

*The Bright Star Of
Central Texas*

Harker Heights



November 9, 2021

5:00 P.M.

CITY COUNCIL MEETING AGENDA





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

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

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, November 9, 2021, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a meeting in the 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

Mayor

Spencer H. Smith

Mayor Protem

Jennifer McCann

City Council

Michael Blomquist
Jackeline Soriano Fountain
Lynda Nash
Sam Halabi

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. Mayoral Proclamations and Presentations:

1. Proclamation declaring November 15th – 20th, 2021, as “Harker Heights Children’s Book Week”.

V. Consent Items:

1. Discuss and consider approving the minutes of the meeting held on October 26, 2021, and take the appropriate action.

VI. Presentations by Citizens:

1. Receive a presentation from Vantonio Fraley regarding a Teen Program partnership with the City of Harker Heights.
2. Receive a presentation from Brenda Hauser regarding areas with high grass and code enforcement.
3. Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov’t Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

VII. Public Hearing:

1. 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 on property described as Lakeside Hills Section Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas, and locally known as 11511 Highview Drive, Belton, Texas; and take the appropriate action. (Planning and Development Director)
2. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-1 (One Family Dwelling District) to R1-R (Rural One-Family Dwelling District) on property described as Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property ID #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas and locally known as 5140 Lakeside Drive, Belton, Texas; and take the appropriate action. (Planning and Development Director)
3. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
4. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from R-3 (Multi-Family Dwelling District) to R-1 (M) (One Family Dwelling District with manufactured housing) on property described as Valley View Third Ext, Block 010, Lot 0015, Property ID #127376, generally located at 228 E. Valley Road, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
5. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to change zoning designation from B-4 (Secondary and Highway Business District) to B-4 (Secondary and Highway Business District) with T District overlay on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
6. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to amend the Comprehensive Plan's future land use map to change the 'Community Center' and 'Regional Center' designations to a 'Regional Center' designation on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
7. Conduct a Public Hearing to discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, Adoption of Land Use Assumptions and a Capital Improvements Plan relating to possible Adoption of Impact Fees for the 2022 Impact Fee Area and take the appropriate action. (Planning and Development Director)

VIII. Regular Business:

1. Discuss and consider approving a request for a Concept Plan referred to as Cedar Trails on property described as Uriah Hunt Survey, Abstract No. 401, Property ID #75765, generally located at 13436 E. Knight's Way (FM 2410), Harker Heights, Bell County Texas, and locally known as 13436 FM 2410, Belton, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
2. Discuss and consider approving a request for a Preliminary Plat referred to as Stillhouse Road Addition on property described as R.W. Tom survey, abstract No. 837, and the Lucy O'Dell Survey, Abstract No. 644, and the land herein described being all of that certain called 1.50 acre tract of land conveyed to Star Stillhouse Properties, LLC, a Texas Limited Liability Company, by Correction Special Warranty Deed with Vendor's Lien recorded in Document 2021000947, Official Public Records of Bell County, Texas, generally located on the east side of Stillhouse Lake Road and north of Nevaeh Road, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
3. Discuss and consider approving a request for a Preliminary Plat referred to as Chaparral Road Addition on property described as Peter Williamson Survey, Abstract No. 1099 and the land herein described being a portion of that certain 3.79 acre tract conveyed to Rena Chang Hoot by Gift Deed recorded in Volume 3475, Page 616, Official Public Records of Bell County, Texas, generally located at the intersection of Chaparral Road and F.M. 3481 (Stillhouse Lake Road), Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
4. Discuss and consider approving an amendment to the Economic Development Incentive Agreement with Gambit Social House, Inc. ("Gambit") modifying the construction completion date to June 1, 2022, for the administration of one or more programs for making grants or loans of public money to promote economic development and stimulate business and commercial activities within the city; and authorize the City Manager to sign the agreement on behalf of the City; and take the appropriate action. (City Manager)
5. Discuss and consider appointing a Representative to the Bell County Health District Board; and take the appropriate action. (Assistant City Manager)
6. Receive and discuss the Fiscal Year 2020 – 2021 Fourth Quarter Investment Report. (Finance Director)
7. Receive and discuss the City Manager's Report. (City Manager)

IX. Items from Council and Announcements:

1. Council member closing statements.
2. Updates and comments 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 the 5th day of November 2021, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Julie Helsham
City Secretary

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

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

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



PROCLAMATION

WHEREAS, books and reading are basic to nourishing the growing minds of our children and serve as building blocks toward our children's well being in the future; and

WHEREAS, HARKER HEIGHTS CHILDREN'S BOOK WEEK will be observed and celebrated by Librarians and families from November 15th through the 20th, 2021; and

WHEREAS, the Friends of the Harker Heights Public Library has chosen Harker Heights Children's Book Week as the perfect time to administer its "Have Book, Will Read" initiative by giving books to area children; and

WHEREAS, Harker Heights Children's Book Week encourages families to read, listen, and spend time together.

NOW, THEREFORE, I, Spencer H. Smith, Mayor of the City of Harker Heights, Texas, DO HEREBY PROCLAIM the week of November 15th through the 20th, 2021, as

“HARKER HEIGHTS CHILDREN'S BOOK WEEK”

in Harker Heights and encourage young people and their caregivers to discover the world through books, not only this week but throughout the year.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Seal of the City of Harker Heights, Texas, to be affixed this 9th day of November 2021.

Spencer H. Smith, Mayor

Minutes of the City of Harker Heights Council Meeting held at 5:00 p.m. on Tuesday, October 26, 2021, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548:

Roll Call:	Spencer H. Smith	Mayor
	Jennifer McCann	Mayor Pro-tem
	Michael Blomquist	Councilmember Place 2
	Jackeline Soriano Fountain	Councilmember Place 3
	Lynda Nash	Councilmember Place 4
	Sam Halabi	Councilmember Place 5
	David Mitchell	City Manager
	Julie Helsham	City Secretary

Consent Items:

1. Council discussed and considered approving the minutes of the meetings held on October 12, 2021.

Fountain made the motion to approve the minutes of the meetings held on October 12, 2021. Seconded by Halabi. All in favor. Motion approved 5-0.

Public Hearing:

1. Council conducted a Public Hearing to discuss and consider approving an Ordinance amending Chapter 11 of the City's Code of Ordinances, establishing Section 11.1 Comprehensive Plan, and Adopting the 2007 Comprehensive Plan and the 2021 Land Use Plan for the City of Harker Heights, Texas, Pursuant to Chapter 213 of the Texas Local Government Code; establishing the relationship of the Land Use Plan and the Development Regulations; Providing for the Amendment of any existing Comprehensive Plan; and providing for the Amendment of any existing Land Use Plan. Kristina Ramirez, Planning and Development Director, made the presentation.

The following citizens spoke on this item:

- Raymond Hamden, P. O. Box 2008, Harker Heights, Texas
- Ayesha Lealiiee, 2504 Limestone Trail, Harker Heights, Texas

McCann made the motion to approve an Ordinance amending Chapter 11 of the City's Code of Ordinances, establishing Section 11.1 Comprehensive Plan, and adopting the 2007 Comprehensive Plan and the 2021 Land Use Plan for the City of Harker Heights, Texas, pursuant to Chapter 213 of the Texas Local Government Code; establishing the relationship of the Land Use Plan and the development regulations; providing for the amendment of any existing Comprehensive Plan; and providing for the amendment of any existing Land Use Plan, based on staff's recommendation and findings; And to direct City Staff to hold an additional Public Hearing in the future to discuss the potential amendment of the parcel of land located off of F.M. 2410 between Limestone Trail and Granite Trail for the Future Land Use Map. Seconded by Fountain.

McCann, Fountain, Nash and Halabi, in favor. Blomquist against. Motion approved 4-1.

2. Council conducted a Public Hearing to discuss and consider adoption of Land Use Assumptions and a Capital Improvements Plan relating to possible adoption of Impact Fees for the 2022 Impact Fee Area. Kristina Ramirez, Planning and Development Director, made the presentation.

Nash made the motion to take no action and to hold a second Public Hearing on this item on November 9, 2021. Seconded by Blomquist. All in favor. Motion approved 5-0.

Recess into Executive Session:

1. At 5:53 p.m. the Mayor announced a closed meeting for the following purposes:
 - A) Pursuant to §551.074 of the Texas Government Code to deliberate the appointment of public officers to the Planning and Zoning Commission and Building Standards Commission.
 - B) Pursuant to §551.074 of the Texas Government Code to deliberate the appointment of public officers to the Board of Adjustment.

Reconvene into Open Session:

Mayor Smith reconvened the Regular Meeting at 6:28 p.m.

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

A. PLANNING & ZONING COMMISSION (P&Z)/BUILDING STANDARDS COMMISSION

Current Member	Position	Eligible for Reappointment?	Name of Reappointed Member or New Member
Naula K. Taylor	Member	No (Did not reapply)	Natalie Austin
Noel Webster	Member	No (Term Limit)	Barry Heidtbrink
Lana “Kay” Carey	Member	No (Did not reapply)	Ladonna Barbee
Adam Parker	Member	No (Did not reapply)	Michael Stegmeyer
Christopher Albus	Alternate #1	No (Resigned)	Elizabeth McDaniel (#3 Exp. 2023)
Michael Stegmeyer	Alternate #2		Monica Washington (#4 Exp. 2023)
Barry Heidtbrink	Alternate#3		Jerry Bess (#1 Exp. 2024)
Natalie R. Austin	Alternate#4		Allen Strickland (#2 Exp. 2024)

Fountain made the motion to appoint the members of the Planning and Zoning Commission (P&Z) / Building Standards Commission as listed to take effect on January 1, 2022. Seconded by Nash. All in favor. Motion approved 5-0.

B. ZONING BOARD OF ADJUSTMENT (ZBA):

Current Member	Position	Eligible for Reappointment?	Name of Reappointed Member or New Member
Jeffrey Harris	Member	Yes	Jeffrey Harris
Thomas “Tom” G. Wilson	Member	Yes	Thomas “Tom” G. Wilson
David Hermosillo	Member	Yes	David Hermosillo
Thomas F. Lorensen	Alternate #2	No	Courtney Peres
Vacant	Alternate #3	-	Dr. Desi Roberts
Vacant	Alternate #4	-	Philemon Brown

Blomquist made the motion to appoint the members of the Zoning Board of Adjustment as listed to take effect on January 1, 2022. Seconded by Halabi. All in favor. Motion approved 5-0.

Regular Business:

1. Council discussed and considered appointing members to the Parks & Recreation/Tree Advisory Board; Library Board; Public Safety Commission; Animal Advisory Committee; Economic Development Corporation; Harker Heights Arts Commission. Julie Helsham, City Secretary, made the presentation.

A. PARKS & RECREATION/TREE ADVISORY BOARD:

Current Member	Position	Eligible for Reappointment?	Name of Reappointed Member or New Member
Eva Keagle	Member	No (Term limited)	Angie Wilson
Angie Wilson	Member	Yes	Yomi Hardison
Alonzo Williams	Alternate #1	Yes	Lawrence McCullar
Yomi Hardison	Alternate #2	Yes	Vitalis Dubininkas

McCann made the motion to appoint the members of the Parks & Recreation / Tree Advisory Board as listed to take effect on January 1, 2022. Seconded by Fountain. All in favor. Motion approved 5-0.

B. LIBRARY BOARD:

Current Member	Position	Eligible for Reappointment?	Name of Reappointed Member or New Member
Barbara Kelly	Member	Yes	Barbara Kelly
Julianna Greene	Member	No (Did not reapply)	Susan Robertson
Ramona Rubedor	Member	No (Did not reapply)	Heather Chandler
Vacant	Alternate #1	-	Debra Brock
Vacant	Alternate #2	-	Simisola Aromolaran

Halabi made the motion to appoint the members of the Library Board as listed to take effect on January 1, 2022. Seconded by Nash. McCann, Blomquist, Nash and Halabi, in favor. Fountain against. Motion approved 4-1.

C. PUBLIC SAFETY COMMISSION:

Current Member	Position	Eligible for Reappointment?	Name of Reappointed Member or New Member
Dick Dwinell	Member	Yes	Dick Dwinell
Jeremy Hoffman	Alternate #1	Yes	Jeremy Hoffman
Yomi Hardison	Alternate #2	Yes	John Footman

Blomquist made the motion to appoint the members of the Public Safety Commission as listed to take effect January 1, 2022. Seconded by Fountain. All in favor. Motion approved 5-0.

D. ANIMAL ADVISORY COMMITTEE:

Current Member	Position	Eligible for Reappointment?	Name of Reappointed Member or New Member
Finni Dirr	Alternate #1	Yes	Finni Dirr
George Grammas	Alternate #2	Yes	George Grammas
Karry Woods	Alternate #3	No (Did not reapply)	Barbara Kane
Vacant	Alternate #4	-	Steve Moody

Blomquist made the motion to appoint the members of the Animal Advisory Committee as listed to take effect on January 1, 2022. Seconded by McCann. All in favor. Motion approved 5-0.

E. HARKER HEIGHTS ECONOMIC DEVELOPMENT CORPORATION:

Current Member	Position	Eligible for Reappointment?	Name of Reappointed Member or New Member
Hal Schiffman	Place 1	Yes	Hal Schiffman
Spencer H. Smith	Place 3	Yes	Spencer H. Smith
Mike Aycock	Place 5	Yes	Mike Aycock
David Mitchell	Place 7/Secretary	Yes	David Mitchell

Halabi made the motion to appoint the members of the Economic Development Corporation as listed. Seconded by Nash. All in favor. Motion approved 5-0.

F. ARTS COMMISSION:

Current Member	Position	Name of Reappointed Member or New Member
New – 3 year term	Council Member	Lynda Nash
New – 3 year term	Chamber Member	Roshanda Prior
New – 2 year term	Member	Barbara Fontaine-White
New – 2 year term	Member	Kerry Ann Zamore
New – 1 year term	Member	Roxanne Flores-Achmad

McCann made the motion to appoint the members of the Arts Commission as listed to take effect immediately. Seconded by Blomquist. All in favor. Motion approved 5-0.

- Council discussed and considered approving a Resolution reappointing Jared Bryan as the City of Harker Heights Representative on the Board of Directors of the Tax Appraisal Board of Bell County, Texas. David Mitchell, City Manager, made the presentation.

McCann made the motion to approve a Resolution of the City Council of the City of Harker Heights, Texas, to reappoint Jared Bryan as the City of Harker Heights representative on the Board of Directors of the Tax Appraisal Board of Bell County, Texas. Seconded by Fountain. All in favor. Motion approved 5-0.

- Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, to participate in the Global Opioids Settlement. David Mitchell, City Manager, made the presentation.

Fountain made the motion to approve a Resolution of the City Council of the City of Harker Heights, Texas, to participate in the Opioids Settlement. Seconded by Nash. All in favor. Motion approved 5-0.

4. 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. **Council member closing statements.**

Mayor Pro-tem asked Jeff Achee, Parks and Recreation Director, if the Zombie Hunt is new this year. Mr. Achee stated that it is new this year.

Councilmember Nash stated that she attended the following events:

- October 15 – Central Texas Homeowners Building Association Fundraiser.
- October 16th – Temple and Killeen Breast Cancer Walk.
- October 16th – Harker Heights Community Resource Center Food Distribution Event at the Methodist Church.
- October 16th – Culture on the Square Event in Killeen, Texas, and delivered flowers to the Indian Oaks Rest Home.
- October 20th – Harker Heights Police Department Healthy Homes Teen Café event as the guest speaker.
- October 21st – Ladies Night Out
- October 21st - Harker Heights Chamber of Commerce Military Affairs Luncheon.
- October 22nd – Harker Heights Police Department Promotion Ceremony.
- October 23rd - Killeen, Texas, Operation Stand Down Central Texas 8th annual Fall Stand down event.
- October 25th - Harker Heights Citizen Police Academy.

Councilmember Fountain stated that she attended the following events:

- October 21st – Harker Heights Chamber of Commerce Military Affairs Luncheon.
- October 22nd – Harker Heights Police Department Promotion Ceremony.
- October 23rd – AUSA Annual Fort Hood Clean Up.
- October 23rd – Harker Heights Farmer's Market.
- October 26th – 48th Chemical Brigade Change of Responsibility Ceremony.
- October 26th – Fort Hood Ball Hockey Ribbon Cutting Ceremony.

Councilmember Blomquist stated that he attended the following events:

- October 15th – Harker Heights Police Department Retirement Ceremony for Lieutenant Owen Bullard.
- October 16th – Harker Heights Farmer's Market.
- October 21st – Harker Heights Chamber of Commerce Military Affairs Luncheon.
- October 22nd – Harker Heights Police Department Promotion Ceremony.
- October 23rd – Harker Heights Farmer's Market.
- October 25th – Harker Heights Citizen Police Academy.
- Bell County Health District Selection Board Interviews for the new Bell County Health District Director at Harker Heights City Hall.

2. **Updates and comments from the Mayor.**

Mayor Smith stated that he attended the following events:

- October 15th - Harker Heights Police Department Retirement Ceremony for Lieutenant Owen Bullard.
- October 16th – Harker Heights Farmer’s Market.
- October 18th – Harker Heights City Hall Meeting with City Staff.
- October 19th – Harker Heights City Council and City Staff tour of the Stillhouse Hollow Water Plant.
- October 20th – Killeen-Temple Metropolitan Planning Organization Transportation Policy Planning Board Meeting Chairman.
- October 21st – Harker Heights Chamber of Commerce Military Affairs Luncheon. Colonel Kevin Bradley, Commander 3rd Cavalry Regiment speaker.
- October 22nd – Harker Heights Police Department Promotion Ceremony.
- October 23rd – Harker Heights Farmer’s Market.

Adjournment:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 7:13 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

**REQUEST TO ADDRESS AN ITEM ON THE AGENDA
AT THE CITY COUNCIL MEETING OF THE
CITY OF HARKER HEIGHTS**

MEETING DATE: _____

AGENDA ITEM: _____

Print Name: _____

Address: _____

Phone number: _____

Cell Phone Number: _____

E-Mail Address _____

Comments: _____

I do not wish to speak or make a presentation.

I would like to speak and make my presentation at the meeting.

Please give this completed form to the City Secretary. Responses will be limited to three (3) minutes. No action can be taken.

I understand that I must limit my comments to three (3) minutes. I will also refrain from the use of any obscene, vulgar, or profane language. I understand that if I do not follow this procedure, my speaking time may be terminated.

Signature

Date

Office Use Only
Received by: _____
Date: _____
Time: _____

**REQUEST TO ADDRESS THE CITY COUNCIL
For Items Not Previously Posted on the City Council Agenda**

Submit to: City Secretary
Email: jhelsham@harkerheights.gov

Fax: 254-953-5614

Location: City Hall, 305 Miller's Crossing, Harker Heights, TX 76548

Phone: 254-953-5600

NAME: Brenda Hauser

ADDRESS: 2315 Tye Valley Rd.

PHONE: 706-260-0418

E-MAIL: bgkhauser@gmail.com

SUBJECT TO ADDRESS:

**Property (2229 Moon Valley) that has not been within code for grass height for at least six months. I've spoken with staff within the code enforcement office to no avail. My neighbor has also contacted the code enforcement office and received similar results. **The grass along Fuller Ln between Oakridge and Tye Valley is generally unmowed. When I'm walking, it's dangerous to step off the road because I can't see what's in the grass. Help us keep our neighborhood presentable and safe. Thank you.

MEETING DATE YOU WISH TO SPEAK: 11/9/2021

This request is due to the City Secretary's Office by noon on the Wednesday prior to the Council Meeting. You will be given three minutes to address the City Council Members. No action can be taken. I understand that I must limit my comments to the subject listed. I will also refrain from the use of any obscene, vulgar, or profane language. I understand that if I do not follow this procedure, my speaking time may be terminated.

SIGNATURE: 

DATE: 11/3/2021

(TO BE COMPLETED BY THE CITY SECRETARY)

Date Received: _____

Time Received: _____



CITY COUNCIL MEMORANDUM

Z21-25

AGENDA ITEM# VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

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 ON PROPERTY DESCRIBED AS LAKESIDE HILLS SECTION TWO, LOT TRACT PT 63, (N PT OF 63), ACRES 0.608, PROPERTY ID #489292, GENERALLY LOCATED AT 11511 HIGHVIEW DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND LOCALLY KNOWN AS 11511 HIGHVIEW DRIVE, BELTON, TEXAS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One Family Dwelling District) to R-1 (One-Family Dwelling District) with a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described as Lakeside Hills Section Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas, and locally known as 11511 Highview Drive, Belton, Texas.

According to the building permit application, the main living structure will consist of 5,182 square feet and the proposed accessory dwelling unit will consist of 1,383 square feet, with an area of 846 square feet being dedicated to living space.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Single-Family Residence	Residential Estate	R-1 One-Family Dwelling District
South	Vacant	Residential Estate	R-1 One-Family Dwelling District
	Single-Family Residence		
East	Single Family Residence	Residential Estate	R-1 One-Family Dwelling District
West	Vacant	Residential Estate	R-1 One-Family Dwelling District
	Single-Family Residence		

The 2021 Future Land Use Map identifies this area is designated for Residential Estate; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood and would be consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Assumptions.

Flood Damage Prevention:

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

Notices:

Staff sent out twelve (12) notices to property owners within the 400-foot notification area. As of October 20, 2021, six (6) 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.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-1 (One-Family Dwelling District) with a Conditional Use Permit (CUP) on property described as Lakeside Hills Section Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas, and locally known as 11511 Highview Drive, Belton, Texas, subject to 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 maximum gross foundation footprint of 1,500 square feet.
5. Approval of location of the accessory dwelling unit on the parcel must be received from Bell County Public Health prior to release of construction plans by the City.

The above recommendation is based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on October 27, 2021, the Planning and Zoning Commission voted (6-0) to recommend approval of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-1 (One-Family Dwelling District) with a Conditional use Permit (CUP) on property described as Lakeside Hills Section Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas, and locally known as 11511 Highview Drive, Belton, Texas, based on staff's recommendations and findings.

ACTION BY CITY COUNCIL:

1. Motion to **approve, approve with conditions, or disapprove with explanation** an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R-1 (One-Family Dwelling District) with a Conditional use Permit (CUP) on property described as Lakeside Hills Section Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas, and locally known as 11511 Highview Drive, Belton, Texas, based on staff's recommendations and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Ordinance
2. Application
3. Letter of Intent
4. Survey
5. Site Plan & Building Plans
6. Ordinance
7. Location Map
8. Zoning Map
9. Existing Land Use Map
10. Future Land Use Map
11. Notification Area Map
12. Public Responses

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR AN ACCESSORY DWELLING UNIT ON PROPERTY DESCRIBED AS LAKESIDE HILLS SECTION TWO, LOT TRACT PT 63, (N PT OF 63), ACRES 0.608, PROPERTY ID #489292, GENERALLY LOCATED AT 11511 HIGHVIEW DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND LOCALLY KNOWN AS 11511 HIGHVIEW DRIVE, BELTON, TEXAS.

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

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

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

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

SECTION 2: The hereinafter-described property, as previously zoned R-1 (One Family Dwelling District) to R-1 (One Family Dwelling District) with a Conditional Use Permit (CUP) on property described as Lakeside Hills Section Two, Lot Tract PT 63, (N PT OF 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas, and locally known as 11511 Highview Drive, Belton, 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 maximum gross foundation footprint of 1,500 square feet.
5. Approval of location of the accessory dwelling unit on the parcel must be received from Bell County Public Health prior to release of construction plans by the City.

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>
2021-	11/09/21	Granting a Conditional Use Permit (CUP) on property described as Lakeside Hills Section Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas, and locally known as 11511 Highview Drive, Belton, 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 November 9, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

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: Bradley and Lori Walker **Date:** Sep 29, 2021

Address: [REDACTED]

City/State/Zip: [REDACTED]

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

Legal Description of Property:

Location of Property (Address if available): 11511 Highview Drive, Belton, TX 76513

Lot: Lot Tract PT 63 Block: Subdivision: Lakeside Hills Section Two

Acres: 0.608 Property ID: 489292 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: R-1, One Family Dwelling District **Future Land Use Designation:** R-1 w/CUP
SFR, Single Family Residential

Applicant's Representative (if applicable):

Applicant's Representative: Brady Allison, Drews Hunt Builders

Phone: 512-535-8863 **E-Mail:** brady@drewshuntbuilders.com

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.

BRADLEY K. WALKER
 Printed Name of Property Owner

BRADY ALLISON
 Signature of Property Owner

Bradley K. Walker
 Printed Name of Representative

[Signature]
 Signature of Representative

STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: 9/29/2021 Pre-Application Meeting Receipt #: 0174450

Received By: [Signature] Case #: _____



Drews Hunt Builders
1023 Canyon Creek Drive, Suite 100
Temple, TX 76502
Tel: 512-535-8863
Email: brady@drewshuntbuilders.com

Letter Of Intent

Wednesday, September 29, 2021

RE: Conditional Use Permit Application
11511 Highview Drive
Belton, TX 76513

To Whom It May Concern:

Drews Hunt Builders is planning to construct a new residence for Mr. Bradley and Lori Walker located at 11511 Highview Drive, Belton, TX 76513. Included in these plans is a detached "Mother-In-Law" suite designed to accommodate Lori's disabled sister. Lori's sister will be living with them in the detached MIL suite on the property fulltime. This information is being provided along with a Conditional Use Permit Application and a full set of construction drawings for the detached living quarters mentioned above.

Please contact me with any further questions.

Sincerely,

Drews Hunt Builders

A handwritten signature in blue ink, appearing to read 'Brady Allison', is written over the printed name.

Brady Allison
Project Manager



QUINTERO ENGINEERING, LLC

CIVIL ENGINEERING • LAND SURVEYING • PLANNING • CONSTRUCTION MANAGEMENT

415 E. AVENUE D, KILLEEN, TEXAS (254) 493-9962

T.B.P.E. FIRM REGISTRATION NO. 14709

T.B.P.L.S. REGISTRATION NO. 10194110

AL=195.72', R=727.89',
CB=S81°22'27"E,
CD=195.14' Δ=15°24'23"

HIGHVIEW
DRIVE

WATER
METER

WIRE FENCE

UTILITY POLE

SCALE: 1" = 100'

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD SET W/ CAP
STAMPED "QUINTERO 10194110"

UNLESS OTHERWISE NOTED

Note:

Survey prepared without the benefit of title commitment, no further search for easements or restrictions has been made by this company. Easements that are aware of by this company have been shown.

This Survey is for the exclusive use of the current parties (buyer/seller for this transaction) and solely valid to convey title and may not be used or reproduced after the date of conveyance without the consent of the Surveyor.

Bearings and distances shown hereon are based upon Texas State Plane Coordinate System, Central Zone, NAD 83, per Leica Smart Net GPS observation.

SURVEYOR'S SKETCH of a survey made on the ground on **August 20, 2019**, of that certain tract of land located on Highview Drive, **Belton, Texas**, and being called **Lot Sixty Three (63), Lakeside Hills Section Two, Bell County, Texas**, according to the Plat of Record in **Cabinet A, Slide 43-C**, Plat Records of **Bell County, Texas**. There are no shortages of areas, visible encroachments, protrusions, or overlapping of improvements, except as shown or noted hereon. Only the information shown on the recorded plat was considered for this survey. **THIS SURVEY DOES NOT IMPLY ALL EASEMENTS AND SETBACK LINES HAVE BEEN RESEARCHED.** A review of all title records may find additional information.

(PLAT N 20° 31' 26" E - 1250.17')
N 20° 47' 27" E - 1250.64'

LOT 63

LOT 64

S 20° 16' 03" W - 1235.44'
(PLAT S 20° 18' 33" W - 1235.44')

LOT 62

N 84° 47' 58" W - 209.76'
(PLAT N 84° 46' W - 210.00')

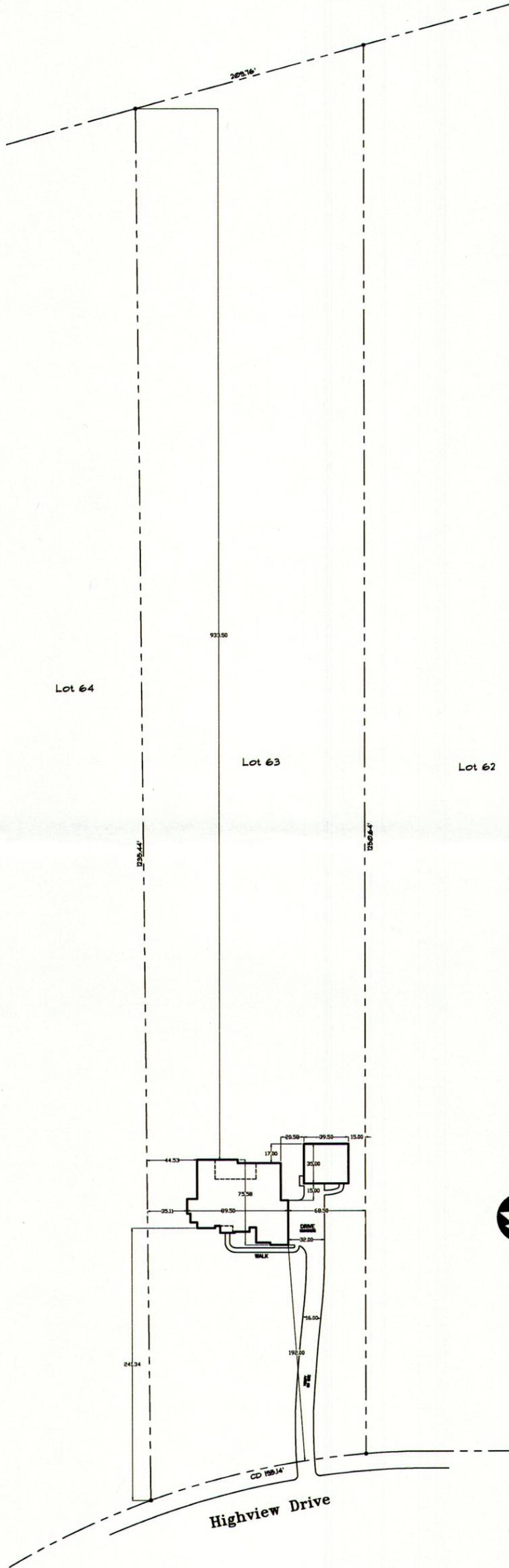
LOT 66
LAKESIDE HILLS
SECTION THREE
CABINET A, SLIDE 43-D

CALLLED 1.00 ACRE
CLYDE CLAREN HOWARD, JR.
VOLUME 3086, PAGE 556

Bradley W. Sargent 08/23/2019

Bradley W. Sargent, R.P.L.S.
Registered Professional Land Surveyor
R.P.L.S. No. 5827, Texas





VERIFY LOCATION OF HOUSE, DRIVEWAY, WALKS AND TREES BY GENERAL CONTRACTOR WITH OWNER ON SITE.

SITE LAYOUT

SCALE: 1" = 50'-0"

R.D. Chaplin and Associates, Architect and Planner, Inc. (hereinafter "Designer") is not an architect or engineering firm and is not qualified or licensed to design structural framing and foundation plans. Designer does not warrant (expressly or implied) the resulting structure and is not responsible for any structural design problems, safety or damage resulting from the design plan. This design plan should be reviewed by a local architect or engineer to verify that the design plan complies with all applicable codes and regulations. Designer has not reviewed any structural drawings, specifications, or details for compliance with local codes and regulations. Designer is not responsible for any structural design problems, safety or damage resulting from the design plan. Designer is not responsible for any structural design problems, safety or damage resulting from the design plan. Designer is not responsible for any structural design problems, safety or damage resulting from the design plan. All measurements should be verified by the builder on job site.

Copyright 2019 R.D. Chaplin & Associates

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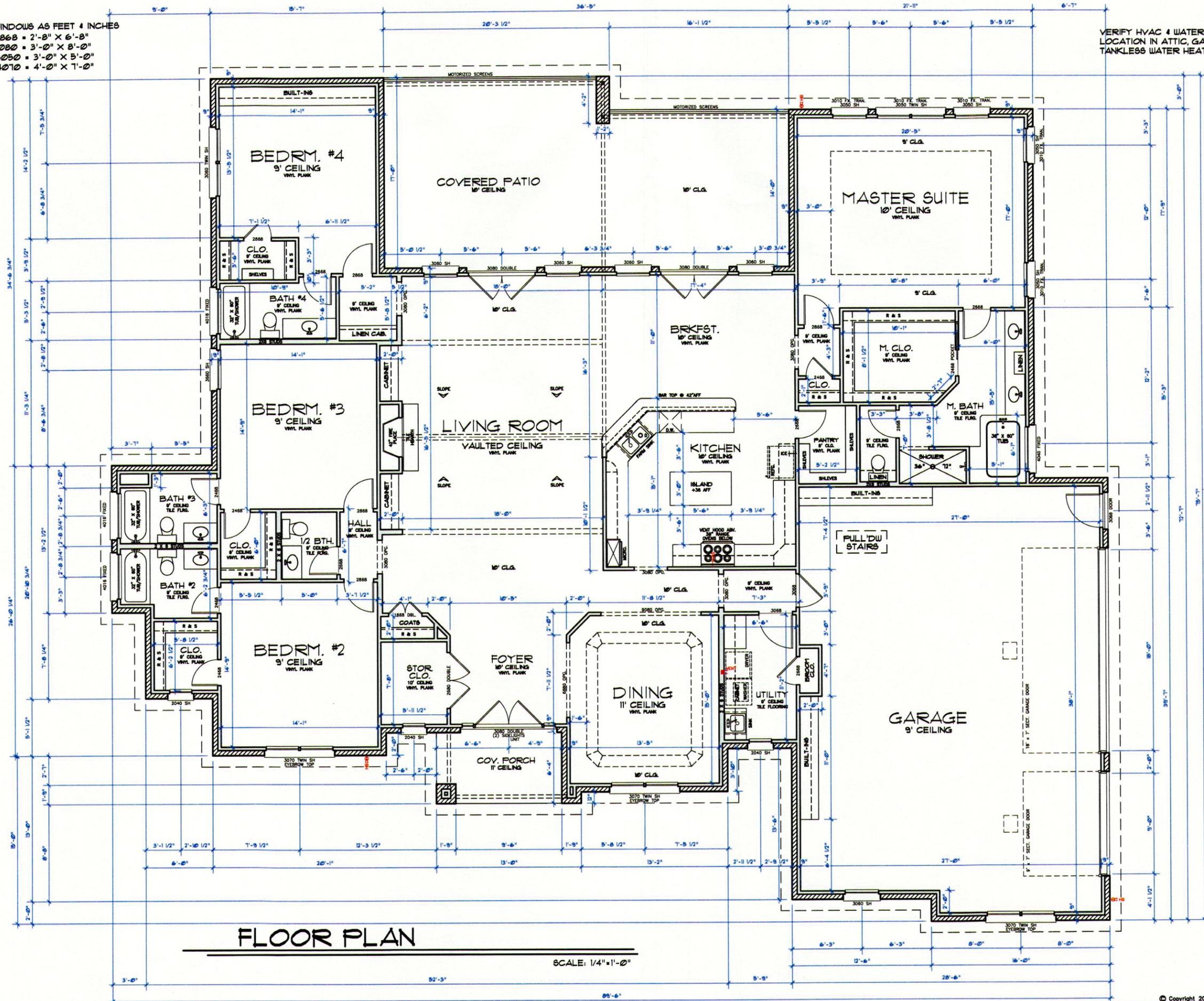
New Residence for
Mr. & Mrs. Walker
Date: 03/25/21

R.D. Chaplin
and Associates
1814 W. Ave. L - TEMPLE, Texas, 76504
Office: - (254)-773-3025 Mobile: - (254)-718-6416
Email: rdchomeplans@gmail.com

DREWS HUNT BUILDERS
Drews Hunt Builders, LLC.
1023 Canyon Creek Dr. Suite #100
Temple, TX 76502
Office: 254.773.1067
Fax: 254.773.9538
www.drewshuntbuilders.com

READ DOOR & WINDOWS AS FEET & INCHES
 DOOR - 2868 = 2'-8" X 6'-8"
 DOOR - 3080 = 3'-0" X 8'-0"
 WINDOW - 3050 = 3'-0" X 5'-0"
 WINDOW - 4070 = 4'-0" X 7'-0"

VERIFY HVAC & WATER HEATER
 LOCATION IN ATTIC, GAS OR ELECTRIC
 TANKLESS WATER HEATER



FLOOR PLAN

SCALE: 1/4" = 1'-0"

FILE #: 19214-M.DWC

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LIVING:	3,478 SQFT
GARAGE:	1,060 SQFT
PORCHES:	644 SQFT
TOTAL:	5,182 SQFT



R.D. Chaplin
 and Associates
 1814 W. Ave. L - TEMPLE, Texas, 76504
 Office: - (254)-773-3025 Mobile: - (254)-718-8418
 Email: rachomeplans@gmail.com

New Residence for
Mr. & Mrs. Walker
 Date: 03/25/21

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VERIFY HVAC & WATER HEATER LOCATION IN ATTIC, GAS OR ELECTRIC TANKLESS WATER HEATER

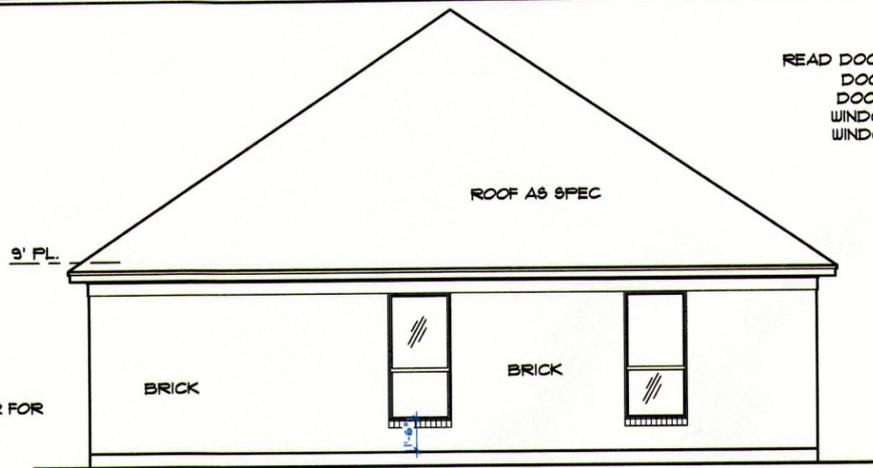
ALL ELECTRICAL TO BE VERIFY WITH OWNER AND CHANGED OR ADDED TO AS REQUIRED.

VERIFY DIMMERS SWITCHES WITH OWNERS

VERIFY ELECTRIC FOR YARD LIGHTS AND LANDSCAPE LIGHTING

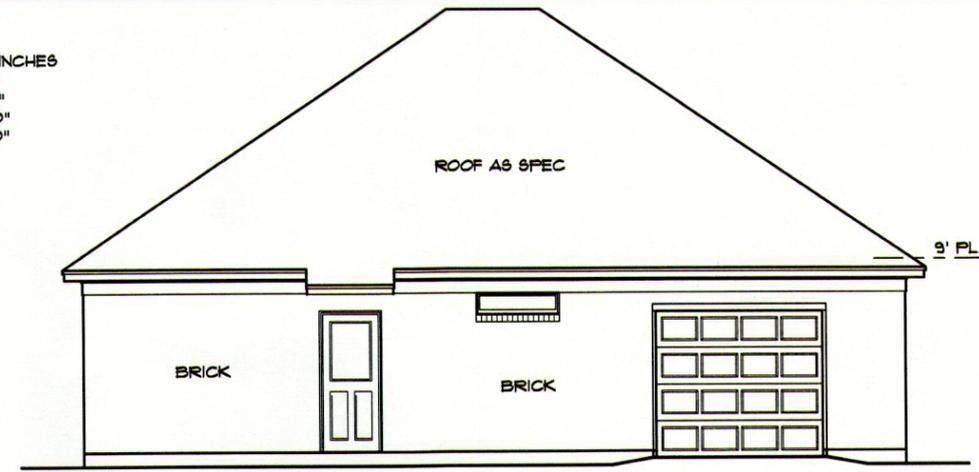
VERIFY ELECTRICAL LAYOUT WITH OWNER FOR ACTUAL PLACEMENT OF OUTLETS

READ DOOR & WINDOWS AS FEET & INCHES
 DOOR - 2868 = 2'-8" X 6'-8"
 DOOR - 3080 = 3'-0" X 8'-0"
 WINDOW - 3050 = 3'-0" X 5'-0"
 WINDOW - 4070 = 4'-0" X 7'-0"



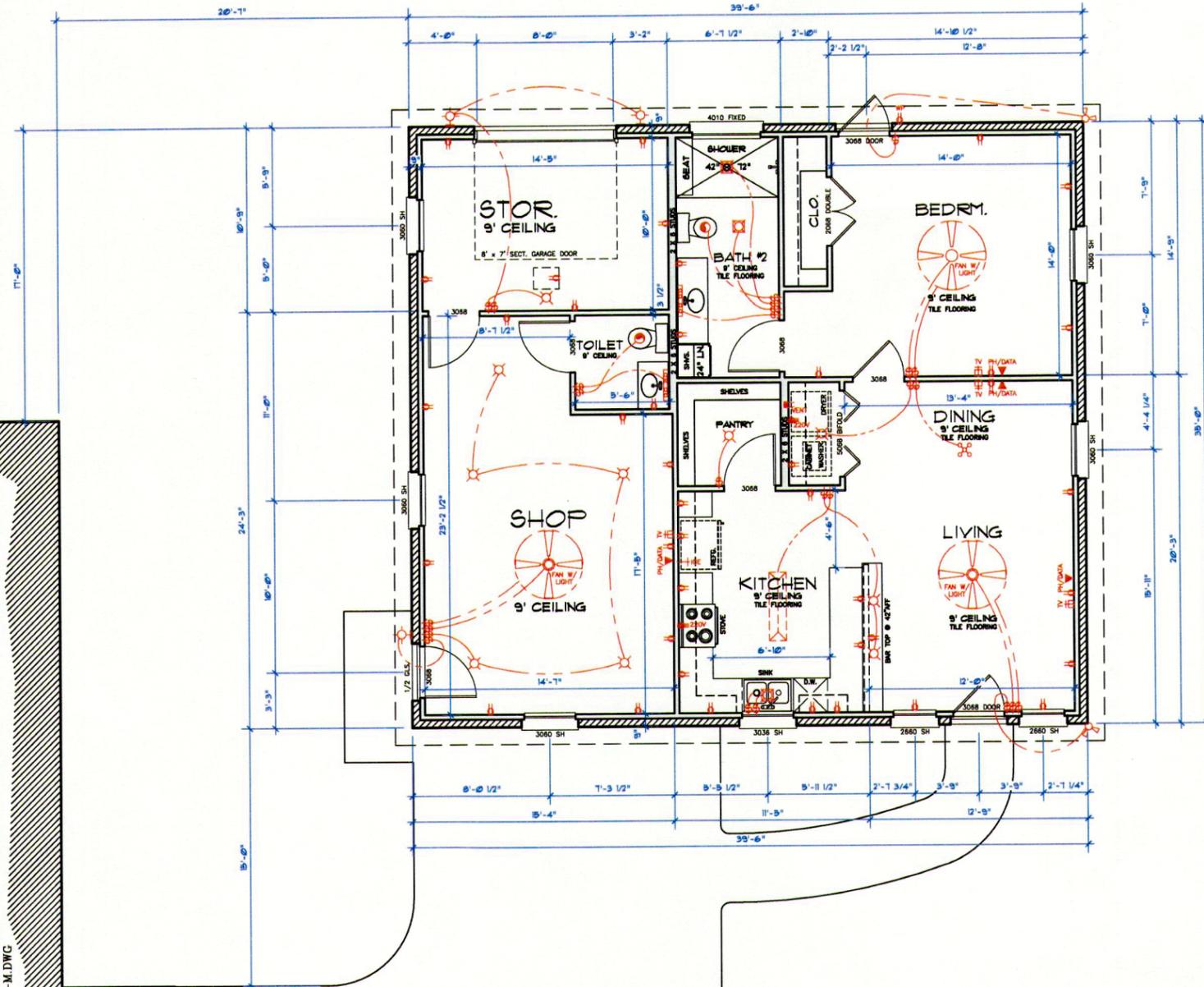
RIGHT ELEVATION

SCALE: 1/4"=1'-0"



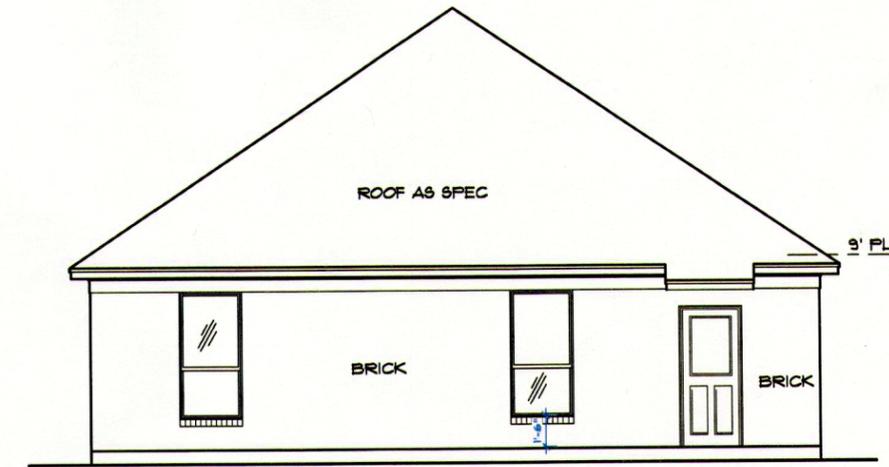
REAR ELEVATION

SCALE: 1/4"=1'-0"



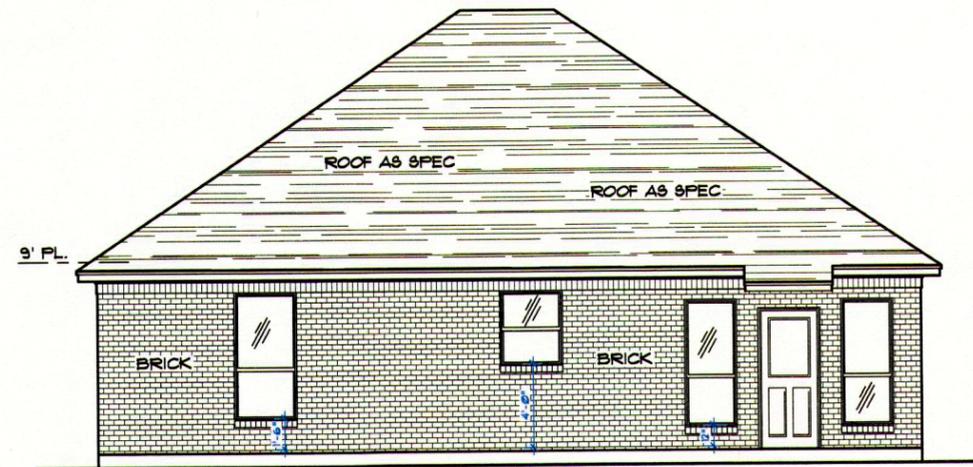
FLOOR PLAN

SCALE: 1/4"=1'-0"



LEFT ELEVATION

SCALE: 1/4"=1'-0"



RIGHT ELEVATION

SCALE: 1/4"=1'-0"

LIVING:	846 SQFT
SHOP:	372 SQFT
STORAGE:	165 SQFT
TOTAL:	1,383 SQFT

Drews Hunt Builders, LLC
 2025 Canyon Creek Dr. Suite 100
 Fort Worth, TX 76102
 Phone: 754.777.1867
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New Residence for
Mr. & Mrs. Walker
 Date: 03/25/21

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FILE #: 19214-M.DWC

HOUSE

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 155.201 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;

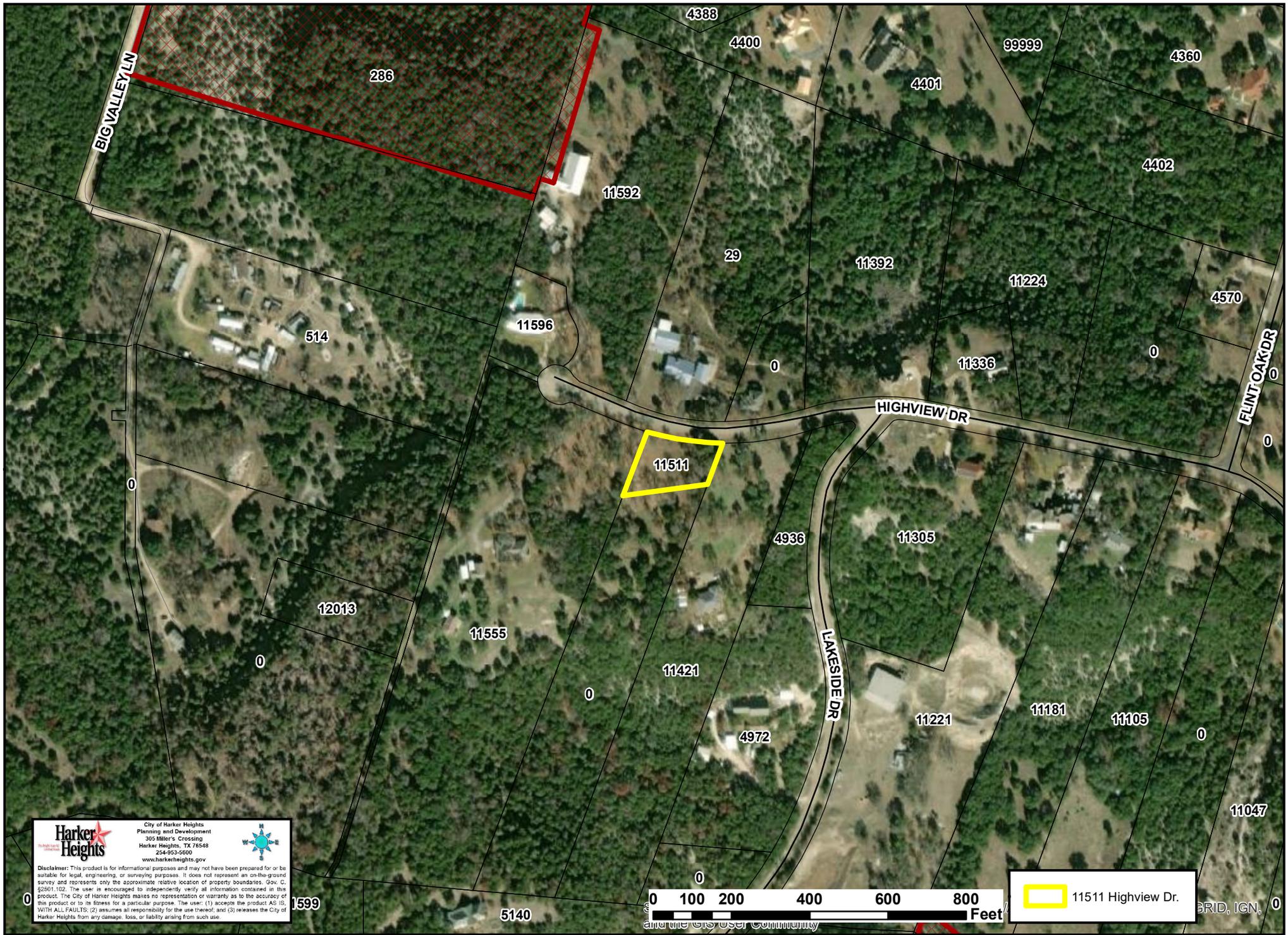
(e) The building or premises is substantially enlarged, extended, reconstructed or altered;

(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)

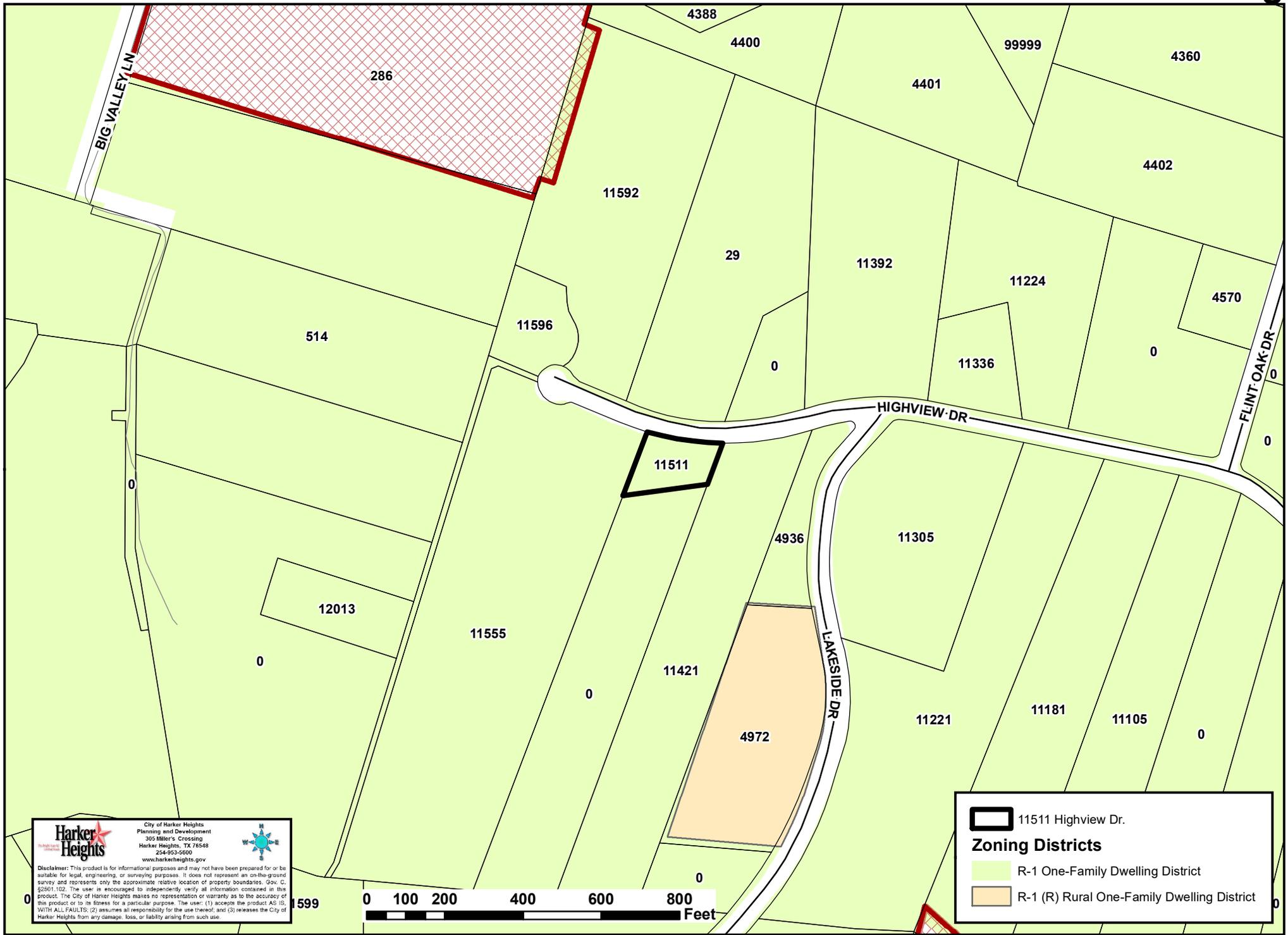


Harker Heights
City of Harker Heights
Planning and Development
305 Miller's Crossing
Harker Heights, TX 78548
254-953-5600
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2601.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

11511 Highview Dr.





Harker Heights
City of Harker Heights
Planning and Development
300 Miller's Crossing
Harker Heights, TX 78548
254-953-5600
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2601.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.

