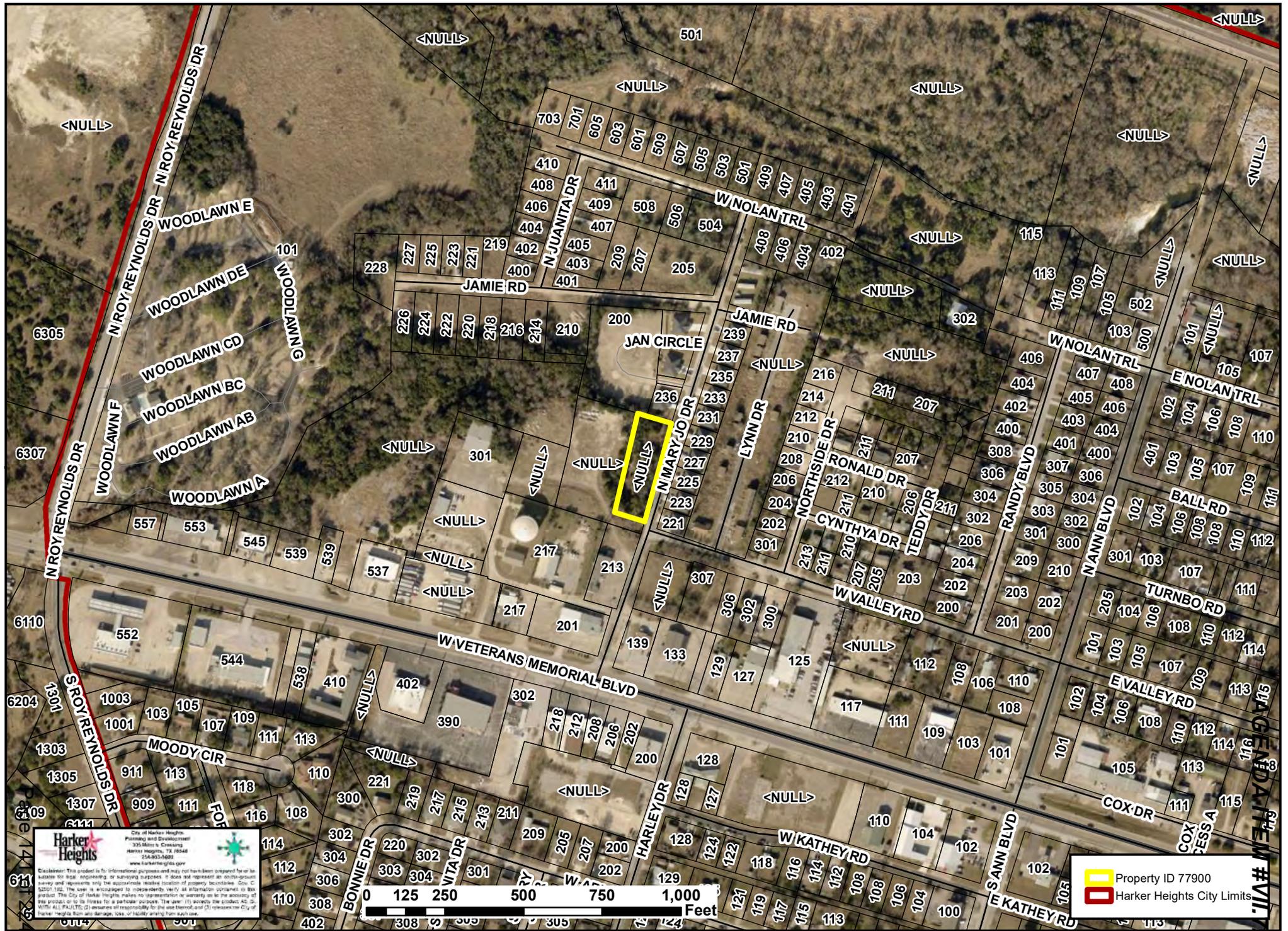
# Zoning Districts Per Land Use\*

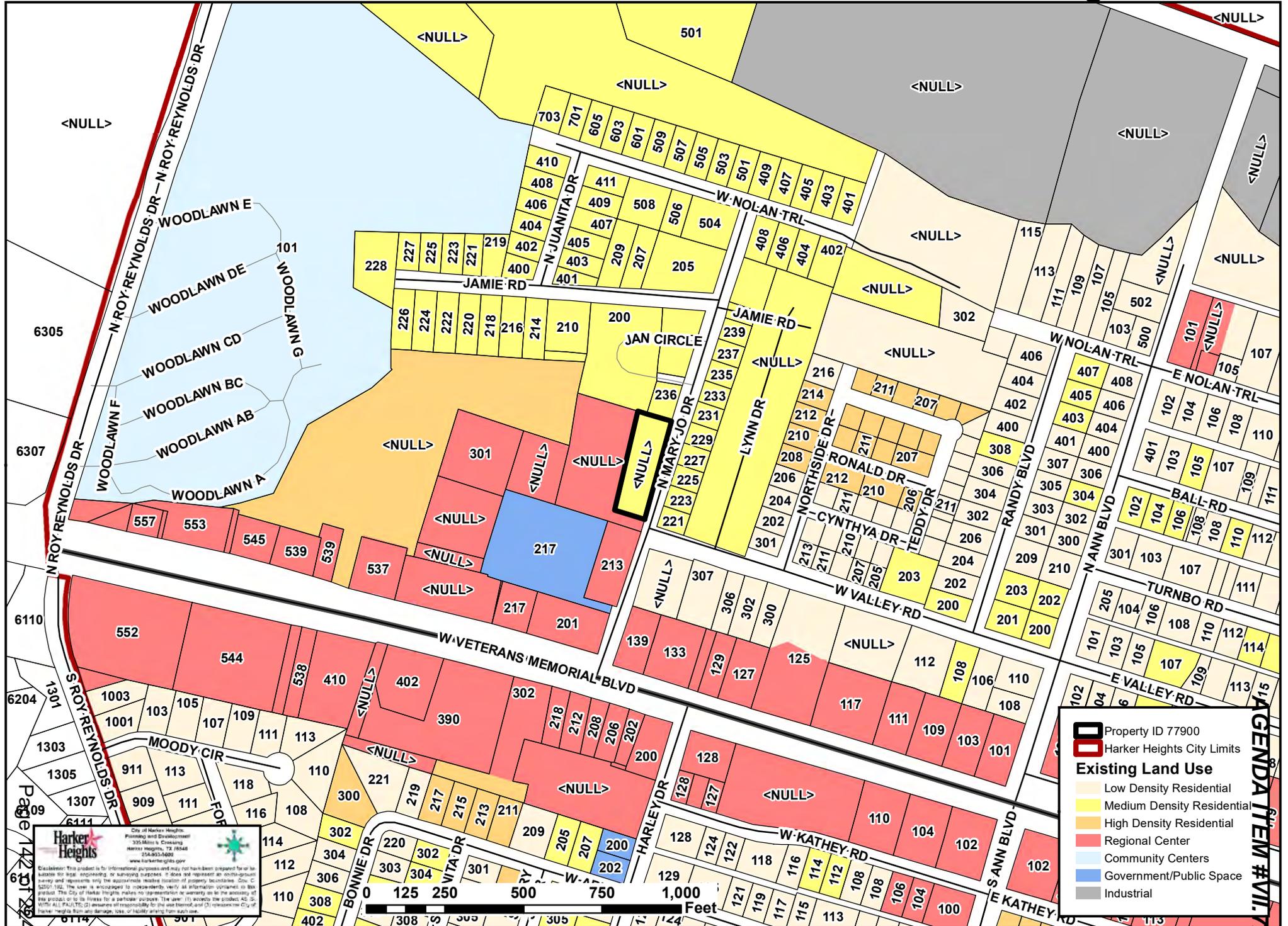


Adoption of Land Use Plan included definitions for each type of land use. This represents the Zoning Districts that correspond to those definitions.

Zoning Districts are only allowed in areas as shown on maps/exhibits included with respective adopted ordinances

\*\*Currently R-1 larger than 0.5 acres and R1-R Zoning Districts are being utilized for Residential Estates proposed Zoning District.

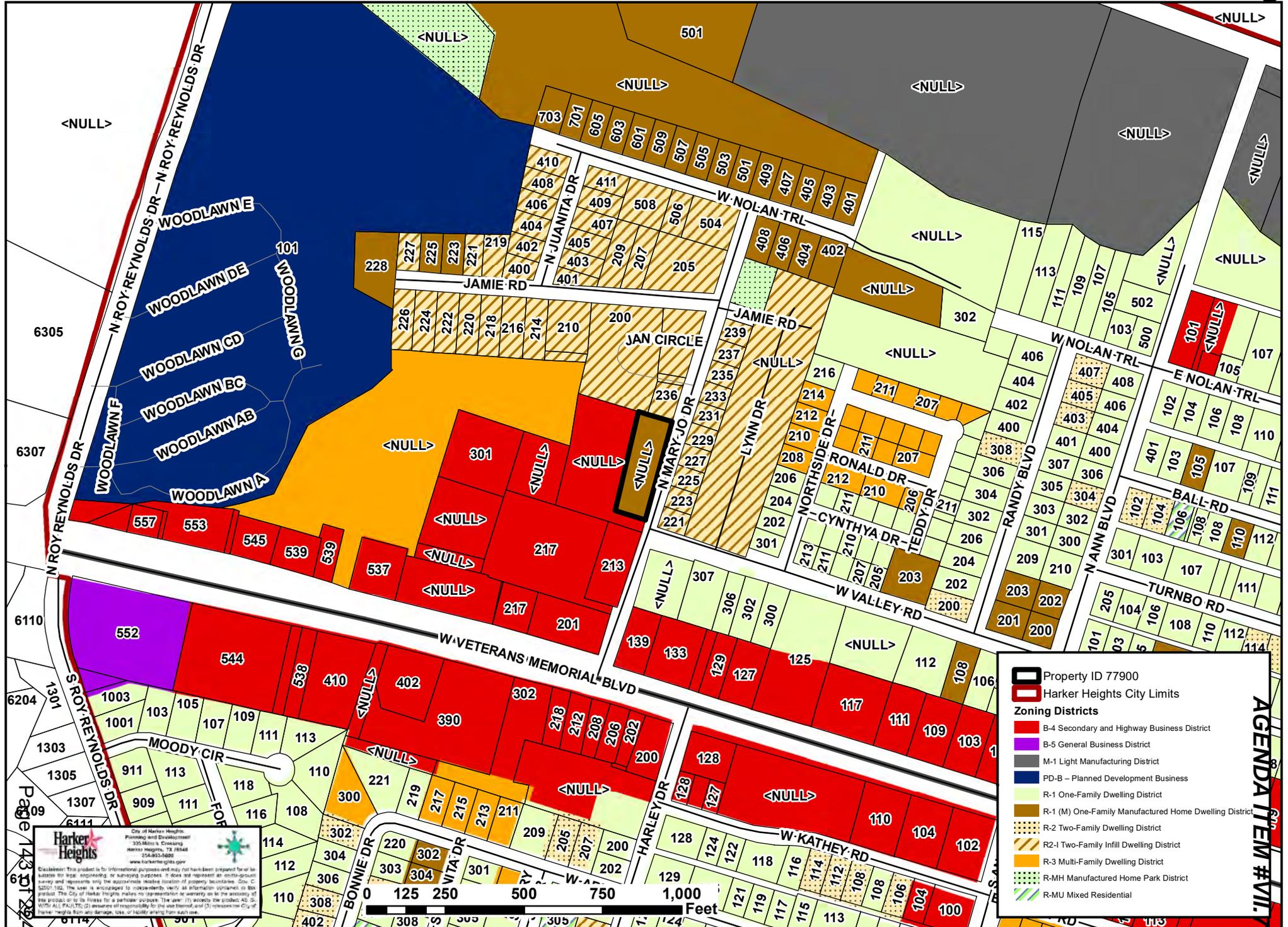




 Property ID 77900  
 Harker Heights City Limits  
**Existing Land Use**  
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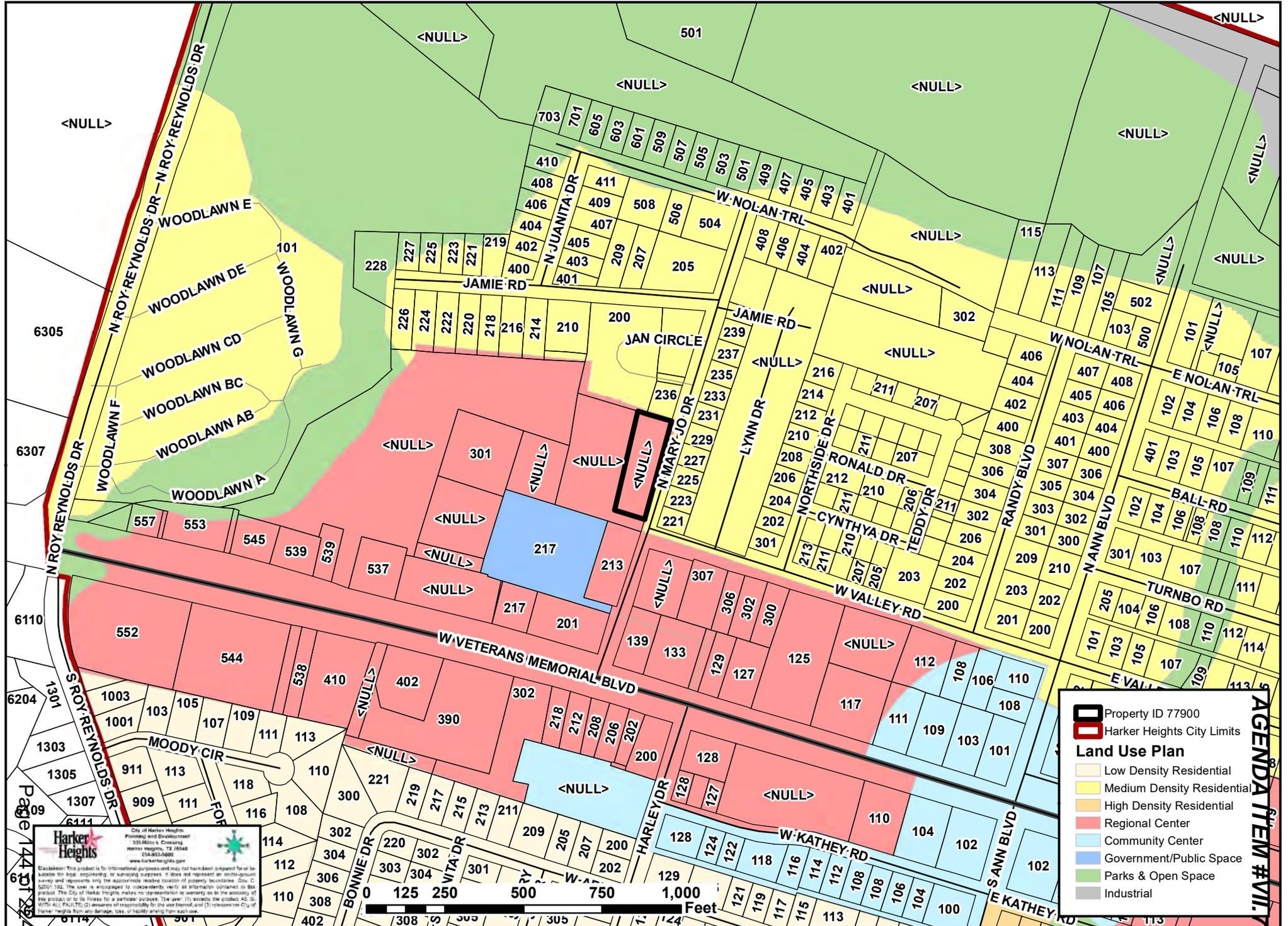

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AGENDA ITEM #VII.

Page 143 of 284



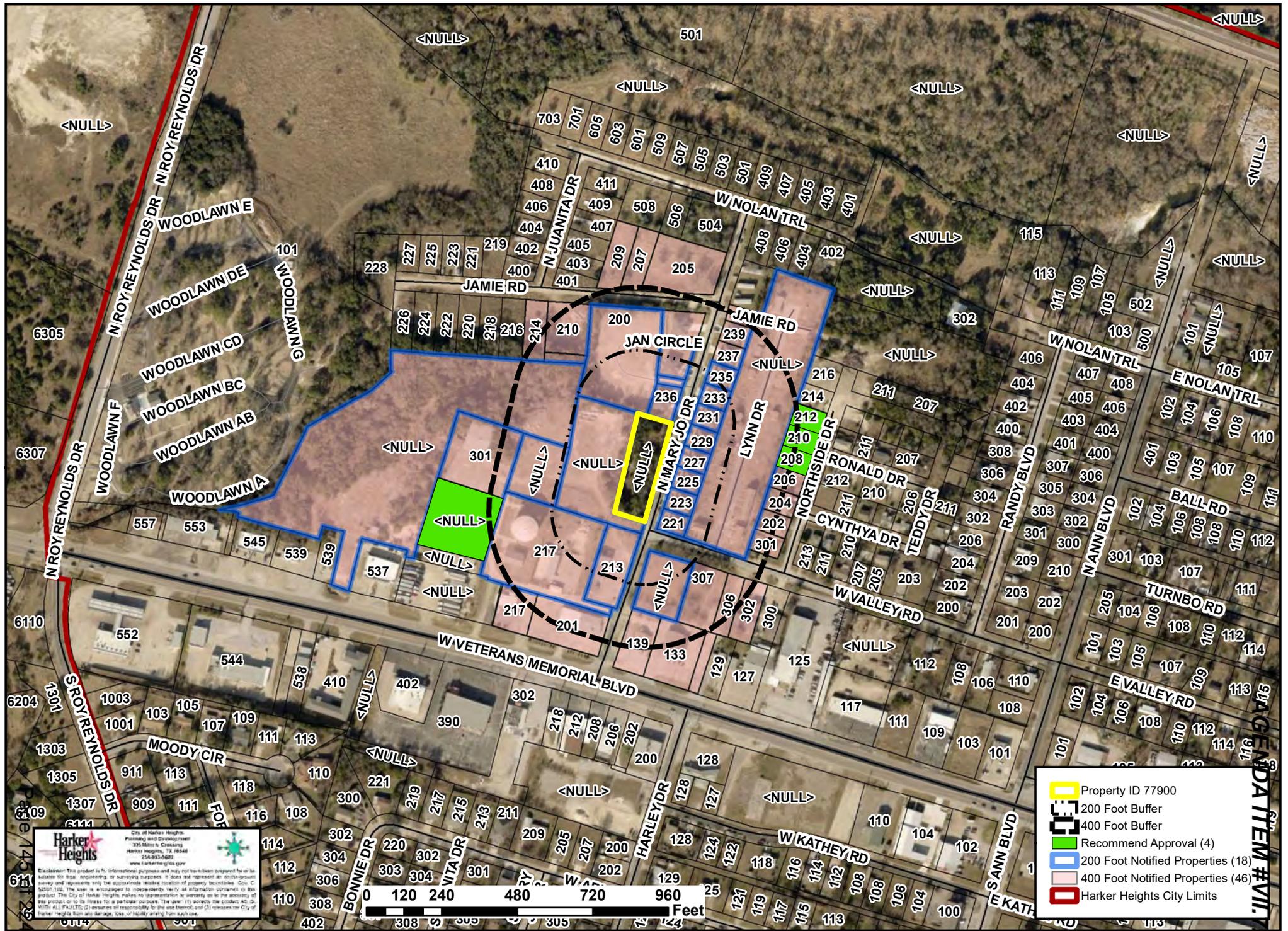
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Page 144 of 284

AGENDA ITEM #VII.7



AGENDA ITEM #VII.

