

*The Bright Star Of
Central Texas*

Harker Heights

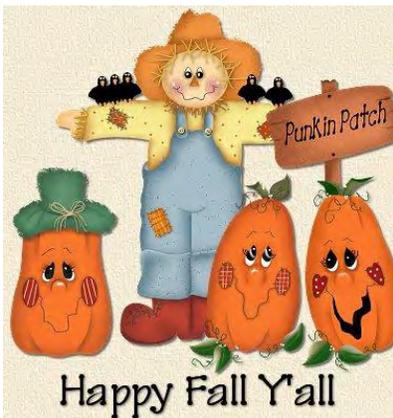


October 11, 2022

5:00 P.M.

CITY COUNCIL

MEETING AGENDA





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

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, October 11, 2022, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

MEETING AGENDA

I. INVOCATION:

II. PLEDGE OF ALLEGIANCE:

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

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

III. ROLL CALL:

IV. MAYORAL PROCLAMATIONS AND PRESENTATIONS:

1. Proclamation declaring Tonkawa Chapter Native Plant Society of Texas as "Bright Stars of Central Texas."

[Proclamation](#)

V. CONSENT ITEMS:

1. Discuss and consider approving the minutes of the meeting held on September 27, 2022, and the special meeting held on October 4, 2022, and take the appropriate action.

[Minutes - September 27, 2022](#)

[Minutes - October 4, 2022](#)

VI. PRESENTATIONS BY CITIZENS:

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

VII. PUBLIC HEARINGS:

1. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, to amend §154.37 Streets and §161.01 Section 1, Thoroughfare Plan of the Harker Heights Code of Ordinances, and portions of the Mobility 2030 Thoroughfare Plan to clarify definitions and update references; and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
2. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Conditional Use Permit (CUP) to allow for uses associated with a B-1 (Office District) zoning on property described as Forest Hills Addition, Block 016, Lot 0004, generally located at 203 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
3. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Change in Zoning Designation from B-5 (General Business District) to R-1 (One Family Dwelling District), on property described as Stillforest Subdivision Replat (Blks 6-7, 11 PT 8), Block 011, Lot PT Blk, (SW 82.37' X 161.68' X 137.88' TRI), Acres 0.13, generally located north of 1003 S. Roy Reynolds Drive, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
4. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a Change in Zoning Designation from R-2 (Two-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located Northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
5. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in zoning designation from R-1 (one-family dwelling district) to R1-I (One-Family Infill Dwelling District) and R2-I (Two-Family Infill Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
6. Conduct a public hearing to discuss and consider approving an Ordinance of the City of Harker Heights, Texas, granting a change in land use designation from Low Density Residential to Low Density Residential and Medium Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)

VIII. REGULAR BUSINESS:

1. Discuss and consider approving a Preliminary Plat referred to as Habitat for Humanity Northside Addition, on property described as 2.797 acres of land, situated in the V.L. Evans Survey, Abstract 288, Bell County, Texas, being all of the called 2.80 acre tract conveyed to Fort Hood Area Habitat for Humanity, of record in Document Number 2020053778, Official Public Records of Real Property, Bell County, Texas; and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
2. Discuss and consider approving a Preliminary Plat referred to as Harker Heights Fuller Addition, on property described as being part of the Peter Williamson Survey, Abstract No. 1099, Bell County, Texas and being part of that certain called 2.832 acre tract described in a deed from Ralph Frank Schlueter and Gail Schlueter to Scott Vernon and J. Michael Miller on April 6, 2006, recorded in Document No. 2007-00000521 of the Official Public Records of Bell County, Texas, and take the appropriate action. (Planning and Development Director)
[Staff Report - Pdf](#)
3. Receive and discuss the City Manager's Report. (City Manager)

IX. ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

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

X. ADJOURNMENT:

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on the 7th of October, 2022, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Julie Helsham
City Secretary

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

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

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



Proclamation

Whereas, The Native Plant Society of Texas is committed to promoting research, conservation and utilization of native plants and plant habitats of Texas through education, outreach and example; and

Whereas, The Native Plant Society of Texas, Tonkawa Chapter, are honored and thanked for their members' time, effort, and resources in providing native plants for a pollinator garden in the City of Harker Heights which will support and benefit local wildlife, including the Monarch Butterfly; and

Whereas, Harker Heights is pleased to recognize an educational minded organization that preserves the natural flora and fauna of the beautiful State of Texas; and

Whereas, Promoting the use of native plants shows that Harker Heights, its citizens, and its neighbors are dedicated to creating an environmentally friendly community.