 11511 Highview Dr.

Zoning Districts

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

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: DONAHUE, MICHAEL N

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

Physical Address	Property ID
N/A	#29862

RE: application 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 Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas and locally known as 11511 Highview Drive, Belton, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

I HOPE THEY WILL INTRODUCE THEMSELVES AND
CONSIDER A POSITIVE RESPONSE TO MY
ADDITION OF A GARAGE / STUDIO SPACE IN 2 YEARS.

MICHAEL DONAHUE
Printed Name

Michael Donahue
Signature

October 7, 2021
Date

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: ELLIS, FRED E ETUX TAMMY L

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

Physical Address	Property ID
29 HIGHVIEW DR	#33072

RE: application 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 Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas and locally known as 11511 Highview Drive, Belton, Texas (see attached notification map).

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

Comments:

Tammy Ellis
Fred Ellis
Printed Name

Tammy Ellis
Fred Ellis
Signature

10-9-21
Date

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: THOMAS, THOMAS N ETUX KYUNG A

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

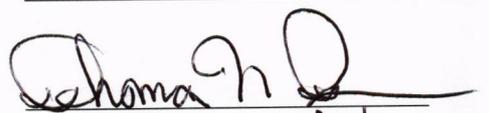
Physical Address	Property ID
11421 HIGHVIEW DR	#117724

RE: application 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 Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas and locally known as 11511 Highview Drive, Belton, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:


Printed Name
Thomas N. Thomas
Oct 18, 2021
Date


Signature

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: MUENTER, WILLIAM T

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

Physical Address	Property ID
11305 HIGHVIEW DR	#123046

RE: application 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 Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas and locally known as 11511 Highview Drive, Belton, Texas (see attached notification map).

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

Comments:

William T. Muentzer
Printed Name

William T. Muentzer
Signature

10-6-2021
Date

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: ECHEANDIA, JUAN J VARONA

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

Physical Address	Property ID
11592 HIGHVIEW DR	#132344

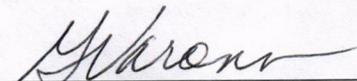
RE: application to consider a request for a Conditional Use Permit (CUP) to allow for an accessory dwelling unit (ADU) on property described as Lakeside Hills Section Two, Lot Tract PT 63, (N PT of 63), Acres 0.608, Property ID #489292, generally located at 11511 Highview Drive, Harker Heights, Bell County, Texas and locally known as 11511 Highview Drive, Belton, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Grace Varona
Printed Name


Signature

10/7/2021
Date



CITY COUNCIL MEMORANDUM

Z21-26

AGENDA ITEM #VII-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE ZONING DESIGNATION FROM R-1 (ONE FAMILY DWELLING DISTRICT) TO R1-R (RURAL ONE-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS LAKESIDE HILLS SECTION THREE, LOT TRACT 0066, ACRES 7.72, PROPERTY ID #52206, GENERALLY LOCATED AT 5140 LAKESIDE DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS AND LOCALLY KNOWN AS 5140 LAKESIDE DRIVE, BELTON, TEXAS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One Family Dwelling District) to R1-R (Rural One-Family Dwelling District) on property described as Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property ID #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas, and locally known as 5140 Lakeside Drive, Belton, Texas. According to the Bell County Tax Records, the property consists of approximately 7.72 acres and has an existing residential structure consisting of 3,754 square feet. The request will enable the applicant to construct the following:

- Garage (33' X 42' 1,386 square feet)
- Wood shop (18' X 33', 594 square feet)
- Carport (20' X 33', 660 square feet)
- Total combined square feet: 2,640

As outlined within the R1-R zoning district, the following requirements must be met:
§155.021 (3) (a) (1-3)

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

Surrounding Land Uses

Adjacent land uses include:

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

The 2021 Future Land Use Map identifies this area is designated for Residential Estate; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood and would be consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Flood Damage Prevention:

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

Notices:

Staff sent out fifteen (15) notices to property owners within the 400-foot notification area. As of October 27, 2021, four (4) 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.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R1-R (Rural One-Family Dwelling District) on property described as Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property ID #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas, and locally known as 5140 Lakeside Drive, Belton, Texas, based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on October 27, 2021, the Planning and Zoning Commission voted (6-0) to recommend approval of an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R1-R (Rural One-Family Dwelling District) on property described as Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property ID #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas, and locally known as 5140 Lakeside Drive, Belton, Texas based on staff's recommendations and findings.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** an ordinance to change the zoning designation from R-1 (One Family Dwelling District) to R1-R (Rural One-Family Dwelling District) on property described as Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property ID #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas, and locally known as 5140 Lakeside Drive, Belton, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Ordinance
2. Application
3. Site Plans
4. Building location
5. Ordinance
6. Location Map
7. Zoning Map
8. Existing Land Use Map
9. Future Land Use Map
10. Notification Area Map
11. Public Responses

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R1-R (RURAL ONE-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS LAKESIDE HILLS SECTION THREE, LOT TRACT 0066, ACRES 7.72, PROPERTY ID #52206, GENERALLY LOCATED AT 5140 LAKESIDE DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND LOCALLY KNOWN AS 5140 LAKESIDE DRIVE, BELTON, TEXAS.

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

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

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

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

SECTION 2: The hereinafter-described property, as previously zoned R-1 (One Family Dwelling District) to R1-R (Rural One-Family Dwelling District) on property described as Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property Id #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas and locally known as 5140 Lakeside Drive, Belton, 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>
2021-	11/09/21	Granting R1-R (Rural One-Family Dwelling District) zoning on property described as Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property Id #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas and locally known as 5140 Lakeside Drive, Belton, 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 November 9, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

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

*If proposed zoning designation is not in compliance with land use, an application to change land use will also be required.

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

Property Owner(s) Name: Pam and John Hennessy **Date:** September 29, 2021

Address: [REDACTED]

City/State/Zip: [REDACTED]

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

Legal Description of Property:

Location of Property (Address if available): 5140 Lakeside Dr., Belton, Texas 76513

Lot: Tract 66 Block: _____ Subdivision: Lakeside Hills, Section 3

Acres: 7.72 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: Rural Residential

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

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

Applicant's Representative (if applicable):

Applicant's Representative: _____

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

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

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

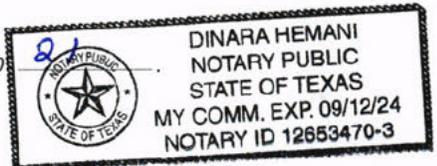
Pamela Hennessy John Hennessy
 Printed Name of Property Owner

[Signature]
 Signature of Property Owner

Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 22nd DAY OF September, 2021



Dinara Hemani
 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 09/12/2024

Date Submitted: 9/29/21

STAFF ONLY -- DO NOT FILL OUT BELOW

Received By: Wesley Everett

Pre-Application Meeting

Receipt #: 01744399

Case #: _____

Surveyor's Sketch showing TRACT 66, LAKESIDE HILLS, SECTION THREE, a subdivision in Bell County, Texas, according to the plat of record in Cabinet A, Slide 43-D, Plat Records of Bell County, Texas.

Notes from the Surveyor:
The following measurements listed on the title comments supplied by AMERICAN ABSTRACT COMPANY 4602-TS62A, Effective Date February 20, 1946, have been reviewed by this surveyor, and based upon what is visible on the ground or what can be plotted from their descriptions, do not appear to visibly affect this property.

* 520 / 526 * 428 / 181 * 366 / 452 * 1025 / 640 * 1642 / 230

Purpose for this survey: To secure financing for CLYDE CLAREN HOWARD, JR. AMERICAN ABSTRACT COMPANY 699 4602-TS62A EFFECTIVE DATE: FEBRUARY 20, 1946

#59 LAKESIDE DRIVE
Cabinet A, Slide 43-D
Easement
S 46°42'51" N - 620.00
Record Call "TRACT 64" S 61°41'15" E 464.00

TRACT 66
7.72 ACRES

1" = 50'

G1
R= 1028.14'
A= 05°16'57"
L= 94.71'
CB= S 43°54'41" N
CD= 44.78'
Record Call "TRACT 66"
Radius 1028.14 Arc 44.78'

TRACT 65
Cabinet A, Slide 43-C

TRACT 64
Cabinet A, Slide 43-C

TRACT 63
Cabinet A, Slide 43-C

TRACT 62
Cabinet A, Slide 43-C

TRACT 61
Cabinet A, Slide 43-C

LAKESIDE HILLS, SECTION TWO

This sketch represents a survey made on the ground. During the performance of this survey persons working under my supervision observed conditions within and along the boundaries and to the best of my knowledge they are as shown. The location of visual structural improvements with respect to the boundary lines are as shown. Based upon what can be scaled from the graphics shown on Federal Insurance Rate Map (FIRM), Community Panel No. 482706 02108, Dated February 15, 1984, the above shown property DOES NOT APPEAR within the "Special Flood Hazard Area", and appears to be situated in Zone "C". This flood statement does not imply that this tract will never flood, nor does it create any liability in such event on the part of this surveyor or company.

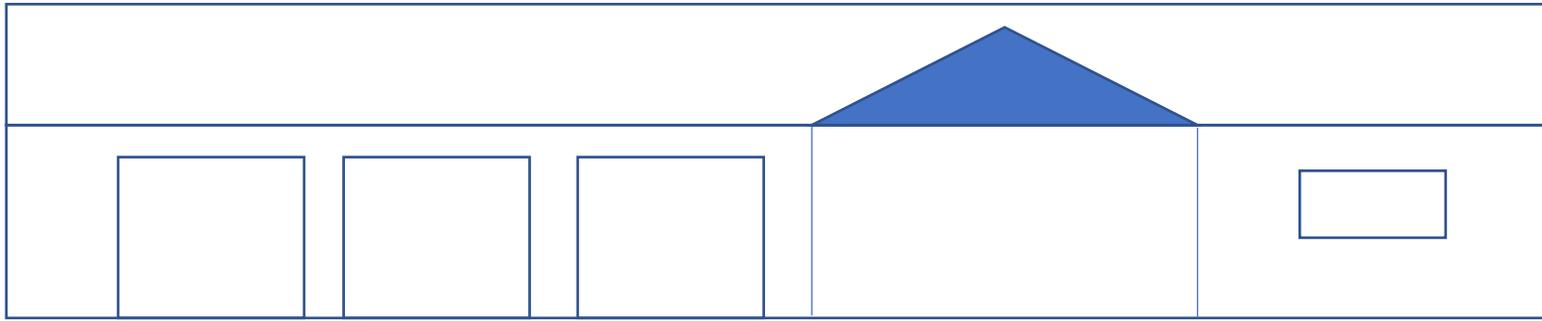
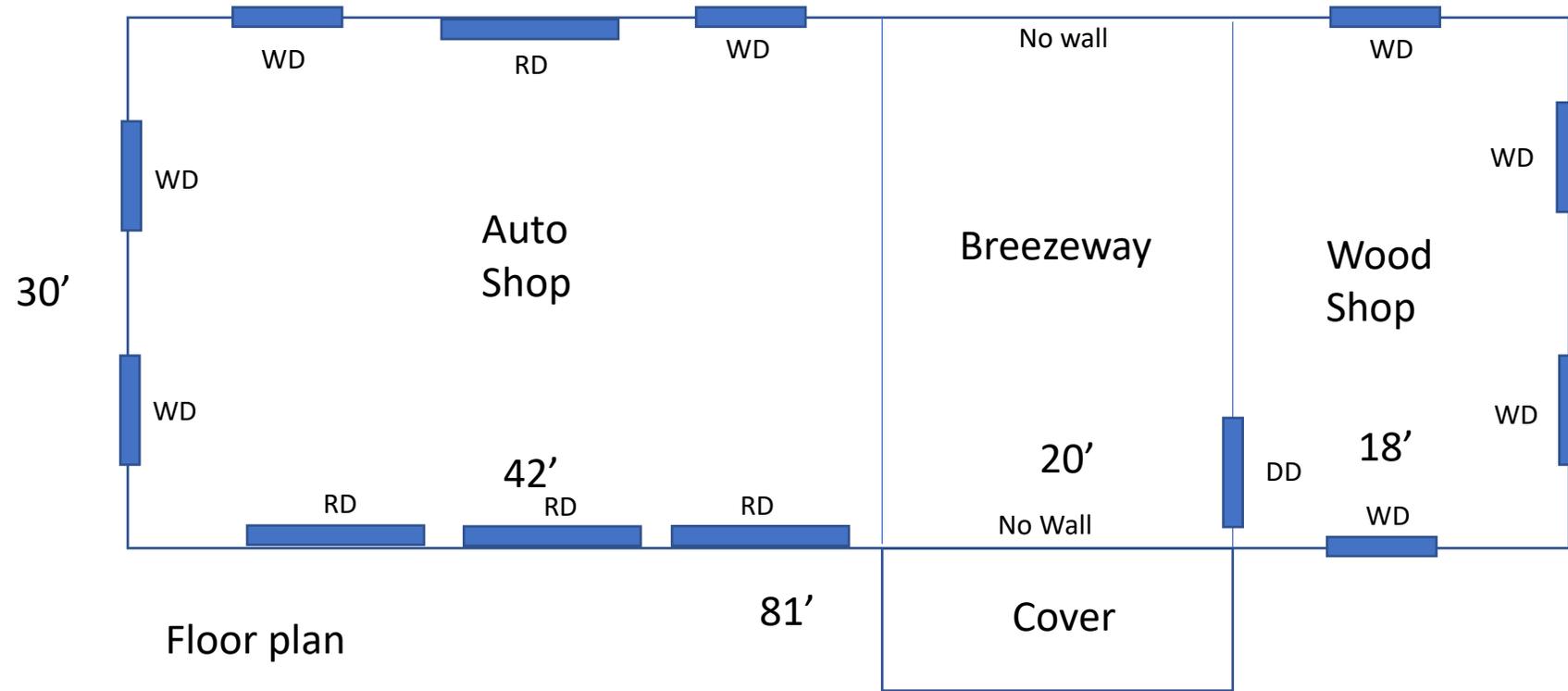


BOUNDARY SURVEY

Surveyor's Sketch showing TRACT 66, LAKESIDE HILLS, SECTION THREE, a subdivision in Bell County, Texas, according to the plat of record in Cabinet A, Slide 43-D, Plat Records of Bell County, Texas.

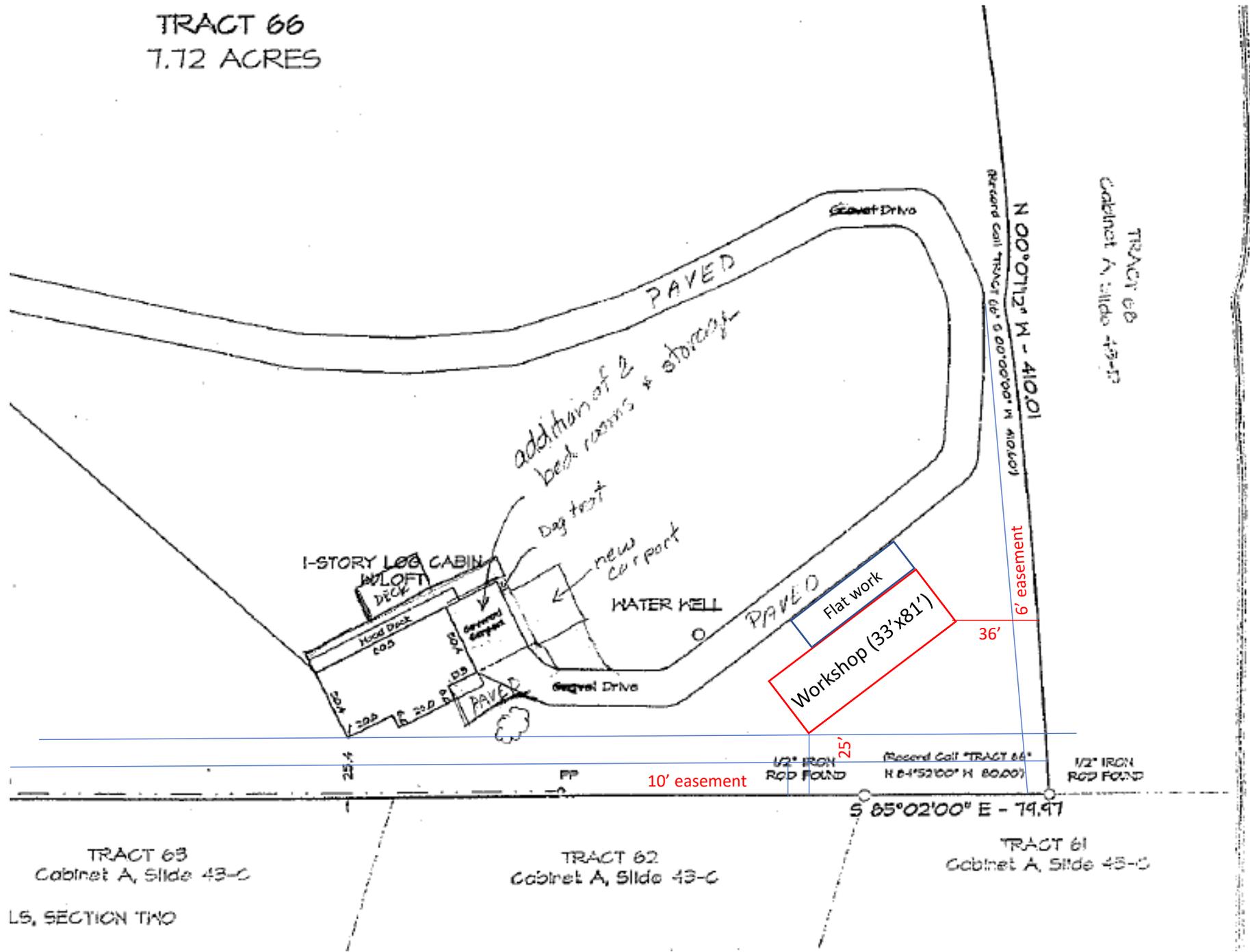
ALL COUNTY SURVEYING
609 South 21st Street, Temple, Texas 76788
(817) 710-2272 FAX (817) 711-1103

Surveyor: R.S.L.
Plate: 04-02-84
Created By: R.S.L.
Drawing No.: 482706-02108
Title No.: 1703281



Front view

TRACT 66
7.72 ACRES



TRACT 63
Cabinet A, Slide 43-C
LS, SECTION TWO

TRACT 62
Cabinet A, Slide 43-C

TRACT 61
Cabinet A, Slide 43-C

TRACT 66
Cabinet A, Slide 43-F

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 155.021 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.

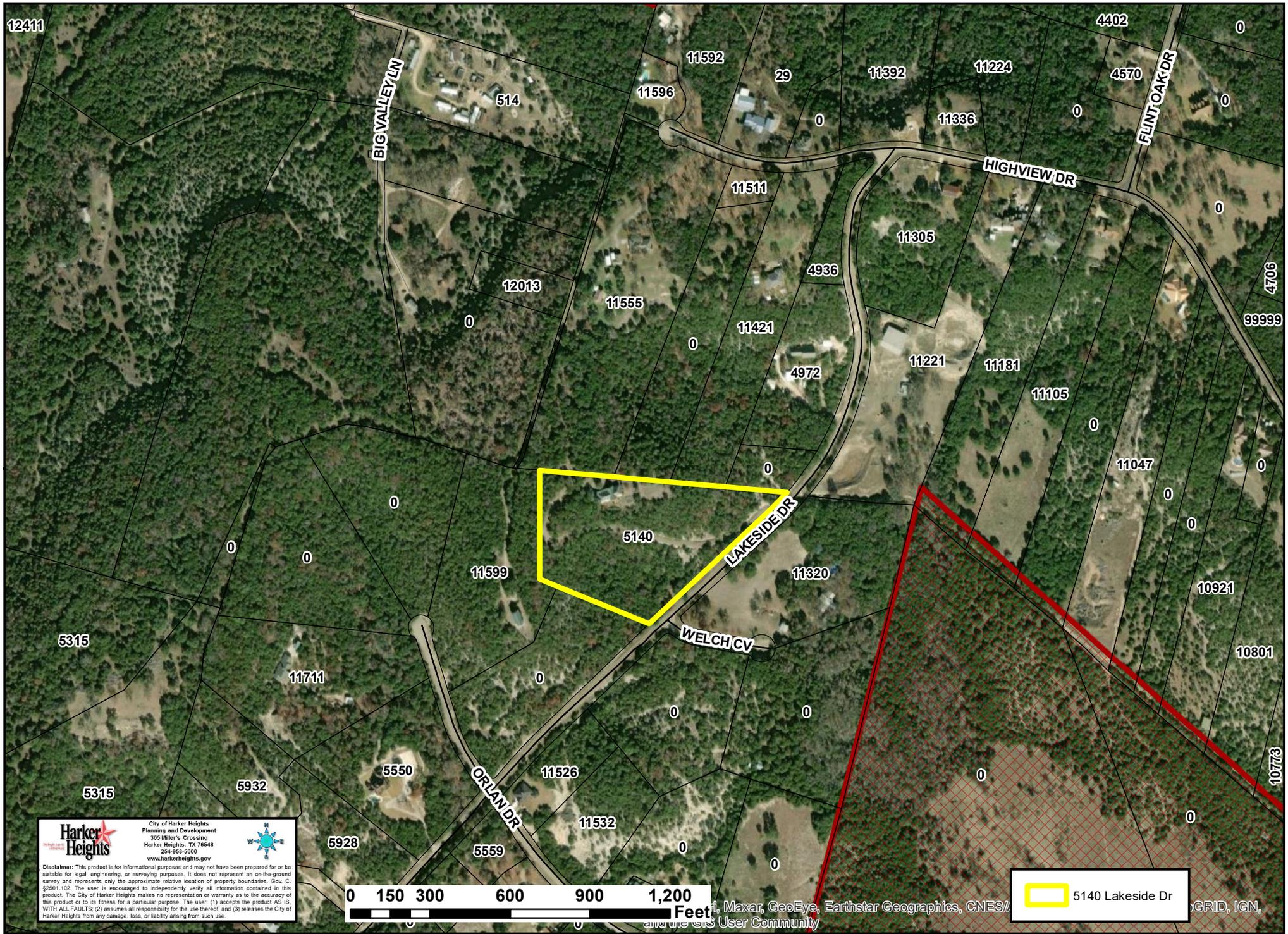
- (1) Every lot or tract of land shall have an area of not less than two acres. The lot width shall be a minimum of 100 feet.

(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.

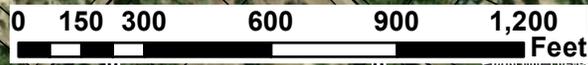
(G) *Landscaping.* All yards shall have vegetative groundcover of sufficient quality and quantity, or other city-approved groundcover, to control dust, erosion and sediment upon final inspections. In addition, a minimum of two six-foot-tall trees, measuring two inches or more in caliper (diameter) when 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)

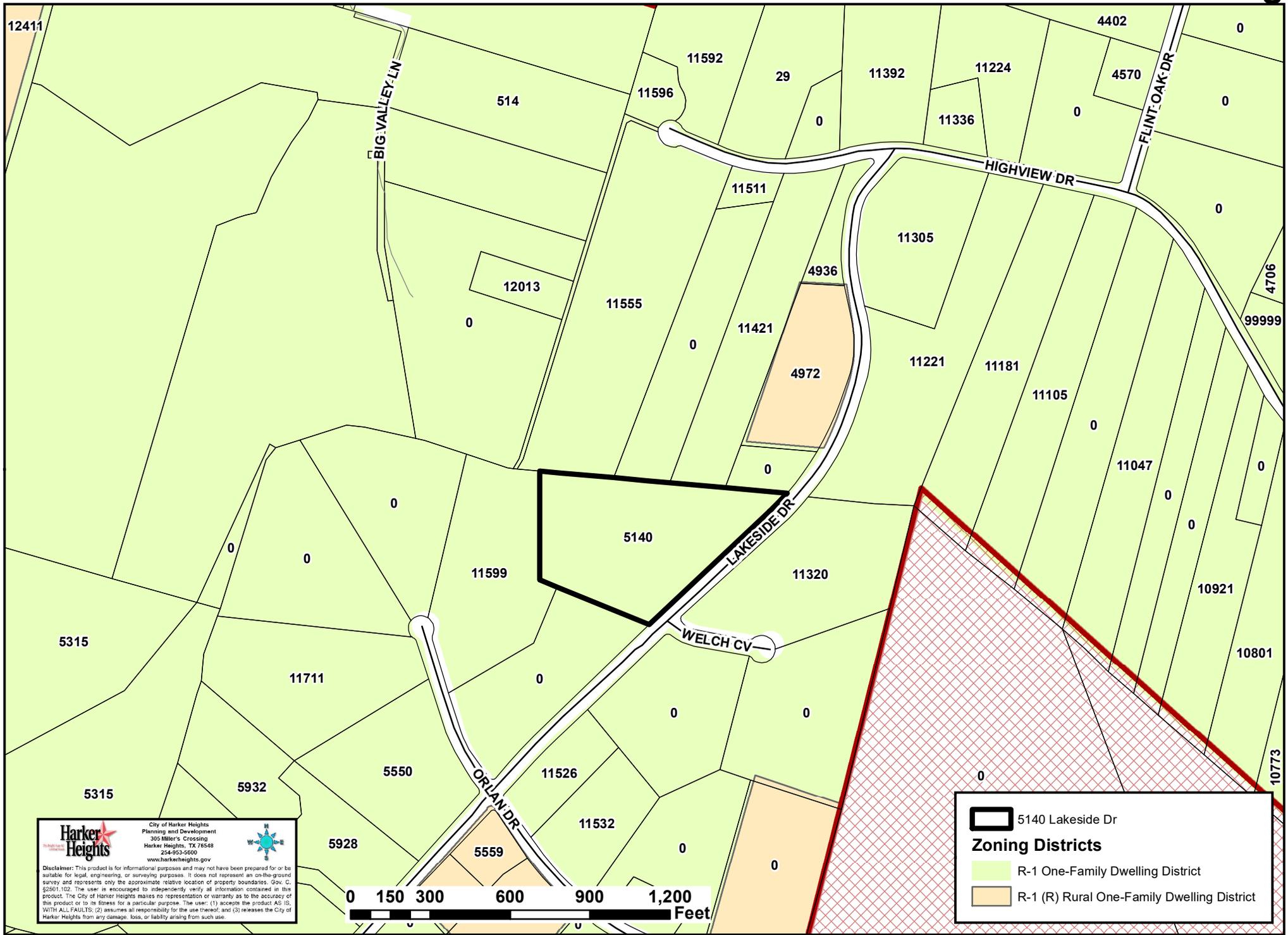


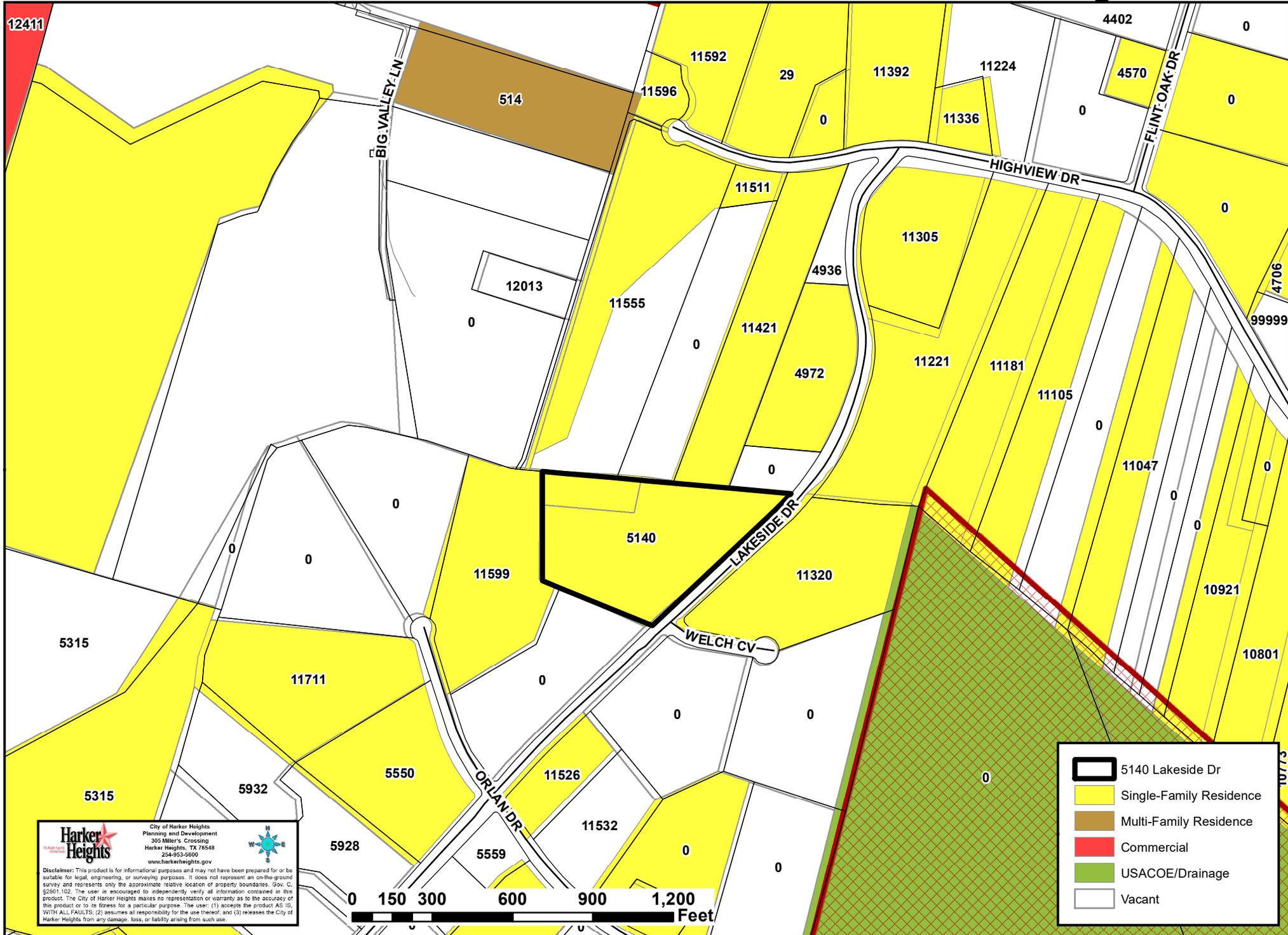
Harker Heights
City of Harker Heights
Planning and Development
300 Miller's Crossing
Harker Heights, TX 78548
254-963-3600
www.harkerheights.gov

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, §2001.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



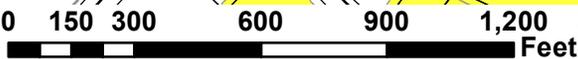
5140 Lakeside Dr



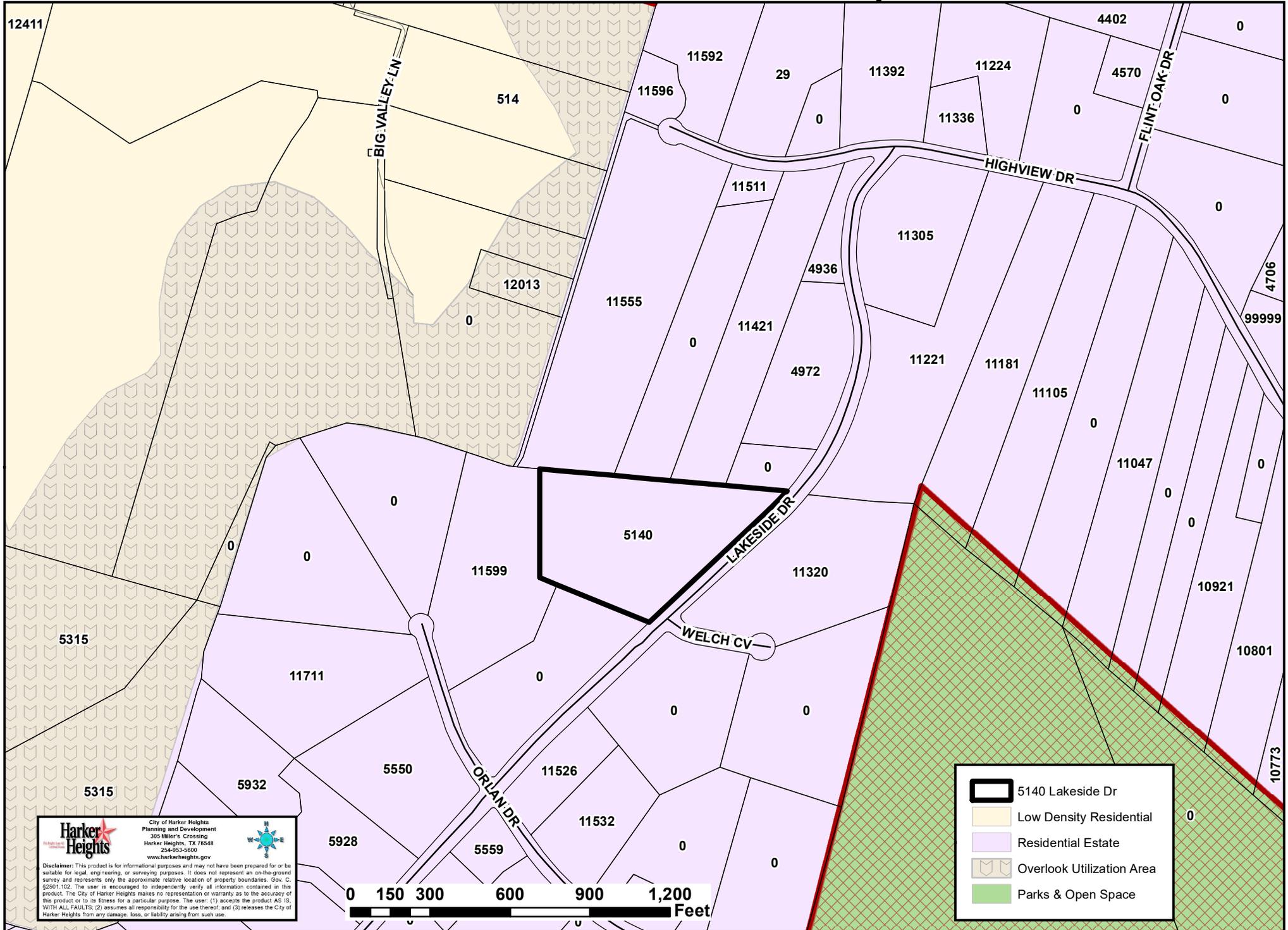


Harker Heights
City of Harker Heights
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	5140 Lakeside Dr
	Single-Family Residence
	Multi-Family Residence
	Commercial
	USACOE/Drainage
	Vacant



SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: DONAHUE, MICHAEL N

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

Physical Address	Property ID
11599 HIGHVIEW DR, N/A	#29861, 29862

RE: application to consider a change in zoning designation from **R-1 (One Family Dwelling District)** to **R1-R (Rural One-Family Dwelling District)** on property described as *Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property ID #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas and locally known as 5140 Lakeside Drive, Belton, Texas, (see attached notification map).*

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

Comments:

I HOPE THEY WILL INTRODUCE THEMSELVES AND
CONSIDER A POSITIVE RESPONSE TO MY
ADDITION OF A GARAGE / STUDIO SPACE IN 2 YEARS.

MICHAEL DONAHUE
Printed Name

Michael Donahue
Signature

October 7, 2021
Date

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: THOMAS, THOMAS N ETUX KYUNG A

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

Physical Address	Property ID
11421 HIGHVIEW DR	#117724

RE: application to consider a change in zoning designation from **R-1 (One Family Dwelling District)** to **R1-R (Rural One-Family Dwelling District)** on property described as *Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property ID #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas and locally known as 5140 Lakeside Drive, Belton, Texas*, (see attached notification map).

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

Comments:

Kyung Ae Thomas
Printed Name


Signature

Oct 18, 2021
Date

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: ELIFRITZ, ANDREW D ETUX MARY L

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

Physical Address	Property ID
N/A	#56556

RE: application to consider a change in zoning designation from **R-1 (One Family Dwelling District)** to **R1-R (Rural One-Family Dwelling District)** on property described as *Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property ID #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas and locally known as 5140 Lakeside Drive, Belton, Texas, (see attached notification map).*

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

Comments:

Andrew Elifritz
Printed Name

Andrew Elifritz
Signature

10/22/2021
Date

Received

OCT 25 2021

Planning & Development

ELIFRITZ, ANDREW D ETUX MARY L
10585 HIGHVIEW DR
BELTON, TX 76513

Received

OCT 22 2021

Planning & Development

Z21-26

Harker Heights Planning & Development

10/1/2021

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: BURTON, JOHN ETUX VIRGINIA

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

Physical Address	Property ID
11526 ORLAN DR	#471603

RE: application to consider a change in zoning designation from **R-1 (One Family Dwelling District)** to **R1-R (Rural One-Family Dwelling District)** on property described as *Lakeside Hills Section Three, Lot Tract 0066, Acres 7.72, Property ID #52206, generally located at 5140 Lakeside Drive, Harker Heights, Bell County, Texas and locally known as 5140 Lakeside Drive, Belton, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Deny Deny Deny

Virginia Burton
Printed Name


Signature

Oct 2, 2021
Date



CITY COUNCIL MEMORANDUM

Z21-27

AGENDA ITEM# VII-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

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 ON PROPERTY DESCRIBED AS ARROWHEAD ESTATES PHASE 3, BLOCK 001, LOT 006A, ACRES .5, PROPERTY ID #396612, GENERALLY LOCATED AT 1411 GOMER LANE, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R-1 (One-Family Dwelling District) with a Conditional Use Permit (CUP) to allow for an accessory dwelling unit on property described Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas. According to the Bell County Tax Records, the property consists of a single-family residence with approximately 2,286 square feet of living space, on .5 acres of land. According to the building plans submitted for the accessory dwelling unit, the structure will be 25' X 30', with a total size of 750 square feet.

Surrounding Land Uses

Adjacent land uses include:

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

The 2021 Future Land Use Map identifies this area is designated for Residential Estate; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood and would be consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Flood Damage Prevention:

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

Notices:

Staff sent out twenty-eight (28) notices to property owners within the 400-foot notification area. As of October 27, 2021, five (5) 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.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change the zoning designation R-1 (One-Family Dwelling District) to R-1 (One-Family Dwelling District) with a Conditional Use Permit (CUP) on property described as Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas subject to 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 maximum gross foundation footprint of 850 square feet.
5. Approval of location of the accessory dwelling unit on the parcel must be received from Bell County Public Health prior to release of construction plans by the City.

The above recommendation is based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on October 27, 2021, the Planning and Zoning Commission voted (6-0) to recommend approval of an ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-1 (One-Family Dwelling District) with a Conditional Use Permit (CUP) on property described Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** an ordinance to change the zoning designation from R-1 (One-Family Dwelling District) to R-1 (One-Family Dwelling District) with a Conditional Use Permit (CUP) on property described Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Ordinance
2. Application
3. Letter of Intent
4. Site Plans
5. Ordinance
6. Location Map
7. Zoning Map
8. Existing Land Use Map
9. Future Land Use Map
10. Notification Area Map
11. Public Responses

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR AN ACCESSORY DWELLING UNIT ON PROPERTY DESCRIBED AS ARROWHEAD ESTATES PHASE 3, BLOCK 001, LOT 006A, ACRES .5, PROPERTY ID #396612, GENERALLY LOCATED AT 1411 GOMER 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;

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-1 (One Family Dwelling District) with a Conditional Use Permit (CUP) on property described as Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas subject to 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 maximum gross foundation footprint of 850 square feet.
5. Approval of location of the accessory dwelling unit on the parcel must be received from Bell County Public Health prior to release of construction plans by the City.

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>
2021-	11/09/21	Granting a Conditional Use Permit (CUP) on property described as Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer 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 November 9, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

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

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

Property Owner(s) Name: JULIAN HELENITA BENITEZ PENUELAS Date: 27 SEP 21

Address: 1411 GOMER LANE

City/State/Zip: HARKER HEIGHTS, TX 76548

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

Legal Description of Property:

Location of Property (Address if available): 1411 GOMER LN, HARKER HEIGHTS, TX 76548

Lot: 006A Block: 001 Subdivision: ARROWHEAD PHASE 3

Acres: .5 Property ID: 396612 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: R-1 Future Land Use Designation: R-1 WITH COP

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.

JULIAN BENITEZ PENUELAS
 Printed Name of Property Owner

[Signature]
 Signature of Property Owner

Printed Name of Representative _____

Signature of Representative _____

Date Submitted: 9/29/21

STAFF ONLY - DO NOT FILL OUT BELOW

Pre-Application Meeting

Receipt #: 0174449

Received By: WEVERETT

Case #: _____

Julian A. Benitezpenuelas
Elenita Benitezpenuelas
1411 Gomer Lane
Harker Heights, Texas 76548

28 September 2021

City of Harker Heights
Planning and Development
305 Millers Crossing
Harker Heights, Texas 76548

We hereby submit this letter to inform the City of Harker Heights of our intention to build an additional dwelling unit (ADU) on our residential property, dimensions 30' X 25' (750 square feet) to serve as living quarters for our elderly parents and to better facilitate for them. This residential dwelling unit will enable for them to function independently. Please see plan drawn to scale submitted with this packet.

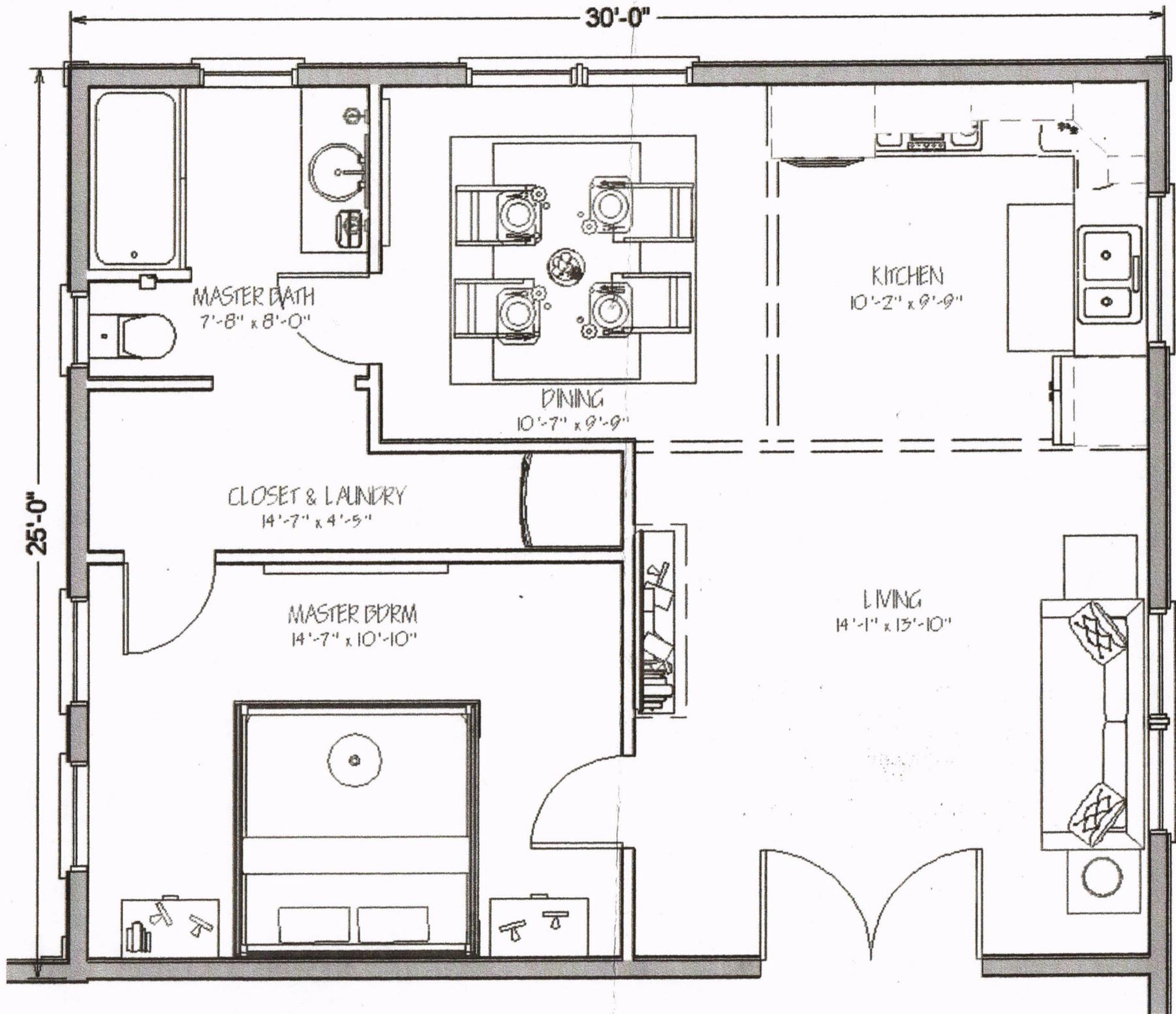
If there are any questions, please contact us at (706) 593-8153 or email us at jesmer2000@yahoo.com.