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DUE BACK: JUNE 22, 2022, 5:00 P.M.

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FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

Physical Address	Property ID
208 NORTHSIDE DR	39738

**Z22-16** RE: application has been made to request a change in zoning designation from **R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District)** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas,* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

**Received**

JUN 16 2022

**Planning & Development**

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I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

*Kristin Smith*

Printed Name

*Kristin Smith, COO*

Signature

*6/13/22*

Date

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**Received**

JUN 16 2022

**Planning & Development**

Comments:

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Comments:

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---



---

*Kristin Smith*  
Printed Name

*Kristin Smith, COO*  
Signature

*6/15/2022*  
Date

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

Physical Address	Property ID
212 NORTHSIDE DR	39740

**Z22-16** RE: application has been made to request a change in zoning designation from **R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District)** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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

**Received**

JUN 16 2022

Comments:

**Planning & Development**

**Z22-16-F** RE: application has been made to consider a request to change land use designation from **Regional Commercial Center to Medium Density Residential** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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

Comments:

*Kristin Smith*  
Printed Name

*Kristin Smith, COO*  
Signature

*6/13/22*  
Date





## City Council Memorandum

**FROM:** The Office of the City Manager

**DATE:** July 19, 2022

**CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN ZONING DESIGNATION FROM B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT), R-1 (ONE FAMILY DWELLING DISTRICT), AND R1-M (ONE-FAMILY MANUFACTURED HOME DWELLING DISTRICT) TO R-3 (MULTI-FAMILY DWELLING DISTRICT) ON PROPERTIES DESCRIBED AS ALL LAND LOCATED WITHIN MOBILE MANOR ESTATES SECTION ONE, GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF INDIAN OAKS DRIVE AND S. AMY LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)**

**EXPLANATION:**

The applicant is requesting a change from the current zoning of B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District) to R-3 (Multi-Family Dwelling District) on property generally located at the Northeast corner of Indian Oaks and S. Amy Lane, locally known as Mobile Manor Estates.

Parcel History

A portion of properties located within the requested are located within the original area of the city incorporation (1960) and the remainder properties were annexed in 1963. The properties were platted as the subdivision referred to Mobile Manor Estates, filed with the county on June 5, 1973.

**STAFF ANALYSIS:**

Surrounding Land Uses

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

	<b>Existing Land Use</b>	<b>Land Use Plan</b>	<b>Zoning</b>
<b>North</b>	Medium Density Residential	Medium Density Residential	R2-I (Two-Family Infill Dwelling District)
<b>South</b>	Regional Center	Regional Center	B-4 (Secondary and Highway Business District)
<b>East</b>	Medium Density Residential	Medium Density Residential	R2-I (Two-Family Infill Dwelling District)
<b>West</b>	Regional Center	Regional Center	B-4 (Secondary and Highway Business District)

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for High Density Residential use. The proposed R-3 zoning with its intended use will not likely have an adverse impact on the neighborhood.

Thoroughfare Plan

Indian Oaks and S. Amy Lane are both classified as collector streets per the most recently adopted Comprehensive Plan. Per the City of Harker Heights Code of Ordinances §154.01:

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

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed use and rezoning will have no adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning do not pose an adverse impact to the public health, safety, or general welfare.

**NOTICES:**

Based on the most recently approved tax roll available, staff sent out ninety-three (93) notices to property owners within the 400-foot notification area. As of June 23, 2022, three (3) responses were received in favor of the request, and three (3) responses were received in opposition of the request.

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

**RECOMMENDATION:**

Alternatives Considered

Staff considered three (3) alternatives for this case.

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

Staff Recommendation

Staff recommended approval to the Planning & Zoning Commission of an ordinance to change zoning designation from B-4 (Secondary and Highway Business District), R-1 (One-Family

Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District) to R-3 (Multi-Family Dwelling District) on property generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on June 28, 2022, the Planning & Zoning Commission voted (7-0) on case #Z22-17 to recommend disapproval of an ordinance to change zoning designation from B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District) to R-3 (Multi-Family Dwelling District), on properties described as all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, based on the proposed zoning having an adverse impact on surrounding properties.

**ACTION BY THE COUNCIL:**

**Since the recommendation of the property was not approved by the Planning & Zoning Commission, 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.**

*(D) Vote Required*

*"If such proposed amendment, supplement, or change has not been approved by the Planning and Zoning Commission, the amendment, supplement or change shall not become effective except by a three-fourths approval vote by the City Council."*

1. Motion to **approve / disapprove with explanation** an ordinance to change zoning designation from B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District) to R-3 (Multi-Family Dwelling District), on properties described as all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

**ATTACHMENTS:**

[Z22-17-PropOrdinance](#)

[Z22-17 Attachments](#)

**ORDINANCE NO. 2022 - 44**

**AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R-3 (MULTI-FAMILY DWELLING DISTRICT) ON PROPERTIES DESCRIBED AS ALL LAND LOCATED WITHIN MOBILE MANOR ESTATES SECTION ONE, GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF INDIAN OAKS DRIVE AND S. AMY LANE, 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; and

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

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

**SECTION 2:** The hereinafter-described property, as previously zoned B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District) to R-3 (Multi-Family Dwelling District) on properties described as all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, 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>
2022 - 44	7/12/2022	Granting R-3 (Multi-Family Dwelling District) on properties described as all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, 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** by the City Council of the City of Harker Heights on July 19, 2022.

---

Spencer H. Smith, Mayor

ATTEST:

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Julie Helsham, City Secretary



# Rezoning Request Application

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

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

1. Pre-Application Meeting Scheduled
2. Payment of \$200.00 to the City of Harker Heights
3. If zoning change will require amendment to the Land Use Plan (aka FLUM), there will be an additional fee of \$100.00.

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

Killeen Associates, LLC, a California limited liability company Date: May 31, 2022

Property Owner(s) Name: \_\_\_\_\_

Address: 16126 Sherman Way

City/State/Zip: Van Nuys, CA 91406

Phone: (818) 373-1170 E-mail: michael@mtnovick.com

**Legal Description of Property:**

Location of Property (Address if available): North East Corner of S Amy & Indian Oaks

Lot: See attached table. Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Acres: \_\_\_\_\_ Property ID: \_\_\_\_\_ Survey: \_\_\_\_\_

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

Proposed Use: Multi-Family Apartments

Current Zoning Classification: R1 Proposed Zoning: 155.025 R-3 Multi Family Dwelling District

Current Land Use: Mobile Home Park Proposed Land Use: \_\_\_\_\_

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

Applicant's Representative: Prudhvi Chowdary Chekuri

Phone: (719) 452) 9151 E-Mail: prudhvichowdary254@gmail.com

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

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

Michael T. Novick, as Manager of Killeen Associates, LLC

Printed Name of Property Owner

[Signature] MANAGER  
Signature of Property Owner

PRUDHVI CHOWDARY CHEKURI

Printed Name of Representative

[Signature]  
Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS MAY DAY OF 31<sup>st</sup>, 20 22

See attached Certificate.

SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: 6/1/22

Pre-Application Meeting

Receipt #: 01832627

Received By: C. Jefe

Revised: 10/2021

Case #: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

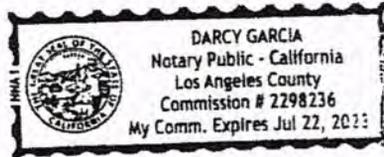
State of California

County of LOS ANGELES

On 5/31/2022, before me, Darcy Garcia, Notary Public, personally appeared MICHAEL T. NOVICK, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

*Darcy Garcia*

(Seal)

Block, Lot	Zoning	Code	Block, Lot	Zoning	Code
BLOCK 001, LOT 0002	R-1	\$155.020	BLOCK 004, LOT 0002	R-1	\$155.020
BLOCK 001, LOT 0003	R-1	\$155.020	BLOCK 004, LOT 0003	R-1	\$155.020
BLOCK 001, LOT 0004	R-1	\$155.020	BLOCK 004, LOT 0004	R-1	\$155.020
BLOCK 001, LOT 0005	R-1	\$155.020	BLOCK 004, LOT 0005	R-1	\$155.020
BLOCK 001, LOT 0006	R-1	\$155.020	BLOCK 005, LOT 0001	B-4	\$155.031
BLOCK 001, LOT 0007	R-1	\$155.020	BLOCK 005, LOT 0002	B-4	\$155.031
BLOCK 001, LOT 0008	R-1	\$155.020	BLOCK 005, LOT 0003	B-4	\$155.031
BLOCK 001, LOT 0009	R-1	\$155.020	BLOCK 005, LOT 0004	B-4	\$155.031
BLOCK 001, LOT 0010	R-1	\$155.020	BLOCK 005, LOT 0005	B-4	\$155.031
BLOCK 001, LOT 0011	R-1	\$155.020	BLOCK 005, LOT 0006	B-4	\$155.031
BLOCK 001, LOT 0012	R-1	\$155.020	BLOCK 005, LOT 0007	B-4	\$155.031
BLOCK 001, LOT 0013	R-1	\$155.020	BLOCK 005, LOT 0008	B-4	\$155.031
BLOCK 001, LOT 0014	R-1	\$155.020	BLOCK 005, LOT 0009	B-4	\$155.031
BLOCK 001, LOT 0015	R-1	\$155.020	BLOCK 005, LOT 0010	B-4	\$155.031
BLOCK 001, LOT 0016	R-1	\$155.020	BLOCK 005, LOT 0011	B-4	\$155.031
BLOCK 003, LOT 0001	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0001	B-4	\$155.031
BLOCK 003, LOT 0002	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0002	B-4	\$155.031
BLOCK 003, LOT 0003	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0003	B-4	\$155.031
BLOCK 003, LOT 0004	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0004	B-4	\$155.031
BLOCK 003, LOT 0005	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0005	B-4	\$155.031
BLOCK 003, LOT 0006	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0006	B-4	\$155.031
BLOCK 003, LOT 0007	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0007	B-4	\$155.031
BLOCK 003, LOT 0008	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0008	R-1	\$155.020
BLOCK 003, LOT 0009	R-1(M)	\$155.020 (G)	BLOCK 006, LOT 0009	R-1	\$155.020
BLOCK 003, LOT 0010	R-1(M)	\$155.020 (G)	LOT ABANDONED ROADS, ACRES 2.55	NULL	NULL
BLOCK 003, LOT 0011	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0012	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0013	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0014	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0015	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0016	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0017	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0018	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0019	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0020	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0021	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0022	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0023	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0024	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0025	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0026	R-1(M)	\$155.020 (G)			
BLOCK 003, LOT 0027	R-1(M)	\$155.020 (G)			

**§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.**

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§ 155.025 R-3 MULTI-FAMILY DWELLING DISTRICT.**

(A) *Permitted uses.*

(1) Any use permitted by right in the R-2 District.

(2) Multi-family dwellings.

(3) Apartment houses.

(4) Boarding, lodging, and rooming houses.

(5) Dormitories for students.

(6) Neighborhood association facilities.

(7) Institutions of a religious, educational, charitable, or philanthropic nature, but not a penal or mental institution.

(B) *Conditional uses.*

(1) Fraternity/sorority house.

(2) Fitness center.

(3) Any conditional use permitted in the R-1 and R-2 Districts.

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

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

(E) *Intensity of use.*

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

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

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

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

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

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

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

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

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

(J) *Architectural design.*

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

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

(3) Developments of 20 or more units shall have an area equal to at least 8% of the lot area, excepting required setbacks, dedicated to open space for recreational use by the occupants of the development.

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

#### **§ 155.031 B-4 SECONDARY AND HIGHWAY BUSINESS DISTRICT.**

(A) *Permitted uses.*

(1) Any use permitted in the B-3 Local Business District that is permitted by right.

(2) Automobile parking lots.

(3) Bakery (wholesale).

(4) Dance hall and skating rink.

(5) Frozen food locker plant.

(6) Garage, public.

(7) Drive-in theater.

(8) Bowling alley.

(9) Tourist court or motel.

(10) Antique shop.

(11) Secondhand goods store: (No outside display, repair or storage.)

(12) Automobile and marine sales and re-pair, provided that:

(a) All service must take place in the interior (service bays) of the building. No tents may be used for repair or service, except during times of urgent public necessity as declared by the Mayor or the Planning and Development Director and posted as such at the main entrance to the City Hall.

(b) Oil storage facilities and refuse containers shall be screened from the view of travelers along public streets;

(c) There shall be no vehicle storage longer than 30 days, or auto sales including vehicles belonging to the owner (except for sales lots);

(d) There shall be no dismantling or wrecking on premises;

(e) The use shall be operated in accordance with all applicable regulations including licensing from all government agencies that have jurisdiction; and

(f) Gasoline storage tanks must be underground.

(13) Building material or lumber sales (no outside storage without screening).

(14) Cleaning, pressing and dyeing.

(a) No direct exterior exhaust from cleaning plant permitted.

(b) Dust must be controlled by either bag or filter and separator or precipitator so as to eliminate the exhausting of dust, odor, fumes or noise outside the plant.

(15) Florist, garden shop, greenhouse, or nursery (retail).

(16) Ball park, stadium, athletic field (private).

(17) Philanthropic institutions (not else-where listed).

(18) Cabinet, upholstery, woodworking shop.

(19) Plumbing, electrical, air conditioning service shop (no outside storage without screening).

(20) Trade or business school.

(21) Any retail business not included in the Local Business District, provided that such use is not noxious or offensive by reason of vibrations, smoke, light, odor, dust, gas or noise.

(23) Package liquor store (in wet areas only and subject to TABC regulations). The property, if located outside the commercial zone of Business Hwy 190, must:

(a) Be part of a commercial development containing a minimum of 12,000 square feet of leaseable retail floor space (for example, a shopping center or mall); and

(b) Be located a minimum of 300 feet, measured from the front door to the establishment, from any R zoned property by the most commonly traveled public roadway.

(24) Brewpub or winery (in wet areas only and subject to TABC regulations). The property, if located outside the commercial zone of Business Hwy 190 or I-14, must be located a minimum of 300 feet from any R zoned property, measured from the front door of the establishment by the most commonly traveled public roadway. All manufacture, blending, fermentation, processing, and packaging of alcoholic beverages must take place wholly inside a building.

(B) *Conditional uses.* Any use permitted in a more restricted district that is permitted by a conditional use permit.

(C) *Height regulations.* No building shall exceed three and one-half stories or 45 feet in height.

(D) *Area regulations.* The same as provided for B-2 District.

(E) *Intensity of use.* There are no minimum lot area or lot width requirements.

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

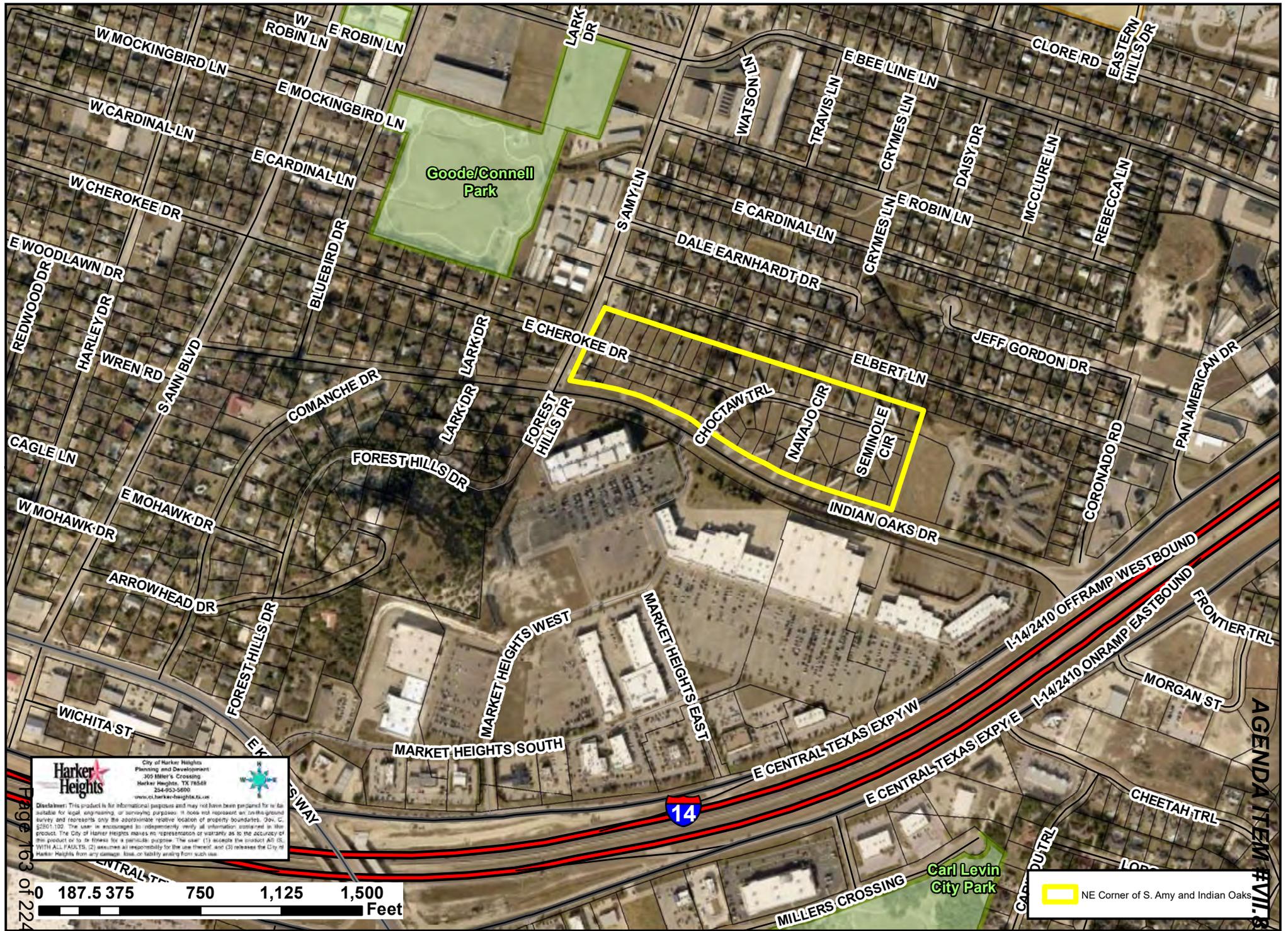
(G) *Signage.* As per Chapter 151.

(H) *Screening requirements.* As per § 155.050.

(I) *Building facade.* As per § 155.040.

(J) *Landscaping requirements.* As per § 155.051.