Now, Therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights, Texas, expresses sincere appreciation and declares the Tonkawa Chapter Native Plant Society of Texas, as

“Bright Stars of Central Texas.”

In Witness Whereof, I have set my hand and have affixed the Seal of the City of Harker Heights, Texas, this 11th day of October 2022

Spencer H. Smith, Mayor

Minutes of the City of Harker Heights Council Meeting that was called to order on Tuesday, September 27, 2022, at 5:00 p.m., in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548, with the following members present:

ROLL CALL: Mayor Spencer H Smith
Mayor Pro Tem Jennifer McCann
Councilmember, Place 2 Michael Blomquist
Councilmember, Place 3 Tony Canterino
Councilmember, Place 4 Lynda Nash
Councilmember, Place 5 Sam Halabi

City Manager David Mitchell
City Secretary Julie Helsham

MAYORAL PROCLAMATIONS AND PRESENTATIONS:

1. Mayor Smith presented the Municipal Court with the 2022 Municipal Traffic Safety Award from the Texas Municipal Courts Education Center (TMCEC).
2. Mayor Smith presented a Proclamation to Chief Sims and Fire Department Staff, declaring October 2022, as "Fire Prevention Month" and October 9-15, 2022, as "Fire Prevention Week".

CONSENT ITEMS:

1. Council discussed and considered approving the minutes of the meeting held on September 13, 2022.

Councilmember, Place 2 Blomquist made a motion to approve the minutes of the meeting held on September 13, 2022. Mayor Pro Tem McCann seconded the motion. Carried unanimously.

PRESENTATIONS BY CITIZENS:

The following citizen(s) made a presentation to City Council:

- Tina Capito, 2600 White Moon Drive, Harker Heights, Texas 76548.

PUBLIC HEARINGS:

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

Mayor Smith stated that Item VII. 1 Public Hearing on Wastewater Impact Fees will be postponed. For all those who are here to speak on this topic, your comments will be received and recorded. Please note that this will not be an official public hearing so City Council and Staff will be in receive mode only. In accordance with Local Government Code 395.047 the City Council will hold a Special Meeting on October 4th to set the date of the Public Hearing. The public notice announcing the official public hearing date will then appear in the Killeen Daily Herald on Sunday, October 9th. Based on the publication date, the earliest date the public hearing can be held is November 15, 2022.

No action taken.

REGULAR BUSINESS:

1. Council discussed and considered approving an Amended Resolution of the City Council of the City of Harker Heights, Texas, authorizing the City Manager to execute an Advance Funding Agreement with the Texas Department of Transportation for a surface transportation program metropolitan mobility project (Warriors Path, Phase 2 Project) and authorizing local funding share. Mark Hyde, Public Works Director, made the presentation.

Councilmember, Place 5 Halabi made a motion to approve an Amended Resolution authorizing the City Manager to execute an Advance Funding Agreement for the Warriors Path, Phase 2 Project with the Texas Department of Transportation. Councilmember, Place 2 Blomquist seconded the motion. Carried unanimously.

2. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, to authorize an agreement with Vigilant Solutions to provide services and equipment related to the digital license plate reader program in the amount of \$61,210.00 through the Homeland Security Grant; Authorize the City Manager to act and sign on behalf of the City. Betiale Hawkins, Chief of Police, made the presentation.

Councilmember, Place 3 Canterino made a motion to approve a Resolution to authorize an agreement with Vigilant Solutions for the purchase and services related to the Digital License Plate Reader program in the amount of \$61,210.00 through the Homeland Security Grant and authorize the City Manager to sign and act on behalf of the City. Mayor Pro Tem McCann seconded the motion. Carried unanimously.

3. Council discussed and considered approving an appeal of the False Robbery Alarm service charge for Elli Bohac at 403 Kodiak Circle, Harker Heights, Texas. David Mitchell, City Manager, made the presentation. Ms. Elli Bohac was present to represent her request.

Mayor Pro Tem McCann made a motion to approve the Appeal to dismiss the False Robbery Alarm Service Charge for Elli Bohac at 403 Kodiak Circle, Harker Heights, Texas. Councilmember, Place 4 Nash seconded the motion. Carried unanimously.