Julian Benitezpenuelas



Elenita Benitezpenuelas



acres Lot 6 Block 1 Arrowhead Estates



OK
5/15/07
[Signature]

- A. HOUSE AND PROPE LOCATED AT 1411 G (FROM PLAT), THE M (PROFILE, THE RECC AEROBIC SPRAY T THAN EASEMENTS SPRAYHEADS SO A VEGETATED WITH C GROWTH THROUGH FLOODPLAIN OR FL
- B. SOIL PROFILE CHA
- C. FLOW CALCULATK (REDUCTION FOR I
- D. APPLICATION ARE SPRINKLER APPLIC AREA THAT WILL B ONCE.
- E. PRETREATMENT I UNIT WILL BE UTIL TREATING 500 GA
- F. PUMP CHAMBER, AERATOR ALARM, VISUAL INDICATO PUMP. INSTALLEI SAMPLING PORT CORRECT SYSTE PUMP SHALL BE / NORWECO INCLU ALL PIPING, VALV PURPLE AS REQU
- G. DISPOSAL TO FIE DEGREE TRAJEC SPRAYHEADS SF SYSTEM OUTFLC PRESSURE CON' TO ACHIEVE THIS
- H. SERVICE AGREE MINIMUM REQUI CONTRACT WILL COLLECTION AS FILED WITH THE
- I. TIMER: A TIMEI RULES DICTATE CONTROL DEVIK MANUFACTURE CONTAINS THE OTHER COMPO OPERATIONS. PERFORMS A S

5/11/07
2-B

BELL COUNTY PUBLIC HEALTH DISTRICT

Temple and Killeen

Permit No. **T 7528**
Receipt No. **32913**

PERMIT TO INSTALL A SEPTIC TANK SYSTEM

Location: Arrowhead Ed St. Address: 1411 Gomer Lane Zip: 76548 Flood Plain No: 4

Legal Description: Survey Abstract No. _____ Vol. _____ Page _____ Blk 1 Lot 6 Sec _____

Issued By: [Signature] Date Issued: 4-26-07 This Permit Expires: 4-26-08

Owner: Victoria Lewis Address: 3219 Quail Hollow Rd Phone: 698-7513

Installer: H20 Address: PO Box 161 Troy Phone: 534-1547

Signature: [Signature: Nancy Pitts] Amount Paid: \$450 CY# 8014

Treatment Standard: _____ Size Required: _____ Size Installed: _____

Aerobic: Norweco Size Required: 9600 Serial #: 9001753W

Disposal: Type: SI Area Required: 4740 Area Installed: 4740

M/C: _____ Affidavit: _____

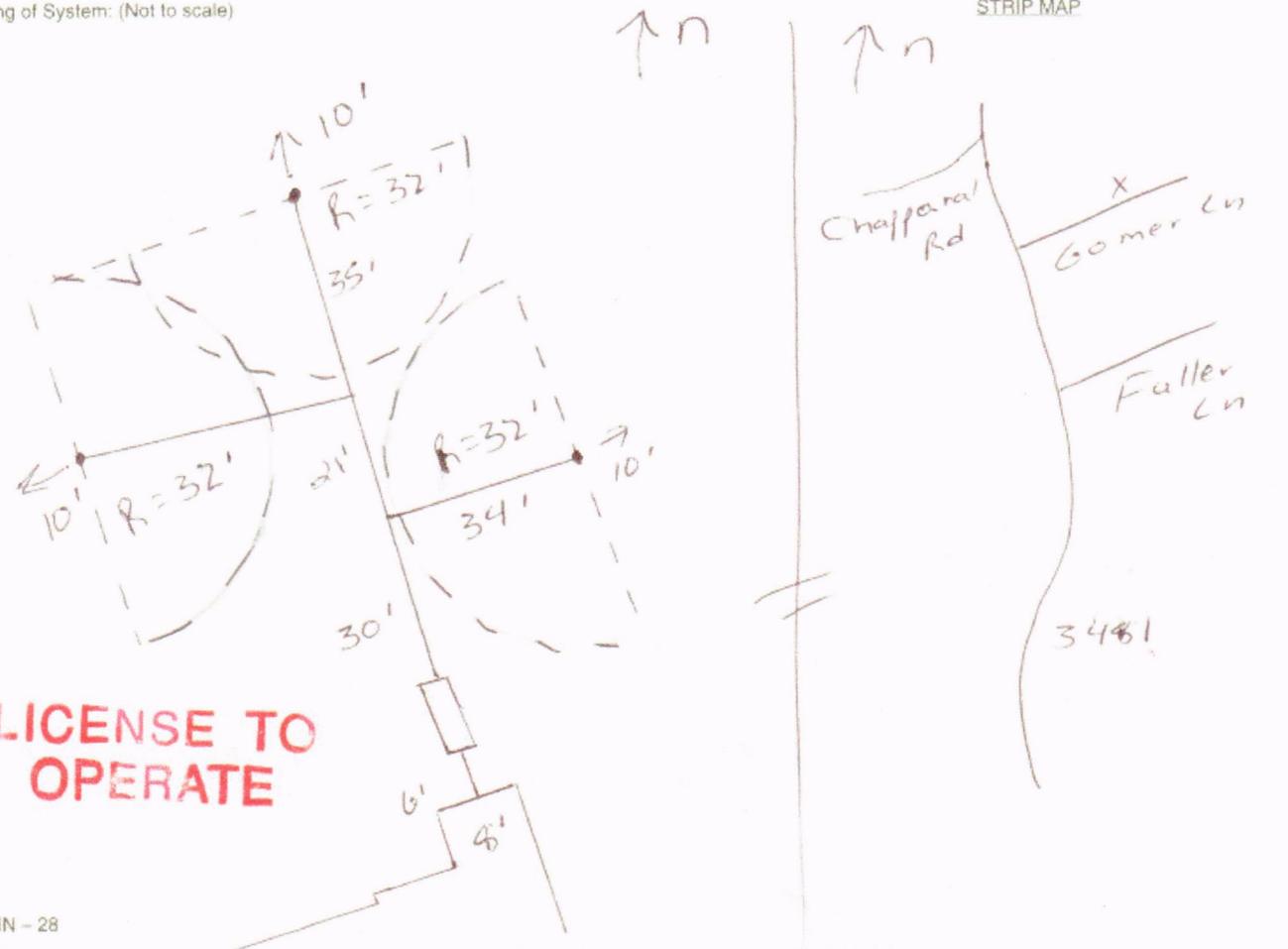
No. of Bedrooms: 4 GPD: 300 Soil Type: _____

License No. 19409 X _____

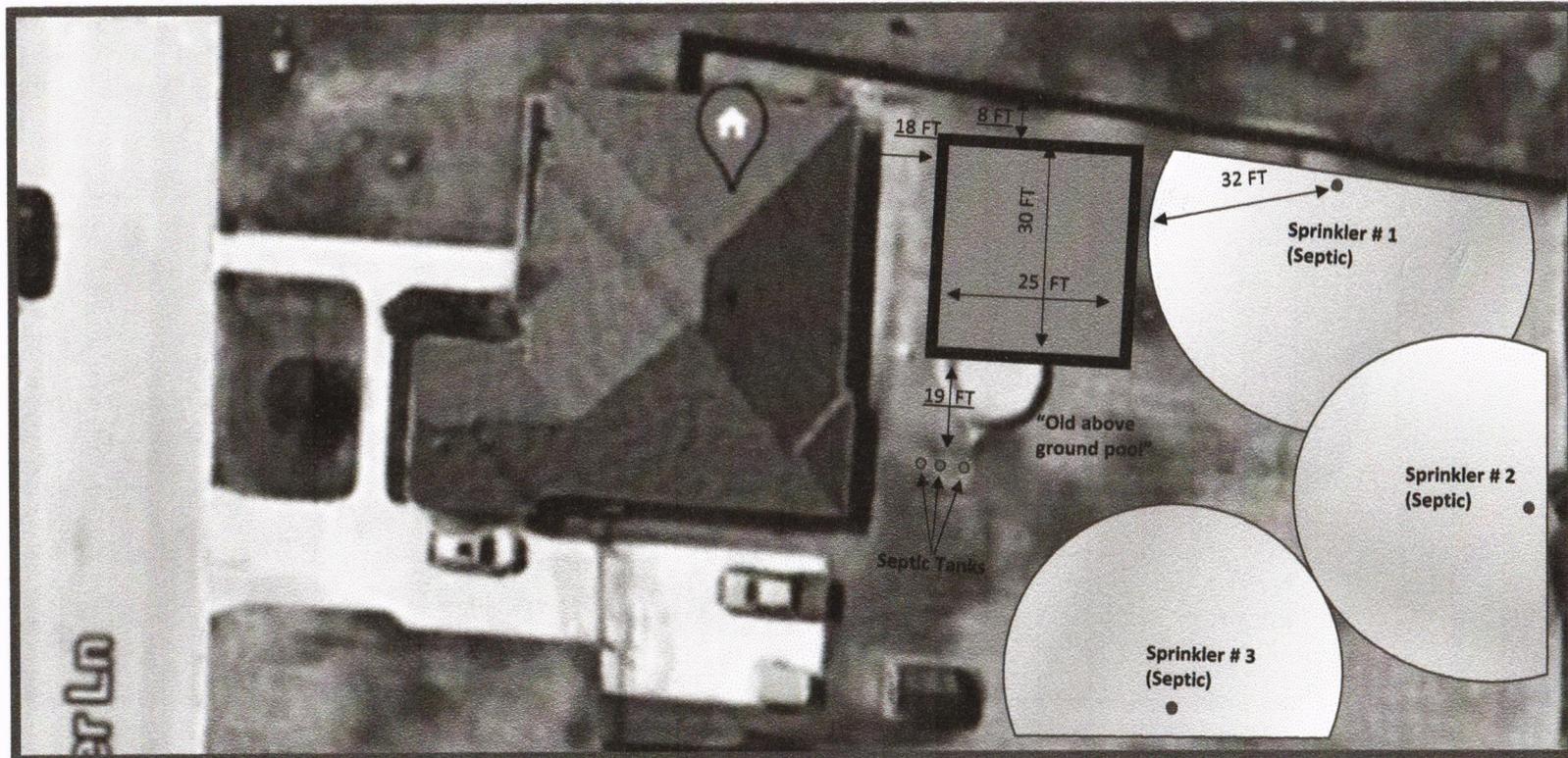
Remarks: OK to COVER TANK only 4/27/07 m/c, n/t port, purple pipe, column, all detritus in met

Date: 5/15/07 Inspector: Judith Butler #22962

Drawing of System: (Not to scale) STRIP MAP



1411 Gomer Lane, Harker Heights, TX
Property ID: 396612
ARROWHEAD ESTATES PHASE 3, BLOCK 001, LOT 006A, ACRES .5

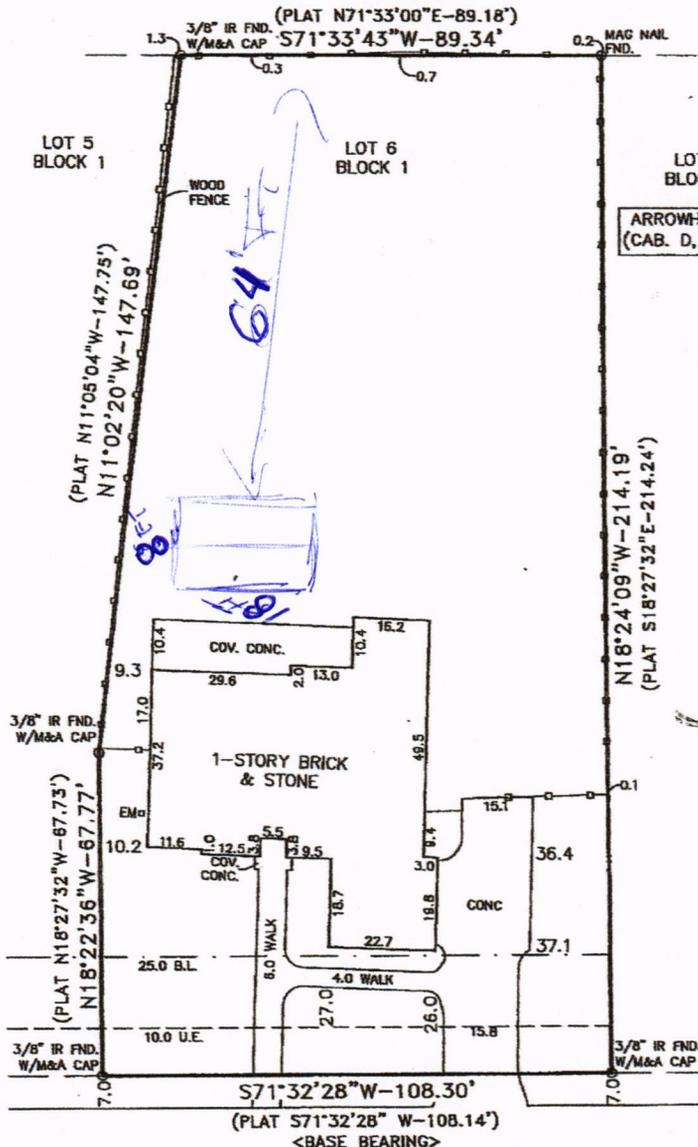




MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
 102 N. COLLEGE ST., KILLEEN, TEXAS (254) 634-5541
 T. B. P. L. S. FIRM REGISTRATION NO. 100204-00

SCALE:
 1"=30'

OLIVER L. et ux KAY E. MOORE
 CALLED 7.552 Ac.
 (VOL. 6180, PAGE 750)



1411 GOMER LANE (50' R.O.W.)

LOT 6A, Block 1, ARROWHEAD ESTATES PHASE 3, BEING AN AMENDED PLAT OF LOTS 5 & 6, BLOCK 1, ARROWHEAD ESTATES, HARKER HEIGHTS, BELL COUNTY, TEXAS.

Recorded in Cabinet D, Slide 179-D, Plat Records of Bell County, Texas.

STATE OF TEXAS KNOW ALL MEN BY THESE PRESENTS, That I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the above described tract of land and to the best of my knowledge and belief, the said description is true and correct. Surveyed on the ground February 19th, 2013.

IN WITNESS THEREOF, My hand and seal this the 20th day of February, 2013.

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



Archie D. Bent
Archie D. Bent
 Surveyor

Mitchell & Associates, Inc.

Engineering & Surveying

February 25, 2013

TO WHOM IT MAY CONCERN:

I, Rex D. Haas, Registered Professional Land Surveyor, do hereby certify that only the easements listed in Title Commitment GF No. A1302065 were considered for the purpose herein. This certification does not cover easements, or claims of easements, the existence of which may arise by unrecorded grant or by use.

THOSE WHICH DO NOT AFFECT:

Bartlett Electric Cooperative
Volume 3336, Page 666
Volume 3336, Page 668
Volume 3336, Page 670

LEGAL DESCRIPTION OF TRACT AND RECORDING INFORMATION:

Lot 6A, Block 1, Arrowhead Estates Phase 3 Being an Amended Plat of Lots 5 & 6, Block 1, Arrowhead Estates, Herker Heights, Bell County, Texas. Recorded in Cabinet D, Slide 179-D, Plat Records of Bell County, Texas.


Rex D. Haas
Registered Professional
Land Surveyor No. 4378



1411 Gomer Lane
American/Benitez
RDH/TLR

102 North College Street, Killeen, Texas 76501
(254) 634-5541 Voice
(254) 634-2141 Fax

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 155.201 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;

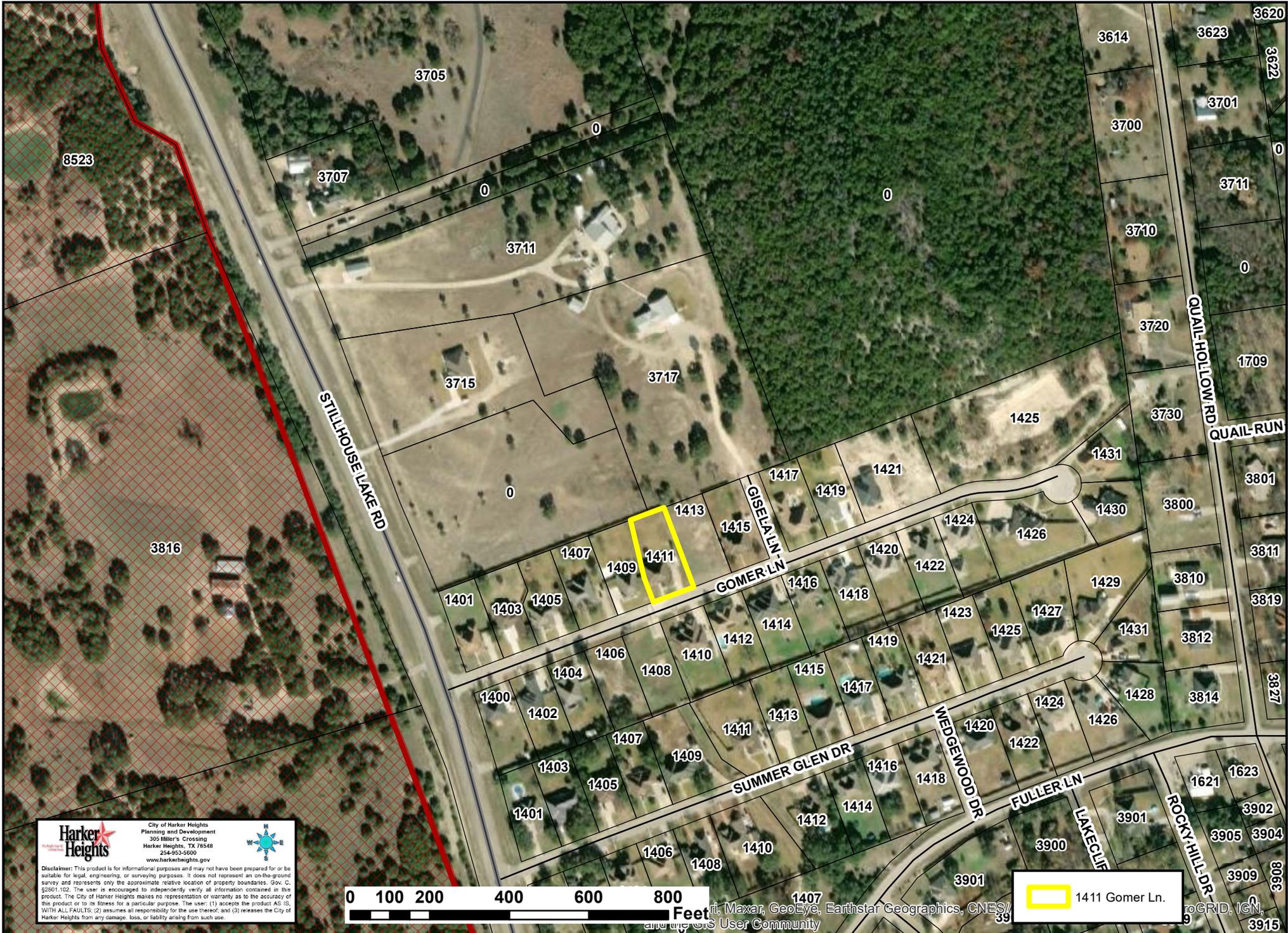
(e) The building or premises is substantially enlarged, extended, reconstructed or altered;

(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)

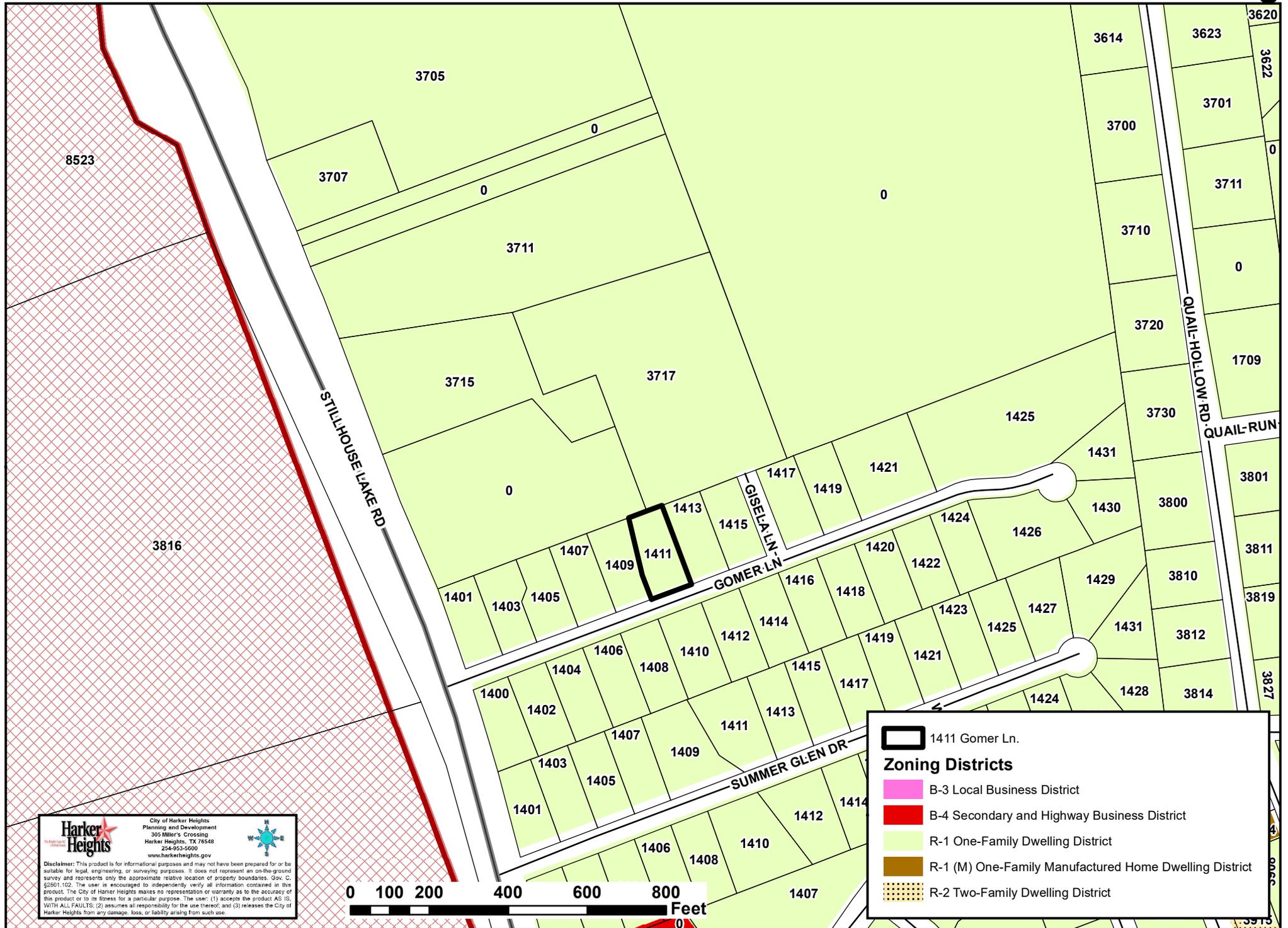


Harker Heights
City of Harker Heights
Planning and Development
300 Miller's Crossing
Harker Heights, TX 78548
254-953-3600
www.harkerheights.gov

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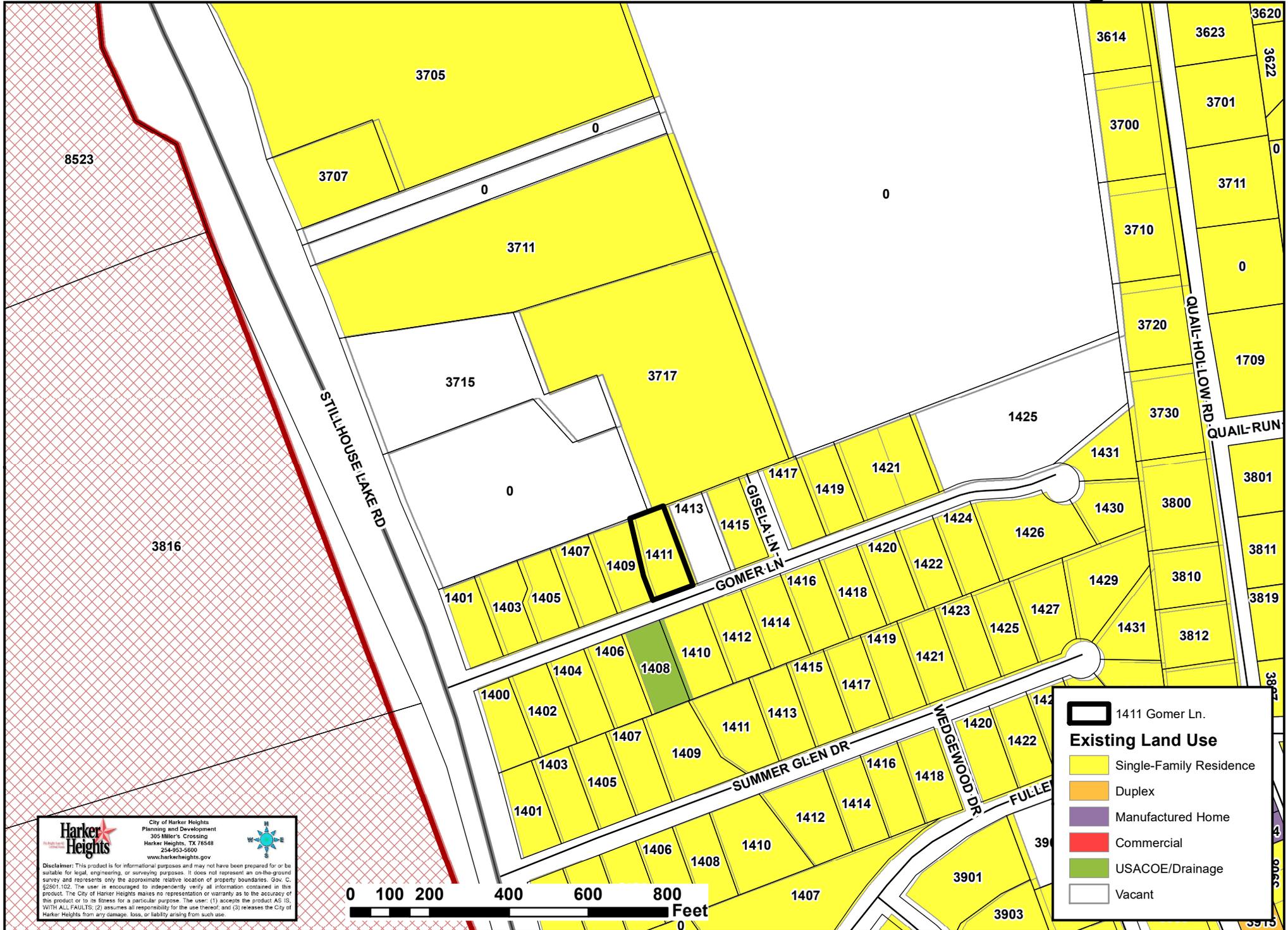


 1411 Gomer Ln.



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City of Harker Heights
Planning and Development
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Harker Heights, TX 78548
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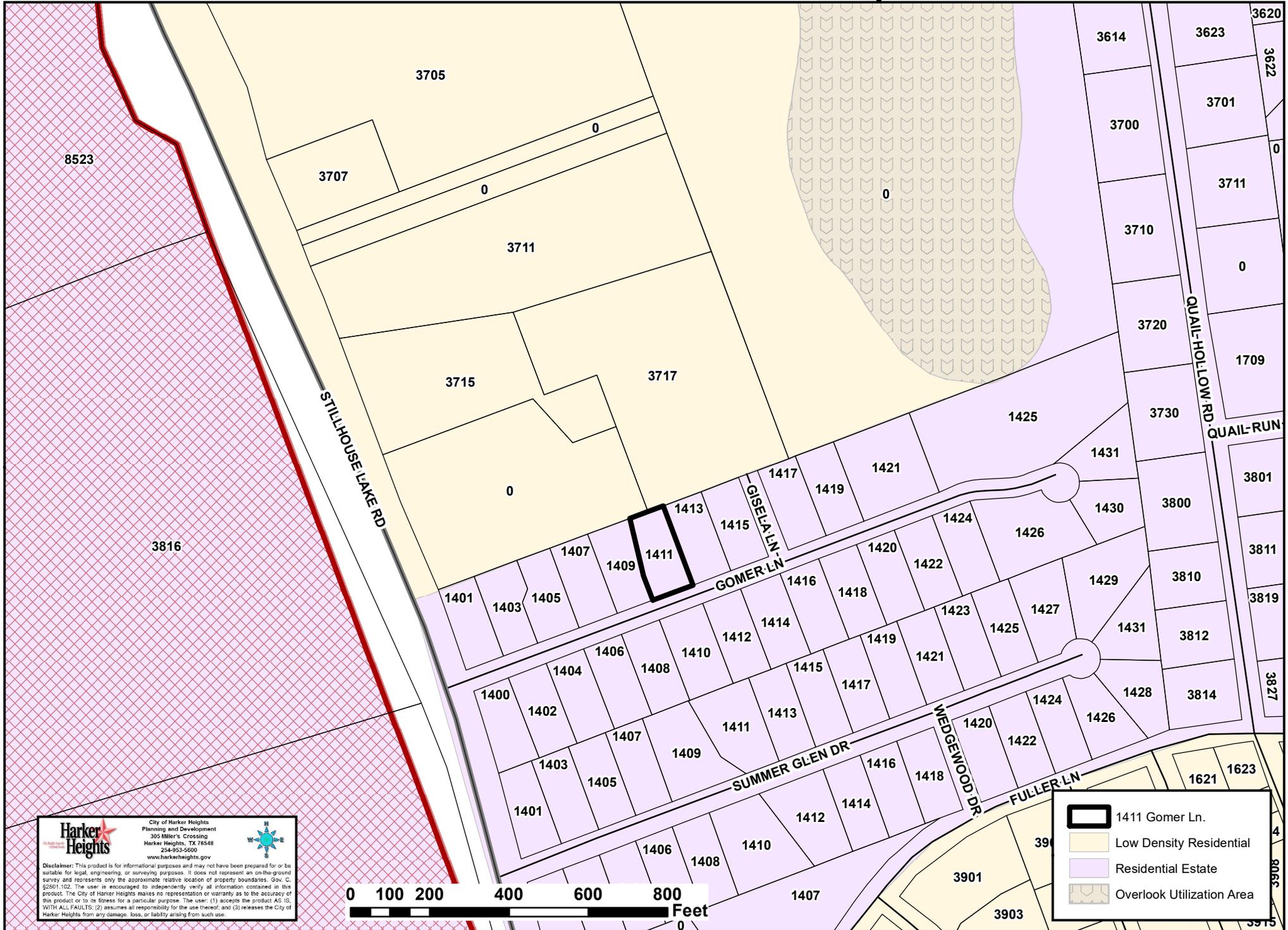
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1411 Gomer Ln.

Existing Land Use

- Single-Family Residence
- Duplex
- Manufactured Home
- Commercial
- USACOE/Drainage
- Vacant



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 1411 Gomer Ln.

 Low Density Residential

 Residential Estate

 Overlook Utilization Area

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: DENISON, GENEVIEVE A ETVIR MICHAEL A

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

Physical Address	Property ID
1407 SUMMER GLEN DR	#318084

RE: application to consider a request for a **Conditional Use Permit (CUP) to allow for an accessory dwelling unit** on property described as *Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Genevieve A. DENISON
Printed Name


Signature

11 Oct 2021
Date

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: WEST, MARJORIE C

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

Physical Address	Property ID
1407 GOMER LN	#383329

RE: application to consider a request for a **Conditional Use Permit (CUP) to allow for an accessory dwelling unit** on property described as *Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

I do not feel that this will adversely effect property value and I support it.

Marjorie Cyd West
Printed Name

M Cyd West
Signature

10/18/2021
Date

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: KEELS, SAMUEL E ETUX RENATE T

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

Physical Address	Property ID
1412 GOMER LN	#383349

RE: application to consider a request for a **Conditional Use Permit (CUP)** **to allow for an accessory dwelling unit** on property described as *Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Renate Keels
Printed Name

Renate Keels
Signature

10-9-2021
Date

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: SMALLEY, CALVIN & MONA

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

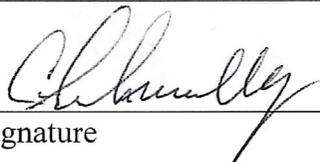
Physical Address	Property ID
1405 GOMER LN	#396609

RE: application to consider a request for a **Conditional Use Permit (CUP)** **to allow for an accessory dwelling unit** on property described as *Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

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

Comments:

SMALLEY, Calvin L
Printed Name


Signature

06 Oct 2021
Date

SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: CROOMS, TERESA C & HARRY A

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

Physical Address	Property ID
1410 GOMER LN	#383350

RE: application to consider a request for a **Conditional Use Permit (CUP) to allow for an accessory dwelling unit** on property described as *Arrowhead Estates Phase 3, Block 001, Lot 006A, Acres .5, Property ID #396612, generally located at 1411 Gomer Lane, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Harry Crooms
Printed Name

Harry Crooms
Signature

10/24/2021
Date

Received

OCT 27 2021

Planning & Development

CROOMS, TERESA C & HARRY A
1410 GOMER LN
HARKER HEIGHTS, TX 76548-6003

Teresa C. Crooms

Harry A. Crooms

10/24/2021

Received

OCT 27 2021

Planning & Development

Z21-27

Harker Heights Planning & Development

10/1/2021



CITY COUNCIL MEMORANDUM

Z21-28

AGENDA ITEM# VII-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE ZONING DESIGNATION FROM R-3 (MULTI-FAMILY DWELLING DISTRICT) TO R-1 (M) (ONE FAMILY DWELLING DISTRICT WITH MANUFACTURED HOUSING) ON PROPERTY DESCRIBED AS VALLEY VIEW THIRD EXT, BLOCK 010, LOT 0015, PROPERTY ID #127376, GENERALLY LOCATED AT 228 E. VALLEY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of R-3 (Multi-Family Dwelling District) to R-1 (M) (One Family Dwelling District with manufactured housing) on property described as Valley View Third Ext, Block 010, Lot 0015, Property ID #127376, generally located at 228 E. Valley Road, Harker Heights, Bell County, Texas. According to the Bell County Tax Records, the property consists of approximately 9,375 square feet of vacant land.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Single-Family Residence	Medium Density Residential	R-2 (Two-Family Dwelling District)
South	Commercial	Regional Commercial Centers	B-4 (Secondary and Highway Business District)
East	Manufactured Home	Medium Density Residential	R-3 (Multi-Family Dwelling District)
West	Single-Family Residence	Medium Density Residential	R-2 (Two-Family Dwelling District)

The 2021 Future Land Use Map identifies this area is designated for Medium Density Residential; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood and would be consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Assumptions.

Flood Damage Prevention:

A majority of this property lies within the 100-year floodway, but none is within the 500-year flood hazard area. If a structure is built or placed upon this property, the Finished Floor Elevation (FFE) would have to be a minimum of 2' (2-feet) above the Base Flood Elevation (BFE), and the applicant would be required to provide an Elevation Certificate from a Texas Design Professional.

Notices:

Staff sent out forty-two (42) notices to property owners within the 400-foot notification area. As of October 20, 2021, one (1) response was 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.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change the zoning designation from R-3 (Multi-Family Dwelling District) to R-1 (M) (One Family Dwelling District with manufactured housing) on property described as Valley View Third Ext, Block 010, Lot 0015, Property ID #127376, generally located at 228 E. Valley Road, Harker Heights, Bell County, Texas, based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on October 27, 2021, the Planning and Zoning Commission voted (2-4) on a motion to recommend approval of an ordinance to change the zoning designation from R-3 (Multi-Family Dwelling District) to R-1 (M) (One Family Dwelling District with manufactured housing) on property described as Valley View Third Ext, Block 010, Lot 0015, Property ID #127376, generally located at 228 E. Valley Road, Harker Heights, Bell County, Texas. The motion failed due to a lack of a majority vote. The four Planning and Zoning Commissioners who voted against approval cited adverse impact on adjoining uses and zoning districts and incompatibility with existing uses in the neighborhood as the justification for denial.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** an ordinance to change the zoning designation from R-3 (Multi-Family Dwelling District) to R-1 (M) (One Family Dwelling District with manufactured housing) on property described as Valley View Third Ext, Block 010, Lot 0015, Property ID #127376, generally located at 228 E. Valley Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Ordinance
2. Application
3. Ordinance
4. Location Map
5. Zoning Map
6. Existing Land Use Map
7. Future Land Use Map
8. Flood Map
9. Notification Area Map
10. Public Responses

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING R-1 (M) (ONE FAMILY DWELLING DISTRICT WITH MANUFACTURED HOUSING) ON PROPERTY DESCRIBED AS VALLEY VIEW THIRD EXT, BLOCK 010, LOT 0015, PROPERTY ID #127376, GENERALLY LOCATED AT 228 E. 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;

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

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

SECTION 2: The hereinafter-described property, as previously zoned R-3 (Multi-Family Dwelling District) to R-1 (M) (One Family Dwelling District With Manufactured Housing) on property described as Valley View Third Ext, Block 010, Lot 0015, Property Id #127376, generally located at 228 E. 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>
2021-	11/09/21	Granting R-1 (M) (One Family Dwelling District With Manufactured Housing) on property described as Valley View Third Ext, Block 010, Lot 0015, Property Id #127376, generally located at 228 E. 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 November 9, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



Rezoning Request Application

Application MUST BE COMPLETE OR WILL NOT BE ACCEPTED

City of Harker Heights
Planning & Development
139 Miller's Crossing
Harker Heights, TX 76548
Phone: 254-951-7600
E-mail:
planning@harkerheights.gov

This application must be completed and submitted 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 \$300.00 to the City of Harker Heights

*If proposed zoning designation is not in compliance with land use, an application to change land use will also be required.

Property Owner(s) Name: Bob White Date: 9/28/21
Address: 228 East Valley (Current)
City/State/Zip: Harker Heights TX 76548
Phone: [Redacted] E-mail: [Redacted]

Legal Description of Property:
Location of Property (Address if available): 228 East Valley
Lot: 15 Block: 10 Subdivision: Valley View Third Extension
Acre(s): [Redacted] Property ID: 127376 Survey: [Redacted]

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.

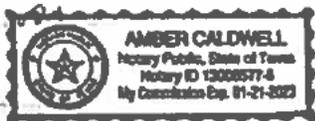
Proposed Use: Mobile Home Residential
Current Zoning Classification: R-3 Multi Family Proposed Zoning: R1-M
Current Land Use: Vacant Proposed Land Use: Mobile Home Residential

Applicant's Representative (Name): [Redacted]
Applicant's Representative: Randall Holmes
Phone: [Redacted] E-mail: [Redacted]

I being the undersigned applicant of the property herein described, hereby make application for approval of plans submitted and make a part of this 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.

Signature of Property Owner: Bob White
Signature of Representative: [Signature]
Printed Name of Representative: Randall Holmes
Company: 90 Terry Lynn - Texas Star Realty

SWORN AND SUBSCRIBED BEFORE ME ON THIS 28 DAY OF September
Signature of Notary Public: Amber Caldwell
MY COMMISSION EXPIRES 01/28/2023



Date Submitted: 10/1/2021
Received By: [Signature]
Receipt #: _____
Check #: _____
 Pre-Application Meeting
Revised 08/09

§ 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)

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

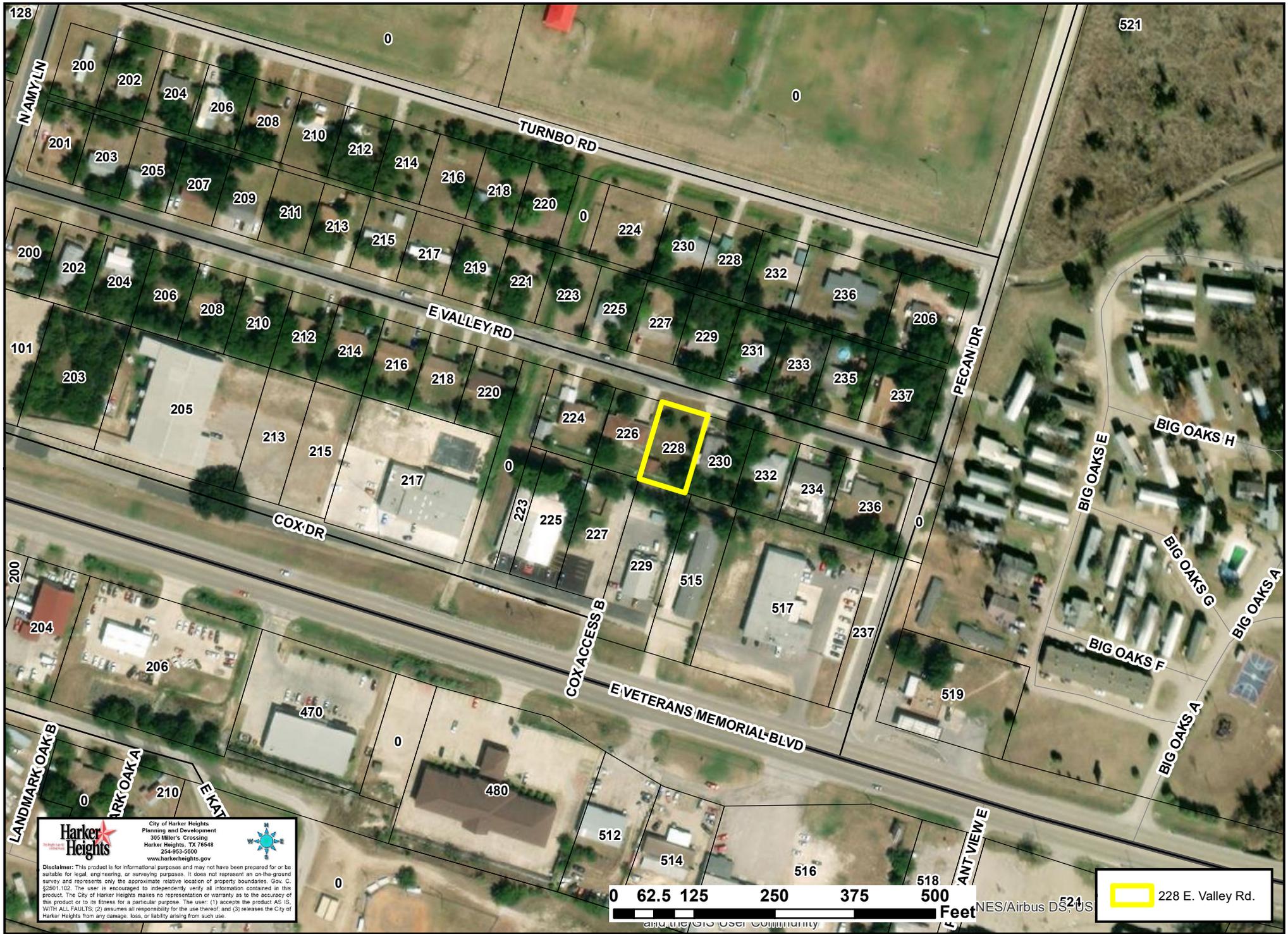
(d) State the anticipated taxable value of the industrialized housing and the lot after installation of the industrialized housing.

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

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

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

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

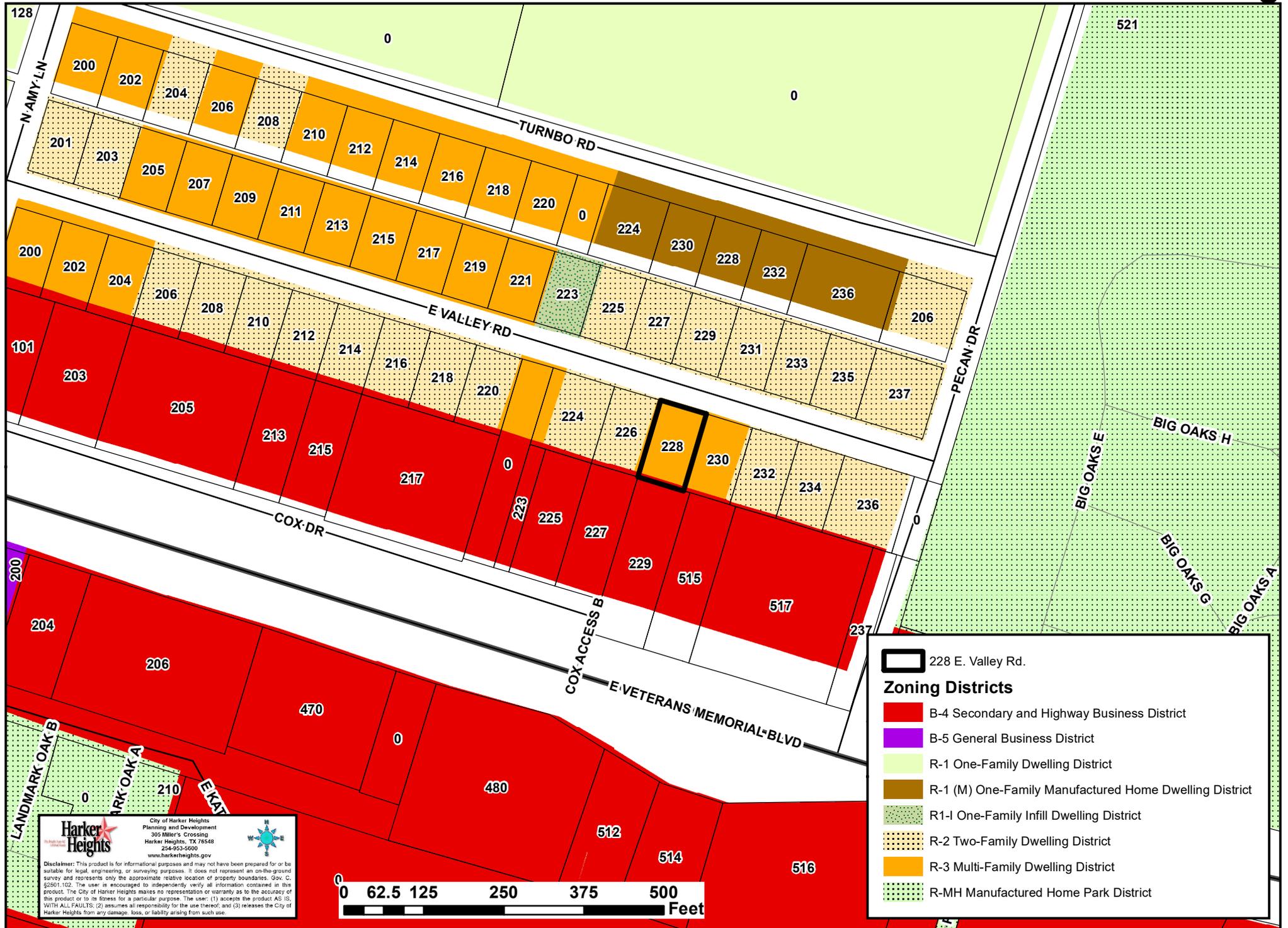


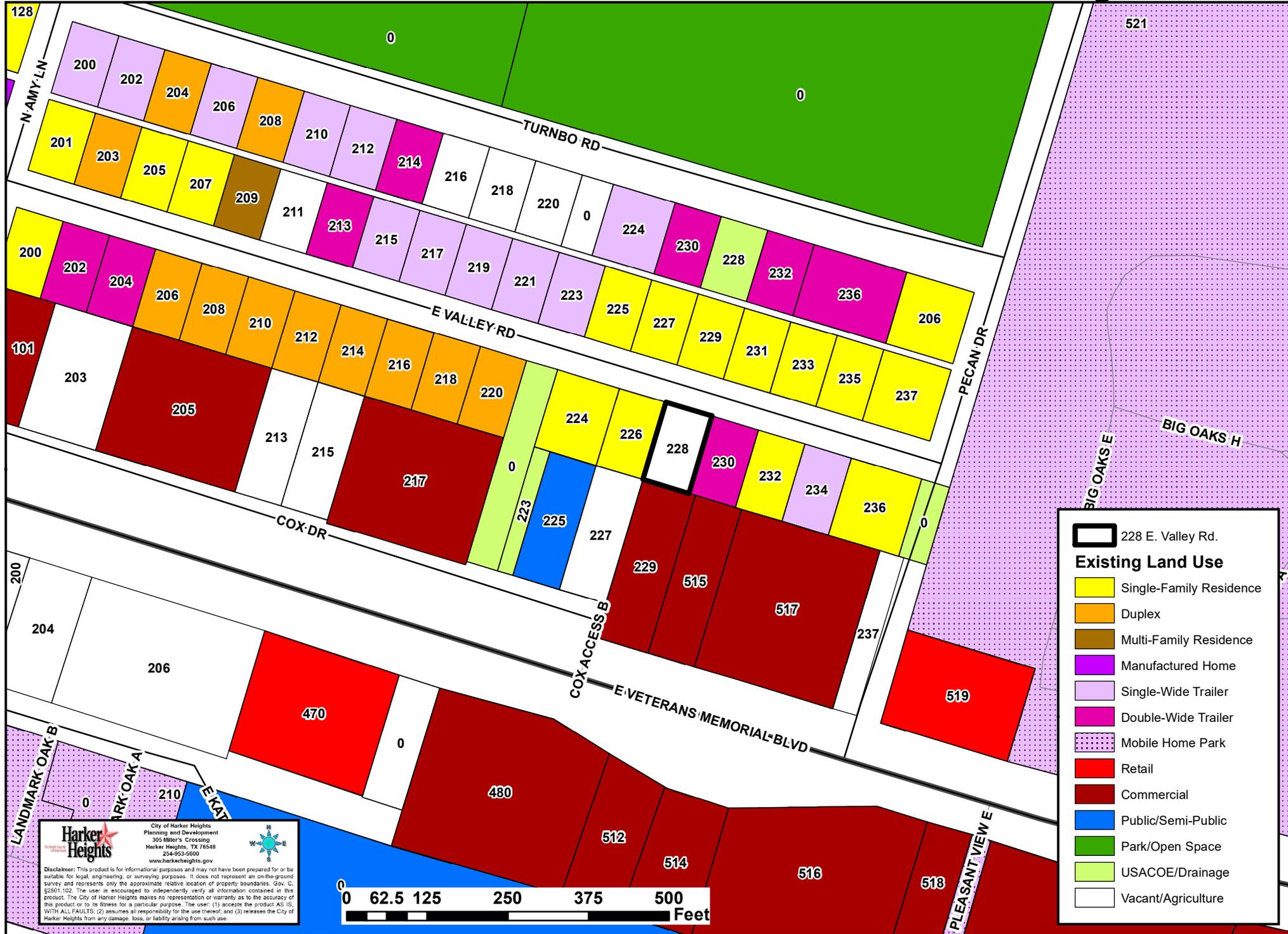
Harker Heights
City of Harker Heights
Planning and Development
300 Miller's Crossing
Harker Heights, TX 78548
254-953-5600
www.harkerheights.gov

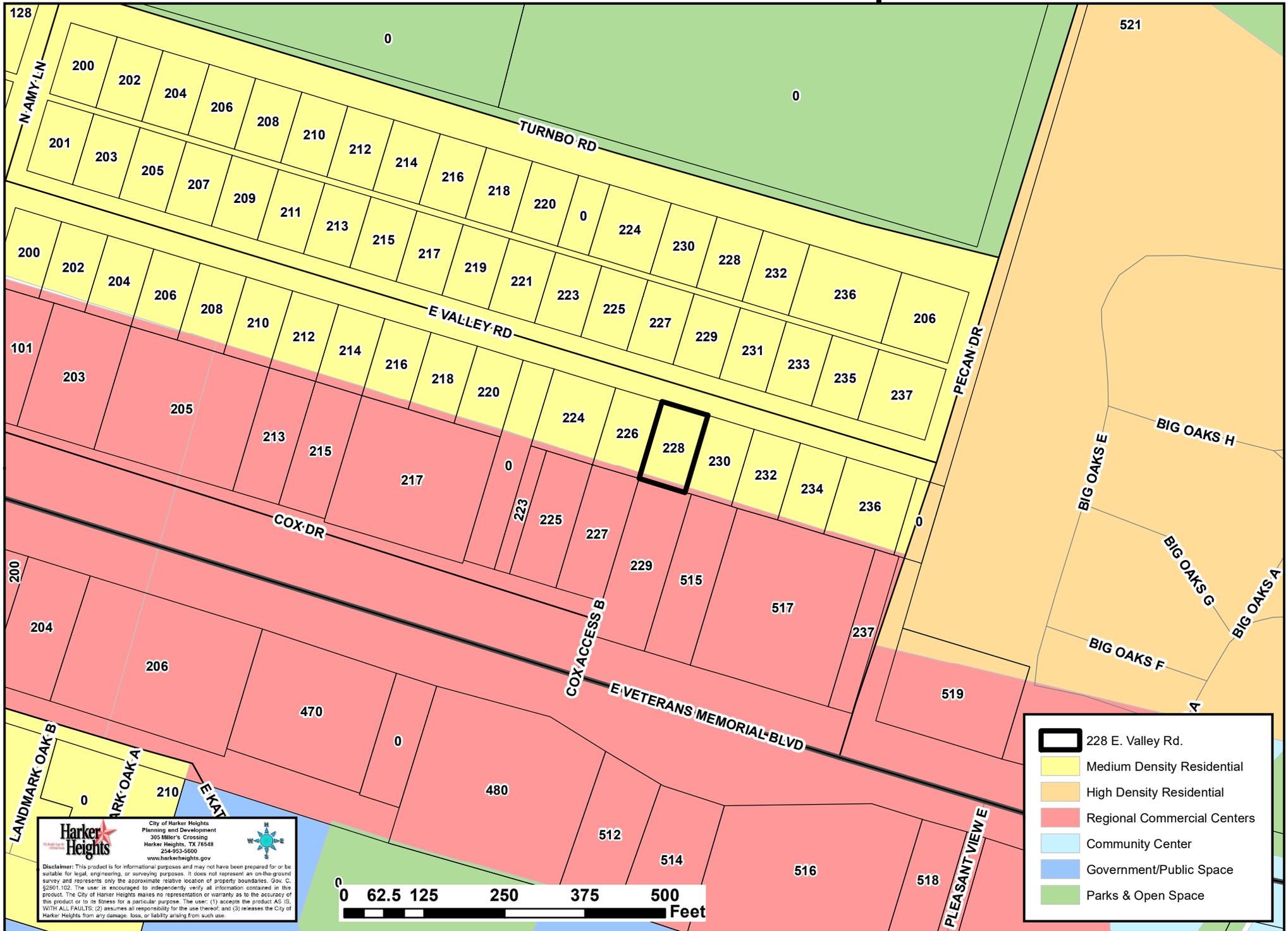
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 228 E. Valley Rd.







Harker Heights
City of Harker Heights
Planning and Development
300 Miller's Crossing
Harker Heights, TX 78548
254-953-5600
www.harkerheights.gov

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228 E. Valley Rd.