(Ord. 2001-36, passed 11-13-01; Am. Ord. 2019-14, passed 5-28-19)



Goode/Connell Park

Carl Levin City Park

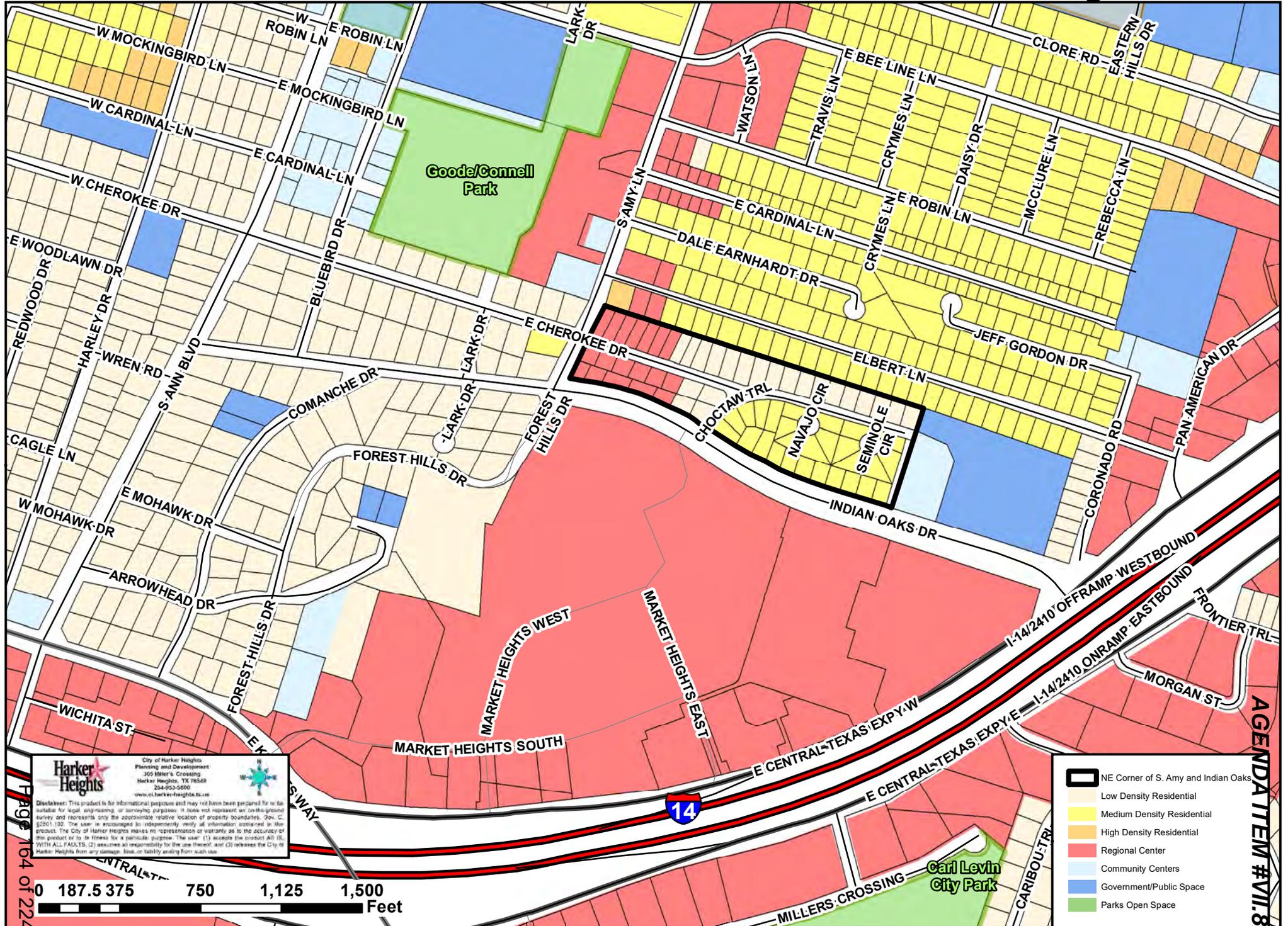
AGENDA ITEM #VIL18

**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 209 Miller's Crossing  
 Harker Heights, TX 78648  
 254-953-5600  
 www.ci.harkerheights.tx.us

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. (20x, C, 350) 102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty, as to the accuracy of the product or to its fitness for a particular purpose. The user: (1) accepts the product "AS IS," WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any claims, loss, or liability arising from such use.



 NE Corner of S. Amy and Indian Oaks

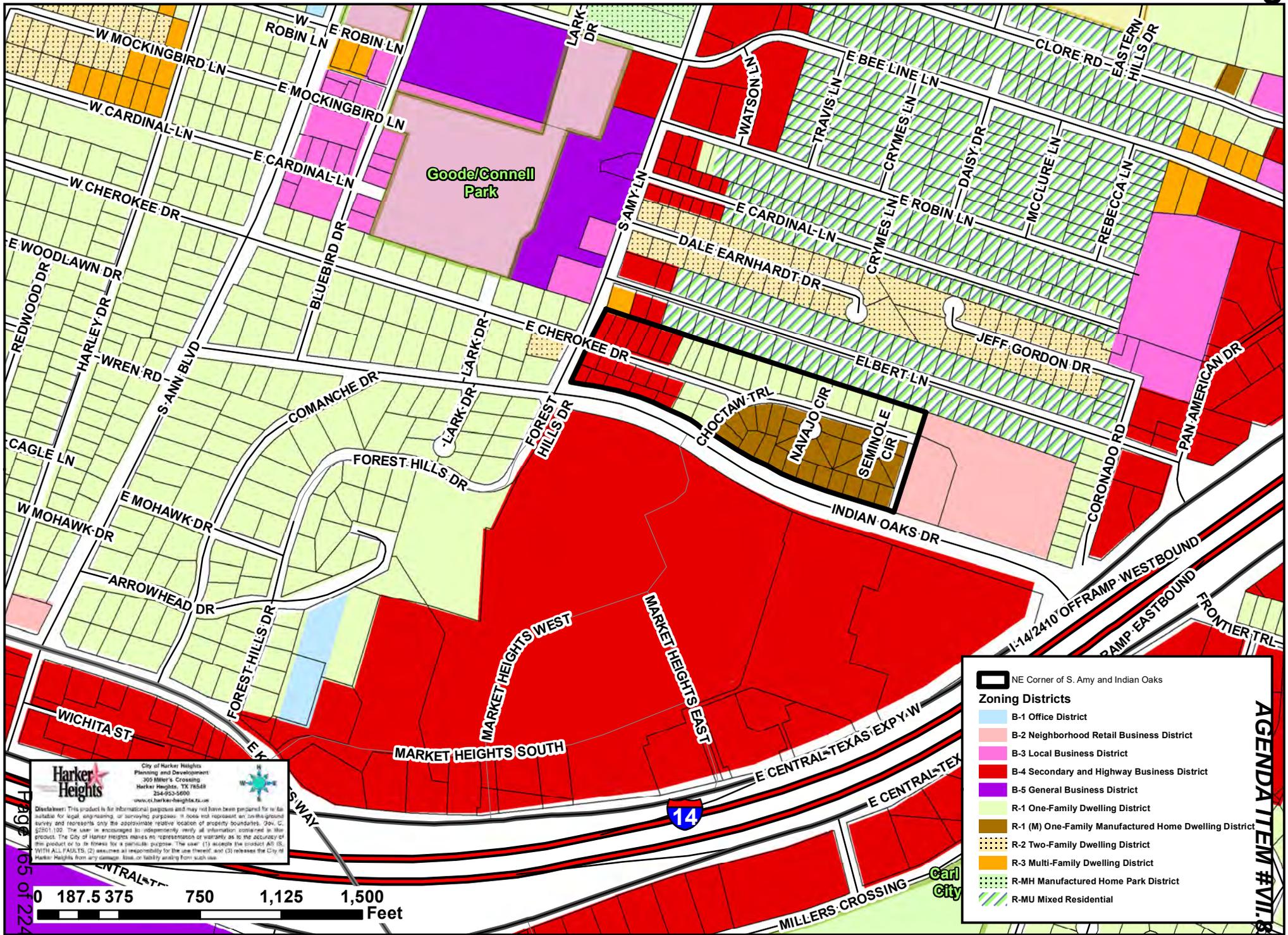


**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 205 Miller's Crossing  
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Scale: 0 187.5 375 750 1,125 1,500 Feet

- NE Corner of S. Amy and Indian Oaks
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Centers
- Government/Public Space
- Parks Open Space



**NE Corner of S. Amy and Indian Oaks**

**Zoning Districts**

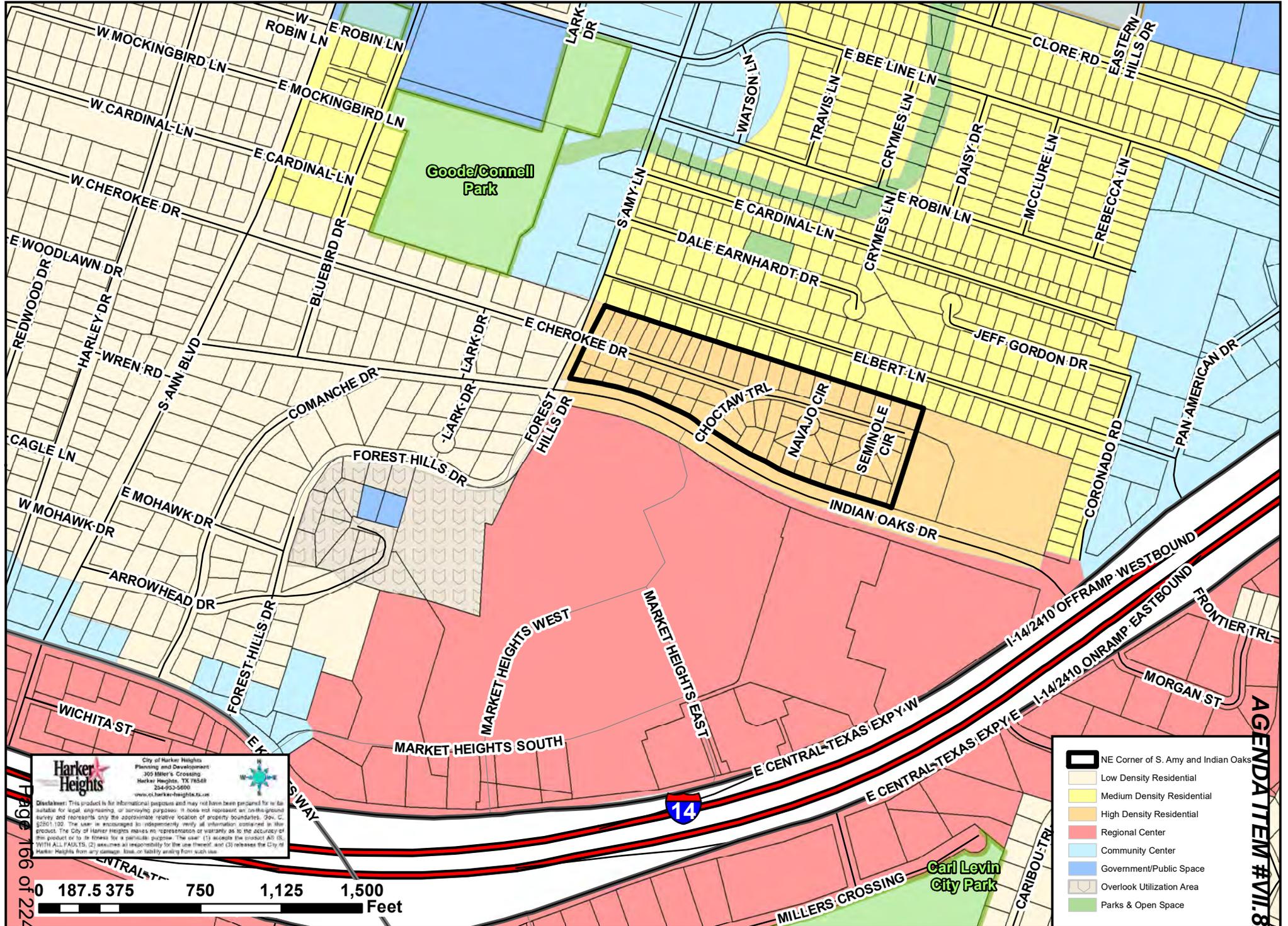
- B-1 Office District
- B-2 Neighborhood Retail Business District
- B-3 Local Business District
- B-4 Secondary and Highway Business District
- B-5 General Business District
- R-1 One-Family Dwelling District
- R-1 (M) One-Family Manufactured Home Dwelling District
- R-2 Two-Family Dwelling District
- 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  
 209 Miller's Crossing  
 Harker Heights, TX 78648  
 254-953-5600  
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Page 165 of 224

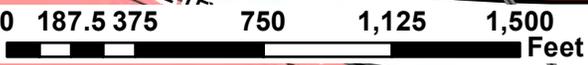
AGENDA ITEM #VII.8

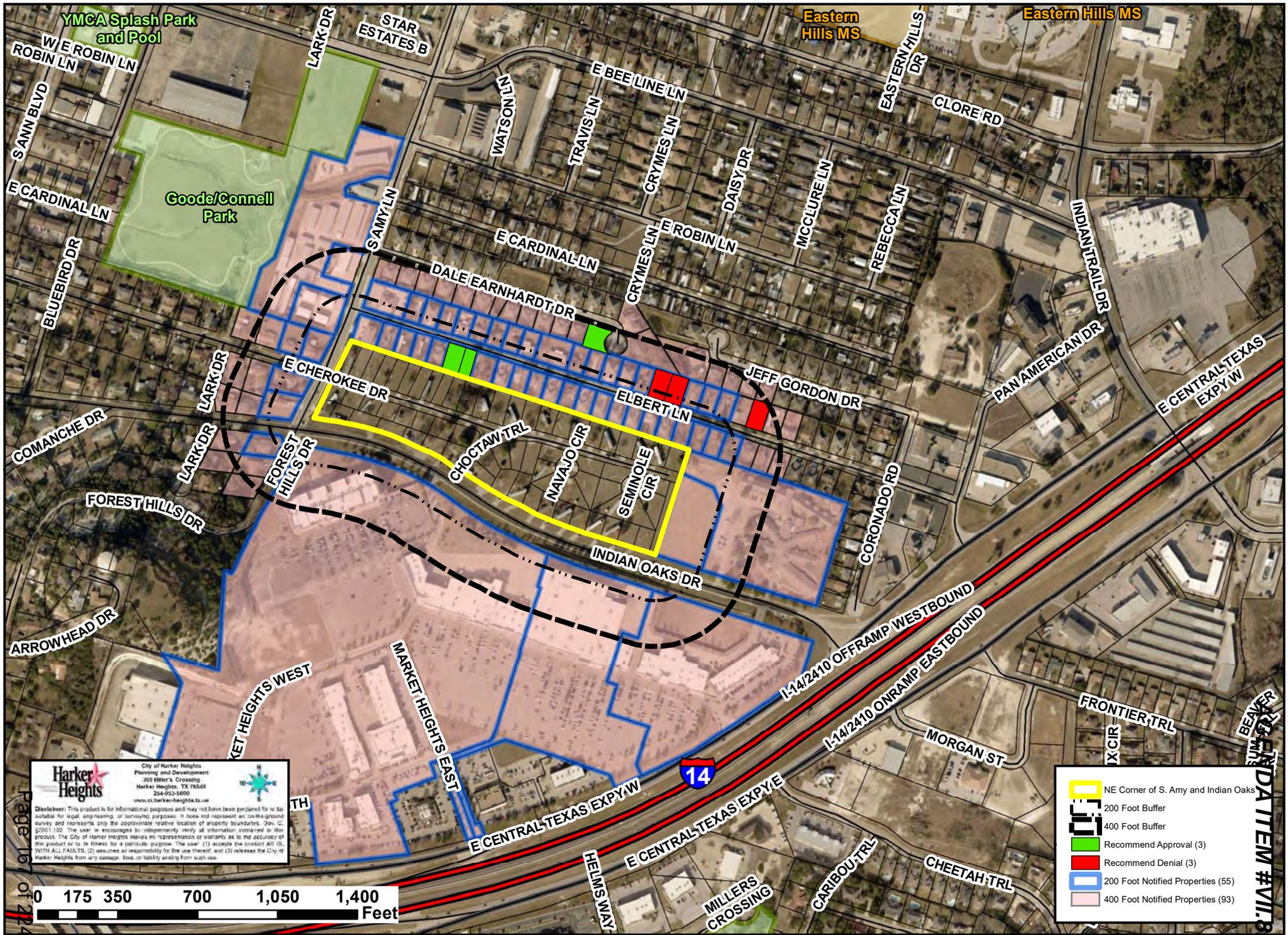


- NE Corner of S. Amy and Indian Oaks
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Regional Center
- Community Center
- Government/Public Space
- Overlook Utilization Area
- Parks & Open Space

**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 205 Main's Crossing  
 Harker Heights, TX 78548  
 254-953-5600  
 www.ci.harkerheights.tx.us

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**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 205 Main's Crossing  
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	NE Corner of S. Amy and Indian Oaks
	200 Foot Buffer
	400 Foot Buffer
	Recommend Approval (3)
	Recommend Denial (3)
	200 Foot Notified Properties (55)
	400 Foot Notified Properties (93)

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: AN, HO S ETAL

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

Physical Address	Property ID
210 ELBERT LN	382625

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District)**, **R-1 (One-Family Dwelling District)**, and **R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

*Great Idea*

*Ho S. An*

Printed Name



Signature

*6/13/2022*

Date

**Received**

JUN 15 2022

**Planning & Development**

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

**FROM: MEHTA, VIJAY & VINODINI**

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

Physical Address	Property ID
212 ELBERT LN	72502

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, 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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*Vijay Mehta*  
Printed Name

*[Signature]*  
Signature

*6/16*  
Date

**Received**  
JUN 21 2022  
Planning & Development

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: DINWIDDIE-MALICKI, CATHERINE GAIL

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

Physical Address	Property ID
222 DALE EARNHARDT DR	387749

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District)**, **R-1 (One-Family Dwelling District)**, and **R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, 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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Catherine G Dinwiddie Malicki  
Printed Name

*Catherine G Dinwiddie Malicki*  
Signature

06-13-2022  
Date

**Received**

JUN 16 2022

**Planning & Development**

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FREEMAN, KARIN C

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

Physical Address	Property ID
321 ELBERT LN	15609

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, 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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Karin Freeman

Printed Name

*Karin Freeman*

Signature

6-14-22

Date

**Received**

JUN 16 2022

**Planning & Development**

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FREEMAN, KARIN C

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

Physical Address	Property ID
401 ELBERT LN	15610

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District)**, **R-1 (One-Family Dwelling District)**, and **R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, 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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*Karin Freeman*  
Printed Name

*Karin Freeman*  
Signature

*6-14-22*  
Date

**Received**

JUN 16 2022

**Planning & Development**

SENT: JUNE 10, 2022  
DUE BACK: JUNE 22, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON JUNE 22, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: JERONIMO, VERONICA MORA

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

Physical Address	Property ID
411 ELBERT LN	4976

**Z22-17** RE: application has been made to request a change in zoning designation from **B-4 (Secondary and Highway Business District), R-1 (One-Family Dwelling District), and R1-M (One-Family Manufactured Home Dwelling District)** to **R-3 (Multi-Family Dwelling District)** on properties described as *all land located within Mobile Manor Estates Section One, generally located at the northeast corner of the intersection of Indian Oaks Drive and S. Amy Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

**I RECOMMEND APPROVAL OF THE REQUEST**

**I RECOMMEND DENIAL OF THE REQUEST**

Comments:

*I'm denying the request because I bought this home because it was close to the local schools in my child's district. Also because it was a good neighborhood. I do not want to move my property anywhere. I have nowhere to go. This is my home and my property I bought for my daughter to grow up in. So I say I deny your request.*

Veronica Mora

Printed Name

*Veronica Mora*

Signature

6-22-2022

Date

**Received**

JUN 21 2022

**Planning & Development**



## City Council Memorandum

**FROM:** The Office of the City Manager

**DATE:** July 19, 2022

**DISCUSS AND CONSIDER APPROVING A FINAL PLAT REFERRED TO AS THE ENCLAVE AT INDIAN TRAIL, ON PROPERTY DESCRIBED AS BEING ALL THAT CERTAIN 16.55 ACRE TRACT OF LAND SITUATED IN THE W.E. HALL SURVEY, ABSTRACT NO. 1086, AND THE J. M. ROBERTS SURVEY, ABSTRACT NO. 723, AND BEING ALL OF THE CALLED 2.980 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048431, DEED RECORDS OF BELL COUNTY, TEXAS, ALL OF THE CALLED 7.971 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048422, DEED RECORDS OF BELL COUNTY, TEXAS, ALL OF THE "PARCEL 1" CALLED 3.003 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048429, DEED RECORDS OF BELL COUNTY, TEXAS, ALL OF THE "PARCEL 2" CALLED 2.649 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048429, DEED RECORDS OF BELL COUNTY, TEXAS AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)**

### **EXPLANATION:**

The applicant submitted an application for final plat approval for 16.55 acres for land located east of Indian Trail and north of Clore Rd. The preliminary plat for this case was recommended for approval (7-0) by the Planning & Zoning Commission on May 26, 2021 and was approved by City Council (5-0) on June 8, 2021. The 2021 Land Use Plan identifies this development for Medium Density Residential use.