4. Council discussed and considered approving an appeal of the False Burglary Alarm service charge for Papa's Café at 302 Miller's Crossing, Harker Heights, Texas. David Mitchell, City Manager, made the presentation. Beth Browell was present to represent the request.

At 5:45 p.m. Councilmember Sam Halabi filed an Affidavit for Conflict of Interest for Regular Business item number four and left the meeting.

Mayor Pro Tem McCann made a motion to approve the Appeal to dismiss the False Burglary Alarm Service Charge for Papa's Café at 302 Miller's Crossing, Harker Heights, Texas. Councilmember, Place 3 Canterino seconded the motion. DEFEATED. 2-3 (opposed: Mayor Smith, Councilmember, Place 2 Blomquist, and Councilmember, Place 4 Nash).

At 5:59 p.m. Councilmember Sam Halabi returned to the meeting.

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

ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.

Councilmember Blomquist stated that he attended the following events:

- September 17th – Harker Heights Farmers’ Market.
- September 24th – Harker Heights Farmers’ Market.
- September 26th – Harker Heights Community Homecoming Rally at Harker Heights High School.

Councilmember Canterino stated that he attended the following events:

- September 15th – Harker Heights Animal Advisory Committee Meeting.
- September 17th – Harker Heights Farmers’ Market.
- September 19th – Harker Heights Chamber of Commerce Legislative Update by Texas Representative Hugh Shine and presentation by Dirk Aaron, General Manager, Clearwater Underground Water Conservation District.
- September 24th – Harker Heights Farmers’ Market.

2. Update and announcements from the Mayor.

Mayor Smith stated that he attended the following events:

- September 15th – Harker Heights Cares Meeting at the Harker Heights Activities Center.
- September 16th – 1st Cavalry Division 101st Birthday Parade at Cooper Field, Fort Hood.
- September 19th – Harker Heights Chamber of Commerce Legislative Update by Texas Representative Hugh Shine and presentation by Dirk Aaron, General Manager, Clearwater Underground Water Conservation District.
- September 20th – Harker Heights City Council Workshop and Tour of Chaparral Road.
- September 21st – Killeen Temple Metropolitan Planning Organization Transportation Policy Planning Board Meeting (Chairman) and New Member Workshop.
- September 24th – TEDx Harker Heights Proclamation at the Central Texas Home Builders Association.
- September 26th – Harker Heights Community Homecoming Rally at Harker Heights High School.

ADJOURNMENT:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 6:06 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

Minutes of the City of Harker Heights Special Council Meeting that was called to order on Tuesday, October 4, 2022, at 5:00 PM, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller’s Crossing, Harker Heights, Texas 76548, with the following members present:

ROLL CALL: Mayor Spencer H Smith
Mayor Pro Tem Jennifer McCann (*Arrived at 5:03 p.m.*)
Councilmember, Place 2 Michael Blomquist
Councilmember, Place 3 Tony Canterino
Councilmember, Place 4 Lynda Nash
Councilmember, Place 5 Sam Halabi

City Manager David Mitchell
City Secretary Julie Helsham

PUBLIC HEARINGS:

1. Council conducted a public hearing to discuss and consider establishing a public hearing date to discuss and consider approving the adoption of an ordinance amending Title V of the City’s code of ordinances; establishing Chapter 55 “Impact Fees”; adopting, imposing, and establishing wastewater impact fees up to the maximum assessable impact fee of up to \$6,133 per service unit on new developments in the impact fee service area; adopting wastewater impact fee calculations for wastewater facilities for the 2022 wastewater impact fee area; adopting assessment and collection rates for wastewater impact fees; providing a cumulative clause, providing a severability clause; establishing a penalty and specifically negating a requirement of a culpable mental state; establishing a penalty for violations; and providing and establishing an effective date. Kristina Ramirez, Planning and Development Director, made the presentation.

Councilmember, Place 3 Canterino made a motion to establish the November 15, 2022, City Council meeting as the public hearing date to discuss and consider approving the adoption of an ordinance amending Title V of the City’s Code of Ordinances; establishing Chapter 55 “Impact Fees”; adopting, imposing, and establishing wastewater impact fees up to the maximum assessable impact fee of up to \$6,133 per service unit on new developments in the impact fee service area; adopting wastewater impact fee calculations for wastewater facilities for the 2022 Wastewater Impact Fee area; adopting assessment and collection rates for wastewater impact fees; providing a cumulative clause, providing a severability clause; establishing a penalty and specifically negating a requirement of a culpable mental state; establishing a penalty for violations; and providing and establishing an effective date. Councilmember, Place 2 Blomquist seconded the motion. Carried unanimously.