Medium Density Residential

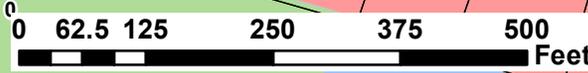
High Density Residential

Regional Commercial Centers

Community Center

Government/Public Space

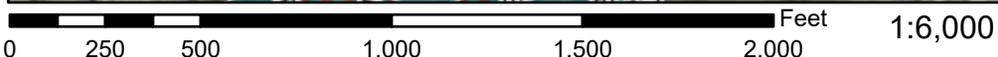
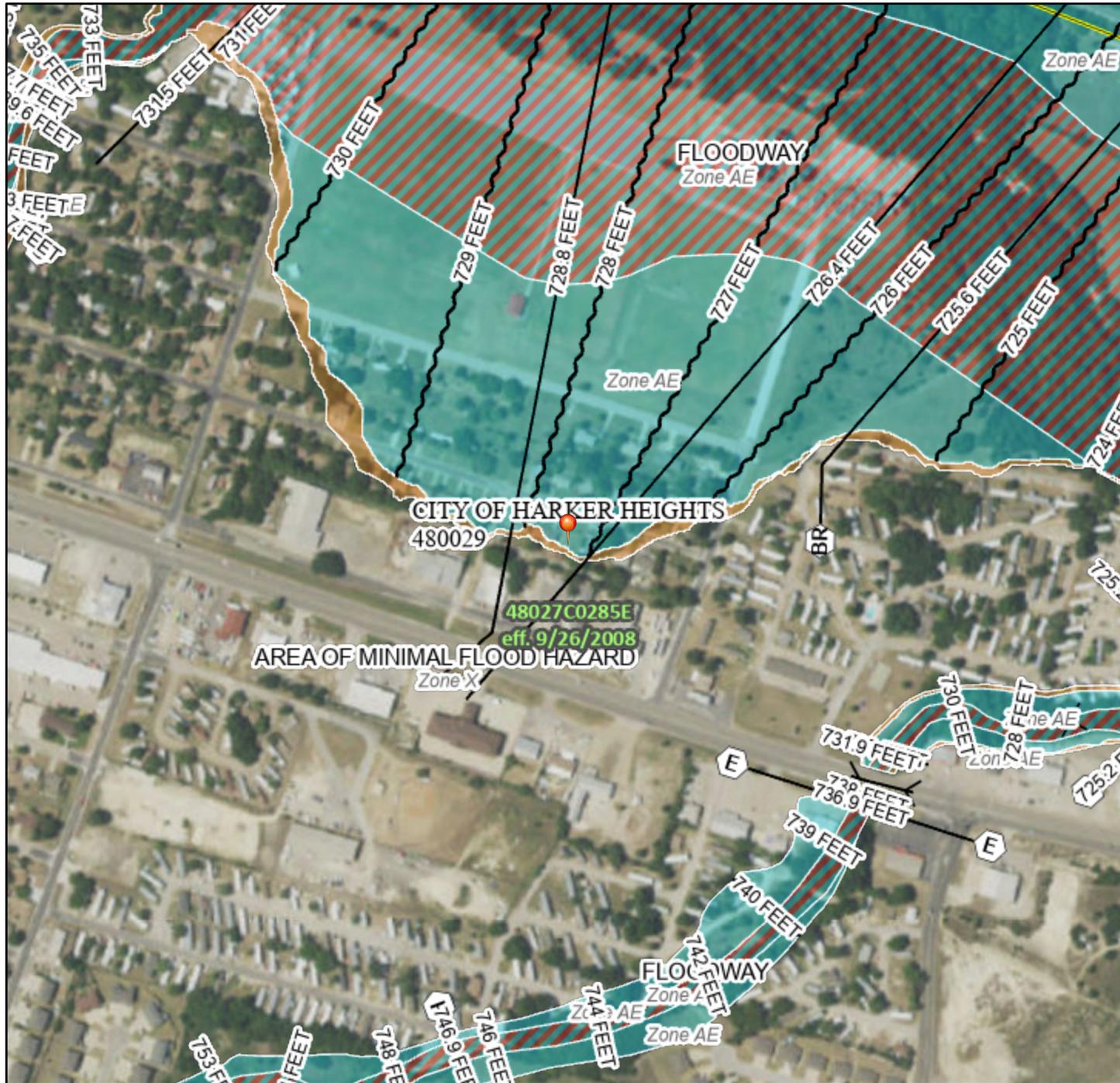
Parks & Open Space



National Flood Hazard Layer FIRMette



97°39'45"W 31°5'35"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

97°39'8"W 31°5'4"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
OTHER FEATURES		Levee, Dike, or Floodwall
		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
MAP PANELS		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped

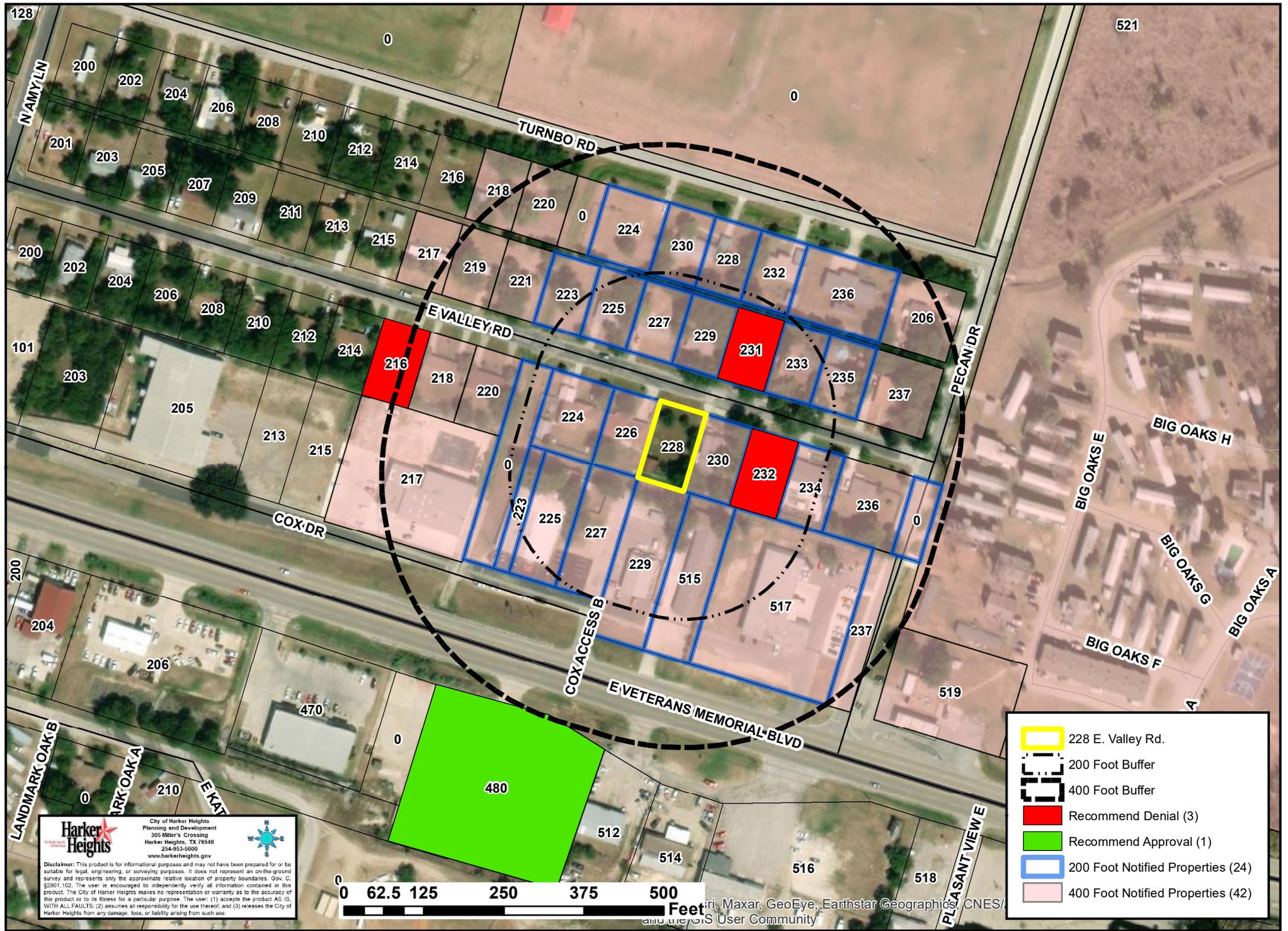


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/18/2021 at 11:40 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

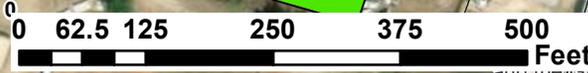
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



- 228 E. Valley Rd.
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Denial (3)
- Recommend Approval (1)
- 200 Foot Notified Properties (24)
- 400 Foot Notified Properties (42)

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SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: DIAZ-RUIZ, MARIA T

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

Physical Address	Property ID
231 E VALLEY RD, 232 E VALLEY RD	#55590, 98304

RE: application to consider a request for zoning designation change from **R-3 (Multi-Family Dwelling District) to R-1 (M) (One Family Dwelling District with manufactured housing)** on property described as *Valley View Third Ext, Block 010, Lot 0015, Property ID #127376, generally located at 228 E. Valley Road, Harker Heights, Bell County, Texas* (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

R1 zoning is ok, but R1 (M) with manufacture housing is spot zoning which is not right or legal in some cities

Maria T. Diaz-Ruiz
Printed Name

Maria T. Diaz-Ruiz
Signature

Oct 6, 2021
Date

DIAZ-RUIZ, MARIA T
2001 E RANCIER AVE
KILLEEN, TX 76541-3791

RE: application for a license for the sale of alcoholic beverages in the State of Texas. The applicant is MARIA T DIAZ-RUIZ, residing at 2001 E RANCIER AVE, KILLEEN, TX 76541-3791. The applicant is a resident of the State of Texas and is at least 21 years of age. The applicant is applying for a license for the sale of alcoholic beverages in the State of Texas. The applicant is applying for a license for the sale of alcoholic beverages in the State of Texas.

- A LOCAL AGENCY APPROVAL OF THE REQUEST
- THE COMMISSIONER'S DECISION OF THE BIRTH EST

On or after 11/1/2021, the applicant shall file with the Commission a copy of the license application and the fee thereon. The applicant shall also file with the Commission a copy of the license application and the fee thereon. The applicant shall also file with the Commission a copy of the license application and the fee thereon.

Maria T. Diaz-Ruiz
Killeen, Texas

Out of State

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

FROM: TL&T PROPERTIES LLC

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

Physical Address	Property ID
216 E VALLEY RD	#61930

RE: application to consider a request for zoning designation change from **R-3 (Multi-Family Dwelling District)** to **R-1 (M) (One Family Dwelling District with manufactured housing)** on property described as *Valley View Third Ext, Block 010, Lot 0015, Property ID #127376, generally located at 228 E. Valley Road, Harker Heights, Bell County, Texas* (see attached notification map).

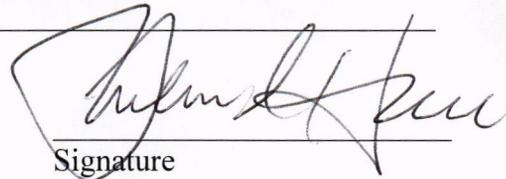
I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

my property taxes increased over 100% for 2020 & 2021. Adding manufactured homes to the block does not increase property values.

The/ma Hill
Printed Name


Signature

10/19/21
Date

TL&T PROPERTIES LLC
PO BOX 2004
HARKER HEIGHTS, TX 76548

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

FROM: MEHTA, VEJAY ETUX VINO

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

Physical Address	Property ID
480 E VETERANS MEMORIAL BLVD	#396194

RE: application to consider a request for zoning designation change from **R-3 (Multi-Family Dwelling District)** to **R-1 (M) (One Family Dwelling District with manufactured housing)** on property described as *Valley View Third Ext, Block 010, Lot 0015, Property ID #127376, generally located at 228 E. Valley Road, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments:

Vijay Mehta
Printed Name


Signature

10/7/21
Date

MEHTA, VEJAY ETUX VINOO
805 PAINT BRUSH LN
TEMPLE, TX 76502-7410



Vijay Mehta

10/1/21



CITY COUNCIL MEMORANDUM

Z21-29

AGENDA ITEM# VII-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO CHANGE ZONING DESIGNATION FROM B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT) TO B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT) WITH T DISTRICT OVERLAY ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 001, LOTS 5-6, 15-16, PROPERTY ID #63808, GENERALLY LOCATED AT 110 W. VETERANS MEMORIAL BOULEVARD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of B-4 (Secondary and Highway Business District) to B-4 (Secondary and Highway Business District) with T District overlay on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas. According to the Bell County Tax Records, the property consists of approximately .6492 acres, with an existing 3,540 square foot building, and 840 square foot enclosed porch.

Surrounding Land Uses

Adjacent land uses include:

	Existing Land Use	Future Land Use	Zoning
North	Vacant Commercial	Community Center Regional Commercial Centers	B-4 (Secondary and Highway Business District)
South	Duplex Vacant Single-Family Residence	Community Center	R-1 (One-Family Dwelling District) R-2 (Two-Family Dwelling District)
East	Commercial	Community Center	B-4 (Secondary and Highway Business District)
West	Vacant	Community Center Regional Commercial Centers	B-4 (Secondary and Highway Business District)

The 2021 Future Land Use Map identifies this area is designated for both Community Center and Regional Commercial Centers; staff believes the proposed rezoning with its intended use will not likely have any adverse impact on the neighborhood and would be consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Flood Damage Prevention:

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

Notices:

Staff sent out forty-one (41) notices to property owners within the 400-foot notification area. As of October 20, 2021, two (2) responses were received in favor of the request, and two (2) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 (Secondary and Highway Business District) with T District overlay on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on October 27, 2021, the Planning and Zoning Commission voted (5-1) to recommend approval of an ordinance to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 (Secondary and Highway Business District) with T District overlay on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.

The one dissenting Planning and Zoning Commissioner stated that this request would serve no substantial public purpose.

ACTION BY PLANNING AND ZONING COMMISSION:

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, approve with conditions, or disapprove with explanation** an ordinance to change the zoning designation from B-4 (Secondary and Highway Business District) to B-4 (Secondary and Highway Business District) with T District overlay on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, based on staff’s recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Ordinance
2. Pharr vs Tippitt Guidelines
3. Application
4. Ordinance
5. Location Map
6. Zoning Map
7. Existing Land Use Map
8. Future Land Use Map
9. Notification Area Map
10. Public Responses

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING B-4 (SECONDARY AND HIGHWAY BUSINESS DISTRICT) WITH T DISTRICT OVERLAY ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 001, LOTS 5-6, 15-16, PROPERTY ID #63808, GENERALLY LOCATED AT 110 W. VETERANS MEMORIAL BOULEVARD, HARKER HEIGHTS, BELL COUNTY, TEXAS.

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

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

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

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

SECTION 2: The hereinafter-described property, as previously zoned B-4 (Secondary And Highway Business District) to B-4 (Secondary And Highway Business District) With T District Overlay on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property Id #63808, generally located at 110 W. Veterans Memorial Boulevard, 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>
2021-	11/09/21	Granting B-4 (Secondary And Highway Business District) With T District Overlay on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property Id #63808, generally located at 110 W. Veterans Memorial Boulevard, 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 November 9, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

CONSIDERATIONS

Texas Supreme Court in Pharr v. Tippitt (1981 – Case #B-9657) established general guidelines which the Planning and Zoning Commission and City Council should take the following into consideration when making their respective recommendation and decision on a zoning request.

- 1. Is the request in accordance with the City’s comprehensive plan, FLUM, zoning ordinances, or long-range master plans and maps that have been adopted by ordinance?**
 - a. Is the request designed to lessen congestion in the streets; secure safety from fire, panic or other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; or facilitate the adequate provision of transportation, water, wastewater, drainage (stormwater), schools, parks and other public requirements?
 - b. Will the request cause substantial detriment to the surrounding lands or serve no substantial public purpose?
 - c. Is the request arbitrary, capricious and unreasonable?

- 2. What, if any, is the nature and degree of adverse impact upon surrounding properties?**
 - a. Is the proposed zoning substantially inconsistent with the zoning of neighboring lands? (Whether the proposed zoning is more or less restrictive.)

- 3. The suitability or unsuitability of the tract for use as presently zoned.**
 - a. Have there been substantially changed conditions in the neighborhood.
 - b. The size of the tract in relation to the affected neighboring lands – is the tract a small tract or isolated tract asking for preferential treatment that differs from that accorded similar surrounding land without first proving changes in conditions?

- 4. Whether the proposed zoning bears a substantial relationship to the public health, safety, morals or general welfare or protects and preserves historical and cultural places and areas.**
 - a. Is there a substantial public need or purpose for the proposed zoning?

Effective 9/1/2021 HB 1475 Amended the Texas Local Government Code Section 211.009(b)(1) as follows:

The board of adjustments may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

1. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code.
2. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur.
3. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
4. Compliance would result in the unreasonable encroachment on an adjacent property or easement.
5. The municipality considers the structure to be a nonconforming structure.



Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Donald Myers **Date:** Sept 29, 21
Address: 40 W. Vets. MEM. BLVD
City/State/Zip: Harker Heights
Phone: _____ **E-mail:** _____

Legal Description of Property:

Location of Property (Address if available): 110 W. Vets MEM. BLVD / Restaurant
Lot: 5-6 **Block:** 7 **Subdivision:** Kern Acres
Acres: .069 **Property ID:** 63808 **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: Restaurant w/ Alcohol sales
Current Zoning Classification: B4 **Proposed Zoning:** B-4 w/ overlay
Current Land Use: _____ **Proposed Land Use:** RESTAURANT

Applicant's Representative (if applicable):

Applicant's Representative: Felecia Fogle
Phone: [REDACTED] **E-Mail:** [REDACTED]

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

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

Donald Myers Printed Name of Property Owner Donald Myers Signature of Property Owner

Donald Myers Felecia Fogle Printed Name of Representative [Signature] Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 29 DAY OF September, 2021.

[Signature] SIGNATURE OF NOTARY PUBLIC
 MY COMMISSION EXPIRES: 2/22/2025

STAFF ONLY -- DO NOT FILL OUT BELOW
 Date Submitted: 9/29/21 Pre-Application Meeting **Receipt #:** 01744510
 Received By: [Signature] **Case #:** _____
 Revised: 5/2020

§ 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)

§ 155.035 T DISTRICT.

(A) *Definition.* The T District shall be for the sale of alcoholic beverages to include beer and wine for on premises consumption. The following requirement shall apply to the T zoning: T zoning shall be for the sale of alcoholic beverages to include beer and wine for on-premises consumption or for any use permitted in the B zoning of that property. Any premises zoned T shall comply with the Texas Alcoholic Beverage Code and the rules and regulations promulgated by the Texas Alcoholic Beverage Commission, all of which are adopted hereby and made a part hereof as if fully set out herein.

(B) *Use regulations.* A building or premises in this zoning district shall be used for the purpose as in division (A) above and the following:

(1) *General regulations.* All areas zoned T shall be described by metes and bounds and shall be restricted to indoor areas, unless in the application a request is made for outdoor area zoning. Outdoor areas zoned T shall:

(a) Be enclosed by a fence or wall six feet in height.

(b) Be lighted when in use. Lighting shall be sufficient to illuminate the area in use but shall not be less than 100 watts of light for every 500 square feet.

(c) Have all required fire extinguisher equipment in accordance with the city's adopted Fire Code.

(2) *Location.* No request for T zoning may be submitted under this chapter unless the property is located in a B-4 or B-5 zoned district.

(3) *Height regulations.* To any legal height not prohibited by other laws, codes, or ordinances.

(4) *Yard regulations.*

(a) *Front yard.* There shall be a front yard having a minimum depth of 25 feet. No storage or similar use shall be allowed in required front yard; automobile parking will be permitted in such yards in accordance with off street parking requirements.

(b) *Side yard.* No side yards are required except that on a corner lot, the side yard on a street shall be 25 feet. A lot abutting an R District shall have a side yard of not less than 25 feet.

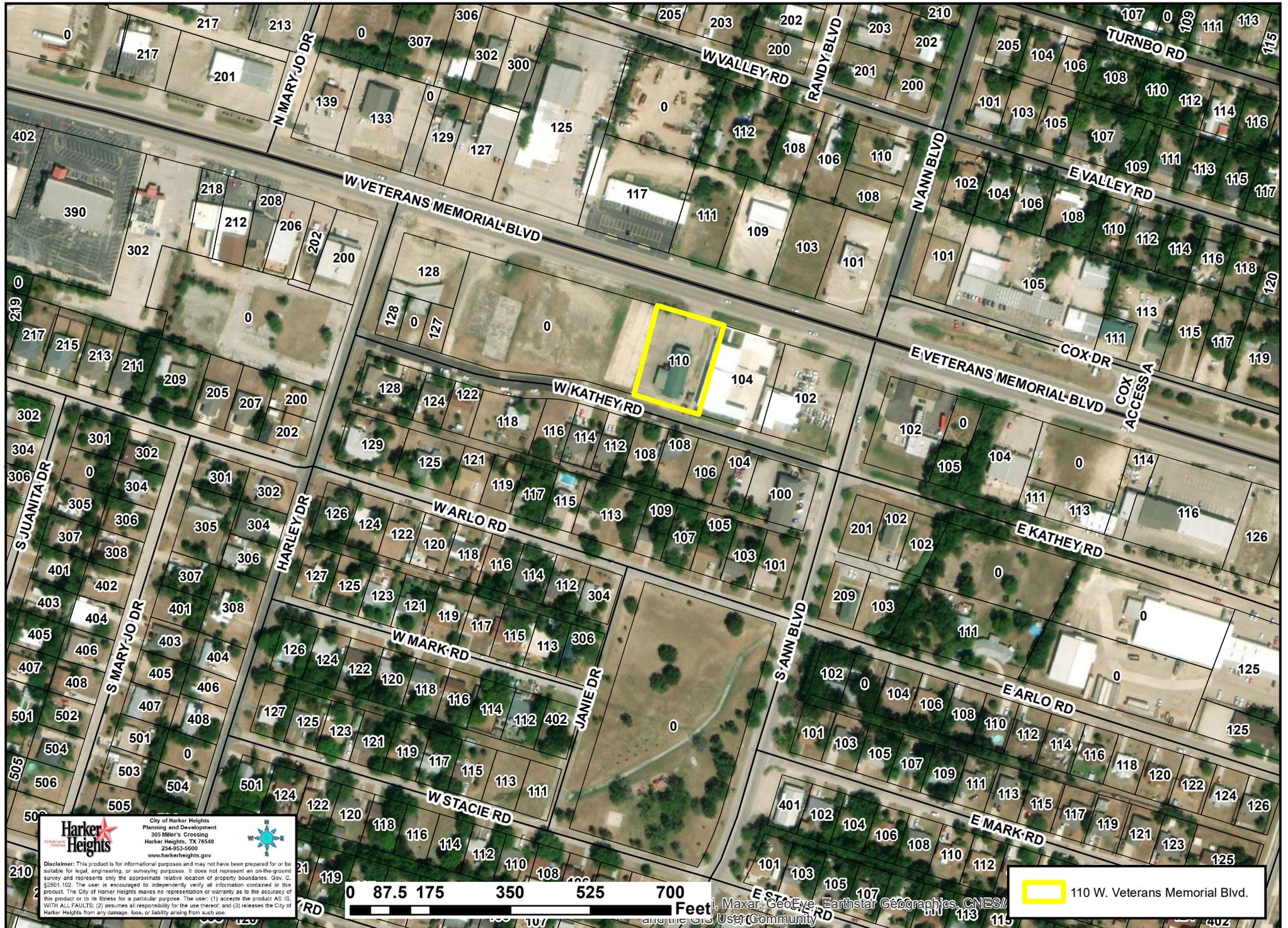
(c) *Rear yard.* A rear yard is not required except when it abuts upon an R District in which case there shall be a rear yard of not less than 25 feet.

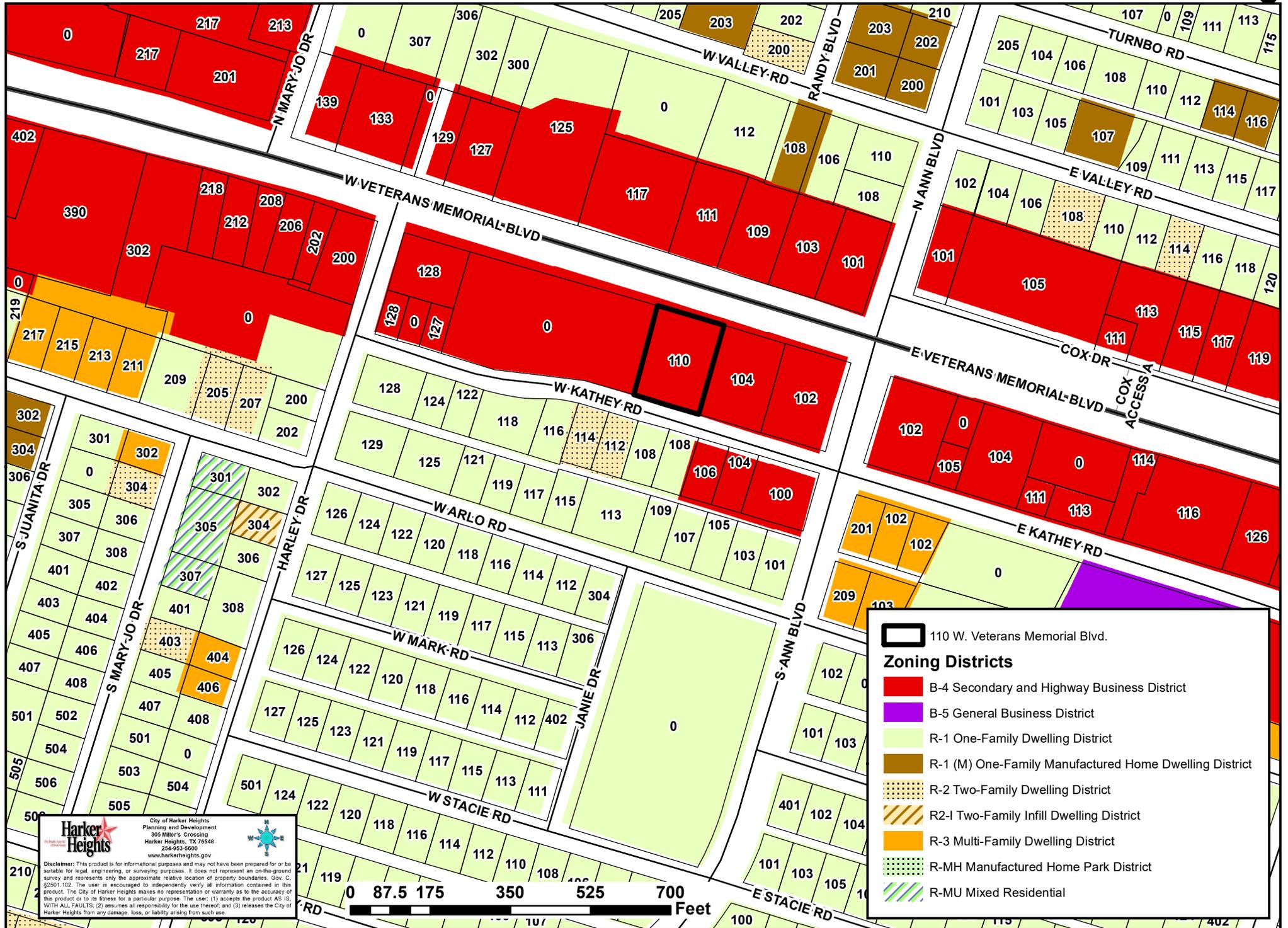
(5) *Intensity of use.* There are no minimum lot areas or lot width requirements, except that all parking regulations as prescribed herein shall be followed

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

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

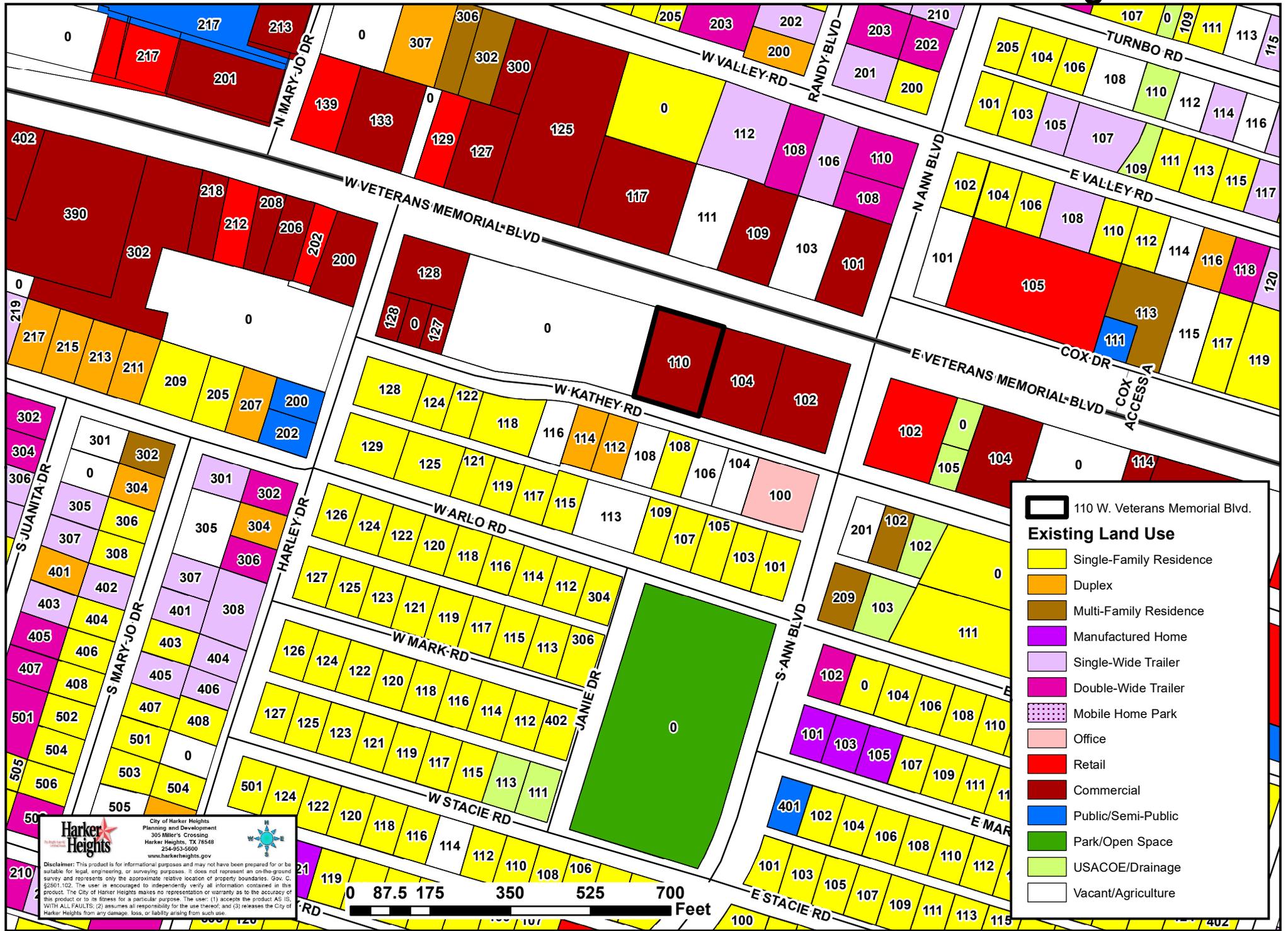
(Ord. 2001-36, passed 11-13-01)





Harker Heights
 City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-953-5600
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2001.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Harker Heights from any damage, loss, or liability arising from such use.



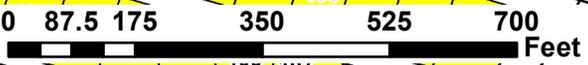
 110 W. Veterans Memorial Blvd.

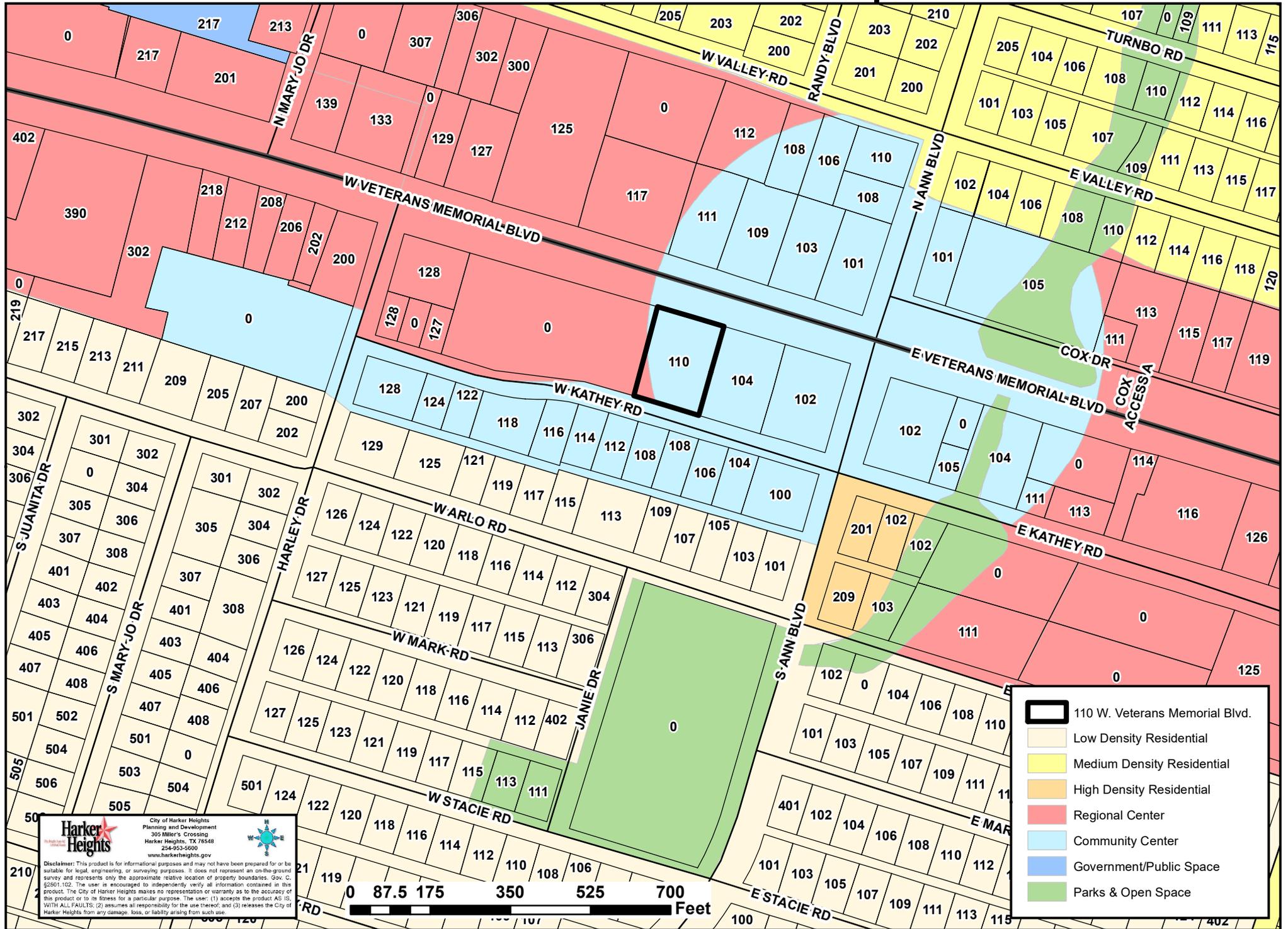
Existing Land Use

-  Single-Family Residence
-  Duplex
-  Multi-Family Residence
-  Manufactured Home
-  Single-Wide Trailer
-  Double-Wide Trailer
-  Mobile Home Park
-  Office
-  Retail
-  Commercial
-  Public/Semi-Public
-  Park/Open Space
-  USACOE/Drainage
-  Vacant/Agriculture

Harker Heights
 City of Harker Heights
 Planning and Development
 300 Miller's Crossing
 Harker Heights, TX 78548
 254-953-5600
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SENT: OCTOBER 1, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

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

FROM: WDT PROPERTIES LTD

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

Physical Address	Property ID
104 W KATHEY RD, 100 S ANN BLVD	#19869, 129416

RE: application to consider a request for zoning designation change **B-4 (Secondary and Highway Business District) to B-4 (Secondary and Highway Business District) with T District overlay** on property described as *Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments:

High volume of noise from a
taavern could be disraptive to our
professional services business.

We are also concerned because
a major tenant in our building
provides professional services to
youth to inclade minor children.

WDT Properties, Ltd
by Diane Thompson
Printed Name

Diane Thompson
Signature

10-19-21

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DUE BACK: OCTOBER 19, 2021 5:00 P.M.

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

FROM: PLOEGER, ERNESTINE D

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

Physical Address	Property ID
119 W ARLO RD, 121 W ARLO RD	#94085, 94084

RE: application to consider a request for zoning designation change **B-4 (Secondary and Highway Business District) to B-4 (Secondary and Highway Business District) with T District overlay** on property described as *Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas* (see attached notification map).

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

Comments:

It would help if we knew what was going in to this space

Printed Name

Signature



CITY COUNCIL MEMORANDUM

Z21-29-F

AGENDA ITEM# VII-6

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO AMEND THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE THE 'COMMUNITY CENTER' AND 'REGIONAL CENTER' DESIGNATIONS TO A 'REGIONAL CENTER' DESIGNATION ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 001, LOTS 5-6, 15-16, PROPERTY ID #63808, GENERALLY LOCATED AT 110 W. VETERANS MEMORIAL BOULEVARD, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The applicant is requesting a change from the current zoning of B-4 (Secondary and Highway Business District) to B-4 (Secondary and Highway Business District) with T District overlay on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas. According to the Bell County Tax Records, the property consists of approximately .6492 acres, with an existing 3,540 square foot building, and 840 square foot enclosed porch. The Land Use Plan shows this parcel to be located within the Community Center and Regional Center designations. To keep the requested B-4 zoning compatible with the land use plan, the land use designation will need to be amended to Regional Center.

Surrounding Future Land Uses

Adjacent future land uses include:

	Future Land Plan
North	Community Center Regional Centers
South	Community Center
East	Community Center
West	Community Center Regional Centers

The 2021 Future Land Use Map identifies this area is designated for both Community Center and Regional Centers. The zoning designations included in Community Center land use include: B-1 (Office District), B-2 (Neighborhood Business District), B-3 (Local Business District), and PD-B (Planned Development Business). The zoning designations included in Regional Center land use include: B-4 (Secondary and Highway Business District), B-5 (General Business District), PD-B (Planned Development Business), and PD-M (Planned Development Mixed Use).

Flood Damage Prevention:

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

Notices:

Staff sent out forty-one (41) notices to property owners within the 400-foot notification area. As of October 27, 2021, two (2) responses were received in favor of the request, and two (2) responses were received in opposition of the request. Any additional responses received after the above date will be provided during the meeting.

STAFF RECOMMENDATION:

Staff recommended approval to the Planning and Zoning Commission of an ordinance to amend the Comprehensive Plan's Future Land Use Map to change the 'Community Center' And 'Regional Center' designations to a 'Regional Center' designation on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, based on the following:

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

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on October 27, 2021, the Planning and Zoning Commission voted (6-0) to recommend approval of an ordinance to amend the Comprehensive Plan's Future Land Use Map to change the 'Community Center' And 'Regional Center' designations to a 'Regional Center' designation on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.

ACTION BY PLANNING AND ZONING COMMISSION:

1. Motion to **approve, approve with conditions, or disapprove with explanation** an ordinance to amend the Comprehensive Plan's Future Land Use Map to change the 'Community Center' And 'Regional Center' designations to a 'Regional Center' designation on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Ordinance
2. Application
3. Proposed Land Uses (Community Center, Regional Center)
4. Location Map
5. Future Land Use Map
6. Notification Area Map
7. Public Responses

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING THE COMPREHENSIVE PLAN'S FUTURE LAND USE MAP TO CHANGE THE 'COMMUNITY CENTER' AND 'REGIONAL CENTER' DESIGNATIONS TO A 'REGIONAL CENTER' DESIGNATION ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 001, LOTS 5-6, 15-16, PROPERTY ID #63808, GENERALLY LOCATED AT 110 W. VETERANS MEMORIAL BOULEVARD, HARKER HEIGHTS, BELL COUNTY, TEXAS.

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

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

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

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

SECTION 2: The hereinafter-described property, as previously designated 'Community Center' And 'Regional Center' to a 'Regional Center' designation on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, 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>
2021-	11/09/21	Amending the Comprehensive Plan's Future Land Use Map to change the 'Community Center' And 'Regional Center' designations to a 'Regional Center' designation on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, 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 November 9, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

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

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

Property Owner(s) Name: Donald Myers **Date:** Sept 29, 21
Address: 40 W. Vets. MEM. BLVD
City/State/Zip: Harker Heights
Phone: _____ **E-mail:** _____

Legal Description of Property:

Location of Property (Address if available): 110 W. Vets MEM. BLVD / Restaurant
Lot: 5-6 **Block:** 7 **Subdivision:** Kern Acres
Acres: .069 **Property ID:** 63808 **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: Restaurant w/ Alcohol sales
Current Zoning Classification: B4 **Proposed Zoning:** B-4 w/ overlay
Current Land Use: _____ **Proposed Land Use:** RESTAURANT

Applicant's Representative (if applicable):

Applicant's Representative: Felecia Fogle
Phone: _____ **E-Mail:** _____

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

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

Donald Myers
 Printed Name of Property Owner

Donald Myers
 Signature of Property Owner

Donald Myers Felecia Fogle
 Printed Name of Representative

Felecia Fogle
 Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 29 DAY OF September, 2021.

William Everett
 SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 2/22/2025

Date Submitted: 9/29/21
 Received By: WEverett

STAFF ONLY -- DO NOT FILL OUT BELOW
 Pre-Application Meeting

Receipt #: 01744510
 Case #: _____

PROPOSED LAND USES

Community Centers

- Community Center developments provide local retail, professional office, and service-oriented businesses. Due to their nature, retail uses are typically dependent upon higher traffic volumes and have traditionally been located along major arterial roadways or locations with the highest visibility. Community Centers are intended to directly serve the local community and meet individual neighborhood needs. These areas should be strategically located near residential developments and connectivity and integration with residential neighborhoods should be encouraged.

Appropriate Zoning District

- **B-1** Office District
- **B-2** Neighborhood Business District
- **B-3** Local Business District
- **PD-B** Planned Development Business



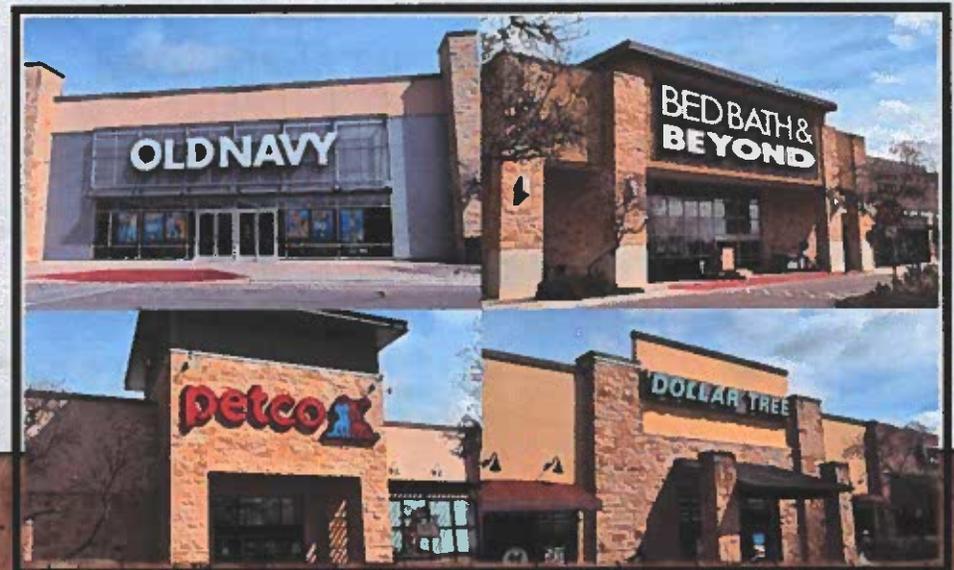
PROPOSED LAND USES

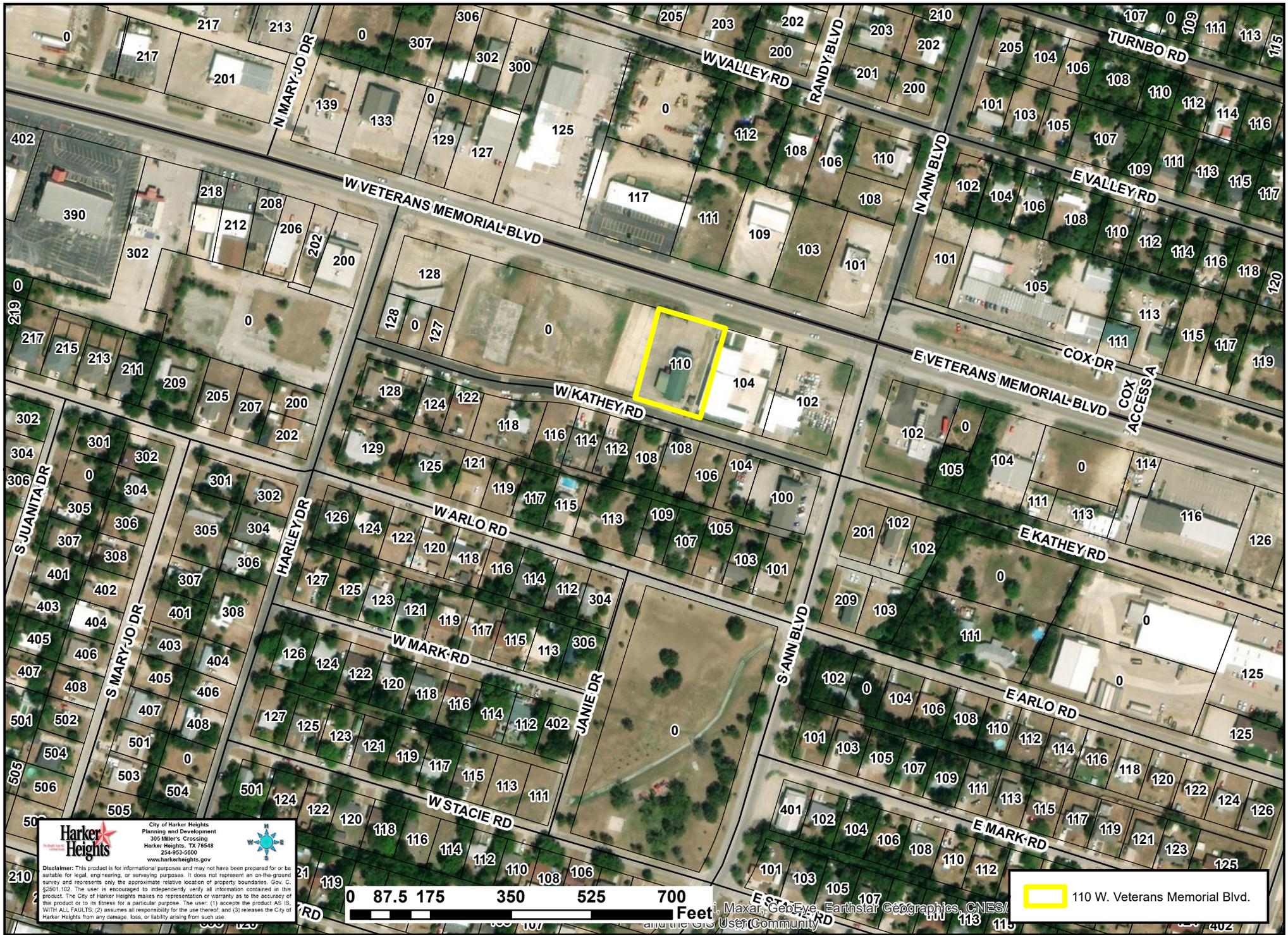
Regional Centers

- Regional Centers may be configured as major shopping centers, standalone big box retailers, hotels, or large-scale mixed-use developments as well as supporting flex office space. The developments in this category are typically larger in scale, more intense, and are also high generators of traffic.

Appropriate Zoning District

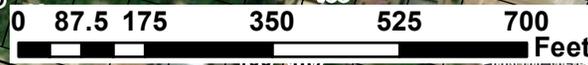
- **B-4** Secondary and Highway Business
- **B-5** General Business
- **PD-B** Planned Development
- **PD-M** Planned Development Mixed Use



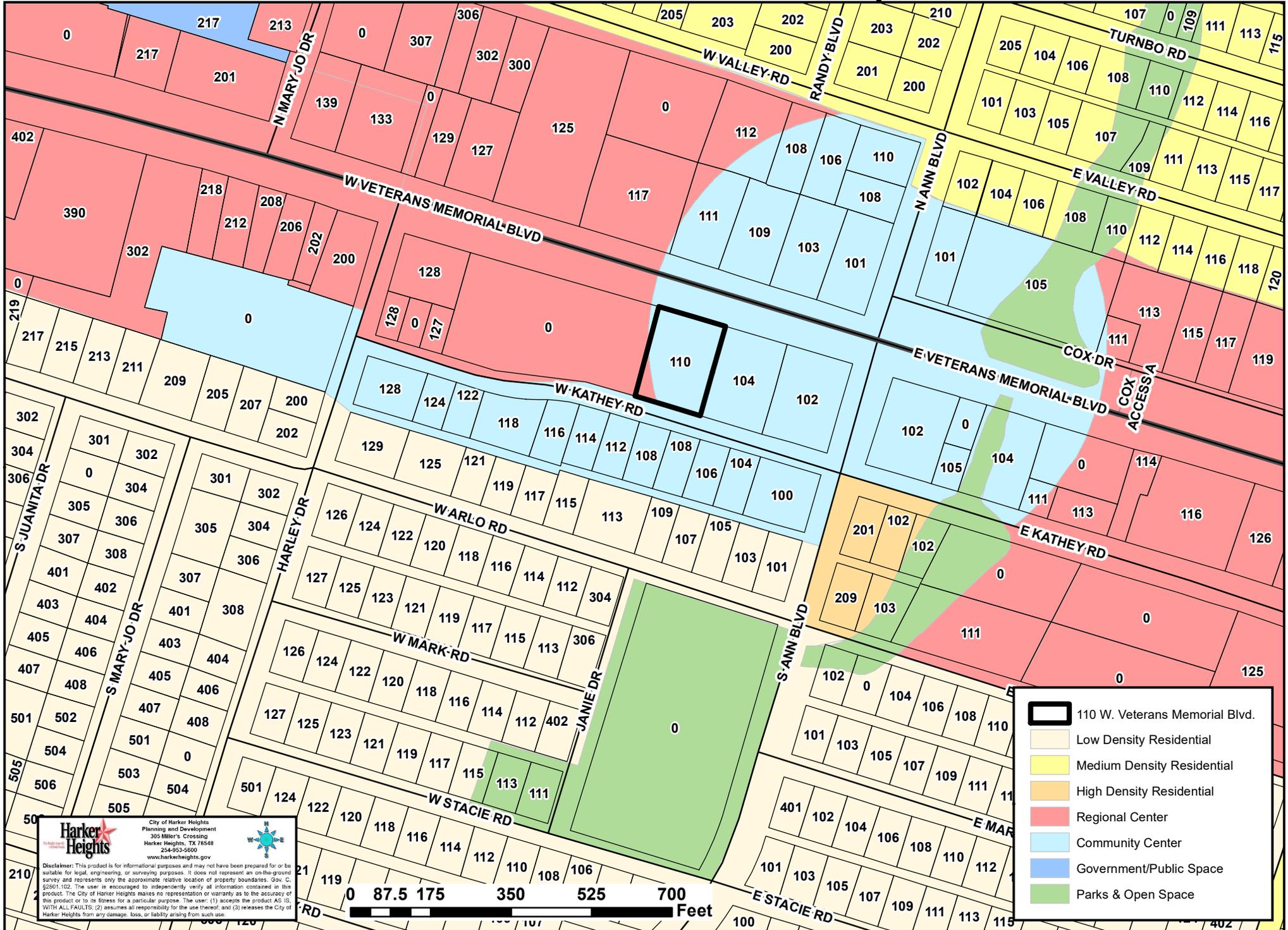


Harker Heights
City of Harker Heights
Planning and Development
300 Miller's Crossing
Harker Heights, TX 78548
254-953-3600
www.harkerheights.gov

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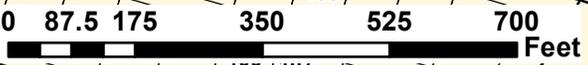
 110 W. Veterans Memorial Blvd.

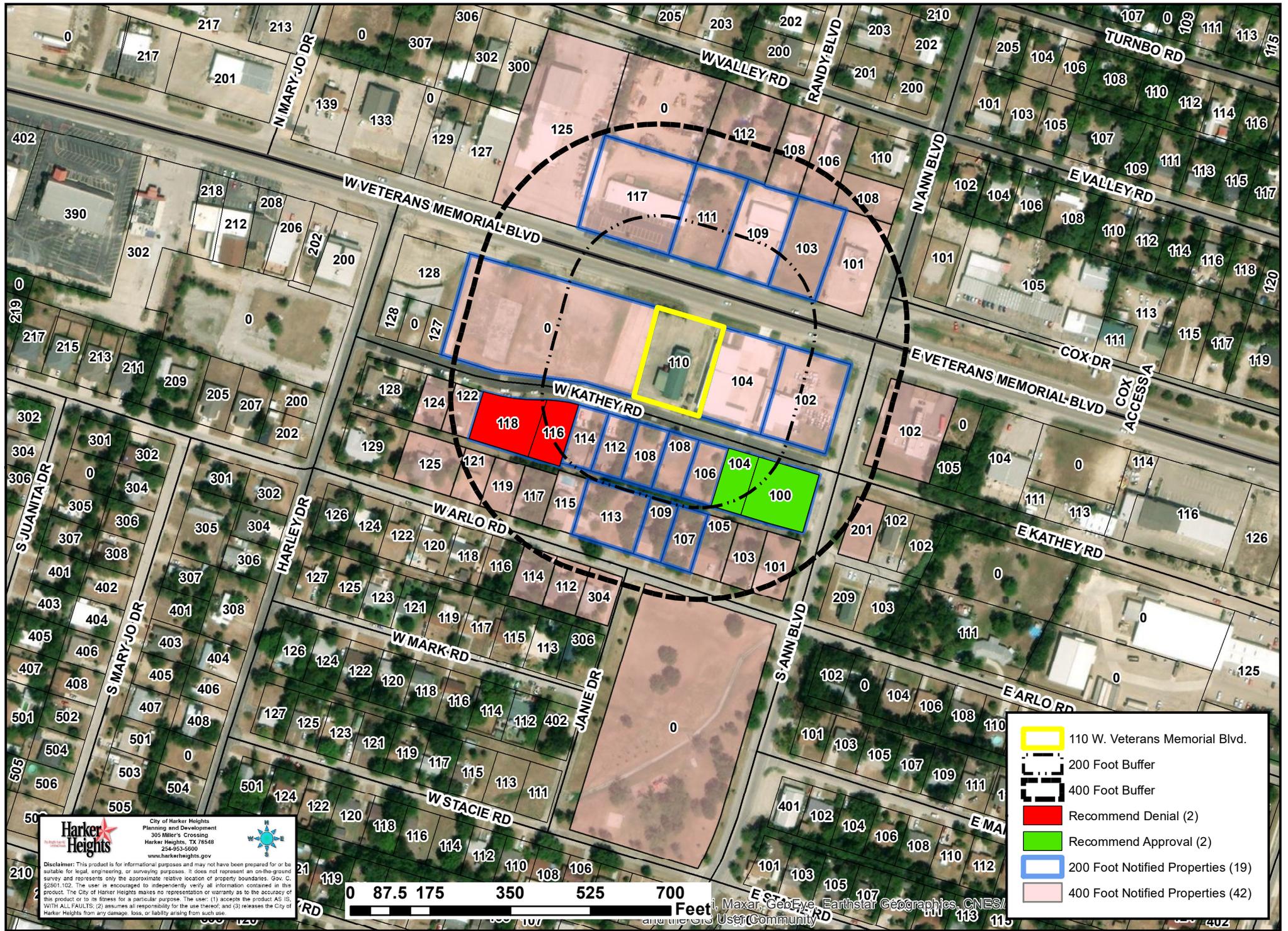


	110 W. Veterans Memorial Blvd.
	Low Density Residential
	Medium Density Residential
	High Density Residential
	Regional Center
	Community Center
	Government/Public Space
	Parks & Open Space

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- 110 W. Veterans Memorial Blvd.
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Denial (2)
- Recommend Approval (2)
- 200 Foot Notified Properties (19)
- 400 Foot Notified Properties (42)

SENT: OCTOBER 8, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: WDT PROPERTIES LTD

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

Physical Address	Property ID
104 W KATHEY RD, 100 S ANN BLVD	#19869, 129416

RE: application to amend the Comprehensive Plan's future land use map to change the 'Community Center' and 'Regional Center' designations to a 'Regional Center' designation on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas (see attached notification map).