As of June 16, 2022, staff had reviewed the submitted final plat plans and made comments to address safety, and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

### **RECOMMENDATION:**

On June 16, 2022, staff returned comments to the applicant. As of June 23, 2022, revisions based on staff comments had not been received. Staff has had on going correspondence with the applicant's engineer regarding performance and maintenance bonds, and therefore recommended to the Planning & Zoning Commission approval with conditions of the Final Plat for the subdivision referred to as The Enclave at Indian Trail with the following conditions:

1. The applicant will provide a performance bond in an amount equal to the estimated costs of completion of required improvements verified by the City Engineer, prior to the plat being filed for record with Bell County.

2. The applicant will provide a maintenance bond for all public infrastructure improvements within the subdivision, with the exception of Enclave Blvd, prior to the plat being filed for record with Bell County.
3. Address outstanding comments regarding linework of drainage easement and required signature blocks on face of plat prior to the plat being filed for record with Bell County.

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

During the Planning and Zoning Commission meeting held on June 29, 2022, the Planning & Zoning Commission voted (7-0) to recommend approval of a Final Plat referred to as the Enclave at Indian Trail, on property described as being all that certain 16.55 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 723, and being all of the called 2.980 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the called 7.971 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the "Parcel 1" called 3.003 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the "Parcel 2" called 2.649 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, with the conditions as presented by staff and based on staff's recommendations and findings.

**ACTION BY THE COUNCIL:**

1. Motion to **approve with conditions** a request for a Final Plat referred to as the Enclave at Indian Trail, on property described as being all that certain 16.55 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 723, and being all of the called 2.980 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the called 7.971 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the "Parcel 1" called 3.003 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the "Parcel 2" called 2.649 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, **with the conditions as presented by staff and based on staff's recommendations and findings.**
2. Motion to **approve** or **disapprove with explanation** a request for a Final Plat referred to as the Enclave at Indian Trail, on property described as being all that certain 16.55 acre tract of land situated in the W.E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 723, and being all of the called 2.980 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the called 7.971 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the "Parcel 1" called 3.003 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the "Parcel 2" called 2.649 acre tract of land described in a deed to Terra Azul Developments, LLC, recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas **based on the City Council's recommendations and findings.**

3. Any other action desired.

**ATTACHMENTS:**

[P22-17 Packet](#)



# Final Plat Application

**\*Requirements - APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED\***

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

1. Payment of \$150.00
2. Signed Original Field Notes and Dedication Pages
3. Paper Plan Submissions: Ten (10) Copies of Plat and Seven (7) sets of Final Engineering Plans
4. Electronic Submissions: Plat and Engineering Plans submitted to [tdake@harkerheights.gov](mailto:tdake@harkerheights.gov) in PDF format.
5. Completed Final Plat Checklist

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

### Property Information:

**Plat Name:** The Enclave at Indian Trail Date Submitted: \_\_\_\_\_

Number of Lots: 37 Number of Units/Suites: NA Acreage: 16.55

Site Address or General Location: Indian Trail, Harker Heights

Residential  Commercial  Both On Site Detention Proposed with Subdivision:  Yes  No  Other

Date of Preliminary Plat Approval by P&Z: \_\_\_\_\_

### Owner Information & Authorization:

**Property Owner:** Terra Azul Developments, LLC

Address: 2501-B East Elms Rd, Killeen, Tx

Phone: 512-944-4820 E-Mail: chris@flintrockbuilders.com

**Developer:** Flintrock Builders

Address: 105 E. FM 2410, Harker Heights, Texas

Phone: 512-944-4820 E-Mail: chris@flintrockbuilders.com

**Engineer:** Republic Engineering & Development Services, LLC

Address: PO Box 3123, Harker Heights, Texas

Phone: 512-665-8910 E-Mail: jtheriot@republiceds.com

**Surveyor:** Quintero Engineer, LLC

Address: 1501 W. Stan Schlueter Lp., Killeen, Texas

Phone: 254-394-0034 E-Mail: gmeza@quinteroeng.com

For more information reference Section 154.22 Final Plat of the Harker Heights Code of Ordinances

**I HEREBY UNDERSTAND AND ACKNOWLEDGE:**

The final plat must be prepared in accordance with the City's subdivision rules and regulations and shall conform substantially to preliminary plat layout as approved. The subdivider will be required to install at his/her own expense all water lines, streets, sewer lines, drainage facilities, and structures within the subdivision accords to Section 154.36 of the Harker Heights Code of Ordinances.

All required improvements must be completed unless a Bond or Letter of Credit has been posted and attached in sufficient amount to assure completion.

A maintenance bond/surety instruments has been furnished to assure the quality of materials and workmanship and maintenance of all required improvements including the City's cost for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the even the subdivider defaults.

The maintenance bond or other surety instrument shall be satisfactory to the city as to form, sufficiency and manner of execution. For water and sewer related improvements, the bond or other instrument shall be in an amount equal to 20% of the cost of improvements verified by the city Engineer and shall run for a period of one calendar year. Bonds or other instruments for streets and drainage facilities shall be in an amount equal to 40% of the improvements verified by the city Engineer and shall run for a period of two calendar years.

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

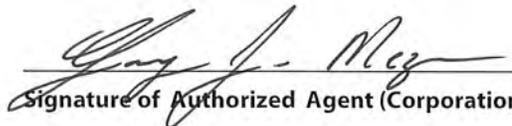
Christopher Doose \_\_\_\_\_

**Printed Name of Owner**

Gorge J. Meza (Quintero Engineering, LLC) \_\_\_\_\_

**Printed Name of Authorized Agent (Corporation/Partnership)**

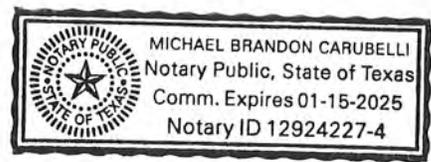
  
\_\_\_\_\_  
**Signature of Owner**

  
\_\_\_\_\_  
**Signature of Authorized Agent (Corporation/Partnership)**

SWORN AND SUBSCRIBED BEFORE ME THIS 31<sup>ST</sup> DAY OF

May, 20 22.

  
\_\_\_\_\_  
**Signature of Notary Public**



My Commission Expires: 01/15/2025

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

Date Submitted: \_\_\_\_\_ Received By: \_\_\_\_\_ Case #: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Rev. 5/20



# QUINTERO ENGINEERING, LLC

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT

1501 W. STAN SCHLUETER LP., KILLEEN TEXAS (254) 493-9962

T.B.P.E. FIRM REGISTRATION NO.: 14709

T.B.P.L.S. FIRM REGISTRATION NO.: 10194110

## FIELD NOTES 16.55 ACRES BELL COUNTY, TEXAS

**BEING** all that certain 16.55 acre tract of land situated in the W. E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 723, and being all of the called 2.980 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the called 7.971 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the "Parcel 1" called 3.003 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the "Parcel 2" called 2.649 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, being more particularly described as follows:

**BEGINNING** at a PK nail found in concrete in the East line of Indian Trail, in a West line of the said 7.971 acre tract, at the Northwest corner of a called 0.258 acre tract of land described in a deed to Mooching K, LTD., recorded in Volume 4021, Page 449, Deed Records of Bell County, Texas, for a corner in a West line of the herein described tract;

**THENCE**, N 12° 04' 55" E, 60.02 feet (Deed N 12° 03' 00" E, 60.02 feet), along the East line of Indian Trail, to a 3/8" iron rod with cap stamped "M A K" found, at the Southwest corner of Lot 1, Block 1, Hawkins Addition, recorded in Cabinet C, Slide 200-A, Plat Records of Bell County, Texas;

**THENCE**, along the South and East lines of the said Hawkins Addition the following two courses and distances:

1. S 77° 47' 38" E, 300.14 feet (Deed S 77° 46' 47" E, 300.14 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
2. N 12° 04' 47" E, 134.97 feet (Deed N 12° 05' 38" E, 135.01 feet), to a 3/8" iron rod with cap stamped "M A K" found, for the Northeast corner of the said Hawkins Addition, being the Southeast corner of Lot 1, Block 1, Texas Tumblers Addition, recorded in Cabinet D, Slide 14-A, Plat Records of Bell County, Texas;

**THENCE**, N 12° 05' 03" E, 294.96 feet (Adj. Plat N 12° 01' 51" E, 295.00 feet), along the East line of the said Texas Tumblers Addition, to a 3/8" iron rod with cap stamped "M A K" found, for the Northeast corner of the said Texas Tumblers Addition, being the Southeast corner of the called Lot 1, Block 1, Pat Kern Subdivision, Replat No. 1, City approved, unrecorded at this time;

**THENCE**, along the East and North lines of the said Lot 1, Pat Kern Subdivision, Replat No. 1, the following three courses and distances:

1. N 12° 16' 35" E, 155.26 feet (Deed N 12° 17' 44" E, 155.15 feet), to a 3/8" iron rod found;
2. N 75° 06' 22" W, 100.79 feet (Deed N 75° 01' 33" W, 100.86 feet), to a 3/8" iron rod with cap stamped "M A K" found;
3. N 07° 16' 44" E, 234.98 feet (Deed N 07° 16' 45" E, 234.84), to a 3/8" iron rod found, at the Southeast corner of a called 1.321 acre tract of land described in a deed to BHE, LLP., recorded in Volume 5320, Page 444, Deed Records of Bell County, Texas, being the original Northeast corner of the said Pat Kern Subdivision, Replat No. 1;

**THENCE**, N 07° 19' 58" E, 138.92 feet (Deed N 07° 19' 01" E, 138.92 feet), along the East line of the said 1.321 acre tract, to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set, at the Southwest corner of the remainder of a called 6.00 acre tract of land described as "Exhibit B" in a deed to Rena Chang Hoot, recorded in instrument No. 200800048579, Deed Records of Bell County, Texas, for the Northernmost Northwest corner of the herein described tract;

"EXHIBIT A"



# QUINTERO ENGINEERING, LLC

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1501 W. STAN SCHLUETER LP., KILLEEN TEXAS (254) 493-9962

T.B.P.E. FIRM REGISTRATION NO.: 14709

T.B.P.L.S. FIRM REGISTRATION NO.: 10194110

**THENCE**, along the South and East lines of the said Rena Chang Hoot tract the following two courses and distances:

1. S 64° 18' 22" E, 378.23 feet (Deed S 64° 18' 46" E, 378.23 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
2. N 14° 57' 23" E, 50.59 feet (Deed N 14° 53' 55" E), to a 3/8" iron rod with cap stamped "QUINTERO 10194110" set, in the East line of the said Rena Chang Hoot tract, at the Southwest corner of Lot 1, Block 1, KC Stars Addition, recorded in Cabinet D, Slide 303-D, Plat Records of Bell County, Texas;

**THENCE**, S 64° 21' 57" E, 305.35 feet (Deed S 64° 18' 46" E, 345.45 feet), along the South line of the said KC Stars Addition, to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set, in the South line of a Drainage Reserve tract within the said KC Stars Addition, being in the West line of a called 10.54 acre tract of land described in a deed to M. K. Developers, L.C., recorded in Instrument No. 201000030220, Deed Records of Bell County, Texas, for the Northeast corner of the herein described tract;

**THENCE**, along the West lines of the said 10.54 acre tract and the remainder of Lot 4, Block 1, Centex Waste Management Development Phase Two, recorded in Cabinet D, Slide 254-B, Plat Records of Bell County, Texas, the following eight courses and distances:

1. S 77° 51' 03" W, 72.84 feet (Deed S 77° 51' 03" W, 72.84 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
2. S 39° 38' 23" W, 222.42 feet (Deed S 39° 38' 23" W, 222.42 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
3. S 05° 03' 41" W, 225.98 feet (Deed S 05° 03' 41" W, 225.98 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
4. S 06° 40' 16" W, 235.47 feet (Deed S 06° 40' 16" W, 235.47 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
5. S 26° 38' 14" W, 310.40 feet (Deed S 26° 38' 14" W), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
6. S 10° 21' 37" W, 151.05 feet (Deed S 10° 21' 09" W, 151.05 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
7. S 16° 28' 05" E, 249.50 feet (Deed S 16° 27' 16" E, 249.50 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
8. S 13° 20' 51" W, 466.67 feet (Deed S 13° 21' 40" W, 466.67 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set, in a curve to the right in the North line of Clore Road for the Southernmost Southeast corner of the herein described tract;

**THENCE**, along the North line of Clore Road the following three courses and distances:

1. 67.87 feet along the Arc of the said curve to the Right, which has a Radius of 223.72 feet, and a Chord Bearing and Distance of S 81° 05' 37" W, 67.61 feet, to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
2. S 89° 38' 20" W, 110.21 feet (Deed S 89° 39' 09" W, 110.08 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
3. N 03° 11' 19" W, 3.03 feet (Deed N 03° 13' 34" W, 2.89 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set, at the Southeast corner of Lot 1, Block 1, Harker Heights Municipal Complex Subdivision, recorded in Cabinet D, Slide 277-A, Plat Records of Bell County, Texas;

**THENCE**, along the East and North lines of the said Harker Heights Municipal Complex Subdivision the following three courses and distances:

1. N 00° 19' 34" W, 159.70 feet (Deed N 00° 21' 49" W, 159.63 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;
2. N 15° 03' 58" E, 463.56 feet (Deed N 15° 04' 48" E, 463.66 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set;

"EXHIBIT A"



**QUINTERO ENGINEERING, LLC**

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT

1501 W. STAN SCHLUETER LP., KILLEEN TEXAS (254) 493-9962

T.B.P.E. FIRM REGISTRATION NO.: 14709

T.B.P.L.S. FIRM REGISTRATION NO.: 10194110

3. N 89° 12' 32" W, 449.43 feet (Deed N 89° 13' 25" W, 449.45 feet), to a 1/2" iron rod with cap stamped "QUINTERO 10194110" set, at the Southeast corner of Lot 1, Block 1, Post Office Addition, recorded in Cabinet B, Slide 153-B, Plat Records of Bell County, Texas;

**THENCE**, N 12° 12' 12" E, 199.91 feet (Deed N 12° 11' 06" E, 200.14 feet), along the East line of the said Post Office Addition, to a 3/8" iron rod found, for the Northeast corner of the said Post Office Addition, being in the South line of Lot 1, Block 1, Miller Addition, recorded in Plat Year 2018, Plat No. 106, Plat Records of Bell County, Texas;

**THENCE**, along the South and East lines of the said Miller Addition the following two courses and distances:

1. S 77° 50' 30" E, 169.75 feet (Deed S 77° 47' 55" E, 169.83 feet), to a 3/8" iron rod found;
2. N 12° 06' 29" E, 149.87 feet (Deed N 12° 07' 05" E, 149.78 feet), to a 3/8" iron rod found, at the Southeast corner of a tract of land described in a deed to Mooching K, LTD., recorded in Volume 4062, Page 131, Deed Records of Bell County, Texas;

**THENCE**, N 12° 07' 08" W, 74.96 feet (Deed N 12° 07' 05" E, 75.14 feet), along the East line of the said Mooching K, LTD tract, to a 3/8" iron rod found;

**THENCE**, N 77° 49' 39" W, 299.62 feet (Deed N 77° 49' 27" W), along the North lines of the said Mooching K, LTD. tract and the said 0.258 acre tract, to the **POINT OF BEGINNING** and containing 16.92 acres of land, more or less.

The bearings for this description are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, per Leica Texas Smart Net GPS observations, as surveyed on the ground May 24, 2022 by Quintero Engineering, LLC.

05/31/2021

Seth H. Barton, R.P.L.S.  
Registered Professional Land Surveyor  
No. 6878, Texas



**DEDICATION**

STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BELL §

That **Terra Azul Development, LLC**, being the sole owner(s) of the land situated in the W. E. Hall Survey, Abstract No. 1086, and the J. M. Roberts Survey, Abstract No. 723, and being all of the called 2.980 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048431, Deed Records of Bell County, Texas, all of the called 7.971 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048422, Deed Records of Bell County, Texas, all of the "Parcel 1" called 3.003 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, all of the "Parcel 2" called 2.649 acre tract of land described in a deed to Terra Azul Developments, LLC., recorded in Instrument No. 201300048429, Deed Records of Bell County, Texas, which is more fully described in the dedication of **The Enclave at Indian Trails**, as an addition to the City of Harker Heights and, Bell County, Texas, and hereby dedicates to the City of Harker Heights, Bell County, Texas, all streets, avenues, roads, drives, alleys and associated potable water, sanitary sewer, and storm sewer systems as shown on said plat, and final construction drawings the same to be used as public thoroughfares and public utilities when and as authorized by the City of Harker Heights, Bell County, Texas.

The utility and drainage easements shown on said plat are dedicated to Bell County, Texas for installation and maintenance of any and all public utilities, which the city may elect to install and maintain or permit to be installed or maintained.