ADJOURNMENT:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 5:05 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 11, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, TO AMEND §154.37 STREETS AND §161.01 SECTION 1, THOROUGHFARE PLAN OF THE HARKER HEIGHTS CODE OF ORDINANCES, AND PORTIONS OF THE MOBILITY 2030 THOROUGHFARE PLAN TO CLARIFY DEFINITIONS AND UPDATE REFERENCES; AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The City is currently in the process of updating the Thoroughfare Plan, Mobility 2030, and the Comprehensive Plan. The Planning and Zoning Commission (P&Z) held workshops beginning in January of 2022 to discuss and receive input on these topics. The P&Z decided to update the above mentioned plans over the next year in sections. The first section focused on is definitions for roadways and was approved by City Council on September 13, 2022.

The second section focuses on revisions to specific code sections in order to provide clarity between the adopted code of ordinances and requirements in the Thoroughfare Plan, Mobility 2030, and the Comprehensive Plan. The P&Z reviewed the City's existing code of ordinances and plans and also compared them to those within our region and municipalities of similar size. As proposed, the ordinance amendment will offer consistency to ensure uniform standards are being used.

RECOMMENDATION:

Staff recommended to the Planning & Zoning Commission approval of an amendment to §154.37 Streets and §161.01 Section 1, Thoroughfare Plan of the Harker Heights Code of Ordinances and portions of the Mobility 2030 Thoroughfare Plan to clarify definitions and update references.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning and Zoning Commission meeting held on September 28, 2022, the Planning & Zoning Commission voted (9-0) to recommend approval of the changes to §154.37 Streets and §161.01 Section 1, Thoroughfare Plan, and portions of the Mobility 2030 Thoroughfare Plan, as presented by staff and based on staff's recommendations and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve / disapprove** an Ordinance to amend §154.37 Streets and §161.01 Section 1, Thoroughfare Plan the Harker Heights Code of Ordinances, and portions of the Mobility 2030 Thoroughfare Plan, to clarify definitions and update references, based upon staff's recommendations and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

[02_ProposedOrdinance-Streets-101122](#)

[03-154.37-OrdinanceRevisions-StrikeThruVersion-101122](#)

[04-161.01-OrdinanceRevisions-StrikeThruVersion-101122](#)

[05-ThoroughfarePlan-StrikeThroughVersion-101122](#)

[06-ExistingOrdinances](#)

[06-ExistingThoroughfarePlan](#)

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS AMENDING §154.37 STREETS, AND §161.01 SECTION 1, THOROUGHFARE PLAN OF THE CODE OF ORDINANCES AND MOBILITY 2030 THOROUGHFARE DEFINITIONS; CLARIFYING DEFINITIONS; UPDATING REFERENCES AND PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENT.

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

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

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

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

SECTION 2: SUBDIVISION REGULATIONS §154.01 Definitions, §154.37 Streets, and §161.01 Section 1, Thoroughfare Plan of the Code of Ordinances of the City of Harker Heights is hereby amended to read as follows:

§ 154.37 STREETS.

(A) Street layout

(1) Thoroughfare Plan. Proposed streets must be in conformance with the city thoroughfare plan. All arterial and collector street locations, alignments, right-of-way widths, pavement widths and cross-sections shall be in accordance with the adopted plans and standards. Streets that are not on the thoroughfare plan and are proposed to collect traffic from residential streets shall be designed and constructed as minor or major collectors as determined by the Public Works Director.

...

(C) Street classification. All streets within the city shall be located and constructed as shown on the thoroughfare plan and, where not otherwise shown thereon, shall be designed as follows:

(1) Rural Roads. Rural roads shall have a roadway surface that is 36 feet in width (measured between the outside edges of ribbon curb), with a minimum 60 feet of right-of-way. Rural roads may have bar ditch(es). The Public Works Director may approve a right-of-way width of 50 feet if a 15-foot wide utility easement is provided for public water and sewer facilities. Ribbon Curbs may be allowed in limited cases with the approval of the Public Works Director when sheet flow off of the street is preferred to concentrated discharge.