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

Comments:

WDT Properties, Ltd
Diane Thompson
Printed Name

Diane Thompson
Signature

10-19-21
Date

WDT PROPERTIES LTD
PO BOX 2487
HARKER HEIGHTS, TX 76548

SENT: OCTOBER 8, 2021
DUE BACK: OCTOBER 19, 2021 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON OCTOBER 19, 2021 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: THOMAS, FRANCES M MENDOZA

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

Physical Address	Property ID
116 W KATHEY RD, 118 W KATHEY RD	#72851, 72852

RE: application to amend the Comprehensive Plan's future land use map to change the 'Community Center' and 'Regional Center' designations to a 'Regional Center' designation on property described as Kern Acres 2nd Extension & Revision, Block 001, Lots 5-6, 15-16, Property ID #63808, generally located at 110 W. Veterans Memorial Boulevard, Harker Heights, Bell County, Texas (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

FRANCES M. T. THOMAS
Printed Name

Frances M. Thomas
Signature

Received 18 October 2021
Date
OCT 20 2021

Planning & Development

Received
OCT 20 2021

Planning & Development

THOMAS, FRANCES M MENDOZA
3011 OAKWOOD DR
HARKER HEIGHTS, TX 76548-8770

Received

OCT 20 2021

Planning & Development

Z21-29-F

Harker Heights Planning & Development

Received

OCT 20 2021

Planning & Development

10/8/2021



CITY COUNCIL MEMORANDUM

CIAC-21-01

AGENDA ITEM# VII-7

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, ADOPTION OF LAND USE ASSUMPTIONS AND A CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES FOR THE 2022 IMPACT FEE AREA, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The City adopted the current Future Land Use Map (FLUM) in 2007. Since November 2020, the Planning and Zoning Commission (P&Z) has received input and considered changes to the 2007 FLUM. On August 24, 2021, the P&Z voted 6-0 to recommend an updated Land Use Map to the City Council.

The City previously retained Thonhoff Consulting Engineers to evaluate the current wastewater capacity in the service basin along FM 2410 east of Warrior's Path. Mr. Thonhoff finished his report in February 2021 and determined that capital improvements to the City's wastewater system were needed in order to service that basin. The City then entered into an agreement with Freese and Nichols to develop a wastewater impact fee for the eastern service area.

The City's consultant, Ms. Jessica Vassar with Freese and Nichols, has evaluated the Thonhoff report, Planning & Zoning Commission's 2021 land use recommendations, current development activity, and the existing Future Land Use Map with respect to their contribution to developing an impact fee.

On September 14, 2021, the City Council voted to set two public hearing dates to consider the land use assumptions and capital improvements plan relating to possible adoption of impact fees for the 2022 wastewater impact fee area. The first public hearing was held on October 26, 2021. This is the second of the two set public hearing dates for this item.

RECOMMENDATION:

Staff recommended approval to the CIAC of the land use assumptions and a capital improvements plan relating to possible adoption of impact fees for the 2022 wastewater impact fee area, as presented by Ms. Vassar. Texas Local Government Code (LGC) Section 395.042 requires municipalities to hold a public hearing on a capital improvements plan prior to adoption by the City Council. Staff previously recommended that the City Council establish the public hearing dates for the October 26, 2021 and November 9, 2021 Council Meetings. These two dates met the LGC Sections 395.043 and 395.044 required timelines for public information availability and public notices.

ACTION BY CAPITAL IMPROVEMENT ADVISORY COMMITTEE:

According to Chapter 395 of the Texas Local Government Code, Capital Improvement Advisory Committee (CIAC) serves as the advisory committee for the 2022 Wastewater Impact Fee study.

On August 25, 2021, the CIAC voted 6-0 to recommend approval of both the Land Use Assumptions and a Capital Improvements Plan relating to possible adoption of Impact Fees for the 2022 Wastewater Impact Fee Area, based on staff's recommendation and findings.

ACTION BY CITY COUNCIL:

1. Motion to **approve** or **disapprove** a Resolution of the City Council of the City of Harker Heights, Texas, adoption of Land Use Assumptions and a Capital Improvements Plan relating to possible adoption of Impact Fees for the 2022 Wastewater Impact Fee area.
2. Any other action deemed necessary.

ATTACHMENTS:

1. Proposed Resolution
2. Exhibit A - Land Use Assumptions and Capital Improvements Plan Report

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, ADOPTING LAND USE ASSUMPTIONS AND A CAPITAL IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES FOR THE 2022 WASTEWATER IMPACT FEE AREA.

WHEREAS, Chapter 395, Texas Local Government Code, provides procedures for preparing land use assumptions and a capital improvements plan for the consideration of imposing wastewater impact fees within the city limits and service area boundaries; and

WHEREAS, The Capital Improvements Advisory Committee has reviewed recommended that the City Council of the City of Harker Heights adopt the land use assumptions and capital improvement plan for the service areas designated in both documents as shown in attached Exhibit “A”; and

WHEREAS, The City Council conducted two public hearings to receive comment from citizens and other interested parties concerning the adoption of the land use assumptions and capital improvement plan; and

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 Capital Improvements Advisory Committee, it is necessary and desirable to amend the Code of Harker Heights (“*Code*”) as hereinafter provided; and

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

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

SECTION 1: The City Council hereby adopts the land use assumptions and capital improvement plan as shown in the attached Exhibit “A”.

PASSED AND APPROVED by the City Council of the City of Harker Heights on November 9, 2021.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

DRAFT
**WASTEWATER
IMPACT FEE STUDY**
**LAND USE ASSUMPTIONS AND
CAPITAL IMPROVEMENTS PLAN REPORT**

Prepared for:

City of Harker Heights

August 2021

Prepared by:

FREESE AND NICHOLS, INC.
10431 Morado Circle, Suite 300
Austin, Texas 78759
512-617-3100

DRAFT
**WASTEWATER
IMPACT FEE STUDY**
**LAND USE ASSUMPTIONS AND
CAPITAL IMPROVEMENTS PLAN REPORT**

Prepared for:

City of Harker Heights

DRAFT

THIS DOCUMENT IS RELEASED
FOR THE PURPOSE OF INTERIM
REVIEW UNDER THE AUTHORITY
OF JESSICA VASSAR, P.E., TEXAS
NO. 108934 ON 8/18/2021. IT IS
NOT TO BE USED FOR
CONSTRUCTION, BIDDING OR
PERMIT PURPOSES.
FREESE AND NICHOLS, INC.
TEXAS REGISTERED ENGINEERING
FIRM F-2144

Prepared by:

FREESE AND NICHOLS, INC.
10431 Morado Circle, Suite 300
Austin, Texas 78759
512-617-3100

FNI Project No.: HAK21373

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1.0 BACKGROUND AND SCOPE

In April 2021, the City of Harker Heights, Texas (City) authorized Freese and Nichols, Inc. (FNI) to perform an impact fee analysis for the southeast portion of the City’s wastewater system. The purpose of this report is to document the land use assumptions and capital improvements plan which will be used in the development and calculation of wastewater impact fees for the City of Harker Heights. The methodology used herein satisfies the requirements of the Texas Local Government Code (TLGC) Section 395 (**Section 1.1**) for the establishment of impact fees. The City does not currently charge wastewater impact fees to new developments.

1.1 TEXAS LOCAL GOVERNMENT CODE

Chapter 395 of the Texas Local Government Code requires an impact fee analysis before impact fees can be created and assessed. Chapter 395 defines an impact fee as “a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development.” In September 2001, Chapter 395 was amended creating the current procedure for implementing impact fees. Chapter 395 identifies the following items as impact fee eligible costs:

- Construction contract price
- Surveying and engineering fees
- Land acquisition costs
- Fees paid to the consultant preparing or updating the capital improvements plan (CIP)
- Projected interest charges and other finance costs for projects identified in the CIP

Chapter 395 also identifies items that impact fees cannot be used to pay for, such as:

- Construction, acquisition, or expansion of public facilities or assets other than those identified on the capital improvements plan
- Repair, operation, or maintenance of existing or new capital improvements
- Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards
- Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development

- Administrative and operating costs of the political subdivision
- Principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed above

As a funding mechanism for capital improvements, impact fees allow cities to recover the costs associated with new or facility expansion in order to serve future development. Statutory requirements mandate that impact fees be based on a specific list of improvements identified in a capital improvements program and only the cost attributed (and necessitated) by new growth over a 10-year period may be considered. As projects in the program are completed, planned costs are updated with actual costs to more accurately reflect the capital expenditure of the program. Additionally, new capital improvement projects may be added to the system.

1.2 METHODOLOGY

Wastewater impact fee capital improvements plan (CIP) projects were developed for the City based on the land use assumptions, input from City staff, and projects from previous studies. The recommended improvements will provide the required capacity to meet projected wastewater flows through year 2032. The projects identified are consistent with the Chapter 395 definition of impact fee eligible projects.

As part of the impact fee development, FNI will conduct workshops with the City's appointed Capital Improvements Advisory Committee (CIAC) and City Council. FNI will calculate the maximum allowable impact fee utilizing the 50% credit methodology identified in TLGC Chapter 395. The CIAC's role includes reviewing the land use assumptions and impact fee CIP and recommending an impact fee rate to the City Council. The City Council sets the impact fees to be collected.

1.3 LIST OF ABBREVIATIONS

The list of abbreviations used in this report are presented in **Table 1-1**.

Table 1-1: List of Abbreviations

Abbreviation	Actual
CIAC	Capital Improvement Advisory Committee
CIP	Capital Improvement Plan
FNI	Freese and Nichols, Inc.
MGD	Million Gallons per Day
TCE	Thonhoff Consulting Engineers, Inc.
TLGC	Texas Local Government Code

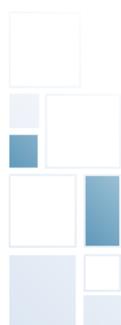


2.0 LAND USE ASSUMPTIONS

2.1 SERVICE AREA

Projected land use is an important element in the analysis of wastewater collection and treatment systems. To assist the City in determining the need and timing of capital improvements to serve future development, a reasonable estimation of future growth is required. These assumptions will become the basis for the preparation of impact fee capital improvement plans for wastewater facilities.

FNI worked with City staff to develop growth projections and land use assumptions for the study area during the development of this report. The City is anticipating the majority of future developments to occur roughly within the southeast portion of the City, and therefore determined to set the wastewater impact fee service area to this boundary, shown on **Figure 2-1**. The future land use for the service area is presented on **Figure 2-2**.



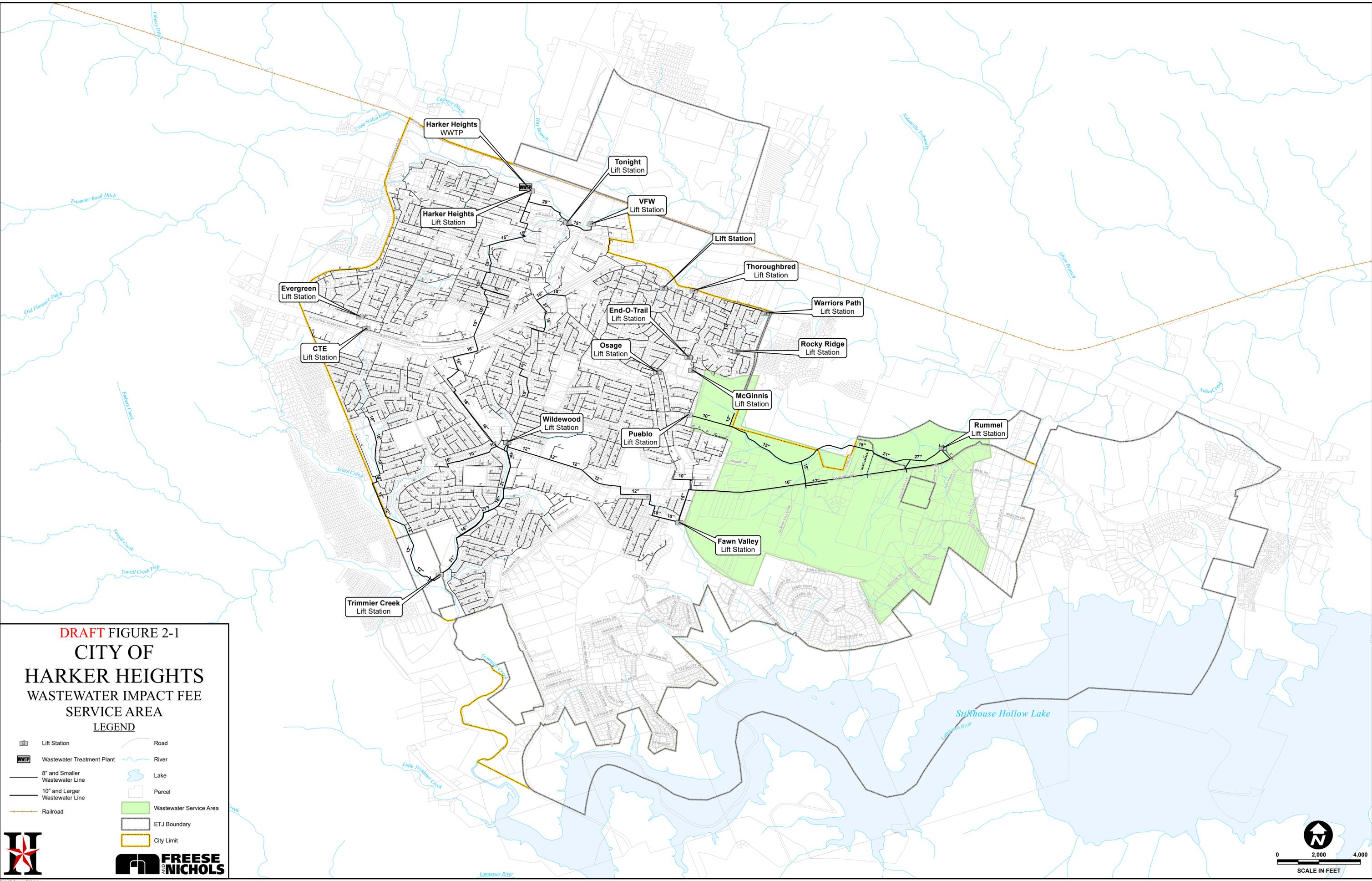
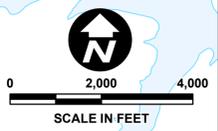
DRAFT FIGURE 2-1
**CITY OF
HARKER HEIGHTS
WASTEWATER IMPACT FEE
SERVICE AREA**

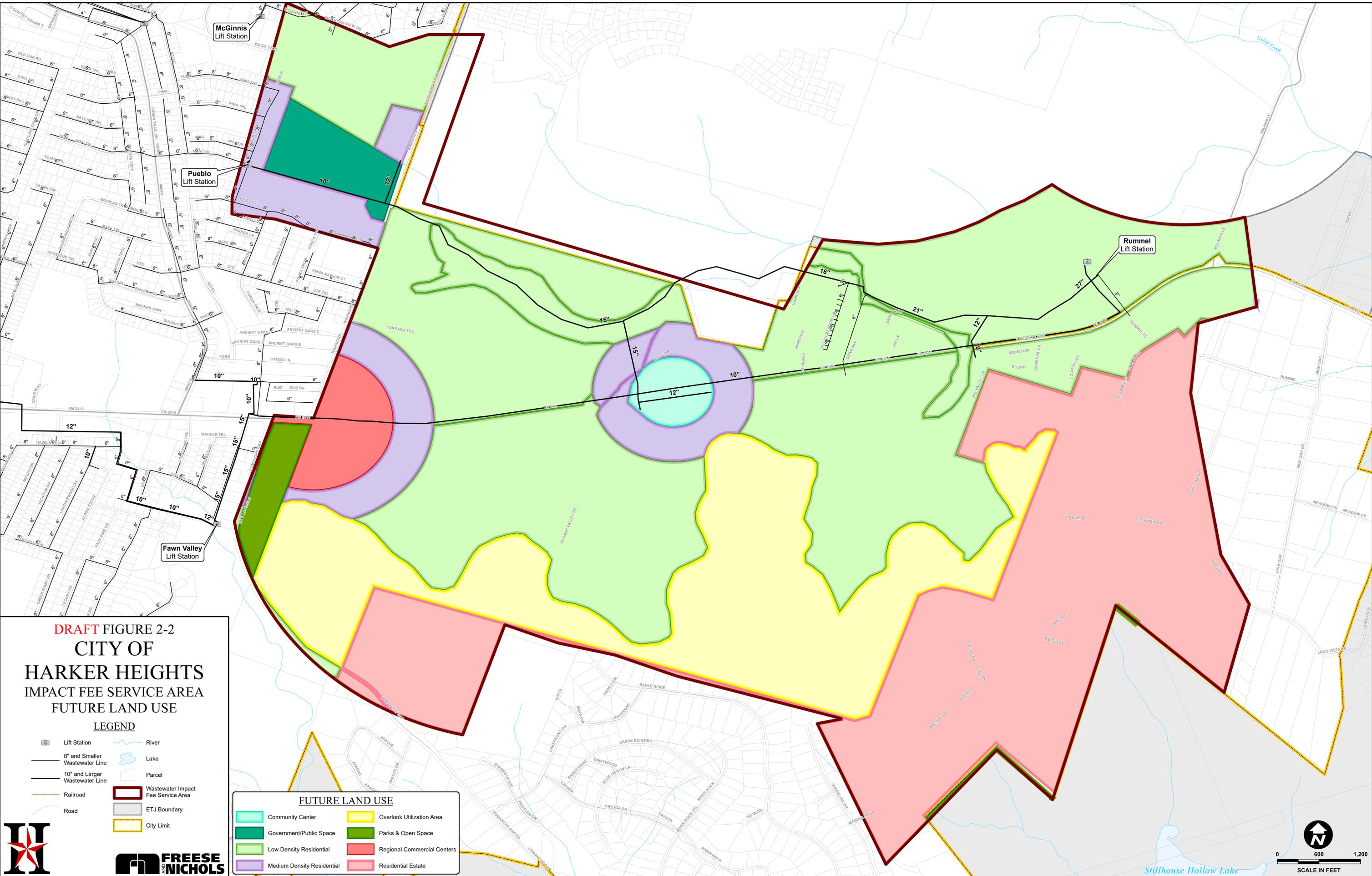
LEGEND

-  Lift Station
-  Wastewater Treatment Plant
-  8" and Smaller Wastewater Line
-  10" and Larger Wastewater Line
-  Railroad
-  Road
-  River
-  Lake
-  Parcel
-  Wastewater Service Area
-  ETJ Boundary
-  City Limit



Created by Freese and Nichols, Inc.
Date: 10/01/2018
Location: HARKER HEIGHTS, TEXAS
Drawing: WASTEWATER IMPACT FEE SERVICE AREA
User Name: C2818





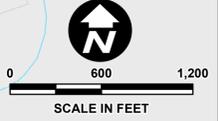
DRAFT FIGURE 2-2
CITY OF
HARKER HEIGHTS
IMPACT FEE SERVICE AREA
FUTURE LAND USE

LEGEND

- Lift Station
- 8" and Smaller Wastewater Line
- 10" and Larger Wastewater Line
- Railroad
- Road
- River
- Lake
- Parcel
- Wastewater Impact Fee Service Area
- ETJ Boundary
- City Limit

FUTURE LAND USE

- Community Center
- Government/Public Space
- Low Density Residential
- Medium Density Residential
- Overlook Utilization Area
- Parks & Open Space
- Regional Commercial Centers
- Residential Estate



Created by Freese and Nichols, Inc.
 File No. 1905232
 Location: 11101 WYV PLANNING01_DELIVERABLES02_Land_Use(Figure_2-2)_Service_Area_Land_Use.mxd
 Updated: 8/15/2023, August 15, 2023 10:25:04 AM
 User Name: JBV

Stillhouse Hollow Lake

2.2 HISTORICAL AND PROJECTED GROWTH

2.2.1 Historical Population

Historical population data was provided in the February 2021 *Wastewater Flow Capacity Analysis Report* developed by Thonhoff Consulting Engineers, Inc. (TCE). The City had an average 2.2% annual growth rate over the past eight years. This historical population information is presented in **Table 2-1**.

Table 2-1: Historical Population within City Limits

Year	Population	Average Annual Growth Rate (%)
2012	27,894	
2013	28,563	2.4%
2014	29,233	2.3%
2015	29,903	2.3%
2016	30,573	2.2%
2017	31,243	2.2%
2018	31,913	2.1%
2019	32,583	2.1%
2020	33,253	2.1%
Average		2.2%

2.2.2 Projected Growth

The magnitude and distribution of the growth in the service area will dictate where future wastewater infrastructure is required. It is important to note that projecting future growth is challenging, especially for relatively small geographic areas such as individual cities or sections of cities, because it can be difficult to predict how fast or slow development will occur when there are a variety of circumstances that can impact it. **Table 2-2** presents the City’s projected growth for the 10-year planning period for the wastewater impact fee service area.

Table 2-2: Wastewater Impact Fee Service Area Growth

Year	Connections
2022	125
2032	1,500

3.0 CAPITAL IMPROVEMENTS PLAN

Wastewater capital improvement plan (CIP) projects were developed for the City of Harker Heights in the February 2021 *Wastewater Flow Capacity Analysis Report* by TCE. The wastewater CIP projects that are required to serve growth within the next 10 years were identified for inclusion in the wastewater impact fee analysis.

3.1 WASTEWATER LOAD PROJECTIONS

Wastewater flow projections for 2022 and 2032 were developed using criteria from the February 2021 *Wastewater Flow Capacity Analysis Report*. 2.97 people per connection and 76 gallons per capita per day were assumed for wastewater flow projections. A wet weather peaking factor of 4.0 was applied to calculate the peak wet weather flow. **Table 3-1** presents the projected wastewater flows for the wastewater impact fee service area in million gallons per day (MGD).

Table 3-1: Impact Fee Service Area Wastewater Flow Projections

Year	Average Daily Flow (MGD)	Peak Wet Weather Flow (MGD)
2022	0.03	0.11
2032	0.34	1.35

3.2 WASTEWATER SYSTEM IMPROVEMENTS

The TCE 2021 *Wastewater Flow Capacity Analysis Report* included proposed wastewater system improvements. A summary of the proposed projects serving growth in the 10-year period used in the impact fee analysis is shown in **Table 3-2**. The proposed impact fee CIP projects are shown on **Figure 3-1**.

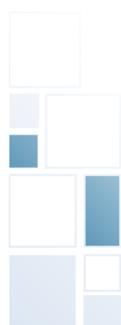


Table 3-2: Wastewater Impact Fee Capital Improvements Plan

Project Number	Project Name
EXISTING	
A	Rummel Lift Station and Force Main
B	15/18/21/27" Gravity Line
C	Impact Fee Study
PROPOSED	
1	10-inch Force Main
2	Rummel Lift Station Expansion
3	Proposed Lift Station and 18-inch Force Main
4	24/27" Gravity Line
5	1.5 MGD Wastewater Treatment Plant Expansion



CITY COUNCIL MEMORANDUM

CP21-06

AGENDA ITEM# VIII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

DISCUSS AND CONSIDER APPROVING A REQUEST FOR A CONCEPT PLAN REFERRED TO AS CEDAR TRAILS ON PROPERTY DESCRIBED AS URIAH HUNT SURVEY, ABSTRACT NO. 401, PROPERTY ID #75765, GENERALLY LOCATED AT 13436 E. KNIGHT'S WAY (E. FM 2410), HARKER HEIGHTS, BELL COUNTY TEXAS, AND LOCALLY KNOWN AS 13436 FM 2410, BELTON, BELL COUNTY, TEXAS AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

On September 1, 2021, the applicant submitted an application for concept plan approval for Cedar Trails, generally located at 13436 E. Knight's Way (E. FM 2410) and locally known as 13436 FM 2410, Belton, Bell County, Texas. The property consists of approximately 24.383 acres with a proposed total of seventy (70) residential lots and three (3) tracts. Prior to the September 29th Planning & Zoning meeting, the applicant requested a one-time 30-day extension as allowed by law. The applicant submitted revisions on October 1, 2021 and October 19, 2021.

As of October 20, 2021 staff had reviewed the submitted concept plan and engineering plans and made comments to address safety, drainage, water and wastewater utilities and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

STAFF RECOMMENDATION:

On October 20, 2021, staff returned the final comments to the applicant. Staff recommended approval of the Concept Plan to the Planning and Zoning Commission for the subdivision referred to as Cedar Trails.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on October 27, 2021, the Planning and Zoning Commission voted (6-0) to recommend approval of a Concept Plan referred to as Cedar Trails on property described as Uriah Hunt Survey, Abstract No. 401, Property Id #75765, generally located at 13436 E. Knight's Way (E. FM 2410), Harker Heights, Bell County Texas, and locally known as 13436 FM 2410, Belton, Bell County, Texas.

ACTION BY THE CITY COUNCIL:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for a Concept Plan referred to as Cedar Trails on property described as Uriah Hunt Survey, Abstract No. 401, Property Id #75765, generally located at 13436 E. Knight's Way (E. FM 2410), Harker Heights, Bell County Texas, and locally known as 13436 FM 2410, Belton, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Extension request
3. Concept Plan
4. Utility Plan
5. Location Map
6. Staff Comments with Responses (Comments sent 9/6/21, 10/14/2021, and 10/20/21, Responses received 10/01/21 and 10/19/21)



Concept Plan Application

Requirements - MUST BE COMPLETED OF WILL NOT BE ACCEPTED

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

- 1. Pre-Application Meeting Scheduled
- 2. Payment of \$50.00 to the City of Harker Heights

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

Property Information:

Subdivision Name: Cedar Trails Date Submitted: Sep 1, 2021

Site Address or General Location: 13436 East Knights Way, Harker Heights, Bell County, Texas

Zoning: R-1A - One-Family Dwelling District Acreage: 24.383 Proposed # of Lots: 70

Owner Information/Authorization:

Property Owner: CBBHH Holdings, LLC

Address: [REDACTED]

Phone: _____ E-Mail: _____

Developer: CBBHH Holdings, LLC

Address: [REDACTED]

Phone: _____ E-Mail: _____

Engineer/Surveyor: Belton Engineering, Inc

Address: 106 N. East Street, Belton, Texas, 76513

Phone: 254-731-5600 E-Mail: lchtay@beltonengineers.com

CHECK ONE OF THE FOLLOWING:

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

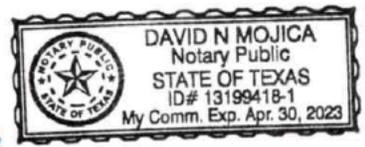
The property owner and/or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear during a meeting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

OWNER SIGNATURE: [Signature]

SWORN AND SUBSCRIBED BEFORE ME THIS 31st DAY OF August, 20 21.

[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 04-30-2023



STAFF ONLY -- DO NOT FILL OUT BELOW		
Date Submitted: _____	Receipt #: _____	
Received By: _____	<input type="checkbox"/> Pre-Application Meeting	Case #: _____

From: [Lina Chtay](#)
To: [Yvonne Spell](#)
Cc: [Wilson Everett](#)
Subject: Re: RE: Comments CP21-06 Cedar Trails
Date: Thursday, September 16, 2021 5:19:16 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Yvonne,

Yes please. That is correct.

When can we resubmit our revised plans with responses?

Thank you
Lina Chtay, P.E., CFM
Principal Engineer

Belton Engineering Inc.

108 N. East Street
Belton, Texas, 76513
Office: 254-731-5800
Cell: 254-289-7273
www.beltonengineers.com

On Thu, Sep 16, 2021 at 5:00 PM Yvonne Spell <yspell@harkerheights.gov> wrote:

Lina,

Just to clarify, you are asking for a 30 day extension from the Planning & Zoning Commission meeting on 9/29/2021 for consideration on the Cedar Trails Concept Plan, and would like to have it heard at the October

27, 2021 Planning & Zoning meeting? Can you please confirm via email?

Thank you,



Yvonne K. Spell, MPA
City Planner

City of Harker Heights | 305 Miller's Crossing | Harker Heights, TX 76548

T: 254-953-5643 | yspell@harkerheights.gov

From: Lina Chtay <lchtay@beltonengineers.com>
Sent: Thursday, September 16, 2021 3:16 PM
To: Yvonne Spell <yspell@harkerheights.gov>
Subject: Re: RE: Comments CP21-06 Cedar Trails

Yvonne, I want to request a 30 days extension on the Cedar Trails concept plan please.

Thank you
Lina Chtay, P.E., CFM
Principal Engineer

Belton Engineering Inc.
106 N. East Street
Belton, Texas, 76513
Office: 254-731-5800
Cell: 254-289-7273
www.beltonengineers.com

On Thu, Sep 16, 2021 at 11:03 AM Yvonne Spell <yspell@harkerheights.gov> wrote:

Lina,

The definition of General Plan under HB 3167 corresponds to the City of Harker Heights definition of Concept Plan, and therefore the shot clock rule applies. Per Local Government Code 212.009, you may request a 30 day extension before the Concept Plan will go before the Planning & Zoning Commission. You will need to request a 30 day extension from the September 29, 2021 Planning & Zoning Meeting, to have the Concept Plan come back before the Commission at the October 27, 2021 meeting. If you wish to request the extension, please do so by email.

Thank you,

WATER LAYOUT STANDARD NOTES:

1. ALL WORK DETAILED ON THESE PLANS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (LATEST ADDITION), INCLUDING ALL AMENDMENTS ADOPTED THERETO BEFORE THE DATE OF APPROVAL OF THESE PLANS, AND IN ACCORDANCE WITH THE STANDARD DRAWINGS OF THE CITY OF HARKER HEIGHTS, UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL COMPLY WITH ALL CURRENT OSHA REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.
3. CONTRACTOR SHALL COMPLY WITH ALL TCEQ RULES FOR UTILITY DESIGN AND CONSTRUCTION IN ACCORDANCE WITH 30 TAC 290.
4. ALL WATER MAINS SHALL BE C-900 PVC PIPE UNLESS OTHERWISE NOTED.
5. CONTRACTOR SHALL INSTALL SLEEVES FOR ALL WATER SERVICE LONG TAPS. SLEEVES SHALL BE 4-INCH DIAMETER PVC AND SHALL EXTEND TO A DISTANCE 2- FEET BEHIND THE BACK OF CURB.
6. UTILITIES HAVE BEEN LOCATED BY RECORD DRAWINGS AND VISIBLE APPURTENANCES. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS BEFORE CONSTRUCTION BEGINS.
7. ALL WATER MAINS SHALL HAVE A MINIMUM OF 42 INCHES OF COVER MATERIAL BELOW FINISH GRADE.
8. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PRESENTED ON A SEPARATE DETAIL.

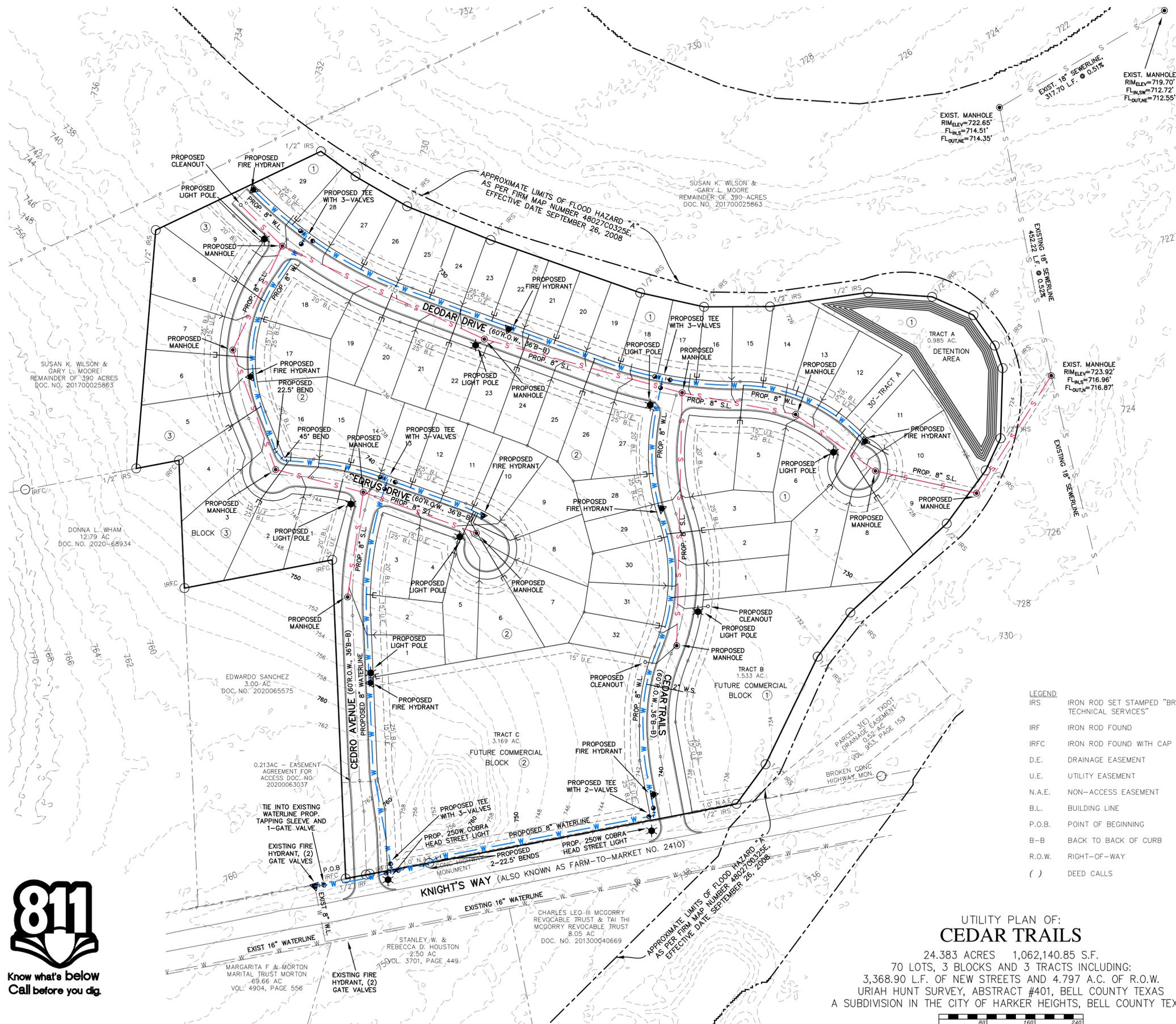
SANITARY SEWER LAYOUT STANDARD NOTES:

1. ALL WORK DETAILED ON THESE PLANS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (LATEST ADDITION), INCLUDING ALL AMENDMENTS ADOPTED THERETO BEFORE THE DATE OF APPROVAL OF THESE PLANS, AND IN ACCORDANCE WITH THE STANDARD DRAWINGS OF THE CITY OF HARKER HEIGHTS, UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL COMPLY WITH ALL CURRENT OSHA REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.
3. CONTRACTOR SHALL COMPLY WITH ALL TCEQ RULES FOR UTILITY LINE LOCATIONS IN ACCORDANCE WITH 30 TAC 217.
4. ALL SANITARY SEWER MAINS SHALL BE SDR-26 PVC PIPE UNLESS OTHERWISE NOTED.
5. DOUBLE SEWER SERVICES SHALL CONSIST OF TWO SEPARATE 4-INCH DIAMETER PVC TAPS LOCATED IN THE SAME TRENCH.
6. UTILITIES HAVE BEEN LOCATED BY RECORD DRAWINGS AND VISIBLE APPURTENANCES. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS BEFORE CONSTRUCTION BEGINS.

STANDARD NOTES:

1. THE DEVELOPER, THROUGH HIS ENGINEER OR AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS CWA 401, 402 AND/OR 404 PERMITS, AS APPROPRIATE, FROM THE USEPA, TCEQ, AND/OR USACE.
2. TOPOGRAPHICAL INFORMATION IS PRESENTED FOR DRAINAGE ANALYSIS PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.
3. TOPOGRAPHICAL INFORMATION PRESENTED HEREIN IS DERIVED FROM TNRS DATA HUB HYPISOGRAPHIC DATA AND AN ONSITE GROUND SURVEY.
4. THE ENGINEER OF RECORD MUST BE NOTIFIED IMMEDIATELY IF ANY DISCREPANCIES IN THE PLANS EXIST.

UTILITY CONTRACTOR SHALL VERIFY LOCATION OF WATER AND SEWER SERVICES BEFORE TAPPING ANY LINES.



LEGEND

IRS	IRON ROD SET STAMPED "BRYAN TECHNICAL SERVICES"
IRF	IRON ROD FOUND
IRFC	IRON ROD FOUND WITH CAP
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
N.A.E.	NON-ACCESS EASEMENT
B.L.	BUILDING LINE
P.O.B.	POINT OF BEGINNING
B-B	BACK TO BACK OF CURB
R.O.W.	RIGHT-OF-WAY
()	DEED CALLS

**UTILITY PLAN OF:
CEDAR TRAILS**

24.383 ACRES 1,062,140.85 S.F.
70 LOTS, 3 BLOCKS AND 3 TRACTS INCLUDING:
3,368.90 L.F. OF NEW STREETS AND 4,797 A.C. OF R.O.W.
URIAH HUNT SURVEY, ABSTRACT #401, BELL COUNTY TEXAS
A SUBDIVISION IN THE CITY OF HARKER HEIGHTS, BELL COUNTY TEXAS



REVISIONS

10/1-S.L. LAYOUT
EXIST. W.L. LOCATION
10/15-W.L. LAYOUT



FIRM # F-13392

BELTON ENGINEERING INC.

106 NO. EAST STREET
BELTON, TEXAS 76513
OFFICE (254)731-5600
MOBILE (254)289-7273
BELTONENGINEERS.COM

*Engineering
Design/Build
Planning*

UTILITY PLAN OF:
CEDAR TRAILS
13436 E. KNIGHTS WAY
HARKER HEIGHTS, BELL COUNTY, TEXAS
CBBH HOLDINGS, LLC
3513 SW HK DODGEN LOOP STE 201
TEMPLE, TEXAS, 76502



10/15/21

SCALE: 1"=80'

DRAWN.: RR

ELEC. DRAWING FILE

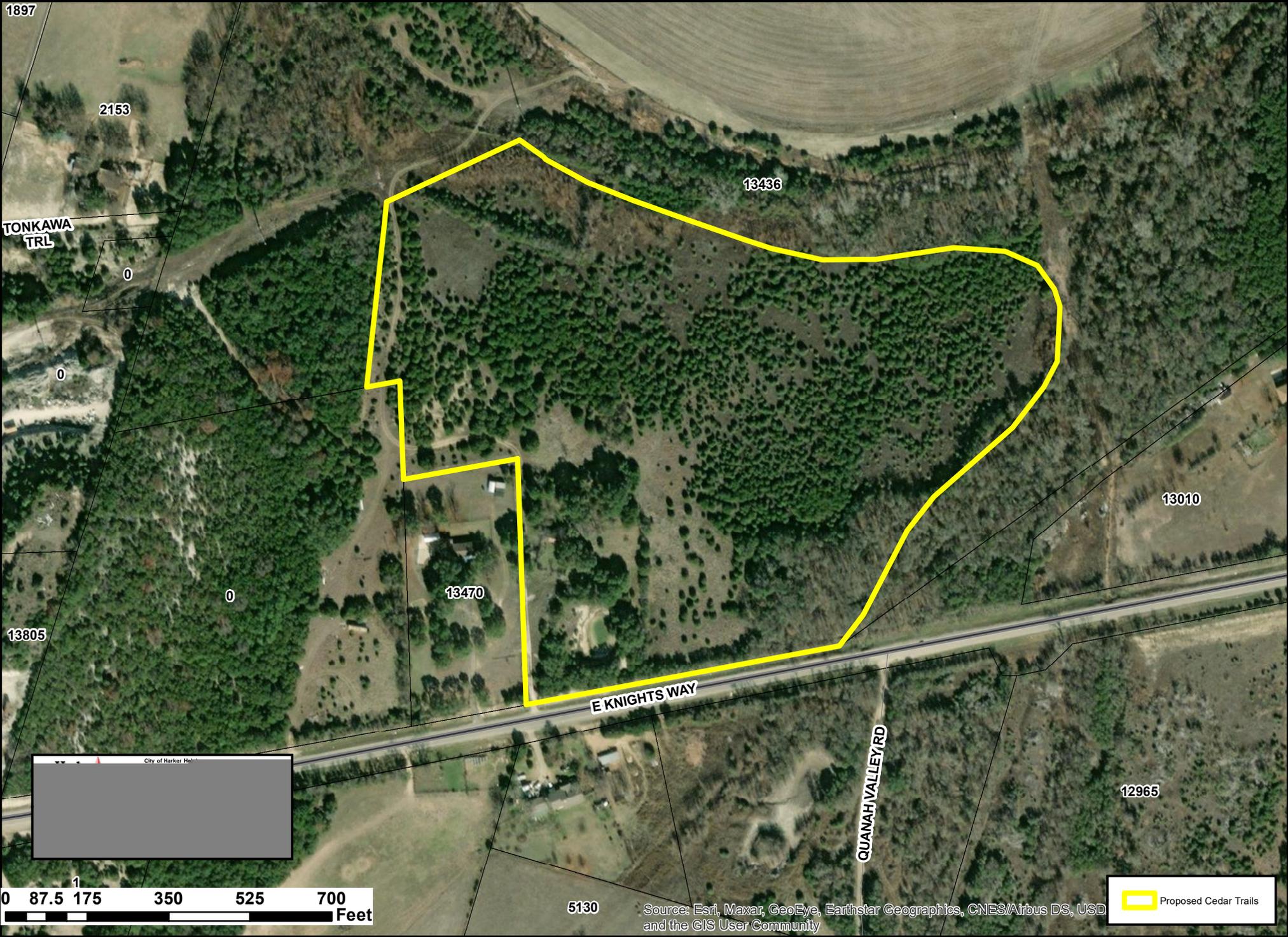
C:\20044-UP.DWG

DATE: 10/15/21

JOB NO.: 20044

02 OF 04

C2.0



CEDAR TRAILS

C21-06 Concept Plan – Cedar Trails

Plat Distributed to HH Staff: September 2, 2021
Comments Returned to Belton Engineering: September 10, 2021

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Plat Dedication Page: Applicant shall amend Note 6 such that it reflects that as of the date of submission (9/1/21) the area in the concept plan contains only R-1 zoning. The City Council will hear the rezoning request on 09/14/21 to both R1-A and R-1 (Tracts B & C) zoned parcels. If approved, then the applicant can then amend Note 6 to reflect both zoning designations.
2. Plat Dedication Page: Per §154.37(D)(8), due to the same or similar names in the 911 district and/or the City, the applicant shall change the names of the proposed Atlas Drive and Juniper Street.
3. Plat Dedication Page: Per §154.01 The Tract A flag lot shall be revised to meet the minimum 30-foot wide strip at the public ROW line. As illustrated only a 15-foot access strip is provided.
4. Plat Dedication Page: Applicant shall provide an additional note to clarify that the illustrated setbacks are based on the zoning ordinances at the time of platting and are provided for concept plan submission compliance purposes only.
5. Plat Dedication Page: Applicant shall provide a copy of the called 0.213 AC easement agreement for access Doc. No. 20200063037.
6. Plat Dedication Page: Per §154.20(d)6, applicant shall provide a typical for building placement and building envelopes.
7. For R-1 Zoning
 - a. Per §155.020(E) applicant shall amend the lot configuration in order to meet the minimum 8,400 square feet per lot with an average overall width of 70' and minimum lot frontage of 45'.
8. For R1-A Zoning of all lots except Tracts B&C
 - a. Per §155.022(D)(1) applicant shall amend the front yard setback line from 25' to the required 20'.
 - b. Per §155.022(D)(2) applicant shall amend the setback lines on the corner lots to all be 20' along the ROW (i.e. Lots 1,9 Block 3; Lots 3,17,19,26 Block 2; and Lot 4 Block 1).
 - c. Per §155.022(E)(2) applicant shall provide a second line table listing the front building line setback dimensions for all Lots with a front property line of less than 46 feet (i.e. Lots 6-10 Block 2 and Lots 7-11 Block 1).

9. The following items can be addressed during review of the preliminary plat and are provided for the Applicant's advanced reference.
 - a. Per §154.01, TXDOT approval for the two subdivision entrances, impacts to the drainage on FM 2410, and a 1 foot non-access easement along FM 2410 will be required prior to approval of a plat. Additionally, TXDOT may require a Traffic Impact Analysis of this development prior to approval of that above-mentioned items.
 - b. Plat Dedication Page: Applicant shall annotate the existing width of FM 2410 in the vicinity of this subdivision and provide the required right of way (ROW) to meet the 120' required ROW width for the major arterial FM 2410.
 - c. A wastewater stubout and manhole will be required at the west end of Deodar Drive.
 - d. The location of the proposed eastern wastewater connection shall not go under the proposed detention area. Said wastewater main will also require a minimum 15' utility easement.
 - e. Location of proposed manholes and wastewater lines will be evaluated at the preliminary plat review and may need to be extended or additional manholes added to the proposed layout. (ie. Cyprian Street manhole and line).

Public Works, Mark Hyde

1. R1-A Lot width. The width of the lot shall not be less than 46 feet at the front street building line, nor shall its average width be less than 46 feet. On corner lots, with two street frontages, the minimum width shall be not less than 55 feet. There are several lots with less than 46 feet of lot width at the street. The lots cannot be less than 4600 ft².
2. Provide written TxDOT approval for the two street connections at FM 2410.
3. Provide 250 watt HPS cobra head street lights at Cyprian Street/FM 2410 and Atlas Avenue/FM 2410.
4. The existing 16-inch water line is located on the south side of FM 2410.
5. Relocate manholes and sanitary sewer away from the drainage flume and detention facility.
6. Provide a 15' wide public utility easement for the offsite sanitary sewer.
7. Provide maintenance equipment access to the detention facility.
8. Regarding sanitary sewer capacity for this development, the City of Harker Heights has conducted an engineering study on the remaining sanitary sewer capacity of the Evergreen-Fawn Valley Lift Station, the Trimmier Lift Station and associated lift station force mains and receiving gravity sanitary

sewer mains. The sanitary sewer system serving this proposed subdivision is currently at capacity. Engineering design for the sanitary sewer expansion project is almost completed.

Consulting Engineer, Otto Wiederhold

1. Comments on drainage deferred until preliminary plans are submitted. Major concern will be detention design and outlet to exiting natural channel.

Fire Marshal, Brad Alley

1. No Comments.

Building Official, Mike Beard

1. Build-lines incorrect for R1-A (Garden Homes). Remove build-lines from plat.
2. Street name Juniper already present in Harker Heights. Change name to avoid confusion for fire and rescue.
3. Consider changing Cyprian to help avoid issues with Fire and Rescue.

TXDOT

1. The City has not received comments back from this reviewing entity and comments may be forthcoming.

CEDAR TRAILS

C21-06 Concept Plan – Cedar Trails

Plat Distributed to HH Staff: **October 6, 2021**

Comments Returned to Belton Engineering: **October 14, 2021**

Resubmission Comments Returned to Belton Engineering: **October 20, 2021**

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Plat Dedication Page: Applicant shall amend Note 6 such that it reflects that as of the date of submission (9/1/21) the area in the concept plan contains only R-1 zoning. The City Council will hear the rezoning request on 09/14/21 to both R1-A and R-1 (Tracts B & C) zoned parcels. If approved, then the applicant can then amend Note 6 to reflect both zoning designations. **10/13/21 Met.**
2. Plat Dedication Page: Per §154.37(D)(8), due to the same or similar names in the 911 district and/or the City, the applicant shall change the names of the proposed Atlas Drive and Juniper Street. **10/13/21 Met.**
3. Plat Dedication Page: Per §154.01 The Tract A flag lot shall be revised to meet the minimum 30-foot wide strip at the public ROW line. As illustrated only a 15-foot access strip is provided. **10/13/21 Met.**
4. Plat Dedication Page: Applicant shall provide an additional note to clarify that the illustrated setbacks are based on the zoning ordinances at the time of platting and are provided for concept plan submission compliance purposes only. **10/13/21 Partially Met. Based on the response to item 8.a. the applicant is wanting to designate more restrictive setbacks than those required in the current zoning. The note shall be amended accordingly prior to the meeting with the P&Z. 10/20/21 Met.**
5. Plat Dedication Page: Applicant shall provide a copy of the called 0.213 AC easement agreement for access Doc. No. 20200063037. **10/13/21 Met.**
6. Plat Dedication Page: Per §154.20(d)6, applicant shall provide a typical for building placement and building envelopes. **10/13/21 Met.**
7. For R-1 Zoning
 - a. Per §155.020(E) applicant shall amend the lot configuration in order to meet the minimum 8,400 square feet per lot with an average overall width of 70' and minimum lot frontage of 45'. **10/13/21 Met.**
8. For R1-A Zoning of all lots except Tracts B&C

- a. Per §155.022(D)(1) applicant shall amend the front yard setback line from 25' to the required 20'. **10/13/21 Response Noted.**
 - b. Per §155.022(D)(2) applicant shall amend the setback lines on the corner lots to all be 20' along the ROW (i.e. Lots 1,9 Block 3; Lots 3,17,19,26 Block 2; and Lot 4 Block 1). **10/13/21 Met.**
 - c. Per §155.022(E)(2) applicant shall provide a second line table listing the front building line setback dimensions for all Lots with a front property line of less than 46 feet (i.e. Lots 6-10 Block 2 and Lots 7-11 Block 1). **10/13/21 Met.**
9. The following items can be addressed during review of the preliminary plat and are provided for the Applicant's advanced reference.
- a. Per §154.01, TXDOT approval for the two subdivision entrances, impacts to the drainage on FM 2410, and a 1 foot non-access easement along FM 2410 will be required prior to approval of a plat. Additionally, TXDOT may require a Traffic Impact Analysis of this development prior to approval of that above-mentioned items. **10/13/21 Response Noted.**
 - b. Plat Dedication Page: Applicant shall annotate the existing width of FM 2410 in the vicinity of this subdivision and provide the required right of way (ROW) to meet the 120' required ROW width for the major arterial FM 2410.
 - c. A wastewater stubout and manhole will be required at the west end of Deodar Drive. **10/13/21 Response Noted.**
 - d. The location of the proposed eastern wastewater connection shall not go under the proposed detention area. Said wastewater main will also require a minimum 15' utility easement. **10/13/21 Response Noted.**
 - e. Location of proposed manholes and wastewater lines will be evaluated at the preliminary plat review and may need to be extended or additional manholes added to the proposed layout. (ie. Cyprian Street manhole and line).