Tract 1 and Tract 2 shown on said plat are being dedicated Fee Simple to the City of Harker Heights.

W I T N E S S the execution hereof, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
**Christopher Doose**  
Member

Before me, the undersigned authority, on this day personally appeared **Christopher Doose**, known to me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that **he** executed the foregoing instrument as the owner of the property described hereon.

\_\_\_\_\_  
NOTARY PUBLIC STATE OF TEXAS  
My Commission Expires: \_\_\_\_\_

**LEGEND**

- PROPERTY BOUNDARY
  - LOT LINES
  - - - EASEMENT LINES
  - - - DRAINAGE EASEMENT LINES
  - - - ADJOINING TRACT PROPERTY LINES
  - - - OFFSITE EASEMENTS
  - 1-1/2" IRON PIPE FOUND
  - PK NAIL FOUND
  - 3/8" IRON ROD FOUND W/ CAP STAMPED "MITCHELL & ASSOC. KILLEEN"
  - 3/8" IRON ROD FOUND
  - 1/2" IRON ROD SET W/ CAP STAMPED "QE"
- \*\*UNLESS OTHERWISE NOTED\*\*

CENTER LINE - LINE TABLE		
LINE #	BEARING	LENGTH
L1	S76°41'36"E	71.02'
L2	S64°18'46"E	164.27'
L3	S12°08'37"W	19.51'
L4	S12°07'05"W	93.70'
L5	S77°52'55"E	22.00'
L6	S71°20'26"E	75.04'
L7	S82°37'47"E	67.68'

**NOTES**

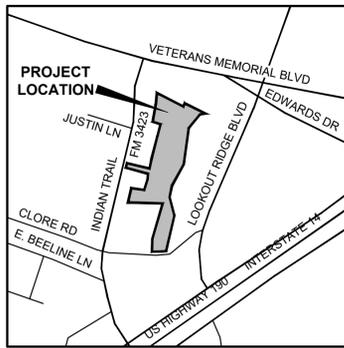
- THE BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, PER LEICA SMART NET GPS OBSERVATION.
- A PORTION OF THIS PROPERTY LIES WITHIN FEMA "ZONE AE" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, FEMA MAP 48027C0285E WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.
- "FEMA "ZONE AE" ARE DEFINED AS AREAS DETERMINED TO HAVE BASE FLOOD ELEVATIONS."
- THIS PROPERTY IS SUBJECT TO ALL THE CONDITIONS OUTLINED IN **ORDINANCE 2021-19**.
- LOT 1 AS REFERENCED IN ORDINANCE 2021-09 IS NOT PART OF THIS PLAT.

LOT NUMBER CHANGES	
PROPOSED PLAT	ORDINANCE 2021-19
TRACT 1	DRAINAGE TRACT F
TRACT 2	DRAINAGE TRACT A-E
20-22, BLOCK 1	4-6
5-7, BLOCK 1	19-21

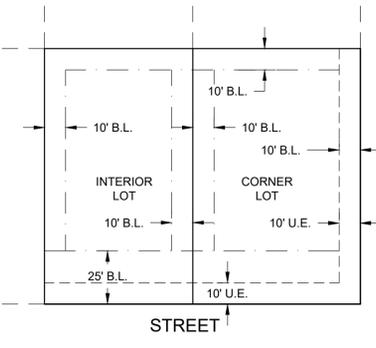
- ALL UTILITY EASEMENTS SHALL BE 10.0' WIDE. UTILITY EASEMENTS CONTAINING PROPOSED WATER AND SEWER INFRASTRUCTURE SHALL BE 15.0' WIDE, UNLESS OTHERWISE NOTED.
- FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 1 FOOT ABOVE THE AVERAGE TOP OF CURB ELEVATION FRONTING THE LOT. LOTS 6-20, BLOCK 1 AND TRACT 2 SHALL HAVE A FINISHED FLOOR ELEVATION 2 FEET ABOVE THE REGULATORY BASE FLOOD ELEVATION (BFE) OR THE 1 FOOT ABOVE THE AVERAGE TOP OF CURB ELEVATION, WHICHEVER IS HIGHER IN ELEVATION.
- FOR EACH DWELLING UNIT, 2 OFF-STREET PARKING SPACES MUST BE PROVIDED.
- APPURTENANCES FOR DRY UTILITIES MAY BE PLACED ABOVE GROUND IN UNDERGROUND UTILITY EASEMENTS; IN AREAS WHERE THE UNDERGROUND UTILITY EASEMENTS COINCIDES WITH A DRAINAGE EASEMENT OR PARKING EASEMENT, NO ABOVE-GROUND APPURTENANCES ARE ALLOWED.
- PERMANENT CORNERS, EXTERIOR AND INTERIOR, SHALL 1/2" IRON ROD WITH A CAP MARKED "QE" AFTER COMPLETED CONSTRUCTION AS AUTHORIZED BY THE DEVELOPER.
- THE 90 FOOT REAR BUILDING LINE IS OFFSET AND PARALLEL TO THE RIGHT-OF-WAY.
- UNITED STATES OF AMERICA 50' WIDE WATERLINE EASEMENT "TRACT NO. WL-18" PER VOLUME 500, PAGE 399.

CENTER LINE - CURVE TABLE					
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA
C1	300.00	64.82	N70°30'11"W	64.70	012°22'50"
C2	40.00	71.70	N12°57'52"W	62.48	102°41'47"
C3	300.00	137.39	S25°15'49"W	136.19	026°14'24"
C4	300.00	60.96	N17°57'53"E	60.85	011°38'31"
C5	300.00	61.09	S17°57'07"W	60.99	011°40'03"

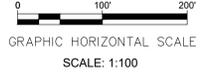
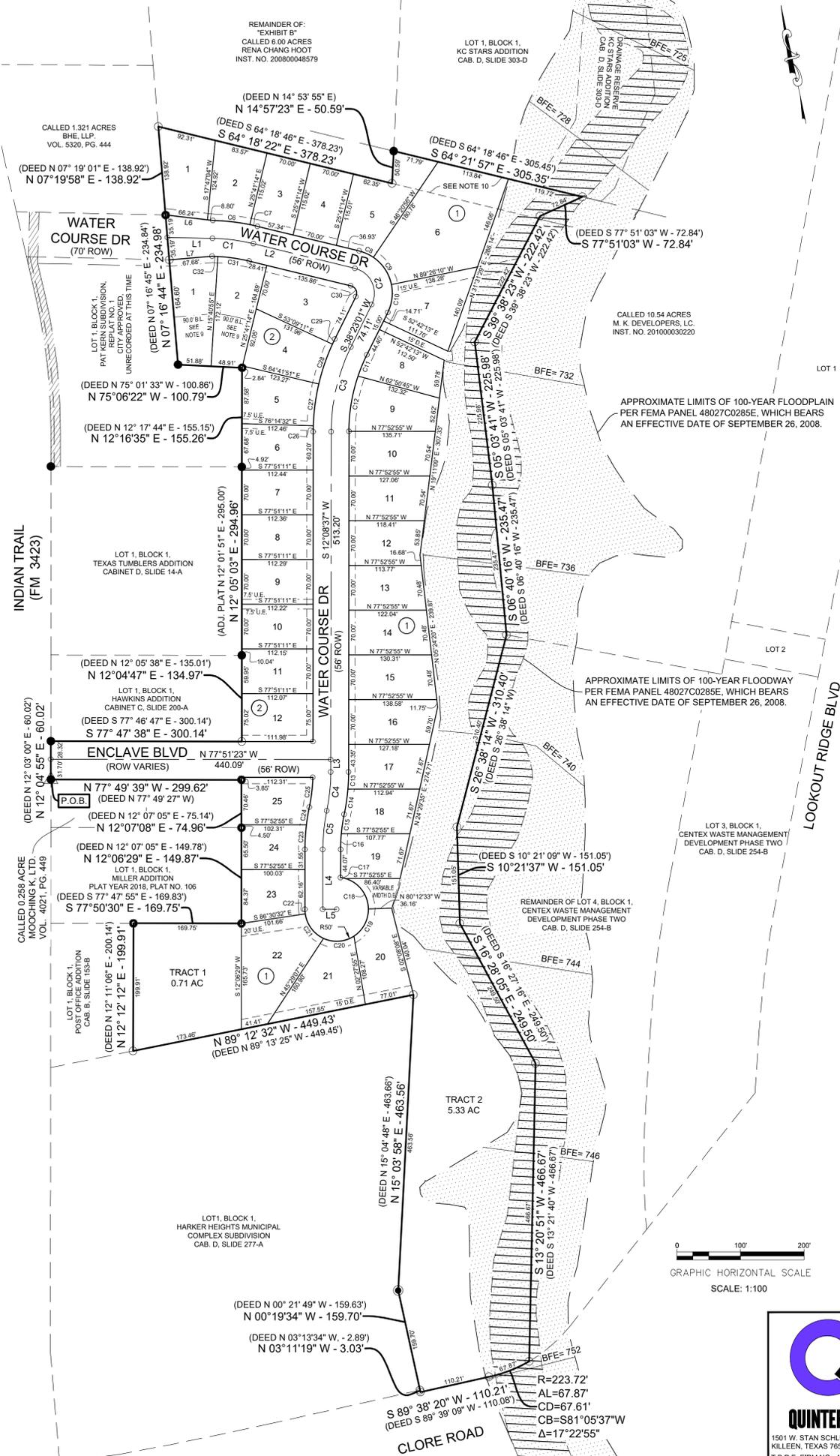
LOT - CURVE TABLE					
CURVE #	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA
C6	328.00	58.21	N71°36'32"W	58.14	010°10'08"
C7	328.00	12.66	N65°25'07"W	12.66	002°12'42"
C8	68.00	24.52	N53°58'55"W	24.39	020°39'42"
C9	68.00	52.48	N21°32'37"W	51.18	044°12'53"
C10	68.00	44.89	N19°28'25"E	44.08	037°49'11"
C11	272.00	35.81	N34°36'44"E	35.78	007°32'34"
C12	272.00	86.12	N21°33'36"E	87.73	018°33'41"
C13	328.00	26.68	N14°28'27"E	26.68	004°39'39"
C14	328.00	39.96	N20°17'42"E	39.94	006°58'52"
C15	272.00	30.81	N20°32'25"E	30.80	006°29'28"
C16	272.00	24.57	N14°42'23"E	24.57	005°10'36"
C17	50.00	7.27	N66°49'32"W	7.26	008°19'43"
C18	50.00	64.74	N25°34'11"W	60.31	074°10'58"
C19	50.00	50.60	N40°30'57"E	48.47	057°59'19"
C20	50.00	50.01	S81°50'18"E	47.95	057°18'10"
C21	50.00	50.00	S24°32'13"E	47.95	057°18'02"
C22	50.00	6.99	S08°06'57"W	6.98	008°00'17"
C23	328.00	38.54	S15°29'04"W	38.52	006°43'57"
C24	328.00	28.25	S21°19'05"W	28.24	004°56'06"
C25	272.00	46.77	S18°51'34"W	46.72	009°51'09"
C26	328.00	9.24	S12°57'03"W	9.24	001°36'51"
C27	328.00	66.09	S19°31'49"W	65.98	011°32'40"
C28	328.00	66.09	S31°04'29"W	65.98	011°32'40"
C29	328.00	8.80	S37°36'55"W	8.80	001°32'12"
C30	12.00	21.51	S12°57'52"E	18.74	102°41'47"
C31	272.00	49.82	S69°33'35"E	49.75	010°29'38"
C32	272.00	8.96	S75°45'00"E	8.96	001°53'12"



**LOCATION MAP**  
SCALE: NTS



**TYPICAL LOT LAYOUT**  
SCALE= N.T.S.



KNOW ALL MEN BY THESE PRESENTS, THAT TERRA AZUL DEVELOPMENTS, LLC, BEING THE SOLE OWNERS OF THAT CERTAIN 16.55 ACRE TRACT OF LAND SITUATED IN THE W. E. HALL SURVEY, ABSTRACT NO. 1086, AND THE J. M. ROBERTS SURVEY, ABSTRACT NO. 723, BOTH OF BELL COUNTY, TEXAS, AND BEING ALL OF THE CALLED 2.980 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048431, DEED RECORDS OF BELL COUNTY, TEXAS, ALL OF THE CALLED 7.971 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048422, DEED RECORDS OF BELL COUNTY, TEXAS, ALL OF THE "PARCEL 1" CALLED 3.003 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048429, DEED RECORDS OF BELL COUNTY, TEXAS, AND ALL OF THE "PARCEL 2" CALLED 2.649 ACRE TRACT OF LAND DESCRIBED IN A DEED TO TERRA AZUL DEVELOPMENTS, LLC, RECORDED IN INSTRUMENT NO. 201300048429, DEED RECORDS OF BELL COUNTY, TEXAS, WHICH IS MORE FULLY DESCRIBED IN THE DEDICATION OF THE ENCLAVE AT INDIAN TRAIL, AS SHOWN BY THE PLAT HEREOF, ATTACHED HERETO, AND MADE A PART HEREOF, AND APPROVED BY THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS AND THE ENCLAVE AT INDIAN TRAIL, DOES HEREBY DEDICATE TO SAID CITY ALL STREETS, AVENUES, DRIVES, ALLEYS AND DRAINAGE TRACTS SHOWN ON SAID PLAT, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES WHEN AND AS AUTHORIZED BY THE CITY OF HARKER HEIGHTS.

THE DRAINAGE AND UTILITY EASEMENTS SHOWN ON SAID PLAT ARE DEDICATED TO SAID CITY OF HARKER HEIGHTS FOR INSTALLATION AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES, WHICH THE CITY MAY ELECT TO INSTALL AND MAINTAIN OR PERMIT TO BE INSTALLED OR MAINTAINED.

TRACT 1 AND TRACT 2 SHOWN ON SAID PLAT ARE BEING DEDICATED FEE SIMPLE TO THE CITY OF HARKER HEIGHTS. WITNESS THE EXECUTION HEREOF, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, 202\_\_\_\_.

BY: **CHRISTOPHER DOOSE**  
MEMBER

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED CHRISTOPHER DOOSE KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING INSTRUMENT AS THE OWNERS OF THE PROPERTY DESCRIBED HEREOF.

NOTARY PUBLIC STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_

**PLANNING**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D. BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS.

DIRECTOR OF PLANNING AND DEVELOPMENT \_\_\_\_\_ ATTEST: CITY SECRETARY \_\_\_\_\_

**PLANNING AND ZONING COMMISSION**  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D. BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF HARKER HEIGHTS, TEXAS.

CHAIRPERSON, PLANNING AND ZONING COMMISSION \_\_\_\_\_ SECRETARY, PLANNING AND ZONING COMMISSION \_\_\_\_\_

**SURVEYORS' CERTIFICATE:**  
I, SETH H. BARTON, DO HEREBY CERTIFY THAT AN ACTUAL AND ACCURATE SURVEY WAS MADE ON THE GROUND OF THE PLATTED LAND, AND THAT THE CORNER MONUMENTS SHOWN ON THE FOREGOING PLAT WERE FOUND, OR PLACED, IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS.

*Seth H. Barton* 05/31/2022  
Seth H. Barton, R.P.L.S.  
Registered Professional Land Surveyor  
R.P.L.S. No. 6878, Texas

**AFFIDAVIT:**  
THE TAX APPRAISAL DISTRICT OF BELL COUNTY DOES HEREBY CERTIFY THERE ARE CURRENTLY NO DELINQUENT TAXES DUE TO THE TAX APPRAISAL DISTRICT OF BELL COUNTY ON THE PROPERTY DESCRIBED BY THIS PLAT.  
DATED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

By: \_\_\_\_\_  
BELL COUNTY TAX APPRAISAL DISTRICT

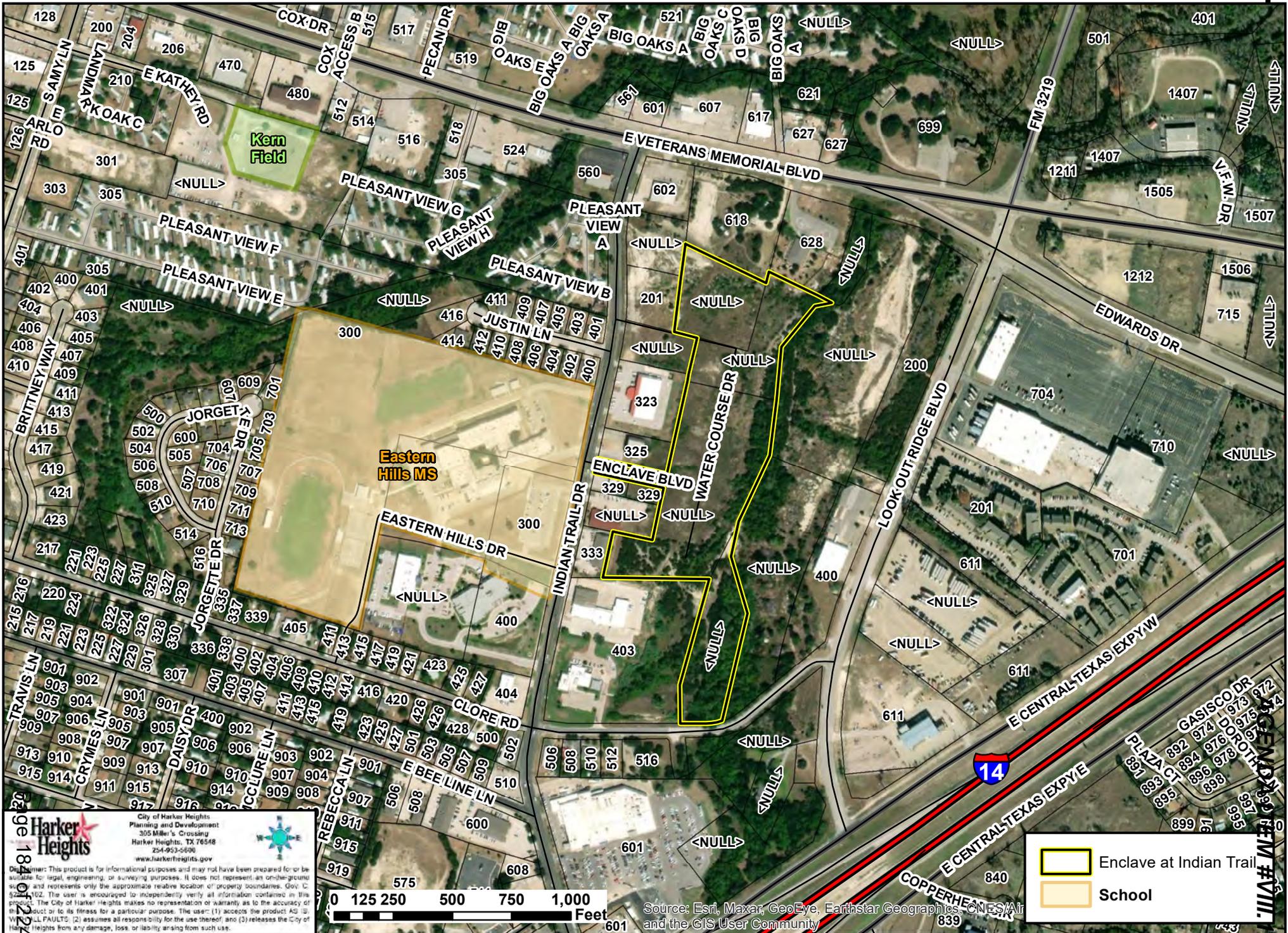
**COUNTY CLERK INFORMATION:**  
FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, IN YEAR \_\_\_\_\_  
PLAT # \_\_\_\_\_ PLAT RECORDS OF BELL COUNTY, TEXAS, AND DEDICATION INSTRUMENT # \_\_\_\_\_  
OFFICIAL RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS.