- (2) Residential or Local streets. Residential streets shall have a roadway surface that is 36 feet in width (back-of-curb to back-of-curb), with a minimum 60 feet of right-of-way. Where entrances to subdivisions are not part of a collector street, they shall be a minimum of 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection. Residential streets shall have 5-foot to 6-foot wide Residential Sidewalks and amenities as indicated in the adopted Sidewalk Plan.
- (3) Minor Collectors. Minor collectors shall have a roadway surface that is 42 feet in width (back-of-curb to back-of-curb), with a minimum of 70 feet of right-of-way. These are streets generally located within subdivisions or between subdivisions to collect traffic from Residential streets and to channel this traffic to the major collectors or an Arterial. These are limited access roads on which residential lots may have driveway access. Minor Collectors shall have 6-foot to 8-foot wide Connector Sidewalks and amenities as indicated in the adopted Sidewalk Plan.
- (4) Major Collectors. Major Collectors shall have a roadway surface that is 48 feet in width (back-of-curb to back-of-curb), with a minimum of 80 feet of right-of-way. These streets are generally located along borders of subdivisions and within commercial areas to collect traffic from residential areas and to channel this traffic to the arterial system. These are limited access roads on which no residential lots may have driveway access. Major Collectors shall have 6-foot to 8-foot wide Connector Sidewalks and amenities on both sides of the roadway as indicated in the adopted Sidewalk Plan. Minor Arterials. Minor Arterials shall have a roadway surface between 60 and 80 feet in width (back of curb to back of curb), depending on the needs and the design as determined by the city or TXDOT. The right-of-way shall be between 90 and 110 feet, depending on the design requirements as determined by the city or TXDOT. These are limited access roads on which no residential lots may have driveway access.
- (5) Minor Arterials shall have 6-foot to 10-foot wide Promenade Sidewalks and amenities on both sides of roadway as indicated in the adopted Sidewalk Plan. Major Arterials.
- (6) Major Arterials shall have a roadway surface between 60 and 80 feet in width (back of curb to back of curb), depending on the needs and the design as determined by the city or TXDOT. The right-of-way shall be between 110 and 120 feet, depending on the design requirements as determined by the city and TXDOT. Major Arterials shall have 6-foot to 10-foot wide Connector or Promenade Sidewalks and amenities as indicated in the adopted Sidewalk Plan.

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- (D) Miscellaneous street requirements.

...

- (6) Non-cul-de-sac designed dead-end streets. Dead-end streets shall be prohibited except for short stub-outs for future roadway extensions. Short stub-out streets may require special terminus treatments for drainage

concerns and street integrity. Temporary turnarounds are required if the dead-end street exceeds 150 feet in length.

- (7) Cul-des-sac design. For subdivisions with lots of less than one acre, cul-de-sac streets shall not exceed 800 feet in length (as measured from the right-of-way line of the intersecting roadway to the center of the turnaround). For single-family subdivisions with lots greater than one acre, the length may not exceed 1,200 feet. All cul-de-sacs shall be provided at the closed end with a turnaround having a minimum required radius of 50 feet from the face of curb to the center of the cul-de-sac with a minimum 124-foot right-of-way. The right-of-way shall extend a minimum of 12 feet behind the back of curb. The placement section shall meet fire code requirements.

...

(F) Construction standards.

- (1) Design. Pavement section design shall be accomplished by a Texas registered professional engineer and shall be based upon a geo-technical analysis performed by a qualified geo-technical professional. All construction shall conform to Appendix A, Tables I through IV and the following adopted regulations where applicable: § 50.02, Chapter 50 of this Code of Ordinances, adoption of “Standard Specifications for Public Works Construction”.

...

§ 161.01 SECTION 1, THOROUGHFARE PLAN.

The Thoroughfare Plan last revised October 11, 2022, is hereby adopted by reference as though fully copied herein, and shall apply to all property under the jurisdiction of the city.

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

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

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

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on **October 11, 2022.**

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

§ 154.37 STREETS.

(A) Street layout.