Public Works, Mark Hyde

1. The water line layout is not correct. There is not a 16-inch water line on the north side of FM 2410. An 8-inch water line was extended across FM 2410 terminating into the existing fire hydrant on the north side of FM 2410, see Bore No. 2 on the attached drawing. It may be more economical to extend the existing 8-inch water line across the property than making two road bores across FM 2410. **10/20/21 Met.**
2. Provide written TxDOT approval for the two street connections at FM 2410. **10/20/21 Met.**
3. Regarding sanitary sewer capacity for this development, the City of Harker Heights has conducted an engineering study on the remaining sanitary sewer capacity of the Evergreen-

Fawn Valley Lift Station, the Trimmier Lift Station and associated lift station force mains and receiving gravity sanitary sewer mains. The sanitary sewer system serving this proposed subdivision is currently at capacity. Engineering design for the sanitary sewer expansion project is almost completed.

See water plans on onedrive link attached to email.

- 1. Loop the water line on the Cedrus Drive cul-de-sac to the water line on Cedar Trails. Provide a 15' wide public utility easement. 10/21/21**
- 2. Extend the proposed 8-inch water line along FM 2410 to the eastern property line and provide a flush assembly. 10/21/21**

Consulting Engineer, Otto Wiederhold

1. Comments on drainage deferred until preliminary plans are submitted. Major concern will be detention design and outlet to exiting natural channel.

Fire Marshal, Brad Alley

1. No further comments. 10/13/2021

Building Official, Mike Beard

1. No Comments 10/13/21

ONCOR

1. Oncor would need a 15ft easement so we can serve the locations. 10/13/21. **10/20/21 Met.**

TXDOT

1. The City has not received comments back from this reviewing entity and comments may be forthcoming.

CEDAR TRAILS

C21-06 Concept Plan – Cedar Trails

Plat Distributed to HH Staff: September 2, 2021
Comments Returned to Belton Engineering: September 10, 2021

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Plat Dedication Page: Applicant shall amend Note 6 such that it reflects that as of the date of submission (9/1/21) the area in the concept plan contains only R-1 zoning. The City Council will hear the rezoning request on 09/14/21 to both R1-A and R-1 (Tracts B & C) zoned parcels. If approved, then the applicant can then amend Note 6 to reflect both zoning designations. **Note 6 reflects latest rezoning request from 09/14 meeting.**
2. Plat Dedication Page: Per §154.37(D)(8), due to the same or similar names in the 911 district and/or the City, the applicant shall change the names of the proposed Atlas Drive and Juniper Street. **Atlas Drive and Juniper Street changed to Cedar Trails and Cedrus Drive respectively.**
3. Plat Dedication Page: Per §154.01 The Tract A flag lot shall be revised to meet the minimum 30-foot wide strip at the public ROW line. As illustrated only a 15-foot access strip is provided. **Tract A revised to meet 30' wide requirement.**
4. Plat Dedication Page: Applicant shall provide an additional note to clarify that the illustrated setbacks are based on the zoning ordinances at the time of platting and are provided for concept plan submission compliance purposes only. **See concept plan Note 7.**
5. Plat Dedication Page: Applicant shall provide a copy of the called 0.213 AC easement agreement for access Doc. No. 20200063037. **Attached is a copy of easement recorded in Doc. No. 20200063037.**
6. Plat Dedication Page: Per §154.20(d)6, applicant shall provide a typical for building placement and building envelopes. **Three insets provided on concept plan to show typical building envelopes and setback lines.**
7. For R-1 Zoning
 - a. Per §155.020(E) applicant shall amend the lot configuration in order to meet the minimum 8,400 square feet per lot with an average overall width of 70' and minimum lot frontage of 45'. **Noted.**
8. For R1-A Zoning of all lots except Tracts B&C
 - a. Per §155.022(D)(1) applicant shall amend the front yard setback line from 25' to the required 20'. **Front yar setback lines to remain as 25' per meeting between engineer and city staff conducted on 09/23/2021.**

- b. Per §155.022(D)(2) applicant shall amend the setback lines on the corner lots to all be 20' along the ROW (i.e. Lots 1,9 Block 3; Lots 3,17,19,26 Block 2; and Lot 4 Block 1). **Setback lines on corner lots revised to 20' along the ROW.**
 - c. Per §155.022(E)(2) applicant shall provide a second line table listing the front building line setback dimensions for all Lots with a front property line of less than 46 feet (i.e. Lots 6-10 Block 2 and Lots 7-11 Block 1). **Lines for lots in question provided on the Line Table (starting at L62).**
9. The following items can be addressed during review of the preliminary plat and are provided for the Applicant's advanced reference. **Noted.**
- a. Per §154.01, TXDOT approval for the two subdivision entrances, impacts to the drainage on FM 2410, and a 1 foot non-access easement along FM 2410 will be required prior to approval of a plat. Additionally, TXDOT may require a Traffic Impact Analysis of this development prior to approval of that above-mentioned items. **TxDOT concurrence added to this submission.**
 - b. Plat Dedication Page: Applicant shall annotate the existing width of FM 2410 in the vicinity of this subdivision and provide the required right of way (ROW) to meet the 120' required ROW width for the major arterial FM 2410. **Noted.**
 - c. A wastewater stubout and manhole will be required at the west end of Deodar Drive. **Wastewater cleanout added at the west end of Deodar Drive.**
 - d. The location of the proposed eastern wastewater connection shall not go under the proposed detention area. Said wastewater main will also require a minimum 15' utility easement. **Wastewater layout reconfigured.**
 - e. Location of proposed manholes and wastewater lines will be evaluated at the preliminary plat review and may need to be extended or additional manholes added to the proposed layout. (ie. Cyprian Street manhole and line). **Noted.**

Public Works, Mark Hyde

1. R1-A Lot width. The width of the lot shall not be less than 46 feet at the front street building line, nor shall its average width be less than 46 feet. On corner lots, with two street frontages, the minimum width shall be not less than 55 feet. There are several lots with less than 46 feet of lot width at the street. The lots cannot be less than 4600 ft². **Lot area checked and confirmed. All lots meet minimum width requirement at front building setback line.**
2. Provide written TxDOT approval for the two street connections at FM 2410. **TxDOT concurrence added to this submission.**

3. Provide 250 watt HPS cobra head street lights at Cyprian Street/FM 2410 and Atlas Avenue/FM 2410. **250 watt HPS cobra head street light added to intersection of Cedro Avenue/FM 2410 and Cedar Trails/FM 2410.**
4. The existing 16-inch water line is located on the south side of FM 2410. **Waterline location revised.**
5. Relocate manholes and sanitary sewer away from the drainage flume and detention facility. **Wastewater main relocated out of the detention area.**
6. Provide a 15' wide public utility easement for the offsite sanitary sewer. **15' wide public utility easement will be provided upon acceptance of alignment.**
7. Provide maintenance equipment access to the detention facility. **Tract A access increase to total width of 30'.**
8. Regarding sanitary sewer capacity for this development, the City of Harker Heights has conducted an engineering study on the remaining sanitary sewer capacity of the Evergreen-Fawn Valley Lift Station, the Trimmier Lift Station and associated lift station force mains and receiving gravity sanitary sewer mains. The sanitary sewer system serving this proposed subdivision is currently at capacity. Engineering design for the sanitary sewer expansion project is almost completed. **Noted.**

Consulting Engineer, Otto Wiederhold

1. Comments on drainage deferred until preliminary plans are submitted. Major concern will be detention design and outlet to exiting natural channel. **Noted.**

Fire Marshal, Brad Alley

1. No Comments.

Building Official, Mike Beard

1. Build-lines incorrect for R1-A (Garden Homes). Remove build-lines from plat. **Building lines revised per Planning and Engineer meeting.**
2. Street name Juniper already present in Harker Heights. Change name to avoid confusion for fire and rescue. **Juniper Street changed to Cedrus Drive.**
3. Consider changing Cyprian to help avoid issues with Fire and Rescue. **Cyprian changed to Cedro Avenue.**

TXDOT

1. The City has not received comments back from this reviewing entity and comments may be forthcoming.



Richard Rogers <rrogers@beltonengineers.com>

Re: Harker Heights - TIA for review

Lina Chtay <lchtay@beltonengineers.com>

Wed, Sep 1, 2021 at 11:34 AM

To: Stephen Kasberg <Stephen.Kasberg@txdot.gov>

Cc: Scott Israelson <scott@traffic-impact.com>, Richard Rangel Jr <Richard.Rangel@txdot.gov>, Richard Rogers <Rogers@beltonengineers.com>

Stephen,

We will place a 1' non access easement on the two tracts at time of platting.

Thank you

Lina Chtay, P.E., CFM

Principal Engineer

Belton Engineering Inc.

106 N. East Street

Belton, Texas, 76513

Office: 254-731-5600

Cell: 254-289-7273

www.beltonengineers.com

On Wed, Sep 1, 2021 at 10:24 AM Stephen Kasberg <Stephen.Kasberg@txdot.gov> wrote:

Scott,

Thanks for the information. I am requesting that the 1' non-access easement be recorded in the deeds/survey documents along the state ROW for any future developments that go into those locations. They will not meet spacing criteria if a future driveway is requested. Please let me know if we need to setup a quick teams meeting about this.

Thanks.

Stephen

From: Scott Israelson [mailto:scott@traffic-impact.com]

Sent: Wednesday, September 1, 2021 9:28 AM

To: Stephen Kasberg <Stephen.Kasberg@txdot.gov>

Cc: Lina Chtay <lchtay@beltonengineers.com>

Subject: RE: Harker Heights - TIA for review

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Stephen, I had a chance to get with the development team and they understand and agree with your comment. The future development will have access to/from the two accesses shown and will not have driveways onto the FM road.

Let me know if I can help with anything else. Thanks and have a good day!

Scott P. Israelson, P.E., PTOE



1431 Greenway Drive, Suite 800

Irving TX 75038

972.358.6383

scott@traffic-impact.com

www.traffic-impact.com

From: Stephen Kasberg <Stephen.Kasberg@txdot.gov>
Sent: Tuesday, August 31, 2021 12:05
To: Scott Israelson <scott@traffic-impact.com>
Subject: RE: Harker Heights - TIA for review

Scott,

My comment is that for the two tracts that have no development shown, where is their access going to come from? If we allow two driveways for the housing development, then I will not allow access along the FM road for those. The access will have to come from the two access point shown, not from state ROW.

Stephen

From: Scott Israelson [<mailto:scott@traffic-impact.com>]
Sent: Tuesday, August 31, 2021 11:01 AM
To: Stephen Kasberg <Stephen.Kasberg@txdot.gov>
Subject: RE: Harker Heights - TIA for review

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Stephen, my apologies for not following up but I did not hear back from Billy. Let me know if you all have any questions or comments about the submittal. I think Billy's main concern was that the project would

need turn lanes, and that would be the case if there were only one access, but the developer proposes two accesses which split the trips and they fall below the threshold. Thanks for checking in and have a great day.

Scott P. Israelson, P.E., PTOE



1431 Greenway Drive, Suite 800

Irving TX 75038

972.358.6383

scott@traffic-impact.com

www.traffic-impact.com

From: Stephen Kasberg <Stephen.Kasberg@txdot.gov>
Sent: Tuesday, August 31, 2021
To: Scott Israelson <scott@traffic-impact.com>
Cc: David Wright <dave@traffic-impact.com>; Lina Chtay <lchtay@beltonengineers.com>; Richard Rangel Jr <Richard.Rangel@txdot.gov>
Subject: RE: Harker Heights - TIA for review

Scott,

Did Billy respond to this email? Billy has retired and I wanted to close the loop on this. Richard Rangel is the new permit coordinator for the office.

Stephen

From: Scott Israelson [<mailto:scott@traffic-impact.com>]
Sent: Tuesday, August 10, 2021 12:42 PM
To: Stephen Kasberg <Stephen.Kasberg@txdot.gov>; Billy Tweedle <Billy.Tweedle@txdot.gov>
Cc: David Wright <dave@traffic-impact.com>; Lina Chtay <lchtay@beltonengineers.com>
Subject: Harker Heights - TIA for review

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Stephen and Billy, my apologies for the tardiness in submitting the study. It is attached for your review and approval and please let me know if you all have any comments or questions. The highlight of the study is that the development having two connection points to FM 2410 splits the traffic volumes and the accesses fall below DOT thresholds for turn lanes. Thank you much and have a great day.

Scott P. Israelson, P.E., PTOE



1431 Greenway Drive, Suite 800

Irving TX 75038

972.358.6383

scott@traffic-impact.com

www.traffic-impact.com

A Texas Department of Transportation message

HELP
#EndTheStreakTX

A black rectangular graphic with white and yellow text. The word "HELP" is in a white, handwritten-style font. Below it, "#EndTheStreakTX" is in a bold, yellow, sans-serif font.

End the streak of daily deaths
on Texas roadways.

A Texas Department of Transportation message

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A Texas Department of Transportation message

HELP

#EndTheStreakTX

End the streak of daily deaths
on Texas roadways.

CEDAR TRAILS

C21-06 Concept Plan – Cedar Trails

Plat Distributed to HH Staff: October 6, 2021
Comments Returned to Belton Engineering: October 14, 2021

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Plat Dedication Page: Applicant shall amend Note 6 such that it reflects that as of the date of submission (9/1/21) the area in the concept plan contains only R-1 zoning. The City Council will hear the rezoning request on 09/14/21 to both R1-A and R-1 (Tracts B & C) zoned parcels. If approved, then the applicant can then amend Note 6 to reflect both zoning designations. **10/13/21 Met.**
2. Plat Dedication Page: Per §154.37(D)(8), due to the same or similar names in the 911 district and/or the City, the applicant shall change the names of the proposed Atlas Drive and Juniper Street. **10/13/21 Met.**
3. Plat Dedication Page: Per §154.01 The Tract A flag lot shall be revised to meet the minimum 30-foot wide strip at the public ROW line. As illustrated only a 15-foot access strip is provided. **10/13/21 Met.**
4. Plat Dedication Page: Applicant shall provide an additional note to clarify that the illustrated setbacks are based on the zoning ordinances at the time of platting and are provided for concept plan submission compliance purposes only. **10/13/21 Partially Met. Based on the response to item 8.a. the applicant is wanting to designate more restrictive setbacks than those required in the current zoning. The note shall be amended accordingly prior to the meeting with the P&Z. Note 7 modified.**
5. Plat Dedication Page: Applicant shall provide a copy of the called 0.213 AC easement agreement for access Doc. No. 20200063037. **10/13/21 Met.**
6. Plat Dedication Page: Per §154.20(d)6, applicant shall provide a typical for building placement and building envelopes. **10/13/21 Met.**
7. For R-1 Zoning
 - a. Per §155.020(E) applicant shall amend the lot configuration in order to meet the minimum 8,400 square feet per lot with an average overall width of 70' and minimum lot frontage of 45'. **10/13/21 Met.**
8. For R1-A Zoning of all lots except Tracts B&C
 - a. Per §155.022(D)(1) applicant shall amend the front yard setback line from 25' to the required 20'. **10/13/21 Response Noted.**

- b. Per §155.022(D)(2) applicant shall amend the setback lines on the corner lots to all be 20' along the ROW (i.e. Lots 1,9 Block 3; Lots 3,17,19,26 Block 2; and Lot 4 Block 1). **10/13/21 Met.**
 - c. Per §155.022(E)(2) applicant shall provide a second line table listing the front building line setback dimensions for all Lots with a front property line of less than 46 feet (i.e. Lots 6-10 Block 2 and Lots 7-11 Block 1). **10/13/21 Met.**
9. The following items can be addressed during review of the preliminary plat and are provided for the Applicant's advanced reference.
- a. Per §154.01, TXDOT approval for the two subdivision entrances, impacts to the drainage on FM 2410, and a 1 foot non-access easement along FM 2410 will be required prior to approval of a plat. Additionally, TXDOT may require a Traffic Impact Analysis of this development prior to approval of that above-mentioned items. **10/13/21 Response Noted.**
 - b. Plat Dedication Page: Applicant shall annotate the existing width of FM 2410 in the vicinity of this subdivision and provide the required right of way (ROW) to meet the 120' required ROW width for the major arterial FM 2410.
 - c. A wastewater stubout and manhole will be required at the west end of Deodar Drive. **10/13/21 Response Noted.**
 - d. The location of the proposed eastern wastewater connection shall not go under the proposed detention area. Said wastewater main will also require a minimum 15' utility easement. **10/13/21 Response Noted.**
 - e. Location of proposed manholes and wastewater lines will be evaluated at the preliminary plat review and may need to be extended or additional manholes added to the proposed layout. (ie. Cyprian Street manhole and line). **Noted**

Public Works, Mark Hyde

1. The water line layout is not correct. There is not a 16-inch water line on the north side of FM 2410. An 8-inch water line was extended across FM 2410 terminating into the existing fire hydrant on the north side of FM 2410, see Bore No. 2 on the attached drawing. It may be more economical to extend the existing 8-inch water line across the property than making two road bores across FM 2410. **Water line realigned and internally looped.**
2. Provide written TxDOT approval for the two street connections at FM 2410. **TxDOT approval provided.**
3. Regarding sanitary sewer capacity for this development, the City of Harker Heights has conducted an engineering study on the remaining sanitary sewer capacity of the Evergreen-Fawn Valley Lift Station, the Trimmier Lift Station and associated lift station force mains and

receiving gravity sanitary sewer mains. The sanitary sewer system serving this proposed subdivision is currently at capacity. Engineering design for the sanitary sewer expansion project is almost completed. **Noted**

See water plans on onedrive link attached to email.

Consulting Engineer, Otto Wiederhold

1. Comments on drainage deferred until preliminary plans are submitted. Major concern will be detention design and outlet to exiting natural channel. **Noted**

Fire Marshal, Brad Alley

1. No further comments. 10/13/2021

Building Official, Mike Beard

1. No Comments 10/13/21

ONCOR

1. Oncor would need a 15ft easement so we can serve the locations. 10/13/21 **Noted**

TXDOT

1. The City has not received comments back from this reviewing entity and comments may be forthcoming. **Noted**



Richard Rogers <rrogers@beltonengineers.com>

Cedar Trails - TxDOT approval

Stephen Kasberg <Stephen.Kasberg@txdot.gov>

Fri, Oct 15, 2021 at 10:09 AM

To: Richard Rogers <Rrogers@beltonengineers.com>, Richard Rangel Jr <Richard.Rangel@txdot.gov>

Cc: Lina Chtay <lchtay@beltonengineers.com>

Richard,

Richard Rangel is out this morning so I'll go ahead and answer that TxDOT has no further comments and agrees with the changes made to this plat.

Stephen

From: Richard Rogers [mailto:Rrogers@beltonengineers.com]

Sent: Friday, October 15, 2021 10:05 AM

To: Richard Rangel Jr <Richard.Rangel@txdot.gov>

Cc: Lina Chtay <lchtay@beltonengineers.com>; Stephen Kasberg <Stephen.Kasberg@txdot.gov>

Subject: Cedar Trails - TxDOT approval

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Richard,

Please see the attached concept plan for Cedar Trails. We placed the 1' non-access across the frontage of the property as requested by TxDOT on Sep. 1st.

Please review and send us an acceptance email for the city of Harker Heights' review team.

Thank you,

--

Richard Rogers

Design Engineer

Belton Engineering Inc.

106 N. East Street

Belton, Texas, 76513
Office: 254-731-5600
Cell: 806-438-6352
www.beltonengineers.com

A Texas Department of Transportation message

HELP

#EndTheStreakTX

End the streak of daily deaths
on Texas roadways.



CITY COUNCIL MEMORANDUM

P21-29

AGENDA ITEM# VIII-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

DISCUSS AND CONSIDER APPROVING A REQUEST FOR A PRELIMINARY PLAT REFERRED TO AS STILLHOUSE LAKE ROAD ADDITION ON PROPERTY DESCRIBED AS R.W. TOM SURVEY, ABSTRACT NO. 837, AND THE LUCY O'DELL SURVEY, ABSTRACT NO. 644, AND THE LAND HEREIN DESCRIBED BEING ALL OF THAT CERTAIN CALLED 1.50 ACRE TRACT OF LAND CONVEYED TO STAR STILLHOUSE PROPERTIES, LLC, A TEXAS LIMITED LIABILITY COMPANY, BY CORRECTION SPECIAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN DOCUMENT 2021000947, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS, GENERALLY LOCATED ON THE EAST SIDE OF STILLHOUSE LAKE ROAD AND NORTH OF NEVAEH ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicant submitted an application for preliminary plat approval for approximately 1.50 acres of vacant land located on Stillhouse Lake Road. The proposed development will consist of 1 (one) lot that is currently zoned Secondary and Highway Business District (B-4). The applicant indicated that the proposed use for this parcel is a Convenience Store/Gas Station. The proposed subdivision is located within the Knight's Way Overlay District, and any development within this subdivision will be required to comply with standards set forth in the Overlay District.

As of October 14, 2021 staff had reviewed the submitted preliminary plat and engineering plans and made comments to address safety, drainage, water and wastewater utilities and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

STAFF RECOMMENDATION:

On October 14, 2021, staff returned comments to the applicant. On October 19, 2021, the applicant submitted revisions based on the October 14th comments. Comments on revisions have been substantially met, with remaining comments being related to the construction phase and TxDOT approval of the Final Plat, staff therefore recommended approval of the Preliminary Plat to the Planning & Zoning Commission for the subdivision referred to as Stillhouse Lake Road Addition.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on October 27, 2021, the Planning and Zoning Commission voted (5-1) to recommend approval of a Preliminary Plat for the subdivision referred to as Stillhouse Lake Road Addition on property described as R.W. Tom survey, abstract No. 837, and the Lucy O’Dell Survey, Abstract No. 644, and the land herein described being all of that certain called 1.50 acre tract of land conveyed to Star Stillhouse Properties, LLC, a Texas Limited Liability Company, by Correction Special Warranty Deed with Vendor’s Lien recorded in Document 2021000947, Official Public Records of Bell County, Texas, generally located on the east side of Stillhouse Lake Road and north of Nevaeh Road, Harker Heights, Bell County, Texas.

The one dissenting Planning and Zoning Commissioner indicated concerns with adverse impacts to adjoining properties.

ACTION BY THE CITY COUNCIL:

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for Preliminary Plat for the subdivision referred to as Stillhouse Lake Road Addition on property described as R.W. Tom survey, abstract No. 837, and the Lucy O’Dell Survey, Abstract No. 644, and the land herein described being all of that certain called 1.50 acre tract of land conveyed to Star Stillhouse Properties, LLC, a Texas Limited Liability Company, by Correction Special Warranty Deed with Vendor’s Lien recorded in Document 2021000947, Official Public Records of Bell County, Texas, generally located on the east side of Stillhouse Lake Road and north of Nevaeh Road, Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Field notes
3. Dedication
4. Concept Plan
5. Dumpster Plan
6. Stillhouse Lake Road Addition - Preliminary Plat
7. Stillhouse Lake Road Addition - Preliminary Engineering Documents
8. Location Map
9. Staff Comments with Responses (Comments sent 10/14/2021 and 10/20/21, Revisions received 10/19/2021)



Preliminary Plat Application

The Bright Star Of
Central Texas

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

Requirements - APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED

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

1. Pre-Application Meeting with Staff to ensure applicability
2. Payment of \$500.00 + \$25/per lot
3. Signed Original Field Notes and Dedication Pages
4. Paper Plan Submissions: Ten (10) Copies of the Plat and Seven (7) Copies of Preliminary Engineering Drawings
5. Electronic Submission of all documents for review delivered to Planning Administrative Assistant

Property Information:

Plat Name: Stillhouse Road Addition Date Submitted: 9/1/2021

Existing Lot Count: _____ Proposed Lot Count: 1 Proposed Units: _____ Acreage: 1.499

Existing Land Use: Vacant/Agriculture Proposed Land Use: Commercial

Site Address or General Location: East of Stillhouse Lake Road and more or less 120' north of the Nevaeh Road

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

Owner Information & Authorization:

Property Owner: Star Stillhouse Properties, LLC

Address: _____

Phone: _____ E-Mail: _____

Developer: Star Stillhouse Properties, LLC

Address: _____

Phone: _____ E-Mail: _____

Engineer/Surveyor: Belton Engineering, Inc

Address: 106 N. East Street

Phone: 254-731-5600 E-Mail: lchtay@beltonengineers.com

CHECK ONE OF THE FOLLOWING:

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

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

Mustaqali Momin

Printed Name of Owner

[Signature]

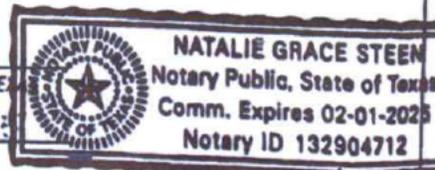
Signature of Owner

SWORN AND SUBSCRIBED BEFORE ME ON THIS 31
DAY OF August, 2021.

Natalie Steen

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 2-1-2023



STAFF ONLY -- DO NOT FILL OUT

Date Submitted: _____ Received By: _____ Receipt #: _____

EXHIBIT "A" – 1.499 ACRES

Being a tract of land in Bell County, Texas, lying and situated in the **R.W. TOM SURVEY, ABSTRACT NO. 837, and the LUCY O'DELL SURVEY, ABSTRACT NO. 644**, and the land herein described being the all of that certain called 1.50 acre tract of land conveyed to Star Stillhouse Properties, LLC, a Texas Limited Liability Company, by Correction Special Warranty Deed with Vendor's Lien recorded in Document 2021000947, Official Public Records of Bell County, Texas (OPRBCT), and being more fully described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found with a cap "M&A" (North=10355584.546, East=3134885.461) at the common corner of said 1.50 acre Star Properties tract (southwest corner), and at the northwest corner of Cedarbrook Ridge Phase One Amended, an addition dedicated to the City of Harker Heights, Texas according to the plat number 107-C, recorded in Instrument 2018-26935, Plat Records of Bell County, Texas (PRBCT) and in the east right of way line of Stillhouse Lake Road (also known as Farm-to-Market Road No. 3481), a State of Texas maintained roadway;

THENCE NORTH 15°38'15" EAST, with the common line of said 1.50 acre Star Properties tract (west line) and Stillhouse Lake Road (east line), a distance of **233.05 feet** to a 5/8" iron rod found with a cap "ACS" in the east right of way line of Stillhouse Lake Road, at the common corner of said 1.50 acre Star Properties tract (northwest corner), and that certain remainder tract of a called 490.1 acre tract of land conveyed to James Dennis Magill by Deed recorded in Volume 1177, Page 145, Deed Records of Bell County, Texas (DRBCT) (southwest corner);

THENCE SOUTH 74°24'56" EAST, with the common line of said 1.50 acre Star Properties tract (north line) and said James Dennis remainder tract (south line), a distance of **280.15 feet** to a 5/8" iron rod found with a cap "ACS" at the common corner of said 1.50 acre Star Properties tract (northeast corner), and said James Dennis remainder tract (southeast corner), and in the west line of Cedarbrook Ridge Phase III, an addition dedicated to the City of Harker Heights, Texas according to the plat recorded in Instrument 2021-2921A, PRBCT;

THENCE SOUTH 15°35'19" WEST, with the common line of said 1.50 acre Star Properties tract (east line) and Cedarbrook Ridge Phase III (west line), at 230.87 feet passing a iron rod found lies 0.03 feet left (measured in a perpendicular fashion) from the common line, an overall distance of **233.05 feet** to a 1/2" iron rod found at the common corner of said 1.50 acre Star Properties tract (southeast corner), and Cedarbrook Ridge Phase III (an interior corner), and in the north line of Cedarbrook Ridge Phase I Amended;

STATE OF TEXAS
COUNTY OF BELL

DATE OF SURVEY
01/21/21

THENCE, with the common line of said 1.50 acre Star Properties tract (south line) and Cedarbrook Ridge Phase I Amended (north line), **NORTH 74°24'52" WEST**, at 55.51 feet passing a 1/2" iron rod found lies 0.31 feet south (measured in a perpendicular fashion) and at 143.26 feet passing an iron found with a cap lies 0.28 feet south (measured in a perpendicular fashion) from the common line, **280.35 feet** to the **POINT OF BEGINNING** and containing **1.499 acres of land**. (65,311.355 S.F.)

STATE OF TEXAS
COUNTY OF BELL

DATE OF SURVEY
01/21/2021

1.499 ACRES

I, Bruce L. Bryan, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground under my supervision.

Bruce Lane Bryan
Registered Professional Land Surveyor #4249
TSPLS FIRM No. 10128500
www.bryantechnicalservices.com

Date

NOTE: Bearings shown hereon based on Texas State plane coordinate system (Central Zone 4203, NAD 83, 93 Adjustments. Distances are shown as grid values.
See attached surveyor's plat, which accompanies this set of field notes.

**DEDICATION INSTRUMENT for:
STILLHOUSE LAKE ROAD ADDITION
AN ADDITION TO THE CITY OF
HARKER HEIGHTS, BELL COUNTY, TEXAS**

STATE OF TEXAS §

COUNTY OF BELL §

WHEREAS, STAR STILLHOUSE PROPERTIES LLC, a Texas limited liability company, hereinafter referred to as Grantor, being the sole owner of that 1.499 acre tract of land described by metes and bounds in a survey prepared by Bryan Technical Services, Inc., Registered Professional Land Surveyor, dated the 11th day of January 2021, which Field Notes are attached hereto as Exhibit A and made a part hereof as fully as if written verbatim, does hereby name and designate said tract as **Stillhouse Lake Road Addition**, an addition to the City of Harker Heights, Bell County, Texas and does hereby adopt the attached map and plat thereof and does hereby agree that all future sales and conveyances of said property shall be by reference to said plat and dedication.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

Grantor does hereby give, grant and convey to the City of Harker Heights, Texas, its assignees and franchisees furnishing public utilities in said subdivision, hereinafter collectively referred to as Grantee, the easements as shown on said plat for drainage purposes and for the installation, operation, maintenance, repair, use and replacement of all public utility lines, including electric power, water, sewer, gas and telephone, and reference is hereby made to such plat for the location of such easements.

Grantor does hereby give, grant and convey to the City of Harker Heights, Texas, and to the general public, for public use and for public purposes the streets, avenues and roadways as shown on said plat.

The Grantee shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, included but not limited to, the free right of ingress or egress over and across said lands to and from said easements to construct, reconstruct and maintain same.

TO HAVE AND TO HOLD the easements and right-of-ways, together with all and singular the rights and privileges thereto in any manner belonging unto the said Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to **WARRANT AND FOREVER DEFEND** all and singular the said premises unto the said City of Harker Heights, Texas, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this the _____ day of _____, 2021

BY: _____
Mustaqali Momin
Star Stillhouse Properties, LLC
A Texas limited liability company

STATE OF TEXAS §

COUNTY OF BELL §

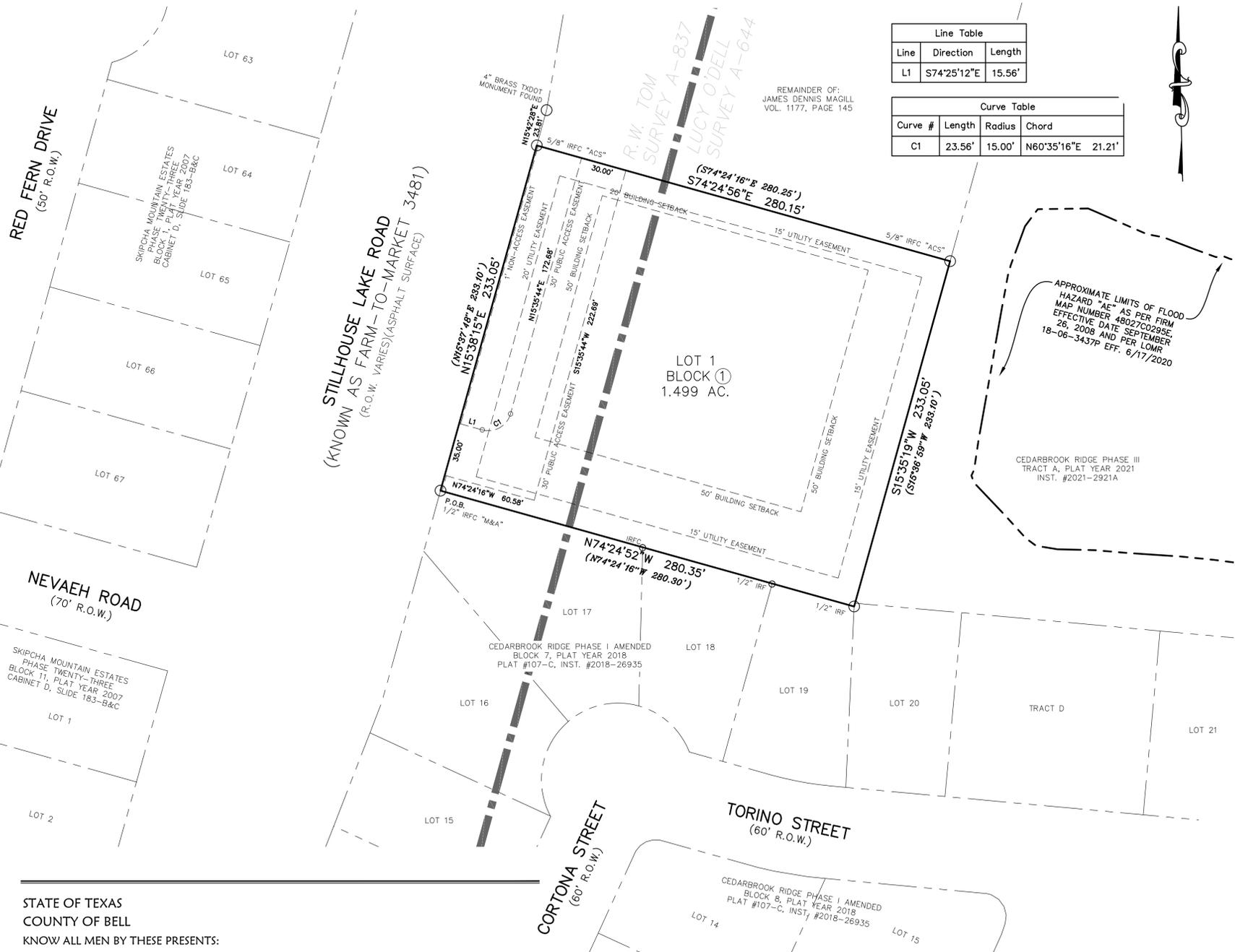
BEFORE ME, the undersigned authority, on this day personally appeared Mustaqali Momin of Star Stillhouse Properties, LLC, a Texas limited liability company, known to me to be the persons and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.

Given under my hand and seal of office this the _____ day of _____, 2021

Notary Public in and for the State of Texas

APPROVED AS TO FORM:

City Attorney's Office



Line Table		
Line	Direction	Length
L1	S74°25'12"E	15.56'

Curve Table			
Curve #	Length	Radius	Chord
C1	23.56'	15.00'	N60°35'16"E 21.21'

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, THAT STAR STILLHOUSE PROPERTIES, L.L.C, A TEXAS LIMITED LIABILITY COMPANY WHOSE ADDRESS IS 7930 THAXTON ROAD STE 100, AUSTIN, TEXAS 78747, BEING THE SOLE OWNER OF THAT 1.50 ACRE TRACT OF LAND SITUATED IN THE R.W. TOM SURVEY, ABSTRACT NO. 837, AND THE LUCY O'DELL SURVEY, ABSTRACT NO. 644, BELL COUNTY, TEXAS, WHICH IS MORE FULLY DESCRIBED IN THE DEDICATION OF STILLHOUSE LAKE ROAD ADDITION, AS SHOWN BY THE PLAT HEREOF, ATTACHED HERETO, AND MADE A PART HEREOF, AND APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, DOES HEREBY ADOPT SAID STILLHOUSE LAKE ROAD ADDITION, AS AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, AND HEREBY DEDICATES TO SAID CITY, ALL EASEMENTS 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.

STAR STILLHOUSE PROPERTIES, LLC
A TEXAS LIMITED LIABILITY COMPANY

MUSTAQALI MOMIN, REGISTERED AGENT

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THIS UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT AS THE OWNER OF THE PROPERTY DESCRIBED HERON.

NOTARY PUBLIC, STATE OF TEXAS

DATE NOTARY COMMISSION EXPIRES

STATE OF TEXAS
COUNTY OF BELL

APPROVED ON THE _____ DAY OF _____, 2021 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF HARKER HEIGHTS, TEXAS.

CHAIRPERSON, PLANNING AND ZONING COMMISSION

SECRETARY, PLANNING AND ZONING COMMISSION

STATE OF TEXAS
COUNTY OF BELL

APPROVED ON THE _____ DAY OF _____, 2021 BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS.

MAYOR

CITY SECRETARY

STATE OF TEXAS
COUNTY OF BELL

APPROVED ON THE _____ DAY OF _____, 2021 BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS.

DIRECTOR OF PLANNING AND DEVELOPMENT

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED ON THE _____ DAY OF _____, 2021.

BELL COUNTY TAX APPRAISAL DISTRICT

BY: _____

FILED FOR RECORD ON THE _____ DAY OF _____, 2021, IN YEAR _____, PLAT NO. _____, PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT NO. _____ OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.

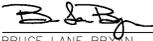
- NOTES:
1. THE BEARINGS SHOWN HEREON ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, 93 ADJUSTMENT.
 2. THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE FLOOD AREA BEING IDENTIFIED ON F.I.R.M. PANEL NO. 48027C0295E, EFFECTIVE DATE SEPTEMBER 26, 2008, AND LOMR 18-06-3437P, EFFECTIVE DATE JUNE 17, 2020 IN ZONE "X" (UNSHADED).
 3. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HERON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.
 4. ALL SET IRON RODS HAVE ORANGE PLASTIC CAPS STAMPED "BRYAN TECH SERVICES".
 5. THERE IS A METES AND BOUNDS DESCRIPTION WHICH ACCOMPANIES THIS SURVEY.
 6. CURRENT ZONING: B-4 SECONDARY AND HIGHWAY BUSINESS DISTRICT

- LEGEND:
- IRS IRON ROD SET STAMPED "BRYAN TECHNICAL SERVICES"
 - IRF IRON ROD FOUND
 - U.E. UTILITY EASEMENT
 - R.O.W. RIGHT-OF-WAY
 - () DEED CALLS

BLOCK NO.	# OF LOTS
1	1

STATE OF TEXAS
COUNTY OF BELL
KNOW ALL MEN BY THESE PRESENTS:

I, BRUCE LANE BRYAN, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION AND PROPERTY DEVELOPMENT REGULATIONS OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS.

 OCTOBER 18, 2021
DATE

BRUCE LANE BRYAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4249
BRYAN TECHNICAL SERVICES, INC.
911 NORTH MAIN
TAYLOR, TX 76574



TRACT SURVEYED JANUARY 11, 2021

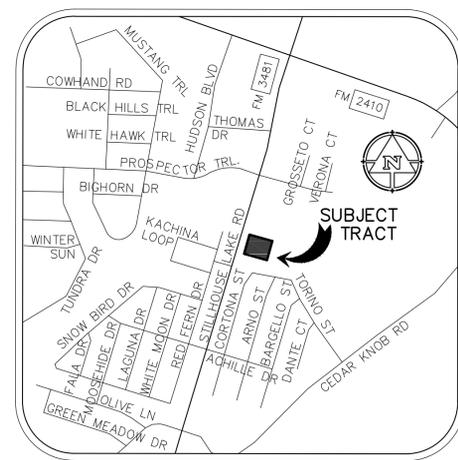
1.499 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I PREPARED ALL DRAINAGE CALCULATIONS AND DESIGNED ALL DRAINS, STREETS/ROADS AND APPURTENANCES IN ACCORDANCE WITH THE BELL COUNTY SUBDIVISION REGULATIONS.


LINA CHTAY, P.E. NO. 107211



VICINITY MAP

PRELIMINARY PLAT OF:
STILLHOUSE LAKE ROAD ADDITION
1 LOT, 1 BLOCK 1.499 ACRES 65,311.355 SQUARE FEET
PART OF THE R.W. TOM SURVEY, ABSTRACT #837,
LUCY O'DELL SURVEY, ABSTRACT #644
AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS



PRELIMINARY PLAT



DATE	REVISIONS
9/14/2021	U.E., ACCESS EASEMENTS ADDED
9/27/2021	1" NON-ACCESS EASEMENT ADDED

DRAWN BY: RR APPROVED BY: BLB
SCALE: 1" = 40' DATE: OCTOBER 18, 2021
PROJECT NO. 20051 DRAWING: 20051-FP SHEET 1 OF 1

WATER LAYOUT STANDARD NOTES:

1. ALL WORK DETAILED ON THESE PLANS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (LATEST ADDITION), INCLUDING ALL AMENDMENTS ADOPTED THERETO BEFORE THE DATE OF APPROVAL OF THESE PLANS, AND IN ACCORDANCE WITH THE STANDARD DRAWINGS OF THE CITY OF HARKER HEIGHTS, UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL COMPLY WITH ALL CURRENT OSHA REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.
3. CONTRACTOR SHALL COMPLY WITH ALL TCEQ RULES FOR UTILITY DESIGN AND CONSTRUCTION IN ACCORDANCE WITH 30 TAC 290.
4. ALL WATER MAINS SHALL BE C-900 PVC PIPE UNLESS OTHERWISE NOTED.
5. CONTRACTOR SHALL INSTALL SLEEVES FOR ALL WATER SERVICE LONG TAPS. SLEEVES SHALL BE 4-INCH DIAMETER PVC AND SHALL EXTEND TO A DISTANCE 2- FEET BEHIND THE BACK OF CURB.
6. UTILITIES HAVE BEEN LOCATED BY RECORD DRAWINGS AND VISIBLE APPURTENANCES. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS BEFORE CONSTRUCTION BEGINS.
7. ALL WATER MAINS SHALL HAVE A MINIMUM OF 42 INCHES OF COVER MATERIAL BELOW FINISH GRADE.
8. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PRESENTED ON A SEPARATE DETAIL.

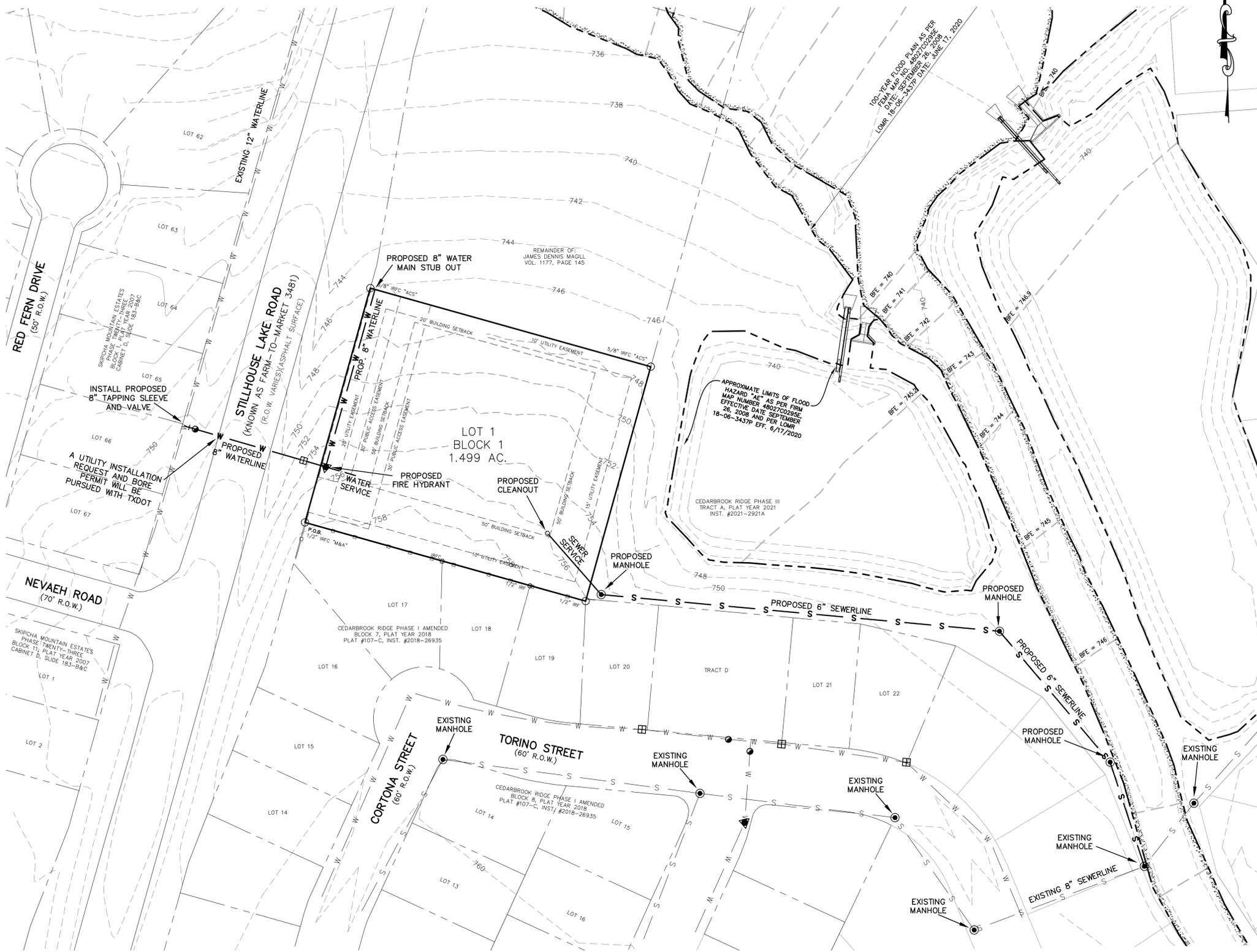
SANITARY SEWER LAYOUT STANDARD NOTES:

1. ALL WORK DETAILED ON THESE PLANS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (LATEST ADDITION), INCLUDING ALL AMENDMENTS ADOPTED THERETO BEFORE THE DATE OF APPROVAL OF THESE PLANS, AND IN ACCORDANCE WITH THE STANDARD DRAWINGS OF THE CITY OF HARKER HEIGHTS, UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL COMPLY WITH ALL CURRENT OSHA REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.
3. CONTRACTOR SHALL COMPLY WITH ALL TCEQ RULES FOR UTILITY LINE LOCATIONS IN ACCORDANCE WITH 30 TAC 217.
4. ALL SANITARY SEWER MAINS SHALL BE SDR-26 PVC PIPE UNLESS OTHERWISE NOTED.
5. DOUBLE SEWER SERVICES SHALL CONSIST OF TWO SEPARATE 4-INCH DIAMETER PVC TAPS LOCATED IN THE SAME TRENCH.
6. UTILITIES HAVE BEEN LOCATED BY RECORD DRAWINGS AND VISIBLE APPURTENANCES. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS BEFORE CONSTRUCTION BEGINS.

STANDARD NOTES:

1. THE DEVELOPER, THROUGH HIS ENGINEER OR AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS CWA 401, 402 AND/OR 404 PERMITS, AS APPROPRIATE, FROM THE USEPA, TCEQ, AND/OR USACE.
2. TOPOGRAPHICAL INFORMATION IS PRESENTED FOR DRAINAGE ANALYSIS PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.
3. TOPOGRAPHICAL INFORMATION PRESENTED HEREIN IS DERIVED FROM CITY STACKHOUSE TOPOGRAPHY MAPS AND ON-SITE SURVEY.
4. THE ENGINEER OF RECORD MUST BE NOTIFIED IMMEDIATELY IF ANY DISCREPANCIES IN THE PLANS EXIST.

UTILITY CONTRACTOR SHALL VERIFY LOCATION OF WATER AND SEWER SERVICES BEFORE TAPPING ANY LINES.



LEGEND:

- IRS IRON ROD SET STAMPED "BRYAN TECHNICAL SERVICES"
- IRF IRON ROD FOUND
- U.E. UTILITY EASEMENT
- R.O.W. RIGHT-OF-WAY
- () DEED CALLS



UTILITY PLAN OF:
STILLHOUSE LAKE ROAD ADDITION
 1 LOT, 1 BLOCK 1.499 ACRES 65,311.355 SQUARE FEET
 PART OF THE R.W. TOM SURVEY, ABSTRACT #837,
 LUCY O'DELL SURVEY, ABSTRACT #644
 AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS



REVISIONS	
9/14-BORE NOTE	
6" SIDEWALK ADDED	
9/27-TAP. SLEEVE	
10/15-W.L. LAYOUT	



BELTON ENGINEERING INC.
 106 NO. EAST STREET
 BELTON, TEXAS 76513
 OFFICE (254)731-5600
 MOBILE (254)289-7273
 BELTONENGINEERS.COM

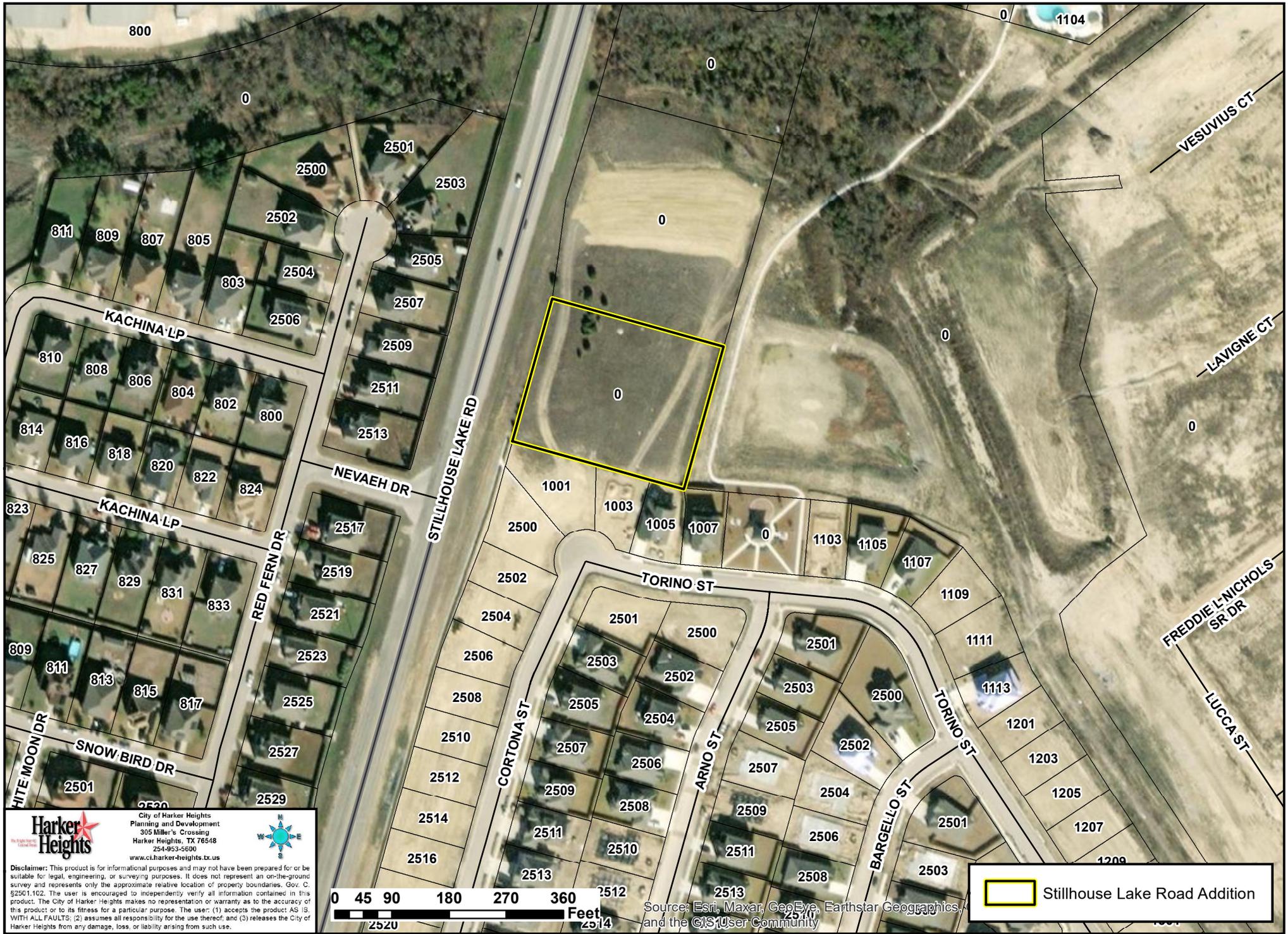
- Engineering
- Design/Build
- Planning

UTILITY PLAN OF:
STILLHOUSE LAKE ROAD ADDITION
 CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS
STAR STILLHOUSE PROPERTIES, LLC
 7930 THAXTON ROAD STE. 100
 AUSTIN, TEXAS, 78747



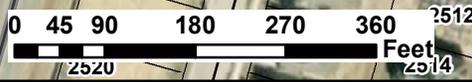
10/18/21
 SCALE: 1"=50'
 DRAWN.: RR
 ELEC. DRAWING FILE
 C:\20051-UP.DWG
 DATE: 10/18/21
 JOB NO.: 20051
 2 OF 3

C2.0



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

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



Source: Esri, Maxar, GeoEye, Earthstar Geographics, and the GIS User Community

Stillhouse Lake Road Addition

STILLHOUSE ROAD ADDITION

P21-29 Preliminary Plat – Stillhouse Road Addition

Plat Distributed to HH Staff: **October 6, 2021**

Comments Returned to Belton Engineering: **October 14, 2021**

Resubmittal Comments Returned to Belton Engineering: **October 20, 2021**

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Applicant shall clarify the differences between the documents and within the Field Notes with respect to the acreage of the parcel begin platted (1.499 acres vs 1.50 acres). We acknowledge this is a small deviation but want to be sure that the correct public notice is given. **10/20/21 Met.**
2. The following items can be addressed during construction site plan review and are provided for the Applicant's advanced reference. **10/20/21 Response Noted.**
 - a. Per §154.21(C)(1)(j), applicant shall provide a draft of the offsite utility easement for the sewer line through the property to the east of this parcel. Applicant is advised that said easement must be executed and recorded prior to release of public utility construction plans for this parcel and prior to final plat.
 - b. Applicant is advised that TXDOT approval of the driveway(s) along FM 3481 will be required prior to final plat and release of construction site plans. This may require a traffic impact analysis.
 - c. Applicant is advised that the outfall for the proposed detention pond must be contained within and sheet flow reestablished within the property and with attention to the impact on the downstream sidewalk.
 - d. Applicant is advised that a fire hydrant, water main stub out to the north, and a bore under the entire ROW of FM 3481 will be required.
 - e. Applicant is advised that the final buildout of this lot was not taken into consideration with the referenced 2020 LOMR. Therefore, additional drainage calculations may be required.
 - f. Applicant is advised that the Knight's Way Overlay District requirements apply to development on this parcel.
 - i. Additional landscape requirements and sidewalks are required. (<https://harkerheights.gov/images/PDF/DevelopmentOverlayDistrict1Manual121013-LowRes.pdf>)
 - ii. Dumpster gate cannot open toward street frontage.