<b>SURVEY:</b>	W. E. HALL SURVEY, A-1086 J. M. ROBERTS SURVEY, A-723	<b>OWNER:</b>	TERRA AZUL DEVELOPMENTS, LLC 2501-B EAST ELMS RD KILLEEN, TEXAS 76542
<b>NUMBER OF BLOCKS:</b>	2	<b>SURVEYOR:</b>	QUINTERO ENGINEERING, LLC 1501 W. STAN SCHLUETER LP. KILLEEN, TEXAS 76549 (254) 493-9962
<b>NUMBER OF LOTS:</b>	37	<b>TOTAL ACREAGE:</b>	16.55 AC
<b>NUMBER OF TRACTS:</b>	2	<b>DATE:</b>	MAY 2022



**FINAL PLAT FOR:**  
**THE ENCLAVE AT INDIAN TRAIL**  
CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

PROJECT NO.: 025-21  
DRAWING NO.: P1



**Harker Heights**  
 City of Harker Heights  
 Planning and Development  
 305 Miller's Crossing  
 Harker Heights, TX 76548  
 254-933-6080  
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52, §162. 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 the product or its fitness for a particular purpose. The user: (1) accepts the product "AS IS" WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus and the GIS User Community

# THE ENCLAVE AT INDIAN TRAIL

## P22-17 Final Plat – The Enclave at Indian Trail

Plat Distributed to HH Staff: June 3, 2022

Comments returned to Quintero Engineering: June 16, 2022

### **Planning & Development**

1. Please make sure the 3 signature blocks included below are on the face of the plat, per §154.22 (B) (1) (q) (1),

Approved this \_\_\_\_\_ day of \_\_\_\_\_, by the Planning and Zoning Commission of the City of Harker Heights, Texas.

\_\_\_\_\_

Chairperson, Planning and Zoning Commission

\_\_\_\_\_

Secretary, Planning and Zoning Commission

Approved this \_\_\_\_\_ day of \_\_\_\_\_, by the City Council of the City of Harker Heights, Texas.

\_\_\_\_\_

Mayor

\_\_\_\_\_

City Secretary

Approved this the \_\_\_\_\_ day of \_\_\_\_\_, by the Director of Planning and Development of the City of Harker Heights, Bell County, Texas.

\_\_\_\_\_

Director of Planning and Development

2. Provide linework clarification that the called variable width drainage easement between Lots 19 & 20 of Block 1 and the called 15' drainage easement between Lots 7 & 8 of Block 1 are part of Tract 2.
3. See bond comments by Public Works Director.

**Public Works, Mark Hyde**

1. A performance bond in the amount of 100% of the cost of the street infrastructure improvements must be submitted to the City of Harker Heights and approved by the City Engineer for the completion of Enclave Blvd.
2. Provide a maintenance bond for all public infrastructure improvements within the subdivision less Enclave Blvd.

**City Engineer, Otto Wiederhold**

**Fire Marshal, Brad Alley**

1. No Comments - Approved

**Building Official, Mike Beard**

**ONCOR, Steven Huggins**

**Century Link, Chris McGuire**

**Time Warner Cable/Spectrum, Shaun Whitehead**

**ATMOS, Rusty Fischer**

**Clearwater UWCD, Dirk Aaron**

**(See attached Memo)**

**Item 1:** Database review and site visit (06JUN22) determined no wells exist on the proposed subdivision known as the Enclave at Indian Trail Subdivision.

**Item 2:** Once the subdivision replat is approved and subdivided as requested, future drilling of groundwater production wells will not be possible, as all lots and tracts will be smaller than 2 acres. Tract 2, while large enough to be eligible for a non-exempt well, is reserved for drainage, and so is ineligible.

**Item 3:** The proposed subdivision lies in the City of Harker Heights' CCN #13079, thus public water supply to the proposed subdivision is solely the responsibility of the City of Harker Heights.

**Item 4:** *CUWCD is the regulatory authority for groundwater wells in Bell County and hereby certifies that this proposed subdivision has been evaluated for on-site groundwater production wells. In its current condition, the proposed subdivision meets our expectations described by District Policy and affirmed by District Staff, and thus requires no signature block.*

**TxDOT, Richard Rangel & Stephen Kasberg**

1. TxDOT has no comments.

**WCID, Ricky Garrett**

- Put "See note 10" in size 24 bold font.



## City Council Memorandum

**FROM:** The Office of the City Manager

**DATE:** July 19, 2022

**DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, ADOPTING THE INVESTMENT POLICY OF THE CITY OF HARKER HEIGHTS, TEXAS; AUTHORIZING THE CITY'S INVESTMENT BROKER/DEALER LIST; AND APPROVING A LIST OF INVESTMENT TRAINING SPONSORS AND TAKE THE APPROPRIATE ACTION. (FINANCE DIRECTOR)**

### **EXPLANATION:**

The Public Funds Investment Act (PFIA), Section 2256.005 of the Texas Local Government Code, requires the City to review and adopt its Investment Policy on an annual basis. The following are updates made to the policy which are highlighted on Attachment 2.

- Page 1, Section II: Scope, paragraph 1 and 2: Comprehensive Annual Financial Report (CAFR) has been changed to Annual Comprehensive Financial Report (ACFR). This is in line with the Government Finance Officer's Association's "End the Acronym" Initiative and enforced through the Governmental Accounting Standards Board's issuance of Statement 98.
- Page 3, Section V: Responsibility and Control, Delegation: The wording Assistant Finance Director has been updated to Finance Analyst to address the new department structure as well as the completion of the Finance Analyst's investment training as required.
- Page 6, Section VIII: Authorized and Prohibited Investments, Authorized Investments #2.b.: CDARS has been changed to IntraFi Network Deposits to recognize the name change of the certificate of deposit program utilized by the city.
- Page 8, Section VIII: Authorized and Prohibited Investments, Prohibited Investments: Added cryptocurrency to list of prohibited investments (#6).
- Page 12, Glossary: Updated Comprehensive Annual Financial Report to Annual Comprehensive Financial Report. (This is located in its true alphabetical position on the clean copy.)
- Page 12, Glossary: Added cryptocurrency to the glossary.
- Page 13, Glossary: Added IntraFi Network Deposits to the glossary.

The PFIA Section 2256.025 requires an entity to review, revise, and adopt a list of qualified broker/dealers on annual basis.

- PNC Bank has been removed from the list. Last year they did notify us that they would hold all certificates of deposit that we had at the time of the merger until maturity however no additional certificates of deposit would be issued to commercial, corporate, or investment banking segments.
- All other qualified broker/dealers have not changed and are listed.

The PFIA Section 2256.008 requires that all investment officers attend investment training from an independent source approved by the City Council.

- There are no changes to the list of training sponsors and all are listed on the attached resolutions.

**RECOMMENDATION:**

Staff recommends approving the Resolution.

**ACTION BY THE COUNCIL:**

1. Motion to APPROVE/DISAPPROVE a Resolution adopting the Investment Policy of the City of Harker Heights, Texas; authorizing the City's Investment Broker/Dealer List; and approving a list of investment training sponsors.
2. Any other action desired.

**ATTACHMENTS:**

[Resolution](#)

[Investment Policy \(marked copy\)](#)

[Investment Policy \(final copy\)](#)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, ADOPTING THE INVESTMENT POLICY OF THE CITY OF HARKER HEIGHTS, TEXAS; AUTHORIZING THE CITY'S INVESTMENT BROKER/DEALER LIST; AND APPROVING A LIST OF INVESTMENT TRAINING SPONSORS**

**WHEREAS**, the Public Funds Investment Act, Section 2256.005 of the Texas Government Code, requires that the City of Harker Heights, Texas adopt an investment policy and review it annually; and

**WHEREAS**, the attached investment policy and incorporated revisions comply with the Public Funds Investment Act and authorize the investment of the City of Harker Heights' funds in safe and prudent investments; and

**WHEREAS**, the Public Funds Investment Act, Section 2256.025 of the Texas Government Code, requires that the City Council review, revise, and adopt a list of qualified broker/dealers annually; and

**WHEREAS**, the following firms are registered with the Securities and Exchange Commission and with the State of Texas and their qualifications have been reviewed:

Stifel Nicolaus – Michael Bell  
TexSTAR – Investment Pool  
LoneStar – Investment Pool  
Texas Class – Investment Pool; and

**WHEREAS**, the following banks are listed as qualified broker/dealers to invest funds with:

Bancorp South – Randy Sutton  
First National Bank Texas – Nancy Mullins; and

**WHEREAS**, the Public Funds Investment Act, Section 2256.008 of the Texas Government Code, requires that all investment officers of the City of Harker Heights attend investment training from an independent source approved by the City Council; and

**WHEREAS**, the City Council approves of the investment training courses sponsored by:

University of North Texas Center for Public Management  
Texas Municipal League  
Government Finance Officer's Association  
Government Treasurer's Organization of Texas.

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

1. The City of Harker Heights has complied with the requirements of the Public Funds Investment Act and that the investment policy, as attached, has been reviewed and is hereby adopted as the investment policy of the City of Harker Heights.
2. The above list of qualified broker/dealers is approved for investment transactions with the City of Harker Heights.
3. The above list of investment training sponsors is approved for training of the City of Harker Heights' investment officers.

**PRESENTED AND PASSED** on this the 19<sup>th</sup> day of July 2022, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays at a regular meeting of the City Council of the City of Harker Heights, Texas.

**CITY OF HARKER HEIGHTS, TEXAS:**

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

**ATTEST:**

\_\_\_\_\_  
Julie Helsham, City Secretary

## **CITY OF HARKER HEIGHTS INVESTMENT POLICY**

### **I. POLICY STATEMENT**

It is the policy of the City of Harker Heights (“City”) that the administration of its funds and the investment of those funds shall be handled as its highest public trust. Investments shall be made in a manner which will provide the maximum security of principal invested through limitations and diversification while meeting the daily cash flow needs of the City and conforming to all applicable State and City statutes governing the investment of public funds. The receipt of a market rate of return will be secondary to the requirements for safety and liquidity. It is the intent of the City to be in complete compliance with local law and the Texas Public Funds Investment Act of Texas Government Code Chapter 2256. The earnings from investments will be used in a manner that best serves the public trust and interests of the City.

### **II. SCOPE**

This investment policy applies to the investment activities of the City of Harker Heights and serves to satisfy the statutory requirements of the Public Funds Investment Act of Texas Government Code Chapter 2256. All financial assets of the City to include the following fund types, which are defined in the City’s ~~Comprehensive Annual Financial Report (“CAFR”)~~ Annual Comprehensive Financial Report (“ACFR”), shall be administered in accordance with the provisions of the policies:

- General Fund
- Debt Service Fund
- Capital Projects Fund
- Enterprise Funds
- Fixed Asset Fund
- Hotel/Motel Fund
- Restricted Courts Fund

All financial assets of the City to include the following fund types, which are not defined in the City’s ~~Comprehensive Annual Financial Report (“CAFR”)~~ Annual Comprehensive Financial Report (“ACFR”), shall be administered in accordance with the provision of the policies:

- Employee Benefits Fund

Any new funds created by the City unless specifically exempted by the City Council shall also be administered in accordance with the provisions of these policies. The investment policy does not apply to the following funds, which are separately administered:

- Texas Municipal Retirement Fund
- Deferred Compensation Fund

**III. INVESTMENT OBJECTIVES AND STRATEGY**

It is the policy of the City that all funds shall be managed and invested using the following priorities with a primary emphasis on safety of principal, liquidity and yield:

**Suitability**

An understanding of the suitability of the investment to the financial requirements of the City is important. Any investment eligible in the investment policy is suitable for all City funds.

**Safety of Principal**

Safety of principal is the foremost objective of the City. Investments of the City shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio. To obtain this goal, diversification is required in the portfolio's composition.

**Liquidity**

The City's investment portfolio will remain sufficiently liquid to enable it to meet all operating requirements which might be reasonably anticipated. Portfolio maturities will be structured to meet the obligations of the City first, and then to achieve the highest return of interest consistent with the objectives of this policy.

**Marketability**

Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash requirement. Historical market "spreads" between the bid and offer prices of a particular security type of less than a quarter of a percentage point shall define an efficient secondary market.

**Diversification**

Diversification of the portfolio will include diversification by maturity and market sector and will include the use of a number of broker/dealers for diversification and market coverage. Competitive bidding will be used on each sale and purchase. The suitability of each investment decision will be made on the basis of these objectives.

**Yield**

The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints and the cash flow of the portfolio. "Market rate of return" shall be defined as the average yield of the current three-month U.S. Treasury Bill. (A treasury bill is a non-interest bearing security issued by the U.S. Treasury to finance the national debt.)

**Public Trust**

All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.

**IV. INVESTMENT STRATEGY BY FUND GROUPS**

In order to better diversify, maximize interest earnings and otherwise meet stated objectives, fund groups may be combined into one or more internal investment pools. Although fund monies may be combined into a single asset portfolio, proportional fund ownership will be accounted for separately. The city maintains separate portfolios for some individual funds or groups of funds that are managed in accordance with the terms of this policy and by the investment strategies listed below:

- A. General Operating Funds. This pooled investment group includes the general fund, debt service fund, and enterprise funds. The primary investment strategy for operating funds is to assure that anticipated cash flows are matched with adequate investment liquidity. The maximum maturity of an individual investment shall not exceed two years.
- B. Capital Project Funds. These funds primary revenue source is bond proceeds and are subject to arbitrage yield limitations. The primary investment strategy is to assure that anticipated cash flows are matched with adequate investment liquidity. The maximum maturity of an individual investment shall not exceed two years.
- C. Debt Service Sinking Funds. The primary investment strategy for debt service sinking funds is to match investment maturities with debt service payment requirements. The maximum maturity of an individual investment shall not exceed two years.

**V. RESPONSIBILITY AND CONTROL**

**Delegation**

The City Manager, Finance Director and ~~Assistant Finance Director~~ Finance Analyst are designated as Investment Officers of the City and are responsible for investment management decisions and activities that are consistent with this investment policy and the Public Funds Investment Act. The Finance Director may delegate duties to additional staff as necessary. The authority to invest the City's funds is effective until rescinded or until the termination of employment.

**Management and Internal Control**

The Investment Officer shall develop and maintain written administrative procedures for the operation of the investment program which are consistent with this Investment Policy.

The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and staff. The Investment Officer shall designate a staff person as a substitute in the event circumstances require timely action and the Investment Officer is not available.

The Investment Officer shall be responsible for monitoring market prices and rating changes in investments. This will be done through monthly statements/reports, newsletters, financial advisors, and/or investment managers. Once received, applicable information will be input into the investment software for tracking purposes.

**Training**

The Investment Officer and any designee(s) must attend at least one initial investment related training session containing at least ten (10) hours of instruction within twelve (12) months of assuming their duties. As a part of their ongoing training, they also must attend an investment related training session not less than once in a two-year period beginning October 1 (two fiscal year periods) and receive not less than eight (8) hours of instruction. The training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Public Funds Investment Act. The training must be provided by an independent source approved by the City Council on an annual basis by resolution.

**Transaction Authority**

No officer or designee may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer and approved by the City Council. The persons holding these positions are also designated as authorized to transact wire transfers, buy/sell, and trade investments in accordance with the goals and objectives of the City's investment strategy.

**Cash Flow Forecasting**

Effective cash management is recognized as essential to good fiscal management. Cash management is defined as the process of managing monies in order to ensure maximum cash availability. The City shall maintain a comprehensive cash management program, which includes collection of accounts receivable, prudent investment of its available cash, disbursement of payments in accordance with invoice terms, and the management of banking services.

**Prudence**

In accordance with the Public Funds Investment Act, the investments shall be made with the exercise of due care which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their own capital as well as the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority: preservation and safety of principal, liquidity, and yield. The Investment Officer and those delegated investment authority under this policy, when acting in accordance with the written procedures and this policy and in accordance with the Prudent Person Rule, shall be relieved of personal responsibility and liability in the management of the portfolio provided that deviations from expectations for a specific security's credit risk, market price change or portfolio shifts are reported in a timely manner and that appropriate action is taken to control adverse market effects.

**VI. ETHICS AND CONFLICTS OF INTEREST**

**Conflicts of Interest**

Investment Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

**Disclosure**

Investment Officers who have a personal business relationship with a business organization offering to engage in an investment transaction with the City shall file a statement disclosing that personal business interest. A personal business relationship exists if the investment officer:

- Owns 10% or more of the voting stock/shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
- Receives funds exceeding 10% of the investment officer’s gross income for the previous year; or
- Acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

An Investment Officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. The statements must be filed with the Texas Ethics Commission and the City of Harker Heights’ City Council.

**VII. INTERNAL CONTROLS**

The Director of Finance is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management. Accordingly, the Director of Finance shall establish a process for annual independent review by an external auditor to assure compliance with policies and procedures.

**VIII. AUTHORIZED AND PROHIBITED INVESTMENTS**

**Authorized Investments**

Acceptable investments under this policy shall be limited to the instruments listed below. The investments are to be chosen in a manner which promotes diversity of market sector and maturity. Financial assets of the City of Harker Heights may be invested only in the following:

1. A certificate of deposit or share certificate if the certificate is issued by a depository institution that has its main office or a branch office in the State of Texas and is:
  - a. Guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or its successor or the National Credit Union Share Insurance Fund or its successor;
  - b. Secured by obligation that are described in 5-9 below, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates but excluding those mortgage backed securities listed under “Prohibited Investments” in this section;
  - c. Secured in any other manner and amount provided by law for deposits of the investing entity.

2. In addition to the authority to invest funds in certificates of deposit as described in (1) above, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment:
  - a. The funds are invested by an investing entity through
    - i. a broker that has its main office or a branch office in the State of Texas and is selected from a list adopted by the City Council; or
    - ii. a depository institution that has its main office or a branch office in the State of Texas and that is selected by the City Council
  - b. The broker or depository institution selected by the City Council arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City (i.e. the ~~CDARS~~ IntraFi Network Deposits Program);
  - c. The full amount of the principal and accrued interest of each certificate of deposit is insured by the United States or an instrumentality of the United States; and
  - d. The City Council appoints its depository institution or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.
3. Obligations, including letters of credit, of the United States or its agencies and instrumentalities including the Federal Home Loan Banks.
4. Direct obligations of the State of Texas or its agencies and instrumentalities.
5. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
6. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the FDIC or by the explicit full faith and credit of the United States.
7. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than "A" or its equivalent.
8. Interest-bearing banking deposits that are guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or its successor or the National Credit Union Share Insurance Fund or its successor.
9. Interest-bearing banking deposits other than those described in number 3 if:
  - a. The funds invested are invested through
    - i. a broker that has its main office or a branch office in the State of Texas and is selected from a list adopted by the City Council; or
    - ii. a depository institution that has its main office or a branch office in the State of Texas and that is selected by the City Council
  - b. The broker or depository institution arranges for the deposit of funds in one or more federally insured depository institution regardless of location

- c. The full amount of principal and accrued interest of the deposit is insured by the United States or an instrumentality of the United States; and
  - d. The custodian of the deposits is the same as described in (a) above, an entity as described in Section 2257.041(d) of the Local Government Code, or a clearing broker dealer.
10. Investment pools authorized by resolution by the City Council. Investment pools shall invest the funds it receives from the City in authorized investments permitted by the Public Funds Investment Act Section 2256.016. Investment pool eligibility is discussed in the Public Funds Investment Act Section 2256.016 and 2256.019 and includes a requirement to be continuously rated no lower than “AAA” or “AAA-m” or an equivalent rating by at least one nationally recognized rating service.

Any investment made above shall meet all of the following criteria:

- Interest rate must be fixed
- It must be a direct investment – not a fund managed by others
- It cannot be a principal or interest only strip

Callable provisions are allowed with the following criteria:

- Only one-time calls
- Must have frequencies of three months or longer
- Cannot buy callables at a dollar price above Par (100)
- Maximum ownership 25% of portfolio
- Will not use call date as a maturity date

Any investments made above are required to receive a minimum of three rate quotes from brokers/dealers.

Any exceptions to the above allowed investments and maturity horizons must be approved in advance by the City Council and then shall be approved only if there are clear and compelling reasons to make the exception.

All security transactions entered into by the City shall be conducted on a delivery versus payment basis.

**Prohibited Investments**

The investment officer has no authority to use any of the following investment instruments which are strictly prohibited:

1. Repurchase agreements,
2. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal,
3. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest,

4. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years,
5. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index, ~~and~~
6. Cryptocurrency, and
- ~~6.7.~~ Any other investment instrument that is not specifically listed as an authorized investment above.

**IX. SELECTION OF BANKS AND DEALERS**

**Depository**

The City will designate one banking institution through a competitive process as its central banking service provider at least every three years. This institution will be used for normal banking services including disbursements, deposits, lockbox, controlled disbursement and/or safekeeping of securities. Other banking institutions from which the City may deposit funds or purchase certificates of deposit will also be designated after they have followed the procedures listed below under “Authorized Broker/Dealers and Qualified Bidders”.

**Authorized Broker/Dealers and Qualified Bidders**

The Investment Officer will maintain a list of approved financial institutions and securities broker/dealers who are authorized to provide investment services in the State of Texas. These may include primary dealers or regional dealers that qualify under the Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule) and qualified depositories as established by Texas Local Government Code Chapter 105.

Every financial institution and broker/dealer with whom the City transacts business will be provided a copy of this Investment Policy to ensure that they are familiar with the goals and objectives of the investment program. The financial institution or broker/dealer will be required to return a signed copy of the Certification Form certifying that the policy has been received and reviewed (Exhibit A). A recommendation for addition to the list of qualified bidders will be submitted to the City Manager and City Council for approval. A list of broker/dealers will be taken to the City Council to be approved by resolution annually.

**X. BID SOLICITATION METHODS**

In order to ensure the best rates are being received, the Investment Officer will on occasion request bids/quotes from authorized broker/dealers for investments. These can be oral, in writing, via e-mail, or any combination thereof.

**XI. DIVERSIFICATION AND MATURITY LIMITATIONS**

It is the policy of the City to diversify its investment portfolio. The Investment Officer shall be required to diversify maturities, types of investment instruments, and broker/dealers. The Investment Officer, to the extent possible, will attempt to match investments with anticipated cash flow requirements. Matching maturities with cash flow dates will reduce the need to sell

securities prior to maturity, thus reducing market risk. Unless matched to a specific requirement, the Investment Officer may not invest more than 20% of the portfolio for a period greater than one (1) year. Unless matched to a specific requirement and proper approval received in advance from the City Council, the investment officer may not invest any portion of the portfolio for a period greater than two (2) years. The investment officer may not invest more than 50% of the portfolio in any one agency.

**XII. SAFEKEEPING AND CUSTODY**

The laws of the State of Texas and prudent treasury management require that all purchased securities be bought on a delivery versus payment basis and be held in safekeeping by either an independent third party financial institution, the City's designated depository or designated agent.

All safekeeping arrangements shall be designated by the Investment Officer and an agreement of the terms executed in writing. The third-party custodian and designated agents shall be required to issue safekeeping receipts to the City listing each specific security, rate, description, maturity, CUSIP number, and other pertinent information. Each safekeeping receipt will be clearly marked that the security is insured and registered in the City's name.

**XIII. COLLATERALIZATION**

Collateralization will be required on all deposits and certificates of deposit. The collateralization level shall be equal to at least one hundred and two percent (102%) of the aggregate market value of the deposit or investment including accrued interest less an amount insured by the Federal Deposit Insurance Corporation ("FDIC"). Evidence of the pledged collateral shall be documented by a tri-party custodial agreement with the collateral pledged clearly listed in the agreement. All securities pledged to the City for certificates of deposit or demand deposits shall be held by an independent third-party bank, a Federal Reserve Bank or a branch of a Federal Reserve Bank. The safekeeping bank may not be within the same holding company as the bank from which the securities are pledged. An authorized City Official must approve release and/or substitution of collateral before such action is taken. Collateral shall be reviewed monthly to assure that the market value of the securities pledged equals or exceeds the related deposit or investment balance. Collateral requirements shall be in accordance with Chapter 2256 and 2257 of the Texas Government Code. The City of Harker Heights shall accept only the following securities as collateral for cash deposits and certificates of deposit:

1. FDIC and its successor's insurance coverage.
2. Obligations of the U.S., its agencies and instrumentalities including agency and instrumentality issued mortgage-backed collateral.
3. Other obligations, the principal of and interest on, which are unconditionally guaranteed or insured by the State of Texas, the U.S. government or its agencies and instrumentalities.
4. Obligations of states, agencies thereof, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally

recognized investment rating firm and having received a rating of no less than "A" or its equivalent with a remaining maturity of ten (10) years or less.

#### **XIV. PERFORMANCE EVALUATION AND REPORTING**

##### **Quarterly Reports**

In accordance with the Public Funds Investment Act, not less than quarterly the Investment Officer shall prepare and submit to the City Council a written report of investment transactions for all funds for the preceding reporting period within a reasonable time after the end of the period. The quarterly investment report must:

1. describe in detail the investment position of the City on the date of the report;
2. be prepared jointly by all investment officers of the City;
3. be signed by each investment officer of the City;
4. contain a summary statement of each pooled fund group prepared in accordance with generally accepted account principles that states the:
  - a) beginning market value for the reporting period,
  - b) additions and changes to the market value during the period,
  - c) ending market value for the period, and
  - d) fully accrued interest for the reporting period;
5. state the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested; market value shall be determined by reference to published prices in the Wall Street Journal or by reference to other commonly recognized source of market information;
6. state the maturity date of each separately invested asset that has a maturity date;
7. state the account or fund in the City for which each individual investment was acquired;
8. state the compliance of the investment portfolio of the City as it relates to:
  - a) the investment strategy expressed in the City's investment policy, and
  - b) relevant provisions of the Public Funds Investment Act;
9. state the total rate of return on the investment portfolio, and
10. be reviewed by the City's independent auditors as part of the City's annual audit and the result of this review shall be reported to the City Council.

##### **Audits**

A compliance audit will be performed in conjunction with the City's annual financial audit. A compliance audit focuses on management controls and adherence to the existing investment policy. Any purchase investments outside of the investment pool that are not money market funds or certificates of deposits will be reviewed annually by an independent auditor. The result of this review by the independent auditor must be submitted to the governing body in conjunction with the City's annual audit.

**XV. INVESTMENT POLICY ADOPTION BY CITY COUNCIL**

The City's investment policy shall be adopted by the City Council. This policy shall be reviewed and adopted on an annual basis by the City Council.

**XVI. GLOSSARY**

A glossary of financial terms referenced herein is appended to this policy. (Appendix A).

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Harker Heights, Texas, this 19<sup>th</sup> day of July, 2022 at which meeting a quorum was present.

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Spencer H. Smith, Mayor  
City of Harker Heights

Attest:

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Julie Helsham, City Secretary  
City of Harker Heights

**Appendix A  
GLOSSARY**

AGENCIES: Federal agency securities.

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large denomination CD's are typically negotiable.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COLLATERALIZED MORTGAGE OBLIGATIONS (CMO): A type of bond secured on mortgages where the mortgage repayments are used to pay interest on the bonds.

~~COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)~~ ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR): The official annual report for the City of Harker Heights. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

COUPON: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

CRYPTOCURRENCY: A digital currency in which transactions are verified and records

maintained by a decentralized system using cryptography, rather than by a centralized authority.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DEBENTURE: A bond secured only by the general credit of the issuer.

DELIVERY VERSUS PAYMENT: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

DISCOUNT: The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

DISCOUNT SECURITIES: Non-interest bearing money market instruments that are issued at a discount and redeemed at a maturity for full face value, e.g. U.S. Treasury Bills.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

FEDERAL FARM CREDIT BANK (FFCB): Government sponsored banks that are part of the Farm Credit System which is a cooperatively owned nationwide system of banks and associations that provide services to farmers, ranchers or producers.

FEDERAL HOME LOAN BANKS (FHLB): Government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLB's is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks.

GENERAL ACCEPTED ACCOUNTING PRINCIPLES (GAAP): Uniform minimum standards for financial accounting and recording encompassing the conventions, rules, and procedures that define accepted accounting principles.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA OR Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "passthroughs" is often used to describe Ginnie Maes.

[INTRAFI<sup>®</sup> NETWORK DEPOSITS: Formerly called Insured Cash Sweep<sup>®</sup> and CDARS<sup>®</sup>, enables financial institutions to offer depositors access to FDIC insurance for their large-dollar deposits, all through a single financial relationship.](#)

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

LOCAL GOVERNMENT INVESTMENT POOL (LGIP): The aggregate of all funds from political subdivisions that are placed in the

custody of the State Treasurer for investment and reinvestment.

**MARKET VALUE:** The price at which a security is trading and could presumably be purchased or sold.

**MATURITY:** The date upon which the principal or stated value of an investment becomes due and payable.

**MONEY MARKET:** The market in which short-term debt instruments (bills, commercial paper, banker's acceptances, etc.) are issued and traded.

**PORTFOLIO:** Collection of securities held by an investor.

**PRIMARY DEALER:** A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) - registered securities broker-dealers, banks, and a few unregulated firms.

**PRUDENT PERSON RULE:** An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the Custody State--the so-called legal list. In other states, the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

**QUALIFIED PUBLIC DEPOSITORIES:** A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under

the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

**RATE OF RETURN:** The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

**RATINGS:** Credit ratings are opinions about credit risk. The City of Harker Heights uses Standard and Poor's for its credit ratings. Following is the scale used for municipalities:

- AAA – extremely strong capacity to meet financial commitments
- AA\* – very strong capacity to meet financial commitments
- A\* – strong capacity to meet financial commitments, but somewhat susceptible to adverse economic conditions and changes in circumstances
- BBB\* – adequate capacity to meet financial commitments, but more subject to adverse economic conditions
- BB\* – less vulnerable in the near-term but faces major ongoing uncertainties to adverse business, financial and economic conditions
- B\* – more vulnerable to adverse business, financial and economic conditions but currently has the capacity to meet financial commitments
- CCC\* – currently vulnerable and dependent on favorable business, financial and economic conditions to meet financial commitments

- CC – highly vulnerable; default has not yet occurred, but is expected to be a virtual certainty
- C – currently highly vulnerable to non-payment, and ultimate recovery is expected to be lower than that of higher rated obligations
- D – payment default on a financial commitment or breach of an imputed promise; also used when a bankruptcy petition has been filed or similar action taken

\*may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the rating categories.

Following is the scale for Principal Stability funds also known as “money market fund ratings” commonly used for investment pools:

- AAAM – extremely strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk
- AAAM\* – very strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk; differs from AAAM only to a small degree
- AM\* – strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk, but is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than funds in higher-rated categories
- BBM\* – adequate capacity to maintain principal stability and to limit exposure to principal losses due to credit risk; adverse economic conditions or changing circumstances are more likely to lead to a reduced capacity to maintain principal stability

- BBM\* – speculative characteristics and uncertain capacity to maintain principal stability; vulnerable to principal losses due to credit risk
- DM – fails to maintain principal stability resulting in a realized or unrealized loss of principal

\*may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the rating categories.

REGIONAL DEALERS: (See primary dealers) A group of brokers that have the ability to buy and sell from various investment houses.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15C3-1: See Uniform Net Capital Rule.

TENNESSEE VALLEY AUTHORITY (TVA): A wholly owned agency of the United States established in 1933 to provide electric power in a region that includes seven southeastern states. Of the six U.S. agencies that issue their own debt, TVA is the only one directly owned by the federal government.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are

issued to mature in three months, six months, or one year.

**TREASURY BOND:** Long-term U.S. Treasury securities having initial maturities of more than 10 years.

**TREASURY NOTES:** A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

**UNIFORM NET CAPITAL RULE:** Securities and Exchange Commission requirement that member firms as well as nonmember broker/dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers

all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

**YIELD:** The rate of annual income return on an investment expressed as a percentage. (a) **INCOME YIELD** is obtained by dividing the current dollar income by the current market price for the security. (b) **NET YIELD** or **YIELD TO MATURITY** is the current income yield minus any premium above par or plus any discount from par in purchase price with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

**CITY OF HARKER HEIGHTS (the "City")  
INVESTMENT POLICY CERTIFICATION FORM  
as required by Texas Government Code Section 2256.005(k-l)**

This certification form is executed pursuant to Texas Government Code Chapter 2256, Public Funds Investment Act. The undersigned Qualified Representative certifies that:

1. The Qualified Representative is duly authorized to execute this Certification Form on behalf of the Company named below, and
2. The Qualified Representative has received and reviewed the City of Harker Heights' Investment Policy, and
3. The Company has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between it and the City that are not authorized by the City's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires and interpretation of subjective investment standards.

\_\_\_\_\_  
Signature of Qualified Representative

Company Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

**CITY OF HARKER HEIGHTS  
INVESTMENT POLICY**

**I. POLICY STATEMENT**

It is the policy of the City of Harker Heights (“City”) that the administration of its funds and the investment of those funds shall be handled as its highest public trust. Investments shall be made in a manner which will provide the maximum security of principal invested through limitations and diversification while meeting the daily cash flow needs of the City and conforming to all applicable State and City statutes governing the investment of public funds. The receipt of a market rate of return will be secondary to the requirements for safety and liquidity. It is the intent of the City to be in complete compliance with local law and the Texas Public Funds Investment Act of Texas Government Code Chapter 2256. The earnings from investments will be used in a manner that best serves the public trust and interests of the City.

**II. SCOPE**

This investment policy applies to the investment activities of the City of Harker Heights and serves to satisfy the statutory requirements of the Public Funds Investment Act of Texas Government Code Chapter 2256. All financial assets of the City to include the following fund types, which are defined in the City’s Annual Comprehensive Financial Report (“ACFR”), shall be administered in accordance with the provisions of the policies:

- General Fund
- Debt Service Fund
- Capital Projects Fund
- Enterprise Funds
- Fixed Asset Fund
- Hotel/Motel Fund
- Restricted Courts Fund

All financial assets of the City to include the following fund types, which are not defined in the City’s Annual Comprehensive Financial Report (“ACFR”), shall be administered in accordance with the provision of the policies:

- Employee Benefits Fund

Any new funds created by the City unless specifically exempted by the City Council shall also be administered in accordance with the provisions of these policies. The investment policy does not apply to the following funds, which are separately administered:

- Texas Municipal Retirement Fund
- Deferred Compensation Fund

**III. INVESTMENT OBJECTIVES AND STRATEGY**

It is the policy of the City that all funds shall be managed and invested using the following priorities with a primary emphasis on safety of principal, liquidity and yield:

**Suitability**

An understanding of the suitability of the investment to the financial requirements of the City is important. Any investment eligible in the investment policy is suitable for all City funds.

**Safety of Principal**

Safety of principal is the foremost objective of the City. Investments of the City shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio. To obtain this goal, diversification is required in the portfolio's composition.

**Liquidity**

The City's investment portfolio will remain sufficiently liquid to enable it to meet all operating requirements which might be reasonably anticipated. Portfolio maturities will be structured to meet the obligations of the City first, and then to achieve the highest return of interest consistent with the objectives of this policy.

**Marketability**

Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash requirement. Historical market "spreads" between the bid and offer prices of a particular security type of less than a quarter of a percentage point shall define an efficient secondary market.

**Diversification**

Diversification of the portfolio will include diversification by maturity and market sector and will include the use of a number of broker/dealers for diversification and market coverage. Competitive bidding will be used on each sale and purchase. The suitability of each investment decision will be made on the basis of these objectives.

**Yield**

The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints and the cash flow of the portfolio. "Market rate of return" shall be defined as the average yield of the current three-month U.S. Treasury Bill. (A treasury bill is a non-interest bearing security issued by the U.S. Treasury to finance the national debt.)

**Public Trust**

All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.

**IV. INVESTMENT STRATEGY BY FUND GROUPS**

In order to better diversify, maximize interest earnings and otherwise meet stated objectives, fund groups may be combined into one or more internal investment pools. Although fund monies may be combined into a single asset portfolio, proportional fund ownership will be accounted for separately. The city maintains separate portfolios for some individual funds or groups of funds that are managed in accordance with the terms of this policy and by the investment strategies listed below:

- A. General Operating Funds. This pooled investment group includes the general fund, debt service fund, and enterprise funds. The primary investment strategy for operating funds is to assure that anticipated cash flows are matched with adequate investment liquidity. The maximum maturity of an individual investment shall not exceed two years.
- B. Capital Project Funds. These funds primary revenue source is bond proceeds and are subject to arbitrage yield limitations. The primary investment strategy is to assure that anticipated cash flows are matched with adequate investment liquidity. The maximum maturity of an individual investment shall not exceed two years.
- C. Debt Service Sinking Funds. The primary investment strategy for debt service sinking funds is to match investment maturities with debt service payment requirements. The maximum maturity of an individual investment shall not exceed two years.

**V. RESPONSIBILITY AND CONTROL**

**Delegation**

The City Manager, Finance Director and Finance Analyst are designated as Investment Officers of the City and are responsible for investment management decisions and activities that are consistent with this investment policy and the Public Funds Investment Act. The Finance Director may delegate duties to additional staff as necessary. The authority to invest the City's funds is effective until rescinded or until the termination of employment.

**Management and Internal Control**

The Investment Officer shall develop and maintain written administrative procedures for the operation of the investment program which are consistent with this Investment Policy.

The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and staff. The Investment Officer shall designate a staff person as a substitute in the event circumstances require timely action and the Investment Officer is not available.