- iii. Additional parking requirements required in this district may impact the site layout.

Public Works, Mark Hyde

1. **No Comments 10/13/2021**

Consulting Engineer, Otto Wiederhold

1. Comments for drainage are reserved for submission of site development plan.
2. Sidewalk will be required across frontage along FM 3481. 10/11/2021. **10/20/21 Applicant's response is noted.**

Fire Marshal, Brad Alley

1. The proposed hydrant will need to be located closer to the entrance of the property. 10/13/21. **10/20/21 Met.**

Building Official, Mike Beard

1. No Comments 10/7/2021

ONCOR

1. Oncor would need a 15ft easement so we can serve the locations. **10/20/21 Met.**

Century Link, Chris McGuire

1. Approved, no comments. 10/7/2021

Time Warner Cable/Spectrum, Shaun Whitehead

1. The City has not received comments back from this reviewing entity and comments may be forthcoming.

ATMOS, Rusty Fischer

1. The City has not received comments back from this reviewing entity and comments may be forthcoming.

TXDOT

1. **Tx DOT is in discussions with the developer regarding driveway access, and shared access/driveway for the lot to the immediate north. 10/21/2021**

STILLHOUSE ROAD ADDITION

P21-29 Preliminary Plat – Stillhouse Road Addition

Plat Distributed to HH Staff: October 6, 2021
Comments Returned to Belton Engineering: October 14, 2021

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Applicant shall clarify the differences between the documents and within the Field Notes with respect to the acreage of the parcel begin platted (1.499 acres vs 1.50 acres). We acknowledge this is a small deviation but want to be sure that the correct public notice is given.
 - a. The 1.50 acre callout in the field notes is based on the legal acreage recorded in Doc No. 2021000947.
 - b. When we prepared our field notes, we did an onsite survey and concluded that the acreage was 1.499 acres. The most current boundary survey defines this tract as 1.499 acres.
2. The following items can be addressed during construction site plan review and are provided for the Applicant's advanced reference.
 - a. Per §154.21(C)(1)(j), applicant shall provide a draft of the offsite utility easement for the sewer line through the property to the east of this parcel. Applicant is advised that said easement must be executed and recorded prior to release of public utility construction plans for this parcel and prior to final plat. **Noted**
 - b. Applicant is advised that TXDOT approval of the driveway(s) along FM 3481 will be required prior to final plat and release of construction site plans. This may require a traffic impact analysis. **Noted**
 - c. Applicant is advised that the outfall for the proposed detention pond must be contained within and sheet flow reestablished within the property and with attention to the impact on the downstream sidewalk. **Noted**
 - d. Applicant is advised that a fire hydrant, water main stub out to the north, and a bore under the entire ROW of FM 3481 will be required. **Bore under FM 3481, fire hydrant and water main stub out to the north are proposed.**
 - e. Applicant is advised that the final buildout of this lot was not taken into consideration with the referenced 2020 LOMR. Therefore, additional drainage calculations may be required. **Noted**

- f. Applicant is advised that the Knight's Way Overlay District requirements apply to development on this parcel. **Noted**
 - i. Additional landscape requirements and sidewalks are required. (<https://harkerheights.gov/images/PDF/DevelopmentOverlayDistrict1Manual121013-LowRes.pdf>) **Noted**
 - ii. Dumpster gate cannot open toward street frontage. **Noted**
 - iii. Additional parking requirements required in this district may impact the site layout. **Noted**

Public Works, Mark Hyde

- 1. No Comments 10/13/2021 **Noted**

Consulting Engineer, Otto Wiederhold

- 1. Comments for drainage are reserved for submission of site development plan. **Noted**
- 2. Sidewalk will be required across frontage along FM 3481. 10/11/2021 **Noted**

Fire Marshal, Brad Alley

- 1. The proposed hydrant will need to be located closer to the entrance of the property. 10/13/21 **Proposed fire hydrant moved to be closer to entrance of the property.**

Building Official, Mike Beard

- 1. No Comments 10/7/2021 **Noted**

ONCOR

- 1. Oncor would need a 15ft easement so we can serve the locations **20' U.E. added to the west boundary, 15' U.E. added to the north, south and east boundaries.**

Century Link, Chris McGuire

- 1. Approved, no comments. 10/7/2021 **Noted**

Time Warner Cable/Spectrum, Shaun Whitehead

- 1. The City has not received comments back from this reviewing entity and comments may be forthcoming. **Noted**

ATMOS, Rusty Fischer

- 1. The City has not received comments back from this reviewing entity and comments may be forthcoming. **Noted**

TXDOT

1. The City has not received comments back from this reviewing entity and comments may be forthcoming. **TXDOT concurrence has been pursued.**



CITY COUNCIL MEMORANDUM

P21-30

AGENDA ITEM# VIII-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

DISCUSS AND CONSIDER APPROVING A REQUEST FOR A PRELIMINARY PLAT REFERRED TO AS CHAPARRAL ROAD ADDITION ON PROPERTY DESCRIBED AS PETER WILLIAMSON SURVEY, ABSTRACT NO. 1099 AND THE LAND HEREIN DESCRIBED BEING A PORTION OF THAT CERTAIN 3.79 ACRE TRACT CONVEYED TO RENA CHANG HOOT BY GIFT DEED RECORDED IN VOLUME 3475, PAGE 616, OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS, GENERALLY LOCATED AT THE INTERSECTION OF CHAPARRAL ROAD AND F.M. 3481 (STILLHOUSE LAKE ROAD), HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION.

PROJECT DESCRIPTION:

The applicant submitted an application for preliminary plat approval for approximately 1.73 acres of vacant land located on at the intersection of Chaparral Road and Stillhouse Lake Road. The proposed development will consist of 1 (one) lot that is currently zoned Secondary and Highway Business District (B-4). The applicant indicated that the proposed use for this parcel is a Convenience Store/Gas Station. The 2021 Land Use Plan indicates this parcel to be designated as a Community Center land use, which is appropriate for the intended use.

As of October 19, 2021 staff had reviewed the submitted preliminary plat and engineering plans and made comments to address safety, drainage, water and wastewater utilities and other pertinent requirements to ensure that all developmental regulations stipulated in the City of Harker Heights Code of Ordinances will be adhered to.

STAFF RECOMMENDATION:

On October 14, 2021, staff returned comments to the applicant. On October 18, 2021, the applicant submitted revisions based on the October 14th comments. Comments on revisions were substantially met at that time, with all but one of the remaining comments being related to administrative components. The applicant has requested a variance to allow for sidewalks to be excluded from this development. Therefore, staff recommended denial of the Preliminary Plat to the Planning and Zoning Commission due to the applicant not meeting the sidewalk plan in the adopted Mobility 2030 plan.

On October 28, 2021, the applicant withdrew the request for a sidewalk variance and submitted in a sidewalk plan for this plat. Staff has reviewed the submitted sidewalk plan for compliance. The applicant now meets the city's preliminary plat code requirements. Staff therefore recommends that the plat be approved.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning & Zoning Commission meeting held on October 27, 2021, the Planning and Zoning Commission voted (6-0) to recommend disapproval of a Preliminary Plat for the subdivision referred to Chaparral Road Addition on property described as Peter Williamson Survey, Abstract No. 1099 and the land herein described being a portion of that certain 3.79 acre tract conveyed to Rena Chang Hoot by Gift Deed recorded in Volume 3475, Page 616, Official Public Records of Bell County, Texas, generally located at the intersection of Chaparral Road and F.M. 3481 (Stillhouse Lake Road), Harker Heights, Bell County, Texas. The Planning & Zoning Commission stated that this disapproval was due to not meeting the City's requirements. More specifically noncompliance with §154.21(C)(2)(d) which requires a sidewalk layout plan and with §154.21(D)(2) which requires conformity with the city's plans and thoroughfare plan.

ACTION BY THE CITY COUNCIL:

This Preliminary Plat case was not recommended for approval by the Planning & Zoning Commission. Since this is not a zoning case, a simple majority vote by the City Council is required for this case.

1. Motion to **approve, approve with conditions, or disapprove with explanation** a request for Preliminary Plat for the subdivision referred to Chaparral Road Addition on property described as Peter Williamson Survey, Abstract No. 1099 and the land herein described being a portion of that certain 3.79 acre tract conveyed to Rena Chang Hoot by Gift Deed recorded in Volume 3475, Page 616, Official Public Records of Bell County, Texas, generally located at the intersection of Chaparral Road and F.M. 3481 (Stillhouse Lake Road), Harker Heights, Bell County, Texas.
2. Any other action desired.

ATTACHMENTS:

1. Application
2. Field notes
3. Dedication
4. Concept Plan
5. Chaparral Road Addition - Preliminary Plat
6. Chaparral Road Addition - Preliminary Engineering Documents
7. Location Map
8. Mobility 2030 – Sidewalk plan
9. Staff Comments with Responses (Comments sent 10/14/21, 10/20/21 and 11/01/21; Revisions received 10/18/21 and 10/28/21)



Preliminary Plat Application

The Right to
Telling Truth

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

Requirements - APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED

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

1. Pre-Application Meeting with Staff to ensure applicability
2. Payment of \$500.00 + \$25/per lot
3. Signed Original Field Notes and Dedication Pages
4. Paper Plan Submissions: Ten (10) Copies of the Plat and Seven (7) Copies of Preliminary Engineering Drawings
5. Electronic Submission of all documents for review delivered to Planning Administrative Assistant

Property Information:

Plat Name: Chaparral Road Addition Date Submitted: 9/1/2021

Existing Lot Count: _____ Proposed Lot Count: 1 Proposed Units: _____ Acreage: 1.730

Existing Land Use: Vacant/Agriculture Proposed Land Use: Commercial

Site Address or General Location: Intersection of Chaparral Road and FM 3481

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

Owner Information & Authorization:

Property Owner: Star Stillhouse Properties, LLC

Address: _____

Phone: _____ E-Mail: _____

Developer: Star Stillhouse Properties, LLC

Address: _____

Phone: _____ E-Mail: _____

Engineer/Surveyor: Belton Engineering, Inc

Address: 106 N. East Street

Phone: 254-731-5600 E-Mail: lchtay@beltonengineers.com

CHECK ONE OF THE FOLLOWING:

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

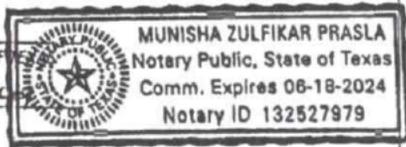
The property owner and/or their authorized representative must be present at all Planning and Zoning Commission Meetings and City Council Meetings at which their plan or plat is on the agenda for discussion or action. Failure of the developer or their authorized representative to appear during a meeting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

Qazi Abdul
Printed Name of Owner

[Signature]
Signature of Owner

SWORN AND SUBSCRIBED BEFORE ME ON THIS 1st
DAY OF September 2021

[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES: June-15th-2022



STAFF ONLY -- DO NOT FILL OUT

Date Submitted: _____ Received By: _____ Receipt #: _____

1.730 ACRES

Being a tract of land in Bell County, Texas, lying and situated in the **PETER WILLIAMSON SURVEY, ABSTRACT NO. 1099** and the land herein described being a portion of that certain 3.79 acre tract conveyed to Rena Chang Hoot by Gift Deed recorded in Volume 3475, Page 616, Official Public Records of Bell County, Texas (OPRBCT) and being more particularly described by metes and bounds as follows:

BEGINNING at a TxDOT brass monument found (North=10,351,464.028, East=3,133,905.488) in the common line of said 3.79 acre R.C. Hoot tract (east line) and the west right-of-way line of F.M. No. 3481 (Stillhouse Lake Road) being the southeast corner of that certain 0.068 acre tract, Part 1, conveyed to the State of Texas (Bell County) by Deed recorded in Volume 3205, Page 711, OPRBCT, same being the northeast corner of subject tract;

THENCE, SOUTH 21°21'14" EAST with said common line, **134.08 feet** to a TxDOT brass monument found at the most northerly corner of that certain 0.266 acre tract, Part 2, conveyed to the State of Texas (Bell County) by Deed recorded in Volume 3205, Page 711, OPRBCT;

THENCE continuing with said common line the following three calls (3):

- 1) **SOUTH 12°47'17" EAST, 57.12 feet** to a TxDOT brass monument found;
- 2) **SOUTH 07°05'34" EAST, 118.61 feet** to a TxDOT brass monument found;
- 3) **SOUTH 18°19'42" EAST, 88.11 feet** to a 1/2" iron rod with cap stamped "BRYAN TECH SERVICES" set along the west line of said 0.266 acre, (Part 2) State of Texas tract from which a 1/2" iron rod with cap stamped "BRYAN TECH SERVICES" set bears **SOUTH 18°19'42" EAST, 112.55 feet**;

THENCE, over and across said R.C. Hoot Tract, **WEST, 320.54 feet** to a 1/2" iron rod with cap stamped "BRYAN TECH SERVICES" set along the east right-of-way line of Chaparral Road, a public dedicated street to the City of Killeen, Texas from which a 14" cedar post bears **SOUTH 21°30'01" WEST, 317.04 feet**;

THENCE, with the common line of said R.C. Hoot tract (west line) and said east right-of-way line of Chaparral Road **NORTH 21°30'01" EAST, 396.74 feet** to a TxDOT brass monument found at the southwest corner of said 0.068 acre, (Part 1) State of Texas tract;

STATE OF TEXAS
COUNTY OF BELL

DATE OF SURVEY
03/29/21

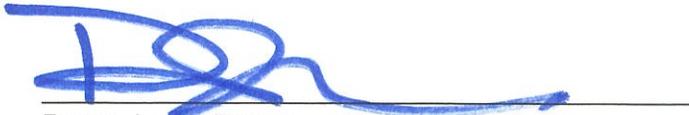
THENCE, departing said east right-of-way line, **NORTH 79°50'01" EAST, 72.45 feet** to the POINT OF BEGINNING and containing 1.730 acres of land (75,358.800 S.F.).

STATE OF TEXAS
COUNTY OF BELL

DATE OF SURVEY
3/29/2021

1.730 ACRES TRACT

I, Bruce L. Bryan, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground under my supervision.



Bruce Lane Bryan
Registered Professional Land Surveyor #4249
TSPLS FIRM No. 10128500
www.bryantechnicalservices.com

03-29-2021

Date

NOTE: Bearings shown hereon based on Texas State plane coordinate system (Central Zone 4203, NAD 83, 93 Adjustments. Distances are shown as grid values. See attached surveyor's plat, which accompanies this set of field notes.



**DEDICATION INSTRUMENT for:
CHAPARRAL ROAD ADDITION
AN ADDITION TO THE CITY OF
HARKER HEIGHTS, BELL COUNTY, TEXAS**

STATE OF TEXAS §

COUNTY OF BELL §

WHEREAS, STAR STILLHOUSE PROPERTIES LLC, a Texas limited liability company, hereinafter referred to as Grantor, being the sole owner of that 1.730 acre tract of land described by metes and bounds in a survey prepared by Bryan Technical Services, Inc., Registered Professional Land Surveyor, dated the 29th day of March 2021, which Field Notes are attached hereto as Exhibit A and made a part hereof as fully as if written verbatim, does hereby name and designate said tract as **Chapparral Road Addition**, an addition to the City of Harker Heights, Bell County, Texas and does hereby adopt the attached map and plat thereof and does hereby agree that all future sales and conveyances of said property shall be by reference to said plat and dedication.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

Grantor does hereby give, grant and convey to the City of Harker Heights, Texas, its assignees and franchisees furnishing public utilities in said subdivision, hereinafter collectively referred to as Grantee, the easements as shown on said plat for drainage purposes and for the installation, operation, maintenance, repair, use and replacement of all public utility lines, including electric power, water, sewer, gas and telephone, and reference is hereby made to such plat for the location of such easements.

Grantor does hereby give, grant and convey to the City of Harker Heights, Texas, and to the general public, for public use and for public purposes the streets, avenues and roadways as shown on said plat.

The Grantee shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, included but not limited to, the free right of ingress or egress over and across said lands to and from said easements to construct, reconstruct and maintain same.

TO HAVE AND TO HOLD the easements and right-of-ways, together with all and singular the rights and privileges thereto in any manner belonging unto the said Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to **WARRANT AND FOREVER DEFEND** all and singular the said premises unto the said City of Harker Heights, Texas, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this the _____ day of _____, 2021

BY: _____
Mustaqali Momin
Star Stillhouse Properties, LLC
A Texas limited liability company

STATE OF TEXAS §

COUNTY OF BELL §

BEFORE ME, the undersigned authority, on this day personally appeared Mustaqali Momin of Star Stillhouse Properties, LLC, a Texas limited liability company, known to me to be the persons and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.

Given under my hand and seal of office this the _____ day of _____, 2021

Notary Public in and for the State of Texas

APPROVED AS TO FORM:

City Attorney's Office



Know what's below
Call before you dig.



FIRM # F-13392

**BELTON
ENGINEERING
INC.**

106 NO. EAST STREET
BELTON, TEXAS 76513
OFFICE (254)731-5600
MOBILE (254)289-7273
BELTONENGINEERS.COM

- Engineering
- Design/Build
- Planning

CONCEPT PLAN OF:
CHAPARRAL ROAD GAS STATION
CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

SCALE: 1"=30'

DRAWN.: RR

ELEC. DRAWING FILE

C:\20052-BASE.DWG

DATE: 09/15/21

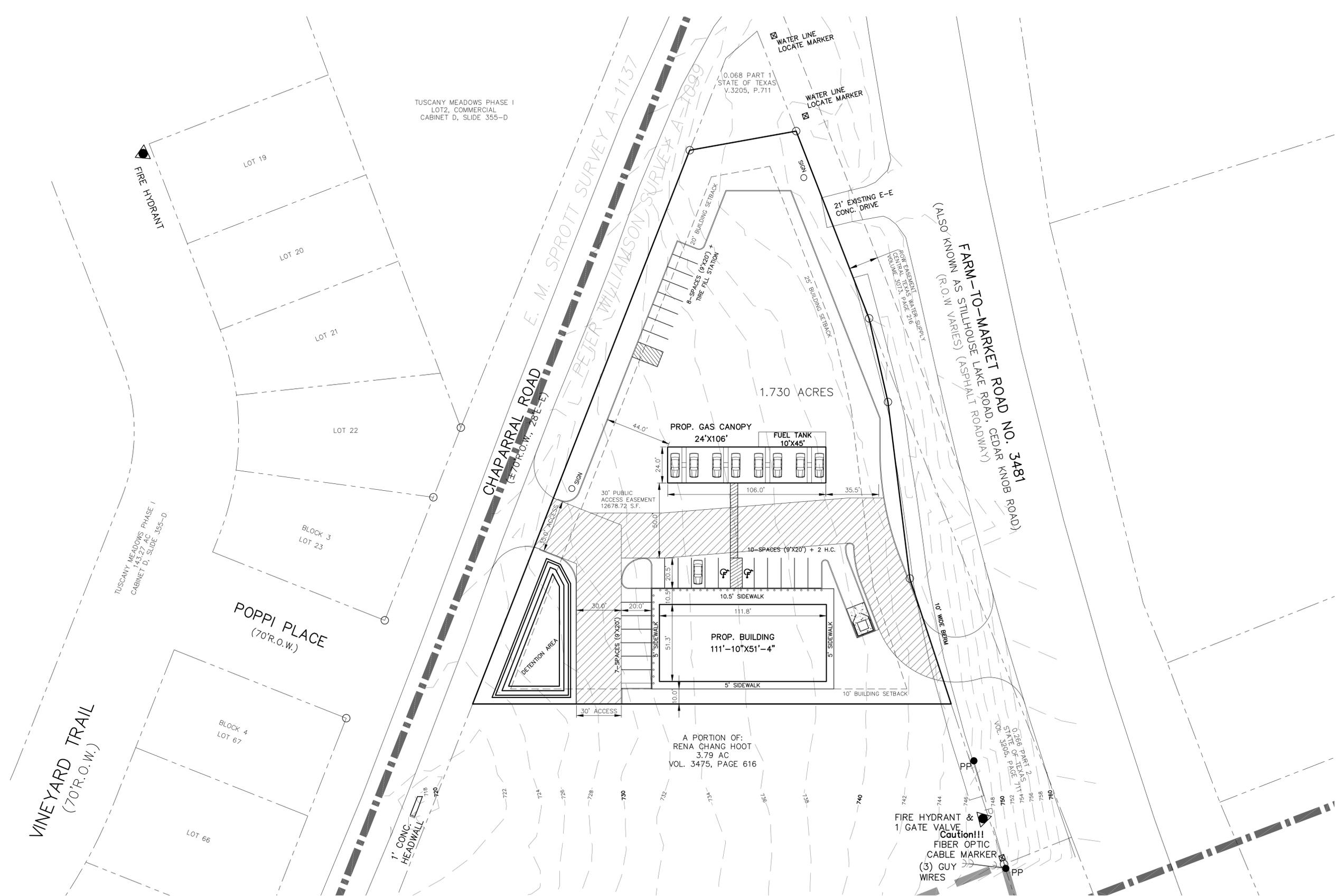
JOB NO.: 20052

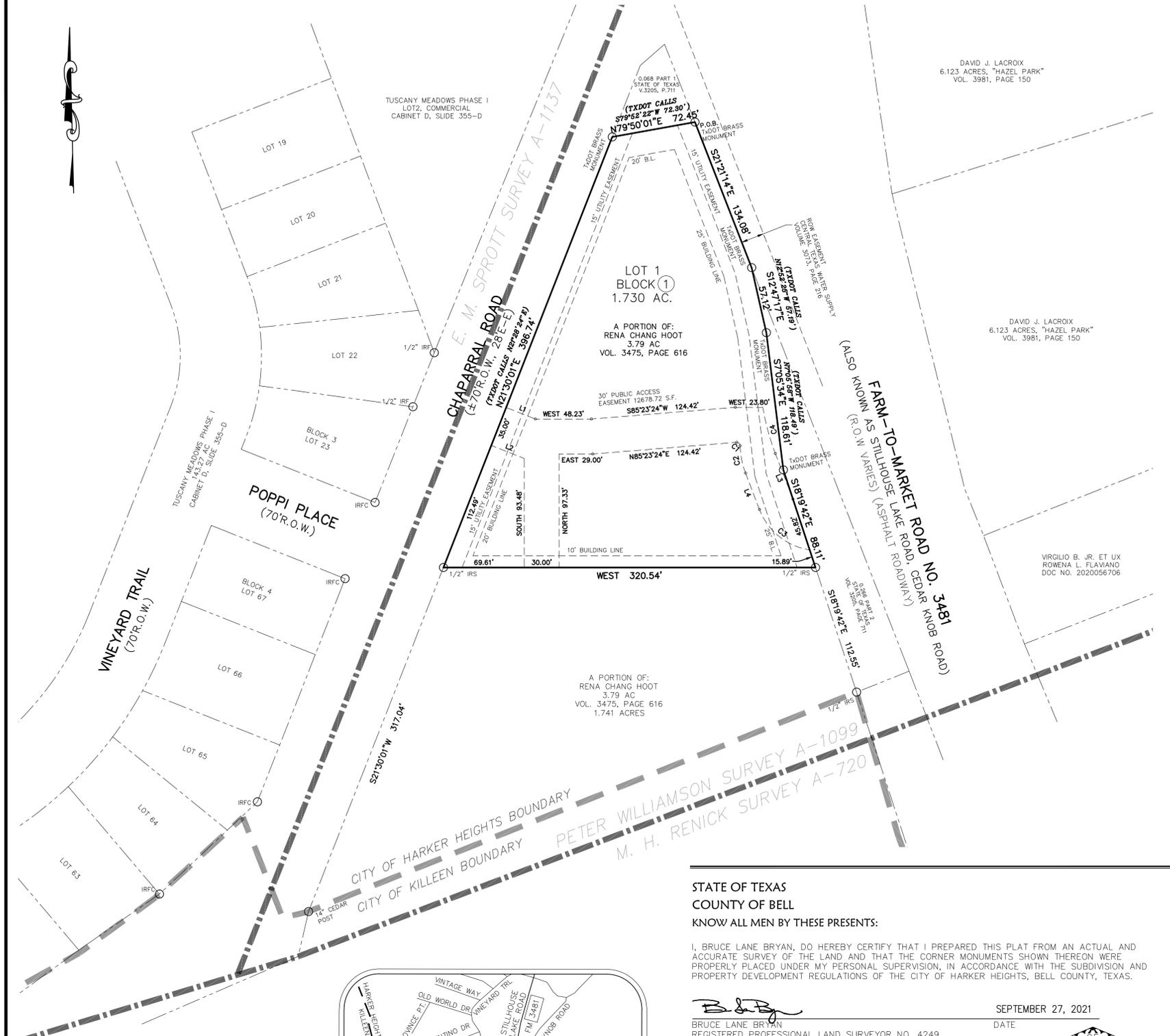
1 OF XX

C1.0

CONCEPT PLAN FOR:
CHAPARRAL ROAD GAS STATION

1.73 ACRES 75,358.8 S.F.
PETER WILLIAMSON SURVEY, ABSTRACT #1099, BELL COUNTY, TEXAS
AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS





STATE OF TEXAS
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, THAT STAR STILLHOUSE PROPERTIES, L.L.C, A TEXAS LIMITED LIABILITY COMPANY WHOSE ADDRESS IS 7930 THAXTON ROAD STE 100, AUSTIN, TEXAS 78747, BEING THE SOLE OWNER OF A PORTION OF THAT CERTAIN 3.79 ACRE TRACT OF LAND (1.730 ACRES) SITUATED IN THE PETER WILLIAMSON, ABSTRACT NO. 1099, BELL COUNTY, TEXAS, WHICH IS MORE FULLY DESCRIBED IN THE DEDICATION OF CHAPARRAL ROAD ADDITION, AS SHOWN BY THE PLAT HEREOF, ATTACHED HERETO, AND MADE A PART HEREOF, AND APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, DOES HEREBY ADOPT SAID CHAPARRAL ROAD ADDITION, AS AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS, AND HEREBY DEDICATES TO SAID CITY, ALL EASEMENTS 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.

STAR STILLHOUSE PROPERTIES, LLC
A TEXAS LIMITED LIABILITY COMPANY

MUSTAQALI MOMIN, REGISTERED AGENT

STATE OF TEXAS
COUNTY OF BELL

BEFORE ME, THIS UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ KNOWN BY ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE FOREGOING INSTRUMENT AS THE OWNER OF THE PROPERTY DESCRIBED HERON.

NOTARY PUBLIC, STATE OF TEXAS DATE NOTARY COMMISSION EXPIRES

STATE OF TEXAS
COUNTY OF BELL

APPROVED ON THE _____ DAY OF _____, 2021 BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF HARKER HEIGHTS, TEXAS.

CHAIRPERSON, PLANNING AND ZONING COMMISSION

SECRETARY, PLANNING AND ZONING COMMISSION

STATE OF TEXAS
COUNTY OF BELL

APPROVED ON THE _____ DAY OF _____, 2021 BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS.

MAYOR

CITY SECRETARY

STATE OF TEXAS
COUNTY OF BELL

APPROVED ON THE _____ DAY OF _____, 2021 BY THE DIRECTOR OF PLANNING AND DEVELOPMENT OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS.

DIRECTOR OF PLANNING AND DEVELOPMENT

TAX CERTIFICATE

THE BELL COUNTY TAX APPRAISAL DISTRICT, THE TAXING AUTHORITY FOR ALL TAXING ENTITIES IN BELL COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THERE ARE CURRENTLY NO DELINQUENT TAXES DUE OR OWING ON THE PROPERTY DESCRIBED BY THIS PLAT.

DATED ON THE _____ DAY OF _____, 2021.

BELL COUNTY TAX APPRAISAL DISTRICT

BY: _____

FILED FOR RECORD ON THE _____ DAY OF _____, 2021, IN YEAR _____, PLAT NO. _____, PLAT RECORDS OF BELL COUNTY, TEXAS.

DEDICATION INSTRUMENT NO. _____ OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS.

- NOTES:
1. THE BEARINGS SHOWN HEREON ARE ORIENTED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, 93 ADJUSTMENT.
 2. THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE FLOOD AREA BEING IDENTIFIED ON F.I.R.M. PANEL NO. 48027C0295E, EFFECTIVE DATE SEPTEMBER 26, 2008, IN ZONE "X" (UNSHADED).
 3. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.
 4. ALL SET IRON RODS HAVE ORANGE PLASTIC CAPS STAMPED "BRYAN TECH SERVICES".
 5. THERE IS A METES AND BOUNDS DESCRIPTION WHICH ACCOMPANIES THIS SURVEY.
 6. CURRENT ZONING: B-4 SECONDARY AND HIGHWAY BUSINESS DISTRICT

- LEGEND:
- IRS IRON ROD SET STAMPED "BRYAN TECHNICAL SERVICES"
 - IRF IRON ROD FOUND
 - U.E. UTILITY EASEMENT
 - R.O.W. RIGHT-OF-WAY
 - () DEED CALLS

BLOCK NO.	# OF LOTS
1	1

PRELIMINARY PLAT



DATE	REVISIONS
9/27/2021	OWNER'S SIGNATURE BLOCK
DRAWN BY: RR	
APPROVED BY: BLB	
SCALE: 1" = 50'	
DATE: SEPTEMBER 27, 2021	
PROJECT NO. 20052	
DRAWING: 20052-FP	
SHEET 1 OF 1	

PRELIMINARY PLAT OF:
CHAPARRAL ROAD ADDITION

1.730 ACRES 75,358.800 SQUARE FEET
PETER WILLIAMSON SURVEY, ABSTRACT #1099, BELL COUNTY, TEXAS
AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS



STATE OF TEXAS
COUNTY OF BELL
KNOW ALL MEN BY THESE PRESENTS:

I, BRUCE LANE BRYAN, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION AND PROPERTY DEVELOPMENT REGULATIONS OF THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS.

B. L. Bryan
BRUCE LANE BRYAN
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4249
BRYAN TECHNICAL SERVICES, INC.
911 NORTH MAIN
TAYLOR, TX 76574

SEPTEMBER 27, 2021
DATE



TRACT SURVEYED MARCH 11, 2021

1.730 ACRES MORE FULLY DESCRIBED BY METES & BOUNDS BY SEPARATE FIELD NOTES PREPARED AND ATTACHED TO DEDICATION INSTRUMENT

STATE OF TEXAS
COUNTY OF BELL
KNOW ALL MEN BY THESE PRESENTS:

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I PREPARED ALL DRAINAGE CALCULATIONS AND DESIGNED ALL DRAINS, STREETS/ROADS AND APPURTENANCES IN ACCORDANCE WITH THE BELL COUNTY SUBDIVISION REGULATIONS.

Lina Chtay
LINA CHTAY, P.E. NO. 107211

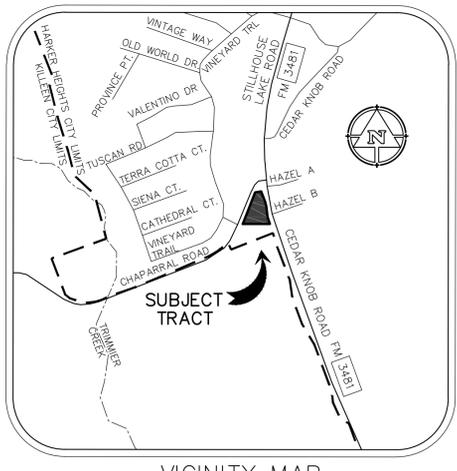


Line Table

Line	Direction	Length
L1	S68°29'59"E	27.00'
L2	S68°29'59"E	30.51'
L3	N21°10'55"W	41.96'
L4	S21°03'40"E	33.42'

Curve Table

Curve #	Length	Radius	Chord
C1	4.64'	3.00'	S45°41'05"E 4.19'
C2	24.06'	70.00'	S11°12'55"E 23.94'
C3	58.06'	55.03'	S51°18'01"E 55.41'
C4	41.13'	200.00'	N15°10'11"W 41.06'



VICINITY MAP

WATER LAYOUT STANDARD NOTES:

1. ALL WORK DETAILED ON THESE PLANS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (LATEST ADDITION), INCLUDING ALL AMENDMENTS ADOPTED THERETO BEFORE THE DATE OF APPROVAL OF THESE PLANS, AND IN ACCORDANCE WITH THE STANDARD DRAWINGS OF THE CITY OF HARKER HEIGHTS, UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL COMPLY WITH ALL CURRENT OSHA REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.
3. CONTRACTOR SHALL COMPLY WITH ALL TCEQ RULES FOR UTILITY DESIGN AND CONSTRUCTION IN ACCORDANCE WITH 30 TAC 290.
4. ALL WATER MAINS SHALL BE C-900 PVC PIPE UNLESS OTHERWISE NOTED.
5. CONTRACTOR SHALL INSTALL SLEEVES FOR ALL WATER SERVICE LONG TAPS. SLEEVES SHALL BE 4-INCH DIAMETER PVC AND SHALL EXTEND TO A DISTANCE 2- FEET BEHIND THE BACK OF CURB.
6. UTILITIES HAVE BEEN LOCATED BY RECORD DRAWINGS AND VISIBLE APPURTENANCES. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS BEFORE CONSTRUCTION BEGINS.
7. ALL WATER MAINS SHALL HAVE A MINIMUM OF 42 INCHES OF COVER MATERIAL BELOW FINISH GRADE.
8. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PRESENTED ON A SEPARATE DETAIL.

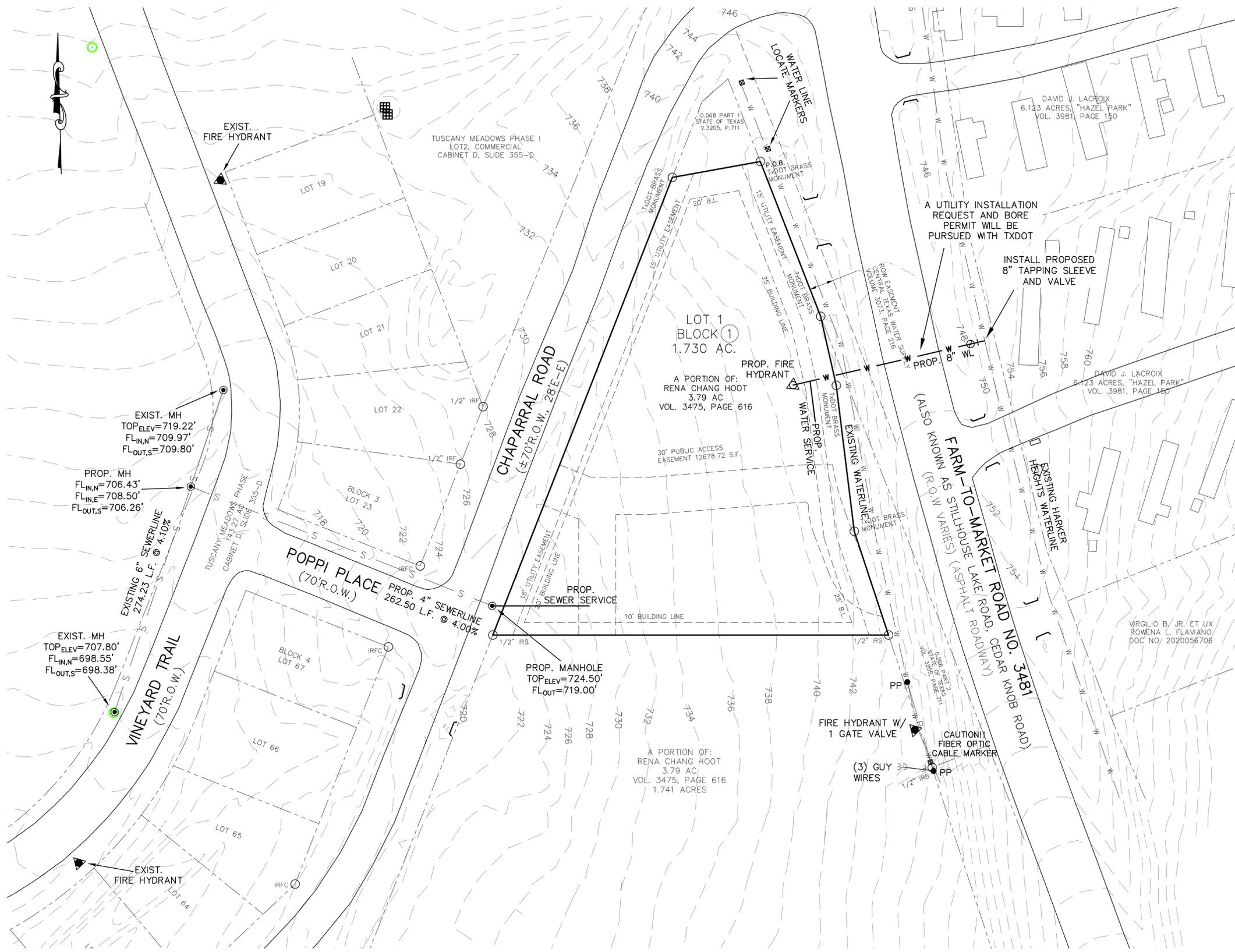
SANITARY SEWER LAYOUT STANDARD NOTES:

1. ALL WORK DETAILED ON THESE PLANS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE DIRECTOR OF PUBLIC WORKS IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (LATEST ADDITION), INCLUDING ALL AMENDMENTS ADOPTED THERETO BEFORE THE DATE OF APPROVAL OF THESE PLANS, AND IN ACCORDANCE WITH THE STANDARD DRAWINGS OF THE CITY OF HARKER HEIGHTS, UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL COMPLY WITH ALL CURRENT OSHA REQUIREMENTS REGARDING TRENCH SAFETY AND SHORING.
3. CONTRACTOR SHALL COMPLY WITH ALL TCEQ RULES FOR UTILITY LINE LOCATIONS IN ACCORDANCE WITH 30 TAC 217.
4. ALL SANITARY SEWER MAINS SHALL BE SDR-26 PVC PIPE UNLESS OTHERWISE NOTED.
5. DOUBLE SEWER SERVICES SHALL CONSIST OF TWO SEPARATE 4-INCH DIAMETER PVC TAPS LOCATED IN THE SAME TRENCH.
6. UTILITIES HAVE BEEN LOCATED BY RECORD DRAWINGS AND VISIBLE APPURTENANCES. CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS BEFORE CONSTRUCTION BEGINS.

STANDARD NOTES:

1. THE DEVELOPER, THROUGH HIS ENGINEER OR AUTHORIZED REPRESENTATIVE, SHALL ACQUIRE ALL REQUIRED NATIONWIDE PERMITS, SUCH AS CWA 401, 402 AND/OR 404 PERMITS, AS APPROPRIATE, FROM THE USEPA, TCEQ, AND/OR USACE.
2. TOPOGRAPHICAL INFORMATION IS PRESENTED FOR DRAINAGE ANALYSIS PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.
3. TOPOGRAPHICAL INFORMATION PRESENTED HEREIN IS DERIVED FROM CITY STACKHOUSE TOPOGRAPHY MAPS AND ON-SITE SURVEY.
4. THE ENGINEER OF RECORD MUST BE NOTIFIED IMMEDIATELY IF ANY DISCREPANCIES IN THE PLANS EXIST.

UTILITY CONTRACTOR SHALL VERIFY LOCATION OF WATER AND SEWER SERVICES BEFORE TAPPING ANY LINES.



LEGEND:

IPF	IRON PIPE FOUND
IRF	IRON ROD FOUND
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
B.L.	BUILDING LINE
R.O.W.	RIGHT-OF-WAY
B.D.M.	BRASS DISK MONUMENT



UTILITY PLAN OF:
CHAPARRAL ROAD ADDITION
 1.730 ACRES 75,358.800 SQUARE FEET
 PETER WILLIAMSON SURVEY, ABSTRACT #1099, BELL COUNTY, TEXAS
 AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS



REVISIONS

9/14-MH ADDED
WATER SERVICE
9/27-8" W.L. AND
F.H. ADDED



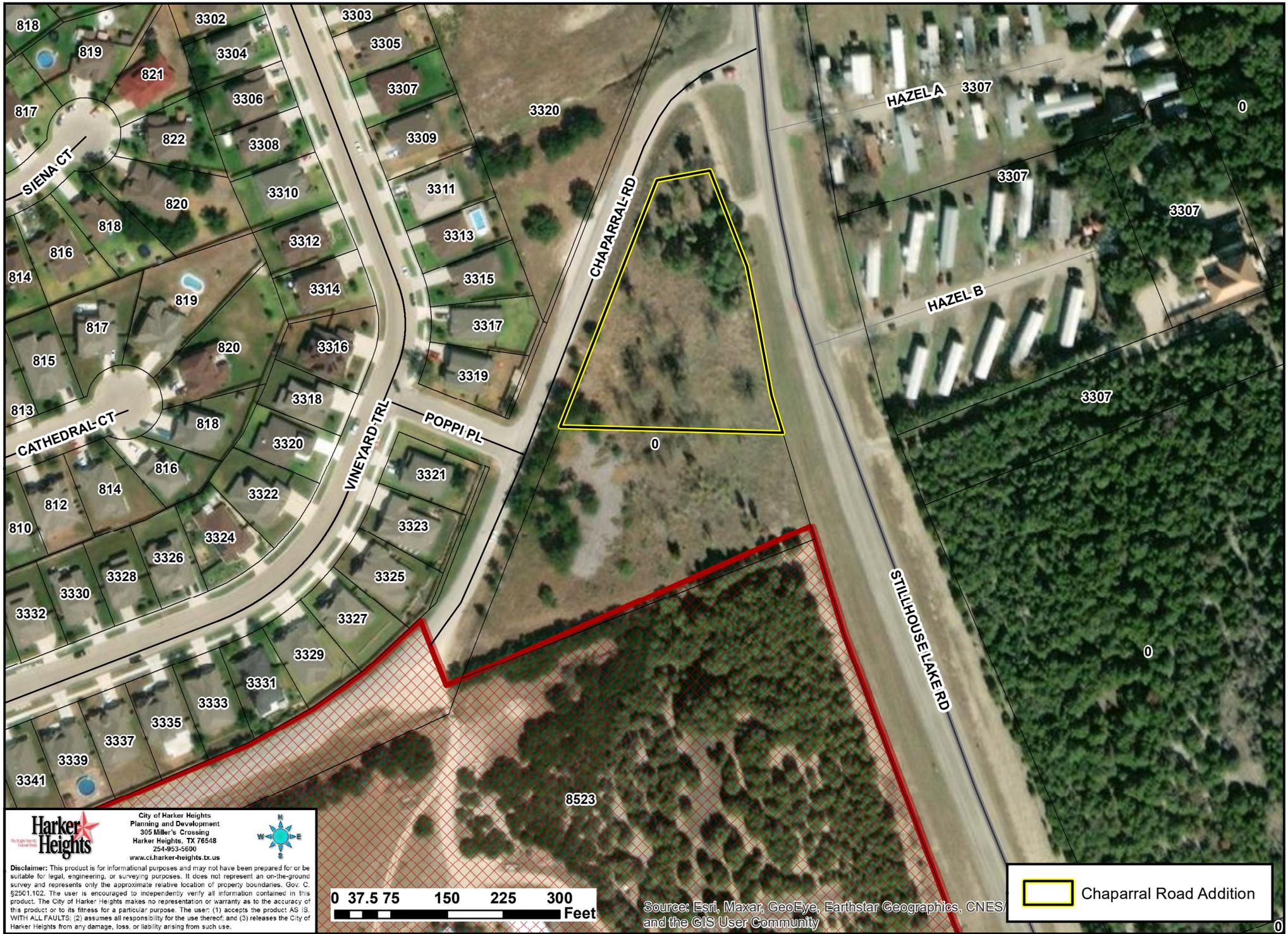
BELTON ENGINEERING INC.
 106 NO. EAST STREET
 BELTON, TEXAS 76513
 OFFICE (254)731-5600
 MOBILE (254)289-7273
 BELTONENGINEERS.COM

*Engineering
 Design/Build
 Planning*

UTILITY PLAN OF:
CHAPARRAL ROAD ADDITION
 CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS
STAR STILLHOUSE PROPERTIES, LLC
 7930 THAXTON ROAD STE. 100
 AUSTIN, TEXAS, 78747



SCALE: 1"=40'
 DRAWN.: RR
 ELEC. DRAWING FILE
 C:\20052-UP.DWG
 DATE: 09/27/21
 JOB NO.: 20052
 2 OF 3



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



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Harker Heights makes no representation or warranty as to the accuracy of 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, and the GIS User Community

 Chaparral Road Addition

Definitions

Promenade Sidewalk - The main function of Promenade Sidewalk is to provide inter-community accessibility connecting community centers or major facilities as well as critical intersections in the City. It is the primary location for high volumes of pedestrians congregating, making transfers to other modes or walking to a destination. They serve high density residential, retail, service, industrial, and mixed uses. Promenade Sidewalks will be 6 to 10 feet wide mixed use paths on both sides of the street featuring numerous amenities such as benches, community flags and banners, water fountains, mile markers, and pet waste stations. They are primarily located along principal arterial streets in the City.

Connector Sidewalk - Connector Sidewalks connect with the principal sidewalk system to accommodate trips of moderate length with a lower level of travel mobility and a higher level of land access. Connector Sidewalk collects residential paths and channels them to public nodes such as parks, schools, and other public facilities and commercial nodes such as hospitals and shopping centers. They are 6 to 8 feet wide mixed use paths on both sides of the street featuring limited amenities such as benches and mile markers. They are primarily located along minor arterial streets in the City.

Residential Sidewalk - Residential Sidewalks are commonly located along neighborhood borders and collect traffic from residential areas and channel people to the Connectors and Promenade. They are 5 to 6 feet wide pedestrian paths on one or both sides of the street. They are primarily located along collector streets and some minor arterial streets in the City.



New Sidewalk Installation and Classification

As a general policy, the Sidewalk Plan calls for concrete sidewalks along streets in the City of Harker Heights. The amount and location of sidewalks will vary depending on the type of street and its function. Table One describes the minimum standards and location for sidewalks. Sidewalk Classifications are shown on the City of Harker Heights Sidewalk Plan.

On all new designated streets, sidewalks will be constructed as required in Table One unless an alternative is deemed necessary by the Planning and Zoning Commission, with the recommendation of the Public Works Department (PWD).

On all existing designated streets sidewalks will be required as identified on the Sidewalk Location Map unless an alternative is deemed necessary by the Planning and Zoning Commission, with the recommendation of the Public Works Department (PWD).

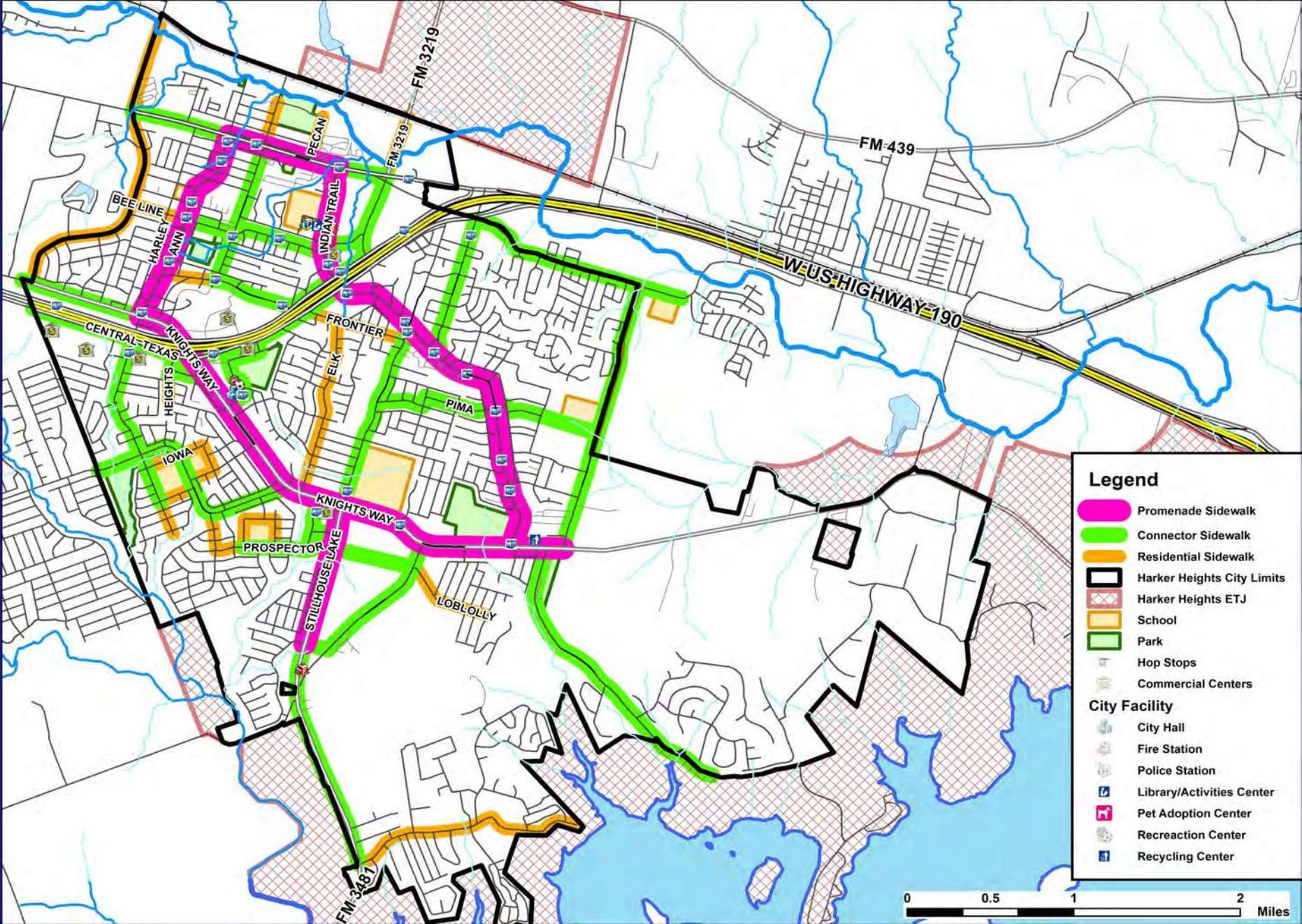
TABLE ONE - SIDEWALK CLASSIFICATION SUMMARY

Sidewalk Classification	Sidewalk Width (feet)	One Side	Two Sides	Amenities
Promenade Sidewalk	6 -10		X	Benches, Bicycle Racks, Mile Markers, Pet Waste Stations, Water Fountains
Connector Sidewalk	6 - 8	X	X	Benches, Mile markers, Bicycle Racks
Residential Sidewalk	5 - 6	X	X	



Sidewalk Network

Map Date: 10/26/2015



Legend

- Promenade Sidewalk
- Connector Sidewalk
- Residential Sidewalk
- Harker Heights City Limits
- Harker Heights ETJ
- School
- Park
- Hop Stops
- Commercial Centers
- City Facility**
- City Hall
- Fire Station
- Police Station
- Library/Activities Center
- Pet Adoption Center
- Recreation Center
- Recycling Center



CHAPARRAL ROAD ADDITION

P21-30 Preliminary Plat – Chaparral Road Addition

Plat Distributed to HH Staff: **October 6, 2021**

Comments Returned to Belton Engineering: **October 14, 2021**

Resubmission Comments Returned to Belton Engineering: **October 20, 2021**

Resubmission Comments Returned to Belton Engineering: November 1, 2021

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Applicant shall clarify the differences between the plat and the Field Notes with respect to the reference to “being a portion of that certain 3.79 acre tract conveyed to Rena Chang Hoot by Gift Deed recorded in Volume 3475, Page 616, OPRBCT”. We acknowledge this is a small deviation but want to be sure that the correct public notice is given. **10/20/21 Met.**
2. Per §154.21(C)(2)(d), applicant shall provide a sidewalk layout. Additionally, said sidewalk shall be in accordance with the City’s Mobility 2030 plan (6’-8’ wide for this area). **10/20/21 Not Met. Applicant’s request for a variance will be routed to P&Z and City Council accordingly. 11/01/21 Met. Applicant’s withdrawal of the requested sidewalk variance is noted. The submitted sidewalk plan will meet the intent if it is included within a passage easement. Applicant shall provide said passage easement with the submission of the final plat.**
3. The following items can be addressed during construction site plan review and are provided for the Applicant’s advanced reference. **10/20/21 Applicant’s response is noted.**
 - a. Applicant is advised that TXDOT approval of the driveway(s) along FM 3481 will be required prior to final plat and release of construction site plans. This may require a traffic impact analysis.
 - b. Applicant is advised that the outfall for the proposed detention pond must be contained within and sheet flow reestablished within the property.
 - c. Applicant is advised that the drainage impact from removing the existing berm will be required.
 - d. Per §51.16 (D) (3), applicant is advised that the dumpster gates shown on concept plan cannot impede the fire lane.