The Investment Officer shall be responsible for monitoring market prices and rating changes in investments. This will be done through monthly statements/reports, newsletters, financial advisors, and/or investment managers. Once received, applicable information will be input into the investment software for tracking purposes.

**Training**

The Investment Officer and any designee(s) must attend at least one initial investment related training session containing at least ten (10) hours of instruction within twelve (12) months of assuming their duties. As a part of their ongoing training, they also must attend an investment related training session not less than once in a two-year period beginning October 1 (two fiscal year periods) and receive not less than eight (8) hours of instruction. The training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Public Funds Investment Act. The training must be provided by an independent source approved by the City Council on an annual basis by resolution.

**Transaction Authority**

No officer or designee may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer and approved by the City Council. The persons holding these positions are also designated as authorized to transact wire transfers, buy/sell, and trade investments in accordance with the goals and objectives of the City's investment strategy.

**Cash Flow Forecasting**

Effective cash management is recognized as essential to good fiscal management. Cash management is defined as the process of managing monies in order to ensure maximum cash availability. The City shall maintain a comprehensive cash management program, which includes collection of accounts receivable, prudent investment of its available cash, disbursement of payments in accordance with invoice terms, and the management of banking services.

**Prudence**

In accordance with the Public Funds Investment Act, the investments shall be made with the exercise of due care which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment considering the probable safety of their own capital as well as the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority: preservation and safety of principal, liquidity, and yield. The Investment Officer and those delegated investment authority under this policy, when acting in accordance with the written procedures and this policy and in accordance with the Prudent Person Rule, shall be relieved of personal responsibility and liability in the management of the portfolio provided that deviations from expectations for a specific security's credit risk, market price change or portfolio shifts are reported in a timely manner and that appropriate action is taken to control adverse market effects.

**VI. ETHICS AND CONFLICTS OF INTEREST**

**Conflicts of Interest**

Investment Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

**Disclosure**

Investment Officers who have a personal business relationship with a business organization offering to engage in an investment transaction with the City shall file a statement disclosing that personal business interest. A personal business relationship exists if the investment officer:

- Owns 10% or more of the voting stock/shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
- Receives funds exceeding 10% of the investment officer’s gross income for the previous year; or
- Acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

An Investment Officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. The statements must be filed with the Texas Ethics Commission and the City of Harker Heights’ City Council.

**VII. INTERNAL CONTROLS**

The Director of Finance is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management. Accordingly, the Director of Finance shall establish a process for annual independent review by an external auditor to assure compliance with policies and procedures.

**VIII. AUTHORIZED AND PROHIBITED INVESTMENTS**

**Authorized Investments**

Acceptable investments under this policy shall be limited to the instruments listed below. The investments are to be chosen in a manner which promotes diversity of market sector and maturity. Financial assets of the City of Harker Heights may be invested only in the following:

1. A certificate of deposit or share certificate if the certificate is issued by a depository institution that has its main office or a branch office in the State of Texas and is:
  - a. Guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or its successor or the National Credit Union Share Insurance Fund or its successor;
  - b. Secured by obligation that are described in 5-9 below, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates but excluding those mortgage backed securities listed under “Prohibited Investments” in this section;
  - c. Secured in any other manner and amount provided by law for deposits of the investing entity.

2. In addition to the authority to invest funds in certificates of deposit as described in (1) above, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment:
  - a. The funds are invested by an investing entity through
    - i. a broker that has its main office or a branch office in the State of Texas and is selected from a list adopted by the City Council; or
    - ii. a depository institution that has its main office or a branch office in the State of Texas and that is selected by the City Council
  - b. The broker or depository institution selected by the City Council arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City (i.e. the IntraFi Network Deposits Program);
  - c. The full amount of the principal and accrued interest of each certificate of deposit is insured by the United States or an instrumentality of the United States; and
  - d. The City Council appoints its depository institution or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.
3. Obligations, including letters of credit, of the United States or its agencies and instrumentalities including the Federal Home Loan Banks.
4. Direct obligations of the State of Texas or its agencies and instrumentalities.
5. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
6. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the FDIC or by the explicit full faith and credit of the United States.
7. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than "A" or its equivalent.
8. Interest-bearing banking deposits that are guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or its successor or the National Credit Union Share Insurance Fund or its successor.
9. Interest-bearing banking deposits other than those described in number 3 if:
  - a. The funds invested are invested through
    - i. a broker that has its main office or a branch office in the State of Texas and is selected from a list adopted by the City Council; or
    - ii. a depository institution that has its main office or a branch office in the State of Texas and that is selected by the City Council
  - b. The broker or depository institution arranges for the deposit of funds in one or more federally insured depository institution regardless of location

- c. The full amount of principal and accrued interest of the deposit is insured by the United States or an instrumentality of the United States; and
  - d. The custodian of the deposits is the same as described in (a) above, an entity as described in Section 2257.041(d) of the Local Government Code, or a clearing broker dealer.
10. Investment pools authorized by resolution by the City Council. Investment pools shall invest the funds it receives from the City in authorized investments permitted by the Public Funds Investment Act Section 2256.016. Investment pool eligibility is discussed in the Public Funds Investment Act Section 2256.016 and 2256.019 and includes a requirement to be continuously rated no lower than “AAA” or “AAA-m” or an equivalent rating by at least one nationally recognized rating service.

Any investment made above shall meet all of the following criteria:

- Interest rate must be fixed
- It must be a direct investment – not a fund managed by others
- It cannot be a principal or interest only strip

Callable provisions are allowed with the following criteria:

- Only one-time calls
- Must have frequencies of three months or longer
- Cannot buy callables at a dollar price above Par (100)
- Maximum ownership 25% of portfolio
- Will not use call date as a maturity date

Any investments made above are required to receive a minimum of three rate quotes from brokers/dealers.

Any exceptions to the above allowed investments and maturity horizons must be approved in advance by the City Council and then shall be approved only if there are clear and compelling reasons to make the exception.

All security transactions entered into by the City shall be conducted on a delivery versus payment basis.

### **Prohibited Investments**

The investment officer has no authority to use any of the following investment instruments which are strictly prohibited:

1. Repurchase agreements,
2. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal,
3. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest,

4. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years,
5. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index,
6. Cryptocurrency, and
7. Any other investment instrument that is not specifically listed as an authorized investment above.

**IX. SELECTION OF BANKS AND DEALERS**

**Depository**

The City will designate one banking institution through a competitive process as its central banking service provider at least every three years. This institution will be used for normal banking services including disbursements, deposits, lockbox, controlled disbursement and/or safekeeping of securities. Other banking institutions from which the City may deposit funds or purchase certificates of deposit will also be designated after they have followed the procedures listed below under “Authorized Broker/Dealers and Qualified Bidders”.

**Authorized Broker/Dealers and Qualified Bidders**

The Investment Officer will maintain a list of approved financial institutions and securities broker/dealers who are authorized to provide investment services in the State of Texas. These may include primary dealers or regional dealers that qualify under the Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule) and qualified depositories as established by Texas Local Government Code Chapter 105.

Every financial institution and broker/dealer with whom the City transacts business will be provided a copy of this Investment Policy to ensure that they are familiar with the goals and objectives of the investment program. The financial institution or broker/dealer will be required to return a signed copy of the Certification Form certifying that the policy has been received and reviewed (Exhibit A). A recommendation for addition to the list of qualified bidders will be submitted to the City Manager and City Council for approval. A list of broker/dealers will be taken to the City Council to be approved by resolution annually.

**X. BID SOLICITATION METHODS**

In order to ensure the best rates are being received, the Investment Officer will on occasion request bids/quotes from authorized broker/dealers for investments. These can be oral, in writing, via e-mail, or any combination thereof.

**XI. DIVERSIFICATION AND MATURITY LIMITATIONS**

It is the policy of the City to diversify its investment portfolio. The Investment Officer shall be required to diversify maturities, types of investment instruments, and broker/dealers. The Investment Officer, to the extent possible, will attempt to match investments with anticipated cash flow requirements. Matching maturities with cash flow dates will reduce the need to sell

securities prior to maturity, thus reducing market risk. Unless matched to a specific requirement, the Investment Officer may not invest more than 20% of the portfolio for a period greater than one (1) year. Unless matched to a specific requirement and proper approval received in advance from the City Council, the investment officer may not invest any portion of the portfolio for a period greater than two (2) years. The investment officer may not invest more than 50% of the portfolio in any one agency.

**XII. SAFEKEEPING AND CUSTODY**

The laws of the State of Texas and prudent treasury management require that all purchased securities be bought on a delivery versus payment basis and be held in safekeeping by either an independent third party financial institution, the City's designated depository or designated agent.

All safekeeping arrangements shall be designated by the Investment Officer and an agreement of the terms executed in writing. The third-party custodian and designated agents shall be required to issue safekeeping receipts to the City listing each specific security, rate, description, maturity, CUSIP number, and other pertinent information. Each safekeeping receipt will be clearly marked that the security is insured and registered in the City's name.

**XIII. COLLATERALIZATION**

Collateralization will be required on all deposits and certificates of deposit. The collateralization level shall be equal to at least one hundred and two percent (102%) of the aggregate market value of the deposit or investment including accrued interest less an amount insured by the Federal Deposit Insurance Corporation ("FDIC"). Evidence of the pledged collateral shall be documented by a tri-party custodial agreement with the collateral pledged clearly listed in the agreement. All securities pledged to the City for certificates of deposit or demand deposits shall be held by an independent third-party bank, a Federal Reserve Bank or a branch of a Federal Reserve Bank. The safekeeping bank may not be within the same holding company as the bank from which the securities are pledged. An authorized City Official must approve release and/or substitution of collateral before such action is taken. Collateral shall be reviewed monthly to assure that the market value of the securities pledged equals or exceeds the related deposit or investment balance. Collateral requirements shall be in accordance with Chapter 2256 and 2257 of the Texas Government Code. The City of Harker Heights shall accept only the following securities as collateral for cash deposits and certificates of deposit:

1. FDIC and its successor's insurance coverage.
2. Obligations of the U.S., its agencies and instrumentalities including agency and instrumentality issued mortgage-backed collateral.
3. Other obligations, the principal of and interest on, which are unconditionally guaranteed or insured by the State of Texas, the U.S. government or its agencies and instrumentalities.
4. Obligations of states, agencies thereof, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally

recognized investment rating firm and having received a rating of no less than "A" or its equivalent with a remaining maturity of ten (10) years or less.

**XIV. PERFORMANCE EVALUATION AND REPORTING**

**Quarterly Reports**

In accordance with the Public Funds Investment Act, not less than quarterly the Investment Officer shall prepare and submit to the City Council a written report of investment transactions for all funds for the preceding reporting period within a reasonable time after the end of the period. The quarterly investment report must:

1. describe in detail the investment position of the City on the date of the report;
2. be prepared jointly by all investment officers of the City;
3. be signed by each investment officer of the City;
4. contain a summary statement of each pooled fund group prepared in accordance with generally accepted account principles that states the:
  - a) beginning market value for the reporting period,
  - b) additions and changes to the market value during the period,
  - c) ending market value for the period, and
  - d) fully accrued interest for the reporting period;
5. state the book value and market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested; market value shall be determined by reference to published prices in the Wall Street Journal or by reference to other commonly recognized source of market information;
6. state the maturity date of each separately invested asset that has a maturity date;
7. state the account or fund in the City for which each individual investment was acquired;
8. state the compliance of the investment portfolio of the City as it relates to:
  - a) the investment strategy expressed in the City's investment policy, and
  - b) relevant provisions of the Public Funds Investment Act;
9. state the total rate of return on the investment portfolio, and
10. be reviewed by the City's independent auditors as part of the City's annual audit and the result of this review shall be reported to the City Council.

**Audits**

A compliance audit will be performed in conjunction with the City's annual financial audit. A compliance audit focuses on management controls and adherence to the existing investment policy. Any purchase investments outside of the investment pool that are not money market funds or certificates of deposits will be reviewed annually by an independent auditor. The result of this review by the independent auditor must be submitted to the governing body in conjunction with the City's annual audit.

**XV. INVESTMENT POLICY ADOPTION BY CITY COUNCIL**

The City's investment policy shall be adopted by the City Council. This policy shall be reviewed and adopted on an annual basis by the City Council.

**XVI. GLOSSARY**

A glossary of financial terms referenced herein is appended to this policy. (Appendix A).

**PASSED AND APPROVED** at a regular meeting of the City Council of the City of Harker Heights, Texas, this 19<sup>th</sup> day of July, 2022 at which meeting a quorum was present.

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Spencer H. Smith, Mayor  
City of Harker Heights

Attest:

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Julie Helsham, City Secretary  
City of Harker Heights

**Appendix A  
GLOSSARY**

**AGENCIES:** Federal agency securities.

**ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR):** The official annual report for the City of Harker Heights. It includes five combined statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

**BROKER:** A broker brings buyers and sellers together for a commission.

**CERTIFICATE OF DEPOSIT (CD):** A time deposit with a specific maturity evidenced by a certificate. Large denomination CD's are typically negotiable.

**COLLATERAL:** Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

**COLLATERALIZED MORTGAGE OBLIGATIONS (CMO):** A type of bond secured on mortgages where the mortgage repayments are used to pay interest on the bonds.

**COUPON:** (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

**CRYPTOCURRENCY:** A digital currency in which transactions are verified and records maintained by a decentralized system using

cryptography, rather than by a centralized authority.

**DEALER:** A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

**DEBENTURE:** A bond secured only by the general credit of the issuer.

**DELIVERY VERSUS PAYMENT:** There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt for the securities.

**DISCOUNT:** The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

**DISCOUNT SECURITIES:** Non-interest bearing money market instruments that are issued at a discount and redeemed at a maturity for full face value, e.g. U.S. Treasury Bills.

**DIVERSIFICATION:** Dividing investment funds among a variety of securities offering independent returns.

**FEDERAL CREDIT AGENCIES:** Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

**FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC):** A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

**FEDERAL FARM CREDIT BANK (FFCB):** Government sponsored banks that are part of the Farm Credit System which is a cooperatively owned nationwide system of banks and associations that provide services to farmers, ranchers or producers.

**FEDERAL HOME LOAN BANKS (FHLB):** Government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLB's is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

**FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA):** FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

**FEDERAL RESERVE SYSTEM:** The central bank of the United States created by Congress and

consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks.

**GENERAL ACCEPTED ACCOUNTING PRINCIPLES (GAAP):** Uniform minimum standards for financial accounting and recording encompassing the conventions, rules, and procedures that define accepted accounting principles.

**GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA OR Ginnie Mae):** Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FMHM mortgages. The term "passthroughs" is often used to describe Ginnie Maes.

**INTRAFI® NETWORK DEPOSITS:** Formerly called Insured Cash Sweep® and CDARS®, enables financial institutions to offer depositors access to FDIC insurance for their large-dollar deposits, all through a single financial relationship.

**LIQUIDITY:** A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

**LOCAL GOVERNMENT INVESTMENT POOL (LGIP):** The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

**MARKET VALUE:** The price at which a security is trading and could presumably be purchased or sold.

**MATURITY:** The date upon which the principal or stated value of an investment becomes due and payable.

**MONEY MARKET:** The market in which short-term debt instruments (bills, commercial paper, banker's acceptances, etc.) are issued and traded.

**PORTFOLIO:** Collection of securities held by an investor.

**PRIMARY DEALER:** A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) - registered securities broker-dealers, banks, and a few unregulated firms.

**PRUDENT PERSON RULE:** An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the Custody State--the so-called legal list. In other states, the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

**QUALIFIED PUBLIC DEPOSITORIES:** A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its

maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

**RATE OF RETURN:** The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

**RATINGS:** Credit ratings are opinions about credit risk. The City of Harker Heights uses Standard and Poor's for its credit ratings. Following is the scale used for municipalities:

- AAA – extremely strong capacity to meet financial commitments
- AA\* – very strong capacity to meet financial commitments
- A\* – strong capacity to meet financial commitments, but somewhat susceptible to adverse economic conditions and changes in circumstances
- BBB\* – adequate capacity to meet financial commitments, but more subject to adverse economic conditions
- BB\* – less vulnerable in the near-term but faces major ongoing uncertainties to adverse business, financial and economic conditions
- B\* – more vulnerable to adverse business, financial and economic conditions but currently has the capacity to meet financial commitments
- CCC\* – currently vulnerable and dependent on favorable business, financial and economic conditions to meet financial commitments
- CC – highly vulnerable; default has not yet occurred, but is expected to be a virtual certainty

- C – currently highly vulnerable to non-payment, and ultimate recovery is expected to be lower than that of higher rated obligations
- D – payment default on a financial commitment or breach of an imputed promise; also used when a bankruptcy petition has been filed or similar action taken

\*may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the rating categories.

Following is the scale for Principal Stability funds also known as “money market fund ratings” commonly used for investment pools:

- AAAM – extremely strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk
- AAm\* – very strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk; differs from AAAM only to a small degree
- Am\* – strong capacity to maintain principal stability and to limit exposure to principal losses due to credit risk, but is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than funds in higher-rated categories
- BBBm\* – adequate capacity to maintain principal stability and to limit exposure to principal losses due to credit risk; adverse economic conditions or changing circumstances are more likely to lead to a reduced capacity to maintain principal stability
- BBm\* – speculative characteristics and uncertain capacity to maintain

principal stability; vulnerable to principal losses due to credit risk

- Dm – fails to maintain principal stability resulting in a realized or unrealized loss of principal

\*may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the rating categories.

REGIONAL DEALERS: (See primary dealers) A group of brokers that have the ability to buy and sell from various investment houses.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15C3-1: See Uniform Net Capital Rule.

TENNESSEE VALLEY AUTHORITY (TVA): A wholly owned agency of the United States established in 1933 to provide electric power in a region that includes seven southeastern states. Of the six U.S. agencies that issue their own debt, TVA is the only one directly owned by the federal government.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

**TREASURY BOND:** Long-term U.S. Treasury securities having initial maturities of more than 10 years.

**TREASURY NOTES:** A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

**UNIFORM NET CAPITAL RULE:** Securities and Exchange Commission requirement that member firms as well as nonmember broker/dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin

loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

**YIELD:** The rate of annual income return on an investment expressed as a percentage. (a) **INCOME YIELD** is obtained by dividing the current dollar income by the current market price for the security. (b) **NET YIELD** or **YIELD TO MATURITY** is the current income yield minus any premium above par or plus any discount from par in purchase price with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

**CITY OF HARKER HEIGHTS (the "City")  
INVESTMENT POLICY CERTIFICATION FORM  
as required by Texas Government Code Section 2256.005(k-l)**

This certification form is executed pursuant to Texas Government Code Chapter 2256, Public Funds Investment Act. The undersigned Qualified Representative certifies that:

1. The Qualified Representative is duly authorized to execute this Certification Form on behalf of the Company named below, and
2. The Qualified Representative has received and reviewed the City of Harker Heights' Investment Policy, and
3. The Company has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between it and the City that are not authorized by the City's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires and interpretation of subjective investment standards.

\_\_\_\_\_  
Signature of Qualified Representative

Company Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

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