Public Works, Mark Hyde

1. The minimum pipe diameter for sanitary sewer to be installed along a public ROW is 6-inches. The sanitary sewer service line shown must be a minimum of 6-inches in diameter. 10/13/2021
10/20/21 Met.

Consulting Engineer, Otto Wiederhold

1. Comments for drainage are reserved for when site development plan is submitted. 10/11/2021

Fire Marshal, Brad Alley

1. The hydrant indicated on the plans cannot be used for firefighting purposes according to the Central Texas Water Supply Corporation. A hydrant will be required near an entrance on a minimum 8 inch line. 10/13/2021 **No additional comments 10/19/2021.**

Building Official, Mike Beard

1. No comments. 10/7/2021

ONCOR

2. Oncor would need a 15ft easement so we can serve the locations. **No additional comments received as of 10/20/2021.**

Century Link, Chris McGuire

1. Approved, no comments. 10/7/2021

Time Warner Cable/Spectrum, Shaun Whitehead

1. The City has not received comments back from this reviewing entity and comments may be forthcoming.

ATMOS, Rusty Fischer

1. I am in agreement with the proposed plat.

TXDOT

1. TxDOT requests a 1' non-access easement along the frontage on FM 3481 except where the proposed driveway is located. **No Additional Comments 10/18/2021**

CHAPARRAL ROAD ADDITION

P21-30 Preliminary Plat – Chaparral Road Addition

Plat Distributed to HH Staff: October 6, 2021
Comments Returned to Belton Engineering: October 14, 2021

Planning & Development, Kristina Ramirez & Yvonne Spell

1. Applicant shall clarify the differences between the plat and the Field Notes with respect to the reference to “being a portion of that certain 3.79 acre tract conveyed to Rena Chang Hoot by Gift Deed recorded in Volume 3475, Page 616, OPRBCT”. We acknowledge this is a small deviation but want to be sure that the correct public notice is given. **“A PORTION OF THAT CERTAIN 3.79 ACRE TRACT OF LAND (1.730 ACRES)” added to owner’s signature block. This 1.730ac tract is a portion of the 3.79 acre tract conveyed to Rena Chang Hoot.**
2. Per §154.21(C)(2)(d), applicant shall provide a sidewalk layout. Additionally, said sidewalk shall be in accordance with the City’s Mobility 2030 plan (6’-8’ wide for this area). **Please see the attached variance request for the sidewalk requirement.**
3. The following items can be addressed during construction site plan review and are provided for the Applicant’s advanced reference. **Noted**
 - a. Applicant is advised that TXDOT approval of the driveway(s) along FM 3481 will be required prior to final plat and release of construction site plans. This may require a traffic impact analysis. **Noted**
 - b. Applicant is advised that the outfall for the proposed detention pond must be contained within and sheet flow reestablished within the property. **Noted**
 - c. Applicant is advised that the drainage impact from removing the existing berm will be required. **Noted**
 - d. Per §51.16 (D) (3), applicant is advised that the dumpster gates shown on concept plan cannot impede the fire lane. **Noted**

Public Works, Mark Hyde

1. The minimum pipe diameter for sanitary sewer to be installed along a public ROW is 6-inches. The sanitary sewer service line shown must be a minimum of 6-inches in diameter. 10/13/2021 **Sewer service shown as 6in as required.**

Consulting Engineer, Otto Wiederhold

1. Comments for drainage are reserved for when site development plan is submitted. 10/11/2021 **Noted**

Fire Marshal, Brad Alley

1. The hydrant indicated on the plans cannot be used for firefighting purposes according to the Central Texas Water Supply Corporation. A hydrant will be required near an entrance on a minimum 8 inch line. 10/13/2021 **Fire hydrant moved closer to the entrance.**

Building Official, Mike Beard

1. No comments. 10/7/2021 **Noted**

ONCOR

1. Oncor would need a 15ft easement so we can serve the locations **15' U.E. added to all boundary lines except for south where a 10' U.E. is provided.**

Century Link, Chris McGuire

1. Approved, no comments. 10/7/2021 **Noted**

Time Warner Cable/Spectrum, Shaun Whitehead

1. The City has not received comments back from this reviewing entity and comments may be forthcoming. **Noted**

ATMOS, Rusty Fischer

1. I am in agreement with the proposed plat. **Noted**

TXDOT

1. TxDOT requests a 1' non-access easement along the frontage on FM 3481 except where the proposed driveway is located. **1' non-access easement added to the frontage except where driveway is located. TxDOT approval provided.**

Kristina Ramirez

From: Richard Rogers <Rrogers@beltonengineers.com>
Sent: Thursday, October 28, 2021 11:03 AM
To: Kristina Ramirez
Cc: lchtay@beltonengineers.com; Yvonne Spell; Wilson Everett
Subject: Re: Re[2]: Comments P21-27 Chaparral Road Addition
Attachments: Chaparral Gas Station - Concept Layout-Internal Sidewalk.pdf

Kristina,

Please see the attached concept plan for the Chaparral Gas Station,
We will create a 6' passage easement along the red line that runs parallel to the east property line.

Let us know if this sidewalk will meet the city's requirements,
Thank you,

On Thu, Oct 28, 2021 at 10:37 AM Kristina Ramirez <kramirez@harkerheights.gov> wrote:
Lina,

Your request to withdrawal the variance request is received. Please submit a revised site plan showing the preliminary sidewalk locations. Note that you do have options for the location of the sidewalks. You can place them along the frontage in the ROW or you can place them in a pedestrian access passage easement internal to the property so long as it connects property line to property line and goes up to the intersection. Once that is received then your plat will meet all city code requirements for this plat. Staff will then be able to change the recommendation to support this plat when it is presented to City Council.

Respectfully,

Kristina

Get [Outlook for iOS](#)

From: lchtay@beltonengineers.com <lchtay@beltonengineers.com>
Sent: Wednesday, October 27, 2021 8:51:10 PM

To: Yvonne Spell <yspell@harkerheights.gov>; Kristina Ramirez <kramirez@harkerheights.gov>
Cc: Wilson Everett <weverett@harkerheights.gov>; rrogers@beltonengineers.com
<rrogers@beltonengineers.com>
Subject: Re[2]: Comments P21-27 Chaparral Road Addition

Kristina, Yvon,

We want to withdraw the variance request for the sidewalk.

With that are you going to change your recommendations to council next week to approve the case now that it meets city code?

Thank you
Lina Chtay

Sent from App for Gmail

Tuesday, September 14, 2021, 3:54 PM -0500 from Rrogers@beltonengineers.com
<Rrogers@beltonengineers.com>:

Wilson,

Please see the attached preliminary plat, utility plan, concept plan, variance request and engineers response to comments for the Chaparral Road Addition.

Thank you,

On Tue, Sep 14, 2021 at 12:45 PM Wilson Everett <weverett@harkerheights.gov> wrote:

All resubmissions can be sent electronically either to myself or Yvonne at yspell@harkerheights.gov

Thank you



Wilson Everett

Planning and Development Administrative Assistant

City of Harker Heights | 305 Miller's Crossing | Harker Heights, TX 76548

T: 254-953-5648 | weverett@harkerheights.gov

From: Richard Rogers <Rogers@beltonengineers.com>
Sent: Tuesday, September 14, 2021 12:42 PM
To: Wilson Everett <weverett@harkerheights.gov>
Cc: Lina Chtay <lchtay@beltonengineers.com>
Subject: Re: Comments P21-27 Chaparral Road Addition

Hey Wilson,

We are correcting the comments for the gas station preliminary plats. How many copies does the city need for the hard copy resubmission?

Thank you,

On Tue, Sep 14, 2021 at 8:33 AM <lchtay@beltonengineers.com> wrote:

Sent from App for Gmail

----- Forwarded message -----

From: Wilson Everett <weverett@harkerheights.gov>

To: starmarttexas@gmail.com <starmarttexas@gmail.com>, lchtay@beltonengineers.com <lchtay@beltonengineers.com>, Yvonne Spell <yspell@harkerheights.gov>, Kristina Ramirez <kramirez@harkerheights.gov>

Cc: Yvonne Spell <yspell@harkerheights.gov>, Kristina Ramirez <kramirez@harkerheights.gov>

Date: Friday, September 10, 2021, 3:50 PM -0500

Subject: Comments P21-27 Chaparral Road Addition

Please find attached comments by Staff for the Preliminary Plat for Chaparral Road Addition. Please have the revised set of plans and comments emailed to me for staff re-review no later than 8:00 AM on Wednesday, September 15, 2021.

Please note that if there are still unresolved comments by 5:00 PM on , September 22, 2021, then staff will issue the Planning & Zoning (P&Z) Commission staff reports with either a recommendation to approve with conditions or to disapprove.

This does not prevent you from resolving all outstanding items prior to the P&Z meeting on Wednesday, September 29, 2021. Note that staff may be unable to review re-submissions prior to the P&Z meeting if the re-submissions are received after 8:00 AM on Tuesday, September 21, 2021.

If you or your client don't believe that all outstanding comments can be resolved prior to the P&Z meeting and your client wishes to withdraw the application, then we request that you or your client officially do so in writing/via email by 4:00 PM on Wednesday, September 29, 2021. You or the applicant will have the ability to withdraw the application on record during the P&Z meeting prior to any action being taken on your case.

Please let me know if you have any questions.



Wilson Everett

Planning and Development Administrative Assistant

City of Harker Heights | 305 Miller's Crossing | Harker Heights, TX 76548

T: 254-953-5648 | weverett@harkerheights.gov

--

Richard Rogers
Design Engineer



Belton Engineering Inc.

106 N. East Street
Belton, Texas, 76513
Office: 254-731-5600
Cell: 806-438-6352
www.beltonengineers.com



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INC.**

106 NO. EAST STREET
BELTON, TEXAS 76513
OFFICE (254)731-5600
MOBILE (254)289-7273
BELTONENGINEERS.COM

- Engineering
- Design/Build
- Planning

CONCEPT PLAN OF:
CHAPARRAL ROAD GAS STATION
CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS

SCALE: 1"=30'

DRAWN.: RR

ELEC. DRAWING FILE

C:\20052-BASE.DWG

DATE: 10/15/21

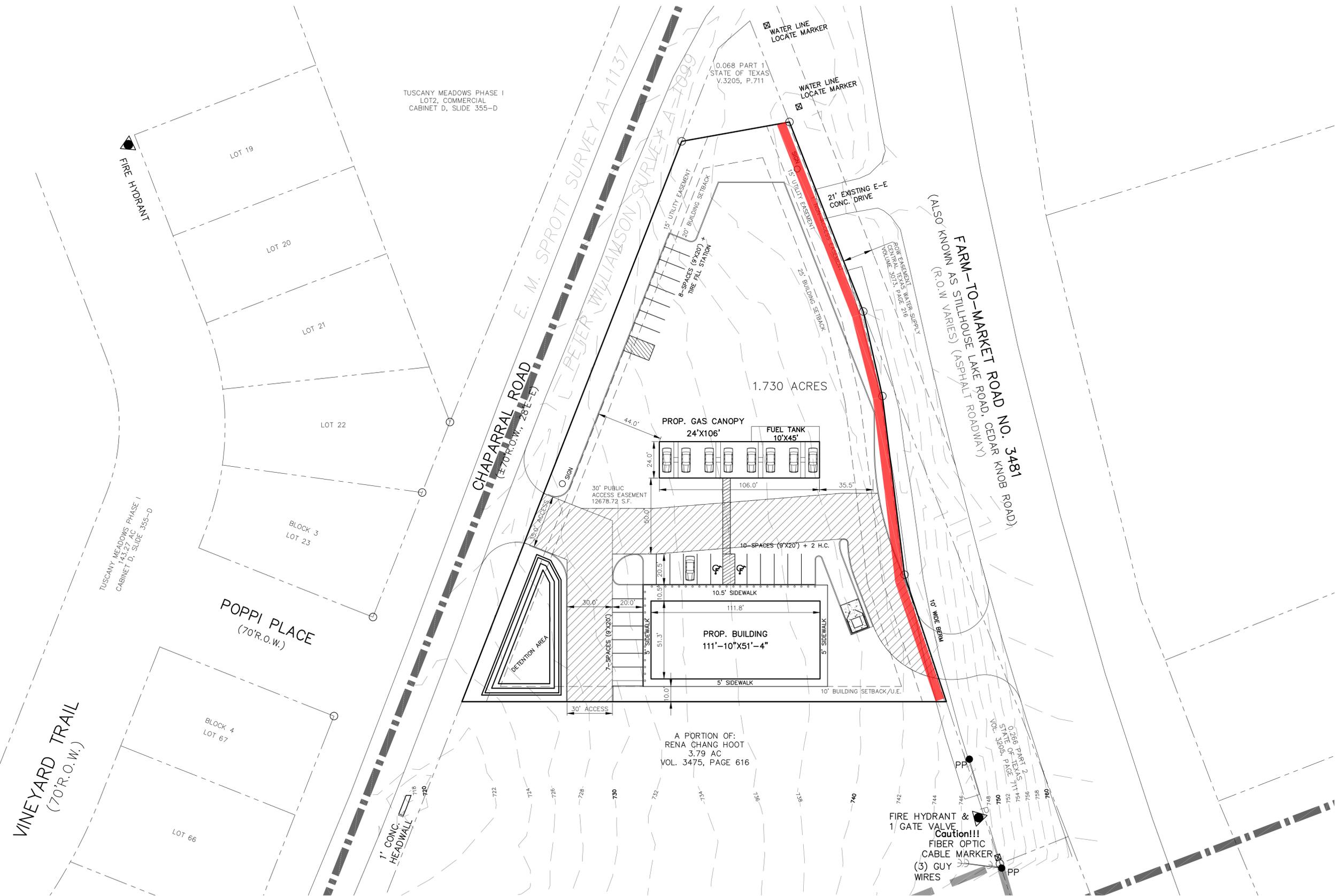
JOB NO.: 20052

1 OF XX

C1.0

CONCEPT PLAN FOR: CHAPARRAL ROAD GAS STATION

1.73 ACRES 75,358.8 S.F.
PETER WILLIAMSON SURVEY, ABSTRACT #1099, BELL COUNTY, TEXAS
AN ADDITION TO THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS



TUSCANY MEADOWS PHASE I
LOT 2, COMMERCIAL
CABINET D, SLIDE 355-D

TUSCANY MEADOWS PHASE I
CABINET D, SLIDE 355-D

A PORTION OF:
RENA CHANG HOOT
3.79 AC
VOL. 3475, PAGE 616

FARM-TO-MARKET ROAD NO. 3481
(ALSO KNOWN AS STILLHOUSE LAKE ROAD, CEDAR KNOB ROAD)
(R.O.W. VARIES) (ASPHALT ROADWAY)

CHAPARRAL ROAD
(E 70' R.O.W., 28'-E-E)

VINEYARD TRAIL
(70' R.O.W.)

POPPI PLACE
(70' R.O.W.)

LOT 19

LOT 20

LOT 21

LOT 22

BLOCK 3
LOT 23

BLOCK 4
LOT 67

LOT 66

FIRE HYDRANT

1' CONC.
HEADWALL

E. M. SPROTT SURVEY A-1137
L. PEJER WILLIAMSON SURVEY A-1099

0.068 PART 1
STATE OF TEXAS
V.3205, P.711

0.266 PART 2
STATE OF TEXAS
VOL. 3509, PAGE 111

FIRE HYDRANT &
1/ GATE VALVE
Caution!!!
FIBER OPTIC
CABLE MARKER
(3) GUY
WIRES

WATER LINE
LOCATE MARKER

WATER LINE
LOCATE MARKER

21' EXISTING E-E
CONC. DRIVE

1.730 ACRES

PROP. GAS CANOPY
24'X106'

FUEL TANK
10'X45'

PROP. BUILDING
111'-10"X51'-4"

30' PUBLIC
ACCESS EASEMENT
12678.72 S.F.

30' ACCESS

10' BUILDING SETBACK/U.E.

10' WIDE BERM

10-SPACES (9'X20') + 2 H.C.

10.5' SIDEWALK

5' SIDEWALK



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VIII-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

DISCUSS AND CONSIDER APPROVING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH GAMBIT SOCIAL HOUSE, INC. (“GAMBIT”) MODIFYING THE CONSTRUCTION COMPLETION DATE TO JUNE 1, 2022, FOR THE ADMINISTRATION OF ONE OR MORE PROGRAMS FOR MAKING GRANTS OR LOANS OF PUBLIC MONEY TO PROMOTE ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITIES WITHIN THE CITY; AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT ON BEHALF OF THE CITY; AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The Council approved a 380 Agreement for Gambit Social House, Inc. during a regular scheduled City Council meeting on the 8th of June 2021.

As a reminder, Chapter 380 of the Texas Local Government Code allows a City to establish and provide for the administration of one or more programs for making grants or loans of public money to promote economic development. The Agreement provides reasonable and adequate safeguards to ensure that the public receives sufficient benefits in exchange for the Incentives.

Gambit Social House has requested that the original construction completion date be changed from March 31, 2022 to June 1, 2022, due to rain slowing work on the project early in the construction process.

RECOMMENDATION:

Staff recommends approval.

ACTION BY THE CITY COUNCIL:

1. Motion to APPROVE/DISAPPROVE amending the economic development incentive agreement with Gambit Social House, Inc., modifying the construction completion date to June 1, 2022, for the administration of one or more programs for making grants or loans of public money to promote economic development and stimulate business and commercial activities within the City; and authorize the City Manager to sign the agreement on behalf of the City.
2. Any other action desired.

ATTACHMENTS:

1. Economic Development Incentive Agreement

ECONOMIC DEVELOPMENT GRANT AGREEMENT

This Economic Development Grant Agreement (“Agreement”) is entered into by and between the **CITY OF HARKER HEIGHTS, TEXAS** (“City”) and **GAMBIT SOCIAL HOUSE, INC.** (“Gambit”). The purpose of this Agreement is to set forth the terms under which the City will make certain economic development grants to Gambit.

The City is authorized by Chapter 380 of the Texas Local Government Code to establish and provide for the administration of one or more programs for making grants or loans of public money to promote economic development and stimulate business and commercial activities within the City. The grants described herein are made for that purpose.

The parties agree as follows:

I.

MAXIMUM GRANT LIMIT

1. The cumulative amount of grant payments to be made under this Agreement shall not exceed \$150,299.00. Once the cumulative amount of economic development grants (real property economic development grants plus sales related economic development grants) equals \$150,299.00, the City shall have no further obligation to pay grants under this Agreement and the Agreement will terminate.

II.

DESCRIPTION OF PROJECT – GAMBIT COMMITMENTS

1. Gambit agrees to construct taxable improvements as described herein on the tract of property located within the city limits of the City which is described on **Exhibit “A”** (“Premises”). The real property improvements and taxable personal property which are to be constructed, placed, and maintained on the Premises shall be referred to herein as the “Project Improvements.” These Project Improvements that Gambit agrees to construct shall include a 12,000 square foot entertainment venue which will house a beer tap room, restaurant, nine-hole miniature golf course, eight escape rooms and a 400 square foot event space. The Project Improvements that Gambit agrees to construct shall also include 3 outside axe throwing lanes, beach volleyball facilities, and other games and seating areas on the Premises. Gambit agrees to complete construction and placement of the Project Improvements having a value as described in Paragraph 2 below on or before ~~March 31, 2022~~. June 1, 2022.

2. In consideration for the economic development grants provided for in this Agreement, Gambit agrees to make a minimum investment of \$2,000,000.00 in the Project Improvements, so as to add at least \$2,000,000.00 of appraised value (over the 2021 appraised value of the Premises), for ad valorem property tax purposes, as certified by the Bell County Appraisal District, to the City of Harker Heights ad valorem tax rolls beginning in the tax year 2022. Gambit agrees to provide the City with a description of the taxable improvements constructed or placed by Gambit on the Premises and to do so by the 15th day of January 2023.

Gambit further agrees to maintain taxable property of a total value of at least \$2,000,000.00 on the Premises for each of the five tax years (2022 through 2026) for which the City has agreed to provide grants under this Agreement.

3. Gambit further agrees to employ a staff described as follows beginning on or before June 1, 2022, and continuing through December 31, 2027:

- 35 servers;
- 15 bartenders;
- 6 hostesses;
- 15 cooks;
- 5 dishwashers;
- 25 event and game masters;
- 6 managers.

III.

ECONOMIC DEVELOPMENT GRANTS

1. The economic development grants to be made under this Agreement are based upon investments that Gambit agrees to make that will generate economic activity within the City and the sales activity occurring after the construction of such improvements. The City agrees to make certain economic development grants to Gambit to be calculated based upon a percentage of the ad valorem property taxes assessed by the City (and paid by Gambit) upon Project Improvements (“Property Taxes”). Further, as set forth below, the City agrees to make certain economic development grants to Gambit in amounts based upon a percentage of City sales tax revenues collected by Gambit, less any refunds by Gambit or required to be made by the City (“Sales Taxes”). Subject to the performance by Gambit of its obligations hereunder, and subject to the conditions of this Agreement, the City agrees to make the following economic development grants to Gambit:

A. GRANTS RELATING TO REAL PROPERTY IMPROVEMENTS (REAL PROPERTY ECONOMIC DEVELOPMENT GRANTS):

1. The City will make a real property economic development grant in an amount equal to 50% of the City Property Taxes timely paid by Gambit for the tax year 2022;

2. The City will make a real property economic development grant in an amount equal to 50% of the City Property Taxes timely paid by Gambit for the tax year 2023;

3. The City will make a real property economic development grant in an amount equal to 50% of the City Property Taxes timely paid by Gambit for the tax year 2024;

4. The City will make a real property economic development grant in an amount equal to 50% of the City Property Taxes timely paid by Gambit for the tax year 2025;

5. The City will make a real property economic development grant in an amount equal to 50% of the City Property Taxes timely paid by Gambit for the tax year 2026.

Grants payable hereunder shall be paid for each year of this Agreement within 45 days after Gambit has provided written notice to the City that it has made timely payment of the ad valorem property taxes assessed by the City for such year and a written request for payment of the real property economic development grant for such year. No grant payment shall be made for any year in which Gambit fails to make timely payment of property taxes and no grant shall be paid upon penalties or fees assessed because of a failure to timely pay taxes. No grant shall be paid before Gambit timely makes payment of City ad valorem property taxes.

B. GRANT CALCULATED BASED UPON SALES TAXES (SALES RELATED ECONOMIC DEVELOPMENT GRANTS):

“Gambit Net Sales Tax Revenues” as used in this Agreement shall mean City sales tax revenues collected by Gambit at its place of business in the City of Harker Heights that are remitted to and received by the City less any refunds by Gambit or refunds required to be made by the City.

1. The City will make a sales related economic development grant in an amount of 50% of the Gambit City Net Sales Tax Revenues for the year 2022;

2. The City will make a sales related economic development grant in an amount of 50% of the Gambit City Net Sales Tax Revenues for the year 2023;

3. The City will make a sales related economic development grant in an amount of 50% of the Gambit City Net Sales Tax Revenues for the year 2024;

4. The City will make a sales related economic development grant in an amount of 50% of the Gambit City Net Sales Tax Revenues for the year 2025;

5. The City will make a sales related economic development grant in an amount of 50% of the Gambit City Net Sales Tax Revenues for the year 2026.

To obtain payment of a sales related economic development grant for any year of this Agreement, Gambit shall provide notice to the City of the amount of Gambit Net Sales Tax Revenue collected by Gambit from the taxable retail sales of Gambit from the Premises in the previous calendar year and a request for payment of the sales related economic development grant. Within 30 days of receiving the request and notice, the City shall review such information and confirm the Net Sales Tax Revenue information. Gambit shall cooperate with the City to determine the amount of Net Sales Tax Revenue. The City shall make the sales related grant within 60 days after receiving Gambits’ notice and request.

IV.

REQUIREMENTS AND CONDITIONS FOR ECONOMIC DEVELOPMENT GRANTS

1. The economic development grants described herein are subject to the following requirements and conditions:

A. Project improvements with an appraised value of at least \$2,000,000.00 must be fully constructed and in place prior to **June 1, 2022**.

B. All construction of Project Improvements must be made in compliance with all City ordinances and state law.

C. Gambit must operate its retail business on the Premises for the entire term of this Agreement.

D. Gambit will maintain and repair all of the Project Improvements as necessary to keep the same in good working order for the entire term of this Agreement.

E. Gambit must pay all ad valorem and sales taxes prior to such taxes becoming delinquent. Gambit shall have the right to contest tax appraisals or taxes through the procedures provided by the Texas Tax Code. Gambit shall promptly pay, prior to their becoming delinquent all property taxes which it is not so contesting unless it is required by law to pay the contested taxes as a part of the contest procedure. Should Gambit contest tax appraisals or taxes, it shall notify the City of Harker Heights immediately of the contest and keep the City updated on status thereof. Such contest must be diligently pursued by Gambit. If Gambits' contest is unsuccessful, Gambit shall promptly pay any taxes and penalties/interest resulting therefrom.

F. Construction on the Project Improvements will be full completed and fully operational on or before the **1st day of June, 2022**.

G. The employment requirements described in Paragraph I (3) above shall continue to be met for the entire term of this Agreement.

H. The cumulative amount of grant payments to be made under this Agreement shall not exceed \$150,299.00. Once the cumulative amount of economic development grants (real property economic development grants plus sales related economic development grants) equals \$150,299.00, the City shall have no further obligation to pay grants under this Agreement and the Agreement will terminate.

V.

COMPLIANCE

Gambit binds itself hereby to construct Project Improvements of the value and within the time frame required by this Agreement. Gambit acknowledges and agrees that the purpose of this Agreement is to encourage economic development in the City and Gambit covenants that all uses of the Premises shall be consistent with the general purpose of encouraging development within

the City during the period that this Agreement is in effect. Gambit shall comply with any reasonable request of the City for information relating to the improvements made by Gambit or compliance by Gambit of its obligations hereunder. Gambit shall cooperate in regard to any audit or inspection by the City to assure compliance by Gambit. Gambit shall also provide the City's designated employees or consultants with access to inspect the Premises to ensure that improvements as required herein are being maintained in accordance with the provisions of this Agreement. Such inspection shall not interfere with the business operations of Gambit and shall not occur more than twice per calendar year.

VI.
TERMINATION AND RECOUPMENT OF INCENTIVE

This Agreement terminates and is cancelled at the end of the contract term unless cancelled earlier as set forth below. In the event Gambit fails to maintain taxable property of a total value of at least \$2,000,000.00 as determined by the Bell County Appraisal District on the City of Harker Heights ad valorem tax rolls for any year for which the City has otherwise agreed to provide an economic development grant under this Agreement, this Agreement will terminate and be cancelled. Further, if Gambit fails to maintain the employment level for any of the positions described in paragraph II (3) above for a period of more than 30 consecutive days during the term of this Agreement, the Agreement will terminate and be cancelled. In the event this Agreement is terminated and cancelled because of the failure of Gambit maintain property values or employment levels as required by this Agreement, Gambit shall be obligated to repay and reimburse the City an amount equal to all grants which have been made pursuant to this Agreement.

VII.
TERM

Unless terminated earlier by the provisions hereof or by the parties, this Agreement shall terminate after the City has paid all economic development grants for the year 2027 as provided herein.

VIII.
ATTORNEY'S FEES

If, on account of any breach or default by Gambit on its obligations under the provisions of this Agreement, it shall be necessary for the City to employ an attorney or attorneys to enforce or defend any of its rights or remedies hereunder, should the City prevail, the City shall be entitled to all reasonable attorney's fees, costs and expenses it incurs in connection therewith.

IX.
VENUE AND CONTROLLING LAW

Texas law shall govern interpretation of this Agreement and all disputes hereunder. This Agreement is performable, and shall be performed, in Bell County, Texas. Venue to any dispute between the parties shall be in Bell County, Texas.

X.
AMENDMENT

No amendment, modification, or alterations of the terms hereof shall be binding unless the same be in writing, dated subsequent to the date of this Agreement and is duly executed by both parties.

XI.
SEVERABILITY

If any provision of this Agreement is held to be illegal, invalid, or unenforceable, such provision shall automatically be deleted from the Agreement and the legality, validity or enforceability of the remaining provisions shall not be affected.

XII.
PRIOR AGREEMENTS SUPERSEDED

This Agreement constitutes the sole and only agreement of the parties herein with respect to the subject matter hereof and supersedes any prior understanding or written or oral agreements between the parties respecting the subject matter hereof.

XIII.
NO WAIVER

No waiver by the City or Gambit of any event of default or breach of any covenant, condition or agreement herein contained shall be treated as a waiver of any subsequent default or breach of the same or any covenant, condition, or agreement.

XIV.
ASSIGNMENT

This Agreement may not be assigned by Gambit without prior written consent of the City of Harker Heights.

XV.
Notice

17. All notices provided hereunder shall be given by both email and certified mail, return receipt requested as follows:

To the City of Harker Heights	c/o David Mitchell, City Manager City Hall 305 Millers Crossing Harker Heights, TX 76548 Email: dmitchell@ci.harker-heights.tx.us
-------------------------------	--

To Gambit Social House, Inc. c/o _____

512 S. 2nd St.

Killeen, TX 76541

Email: _____

EXECUTED on this the _____ day of _____, 2021.

CITY OF HARKER HEIGHTS, TEXAS

By: _____

David Mitchell, City Manager

ATTEST:

City Secretary

GAMBIT SOCIAL HOUSE, INC.

By: _____

Print Name: _____

Title: _____



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VIII-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

DISCUSS AND CONSIDER APPOINTING A REPRESENTATIVE TO THE BELL COUNTY HEALTH DISTRICT BOARD, AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The City currently has a contract with Bell County for the Health District to provide various services on behalf of the City. With this contract, it allows the City to have a representative and alternate representative on the Bell County Health Board. This board serves as the administrative public health board governing the Health District.

On August 14, 2018, the Council appointed Michael Blomquist for a term of 3 years (2018-2021) as the Bell County Health District Board representative for the City. Action is needed by the City Council to appoint the City's representative due to Michael Blomquist's term expiring this year. Michael Blomquist is eligible for reappointment and requests to be reappointed as the City's representative for another 3-year term (2021-2024).

RECOMMENDATION:

Reappoint Michael Blomquist as the representative for the City.

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove the reappointment of Michael Blomquist, to the Bell County Health Board as the Representative for the City of Harker Heights.
2. Any other action desired.

ATTACHMENT:

None.



CITY COUNCIL MEMORANDUM

AGENDA ITEM # VIII-6

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 9, 2021

RECEIVE AND DISCUSS THE FY 2020 – 2021 FOURTH QUARTER INVESTMENT REPORT.

BACKGROUND:

Attached is the investment report for the fourth quarter of fiscal year 2021. The total amount invested as of September 30, 2021, was \$32,348,250.40. This is \$8,644,711.24 more than the \$23,703,539.16 that was invested as of September 30, 2020.

As shown in the graph below, total investments decreased by \$1,802,026.48 from the third quarter of the 2021 fiscal year. The decrease of \$2,624,738 in the Debt Service Fund can be attributed to the debt payments made in August and is also the reason for the decrease of \$158,215 in the Drainage Fund. Capital Improvement Projects progressing during the fourth quarter include the 2020 Street Improvement Project and the Pinewood Drainage Project; the Pavement Replacement project at Central Station was completed. These, as well as other projects, account for the decrease in the Capital Improvement Fund of \$744,144.

Fund	As of 06/30/2021	As of 09/30/2021	Increase (Decrease)
01 General Fund	19,713,382.16	21,293,484.75	1,580,102.59
02 Utility Fund	3,663,449.24	3,787,092.05	123,642.81
03 Drainage Fund	208,562.49	50,347.66	(158,214.83)
04 Sanitation Fund	202,799.14	182,371.65	(20,427.49)
05 Capital Improvement Fund	7,054,794.50	6,310,650.45	(744,144.05)
06 Debt Service Fund	2,707,668.42	82,930.36	(2,624,738.06)
11 Hotel / Motel Fund	420,223.79	441,015.00	20,791.21
12 Restricted Court Fund	179,397.14	200,358.48	20,961.34
Total / Average	34,150,276.88	32,348,250.40	(1,802,026.48)

The Investment Portfolio by Maturity Range, page 4 of the attached Investment Report, shows that most of the City’s investments (76.61%) has a maturity date within one month of September 30, 2021. Included in this category are the City’s checking accounts, pool accounts, three Certificates of Deposit (two matured on October 11th and one on October 18th), and one investment in IntraFi Network Deposits which matured on October 14, 2021. (The Certificate of Deposit Account Registry System, or CDARS, has been renamed IntraFi Network Deposits.) There are currently no investments that exceed a maturity range of one year.

The City’s current investments have interest rates that range from 0.01% to 0.25%. As a comparison, Treasury Bill rates for a one-month investment as of September 30, 2021 was 0.07% and for a one-year investment was 0.08%.

RECOMMENDATION: None.

ACTION BY COUNCIL: None.

ATTACHMENTS:

1. Investment Report – September 30, 2021.

City of Harker Heights
Portfolio Management - Portfolio Summary
As of 9/30/2021

Description	Yield	Face Amount/Shares	Cost Value	Market Value	Days To Maturity	% of Portfolio
CDARS Program	0.295	4,432,349.48	4,432,349.48	4,432,349.48	75	13.70
Certificate of Deposit	0.296	5,650,559.95	5,650,559.95	5,650,763.73	131	17.47
Checking Accounts	0.150	13,849,732.73	13,849,732.73	13,849,732.73	1	42.81
Pool Accounts	0.034	8,415,404.46	8,415,404.46	8,415,404.46	1	26.02
Total / Average	0.165	32,348,046.62	32,348,046.62	32,348,250.40	34	100.00

Interest Income Earned Through September 30, 2021: \$143,641.22
 Average Daily Balance Through September 30, 2021: \$31,967,808.48

This quarterly investment report has been prepared in full compliance with the City of Harker Heights' Investment Policy and the Public Funds Investment Act (Texas Government Code, Chapter 2256.023).



 Ayesha Lealiie, Finance Director

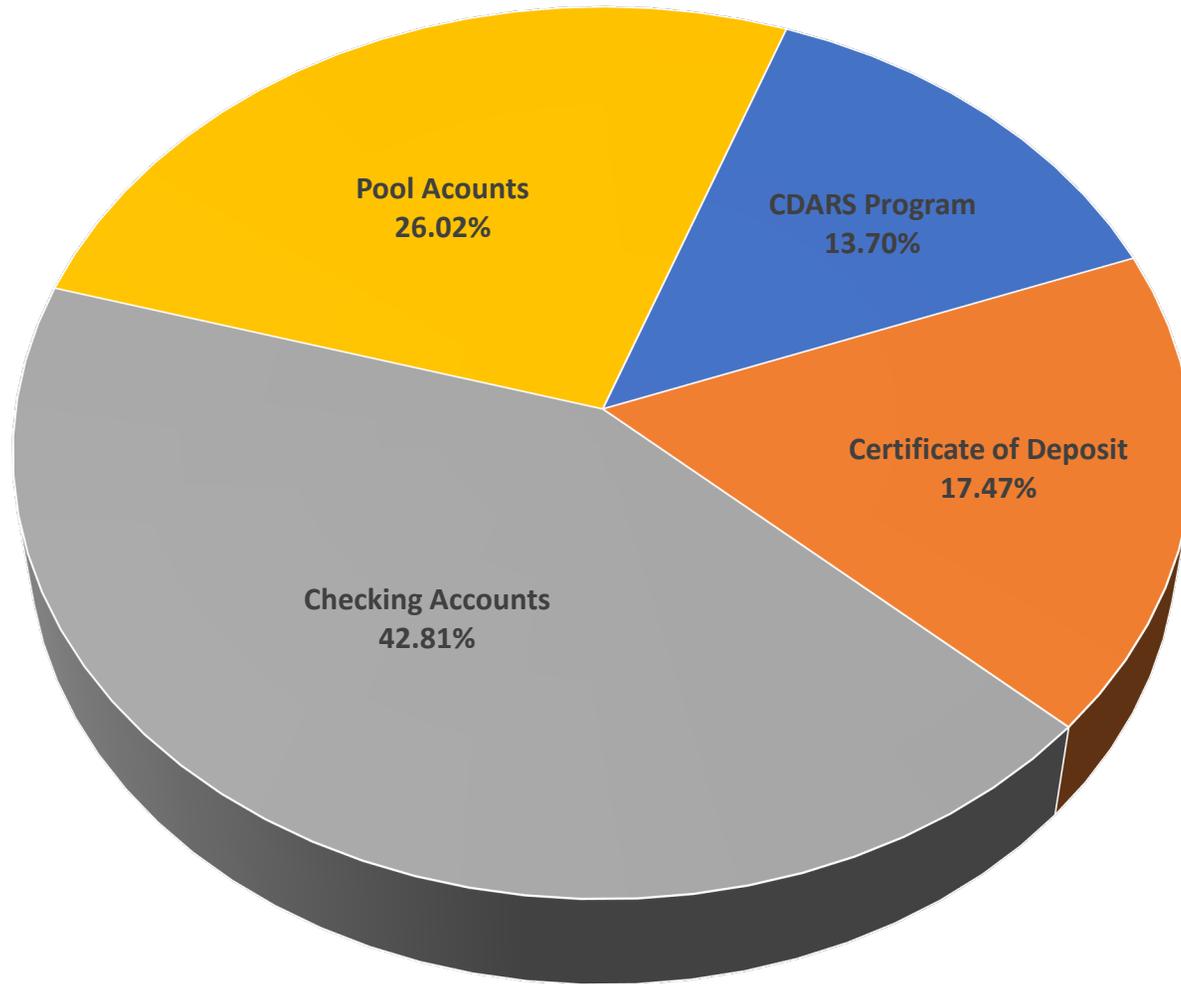
11/2/2021



 David R. Mitchell, City Manager

11/2/2021

PORTFOLIO HOLDINGS DISTRIBUTION BY ASSET CLASS



City of Harker Heights
Quarterly Investment Report - Portfolio Detail with Accrued Interest
Begin Date: 6/30/2021, End Date: 9/30/2021

Description	Asset Category	Beginning Market Value	Total Deposits/Purchases	Total Withdrawals/Maturities	Change in Market Value	Ending Market Value	Interest/Dividends	Accrued Interest Earned During Period	Maturity Date	Beginning Yield	Ending Yield
CDARS Program											
First National Bank Texas - Killeen, TX 1.4 10/14/2021	05-100-210 CDARS Capital Projects [UR]	768,137.34	2,715.31	0.00	0.00	770,852.65	2,715.31	2,715.31	10/14/2021	1.400	1.400
First National Bank Texas - Killeen, TX 0.07 12/2/2021	01-100-208 CDARS General Fund Reserve [UR]	1,038,631.84	183.30	0.00	0.00	1,038,815.14	183.30	183.30	12/2/2021	0.070	0.070
First National Bank Texas - Killeen, TX 0.06 1/6/2022	01-100-210 CDARS General Fund [UR]	2,622,285.09	396.60	0.00	0.00	2,622,681.69	396.60	396.60	1/6/2022	0.060	0.060
Sub Total/Average CDARS Program		4,429,054.27	3,295.21	0.00	0.00	4,432,349.48	3,295.21	3,295.21		0.295	0.295
Certificate of Deposit											
BBVA - Temple, TX 1.55 7/23/2021	01-100-216 CD General Fund [UR]	1,533,233.73	0.00	1,533,233.73	0.00	0.00	1,954.50	1,498.72	7/23/2021	1.550	
BBVA - Temple, TX 0.2 8/24/2021	02-100-216 CD Meter Fund [R]	400,666.86	65.87	400,732.73	0.00	0.00	133.95	120.80	8/24/2021	0.200	
BancorpSouth Bank - Harker Heights, TX 0.5 8/28/2021	01-100-216 CD General Fund [UR]	1,003,744.38	0.00	1,003,744.38	0.00	0.00	1,264.99	811.25	8/28/2021	0.500	
BancorpSouth Bank - Harker Heights, TX 0.25 10/11/2021	05-100-221 CD Capital Projects [UR]	500,000.00	0.00	0.00	0.00	500,000.00	0.00	315.07	10/11/2021	0.250	0.250
BancorpSouth Bank - Harker Heights, TX 0.25 10/11/2021	01-100-216 CD General Fund [UR]	1,000,000.00	0.00	0.00	0.00	1,000,000.00	0.00	630.13	10/11/2021	0.250	0.250
Goldman Sachs Bank USA - New York, NY 1.75 10/18/2021	05-100-221 CD Capital Projects [UR]	248,282.67	0.00	0.00	(1,078.89)	247,203.78	0.00	1,089.51	10/18/2021	1.750	1.750
BancorpSouth Bank - Harker Heights, TX 0.25 3/2/2022	01-100-215 CD General Fund Reserve [UR]	2,001,260.27	1,261.07	0.00	0.00	2,002,521.34	1,261.07	1,261.31	3/2/2022	0.250	0.250
BBVA - Temple, TX 0.1 3/3/2022	05-100-235 CD Series 2018 Operating	750,693.55	189.24	0.00	0.00	750,882.79	189.24	189.24	3/3/2022	0.100	0.100
BancorpSouth Bank - Harker Heights, TX 0.25 3/22/2022	02-100-216 CD Meter Fund [R]	0.00	400,000.00	0.00	0.00	400,000.00	0.00	19.18	3/22/2022		0.250
BancorpSouth Bank - Harker Heights, TX 0.25 4/14/2022	11-100-203 CD Hotel / Motel [UR]	250,000.00	155.82	0.00	0.00	250,155.82	155.82	157.61	4/14/2022	0.250	0.250
BancorpSouth Bank - Harker Heights, TX 0.25 9/23/2022	01-100-220 CD Cable Franchise PEG	0.00	350,000.00	0.00	0.00	350,000.00	0.00	16.78	9/23/2022		0.250
BancorpSouth Bank - Harker Heights, TX 0.25 9/23/2022	11-100-203 CD Hotel / Motel [UR]	0.00	150,000.00	0.00	0.00	150,000.00	0.00	7.19	9/23/2022		0.250
Sub Total/Average Certificate of Deposit		7,687,881.46	901,672.00	2,937,710.84	(1,078.89)	5,650,763.73	4,959.57	6,116.79		0.573	0.296
Checking Accounts											
BancorpSouth - Checking MM	01 General Fund	3,736,269.62	67,641,014.84	63,406,805.93	0.00	7,970,478.53	2,174.68	N/A	N/A	0.150	0.150
BancorpSouth - Checking MM	02 Utility Fund	3,030,440.91	18,911,597.05	18,806,688.35	0.00	3,135,349.61	868.25	N/A	N/A	0.150	0.150
BancorpSouth - Checking MM	03 Drainage Fund	179,158.98	1,733,382.36	1,891,597.97	0.00	20,943.37	48.43	N/A	N/A	0.150	0.150
BancorpSouth - Checking MM	04 Sanitation Fund	125,935.84	1,635,909.21	1,606,338.13	0.00	155,506.92	47.14	N/A	N/A	0.150	0.150
BancorpSouth - Checking MM	05 Capital Improvement Fund	3,102,959.80	898,827.33	1,644,934.54	0.00	2,356,852.59	463.51	N/A	N/A	0.150	0.150
BancorpSouth - Checking MM	06 Debt Service Fund	38,182.39	10,537,849.24	10,550,013.00	0.00	26,018.63	22.74	N/A	N/A	0.150	0.150
BancorpSouth - Checking MM	11 Hotel / Motel Fund	90,425.06	308,107.84	387,473.40	0.00	11,059.50	36.04	N/A	N/A	0.150	0.150
BancorpSouth - Checking MM	12 Restricted Court Fund	58,386.40	45,899.67	24,941.71	0.00	79,344.36	25.93	N/A	N/A	0.150	0.150
Subtotal BancorpSouth - Checking MM		10,361,759.00	101,712,587.54	98,318,793.03	0.00	13,755,553.51	3,686.72				
First National Bank Texas - Checking MM	02 Utility Fund	74,791.40	19,388.82	1.00	0.00	94,179.22	18.21	N/A	N/A	0.100	0.100
Sub Total/Average Checking Accounts		10,436,550.40	101,731,976.36	98,318,794.03	0.00	13,849,732.73	3,704.93			0.150	0.150
Pool Accounts											
LoneStar LGIP	01 General Fund	1,029,609.26	13.27	0.00	0.00	1,029,622.53	13.27	N/A	N/A	0.010	0.010
LoneStar LGIP	02 Utility Fund	22,766.52	0.30	0.00	0.00	22,766.82	0.30	N/A	N/A	0.010	0.010
LoneStar LGIP	11 Hotel / Motel Fund	79,798.73	0.95	50,000.00	0.00	29,799.68	0.95	N/A	N/A	0.010	0.010
Subtotal LoneStar LGIP		1,132,174.51	14.52	50,000.00	0.00	1,082,189.03	14.52				
Texas Class LGIP	01 General Fund	5,496,539.99	68,010.71	587,000.00	0.00	4,977,550.70	679.53	N/A	N/A	0.061	0.044
Texas Class LGIP	02 Utility Fund	89,967.42	11.93	0.00	0.00	89,979.35	11.93	N/A	N/A	0.061	0.044
Texas Class LGIP	05 Capital Improvement Fund	897,360.43	118.02	0.00	0.00	897,478.45	118.02	N/A	N/A	0.061	0.044
Texas Class LGIP	06 Debt Service Fund	2,635,906.94	88,356.70	2,700,931.18	0.00	23,332.46	176.93	N/A	N/A	0.061	0.044
Subtotal Texas Class LGIP		9,119,774.78	156,497.36	3,287,931.18	0.00	5,988,340.96	986.41				
TexStar LGIP	01 General Fund	251,807.98	50,006.84	0.00	0.00	301,814.82	6.84	N/A	N/A	0.010	0.010
TexStar LGIP	02 Utility Fund	44,816.13	0.92	0.00	0.00	44,817.05	0.92	N/A	N/A	0.010	0.010
TexStar LGIP	03 Drainage Fund	29,403.51	0.78	0.00	0.00	29,404.29	0.78	N/A	N/A	0.010	0.010
TexStar LGIP	04 Sanitation Fund	76,863.30	1.43	50,000.00	0.00	26,864.73	1.43	N/A	N/A	0.010	0.010
TexStar LGIP	05 Capital Improvement Fund	787,360.71	19.48	0.00	0.00	787,380.19	19.48	N/A	N/A	0.010	0.010
TexStar LGIP	06 Debt Service Fund	33,579.09	0.18	0.00	0.00	33,579.27	0.18	N/A	N/A	0.010	0.010
TexStar LGIP	12 Restricted Court Fund	121,010.74	3.38	0.00	0.00	121,014.12	3.38	N/A	N/A	0.010	0.010
Subtotal TexStar LGIP		1,344,841.46	50,033.01	50,000.00	0.00	1,344,874.47	33.01				
Sub Total/Average Pool Accounts		11,596,790.75	206,544.89	3,387,931.18	0.00	8,415,404.46	1,033.94			0.050	0.034
Total / Average		34,150,276.88	102,843,488.46	104,644,436.05	(1,078.89)	32,348,250.40	12,993.65	9,412.00		0.230	0.165

City of Harker Heights
Investment Portfolio - by Maturity Range (all)
As of 9/30/2021

Description	Maturity Date	Days To Maturity	Yield	Face Amount/Shares	Cost Value	Market Value	% of Portfolio
0-1 Month							
BancorpSouth - Checking MM	N/A	1	0.150	13,755,553.51	13,755,553.51	13,755,553.51	42.52
BancorpSouth Bank - Harker Heights, TX 0.25 10/11/2021	10/11/2021	11	0.250	1,000,000.00	1,000,000.00	1,000,000.00	3.09
BancorpSouth Bank - Harker Heights, TX 0.25 10/11/2021	10/11/2021	11	0.250	500,000.00	500,000.00	500,000.00	1.55
First National Bank Texas - Checking MM	N/A	1	0.100	94,179.22	94,179.22	94,179.22	0.29
First National Bank Texas - Killeen, TX 1.4 10/14/2021	10/14/2021	14	1.400	770,852.65	770,852.65	770,852.65	2.38
Goldman Sachs Bank USA - New York, NY 1.75 10/18/2021	10/18/2021	18	1.750	247,000.00	247,000.00	247,203.78	0.76
LoneStar LGIP	N/A	1	0.010	1,082,189.03	1,082,189.03	1,082,189.03	3.35
Texas Class LGIP	N/A	1	0.044	5,988,340.96	5,988,340.96	5,988,340.96	18.51
TexStar LGIP	N/A	1	0.010	1,344,874.47	1,344,874.47	1,344,874.47	4.16
Total / Average 0-1 Month		2	0.171	24,782,989.84	24,782,989.84	24,783,193.62	76.61
1-3 Months							
First National Bank Texas - Killeen, TX 0.07 12/2/2021	12/2/2021	63	0.070	1,038,815.14	1,038,815.14	1,038,815.14	3.21
Total / Average 1-3 Months		63	0.070	1,038,815.14	1,038,815.14	1,038,815.14	3.21
3-6 Months							
BancorpSouth Bank - Harker Heights, TX 0.25 3/2/2022	3/2/2022	153	0.250	2,002,521.34	2,002,521.34	2,002,521.34	6.19
BancorpSouth Bank - Harker Heights, TX 0.25 3/22/2022	3/22/2022	173	0.250	400,000.00	400,000.00	400,000.00	1.24
BBVA - Temple, TX 0.1 3/3/2022	3/3/2022	154	0.100	750,882.79	750,882.79	750,882.79	2.32
First National Bank Texas - Killeen, TX 0.06 1/6/2022	1/6/2022	98	0.060	2,622,681.69	2,622,681.69	2,622,681.69	8.11
Total / Average 3-6 Months		130	0.144	5,776,085.82	5,776,085.82	5,776,085.82	17.86
6-9 Months							
BancorpSouth Bank - Harker Heights, TX 0.25 4/14/2022	4/14/2022	196	0.250	250,155.82	250,155.82	250,155.82	0.77
Total / Average 6-9 Months		196	0.250	250,155.82	250,155.82	250,155.82	0.77
9-12 Months							
BancorpSouth Bank - Harker Heights, TX 0.25 9/23/2022	9/23/2022	358	0.250	350,000.00	350,000.00	350,000.00	1.08
BancorpSouth Bank - Harker Heights, TX 0.25 9/23/2022	9/23/2022	358	0.250	150,000.00	150,000.00	150,000.00	0.47
Total / Average 9-12 Months		358	0.250	500,000.00	500,000.00	500,000.00	1.55
Total / Average		34	0.165	32,348,046.62	32,348,046.62	32,348,250.40	100.00

PORTFOLIO HOLDINGS BY MATURITY RANGE