- (1) Thoroughfare ~~P~~lan. Proposed streets must be in conformance with the city thoroughfare plan. All arterial and collector street locations, alignments, right-of-way widths, pavement widths and cross-sections shall be in accordance with the adopted plans and standards. Streets that are not on the thoroughfare plan and are proposed to collect traffic from residential streets shall be designed and constructed as minor or major collectors as determined by the Public Works Director.
- (2) Consistency with existing streets. The arrangement, character, extent, width, grade and location of each proposed street shall be consistent with streets in the immediate area. However, new streets must meet the minimum current standards. Consideration shall be made for topographical conditions, public safety, convenience and the proposed use of land to be served by such streets.
- (3) Entrances to subdivisions. In no case shall platted lots have their sole access through an adjacent jurisdiction. As a rule, new subdivisions must have at least two access streets. Entrances shall be 42 feet wide with a 70-foot right-of-way for a minimum distance of 100 feet from the intersection. A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family structures. In addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:
 - (a) Traffic circulation and emergency vehicle access;
 - (b) Traffic and pedestrian safety with due consideration given to school bus routes; and
 - (c) Topography and visibility distances.
- (4) Residential streets. Internal local streets shall be laid out so as to discourage then-use by through traffic when possible.
- (5) Secondary access streets. Where a subdivision has frontage on an arterial street, the city may require a secondary access street to facilitate the sharing of curb cuts and/or to separate access to lots from through traffic.
- (6) Projection of streets. Where adjoining areas are not subdivided, the developer shall design and construct abutting short stub-outs or temporary turnarounds for the projection of streets at proper block intervals into such unsubdivided areas.
- (7) Inadequate or substandard streets. Inadequate or substandard existing streets and other infrastructure shall be upgraded to city standards by the developer, including dedication of an additional right-of-way if necessary. If development is on one side of such a street, the developer shall dedicate an additional right-

of-way if necessary, upgrade the street pavement and associated infrastructure on the side that is being platted. Sidewalks shall be constructed or upgraded (if needed) to city standards by the builder/owner prior to the issuance of a certificate of occupancy.

(B) Street design standards.

- (1) Street design. Street design shall be in accordance with the city's standards and specifications.
- (2) Curbs and gutters. The developer shall install curbs and gutters on all new streets except as provided in § 154.45, unless required in special situations determined by the city.
- (3) Curb cuts. Restrictions to location, design, size and/or number of curb cuts are as required in the Zoning Code.
- (4) Pavement standards. Streets shall be paved in accordance with city standards. The city may require increased right-of-way or pavement widths if traffic impacts of the proposed development or conditions in the area merit such changes.

(C) Street classification. All streets within the city shall be located and constructed as shown on the thoroughfare plan and, where not otherwise shown thereon, shall be designed as follows:-

- (1) Rural Roads. Rural roads shall have a roadway surface that is 36 feet in width (measured between the outside edges of ribbon curb), with a minimum 60 feet of right-of-way. Rural roads may have bar ditch(es). The Public Works Director may approve a right-of-way width of 50 feet if a 15-foot wide utility easement is provided for public water and sewer facilities. Ribbon Curbs may be allowed in limited cases with the approval of the Public Works Director when sheet flow off of the street is preferred to concentrated discharge.
- (2) ~~(1)~~ Residential or Local streets. Residential streets shall have a roadway surface that is 36 feet in width (back-of-curb to back-of-curb), with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots. They carry low traffic volumes. Where entrances to subdivisions are not part of a collector street, they shall be a minimum of 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection. Residential streets shall have 5-foot to 6-foot wide Residential Sidewalks and amenities as indicated in the adopted Sidewalk Plan.
- (3) ~~(2)~~ Minor Collectors. Minor collectors shall have a roadway surface that is 42 feet wide in width (back-of-curb to back-of-curb), with a minimum of 70 feet of right-of-way. These are streets generally located within subdivisions or between subdivisions to collect traffic from minor (Residential) streets and to channel this traffic to the major collectors or an Arterial. These are limited access roads on which residential lots may have driveway access. Residential lots may front on these streets. Minor Collectors shall have 6-foot to 8-foot wide Connector Sidewalks and amenities as indicated in the adopted Sidewalk Plan. Major collectors.

- (4) Major Collectors. ~~(3)~~ Major Collectors shall have a roadway surface that is 48 feet ~~wide~~ in width (back-of-curb to back-of-curb), with a minimum of 80 feet of right-of-way. These streets are generally located along borders of ~~neighborhoods~~ subdivisions and within commercial areas to collect traffic from residential areas and to channel this traffic to the arterial system. These are limited access roads on which no residential lots may ~~front (i.e., no driveways shall be allowed)~~ unless there is no other reasonable and safe access to the lot ~~to have driveway access.~~ Major Collectors shall have 6-foot to 8-foot wide Connector Sidewalks and amenities on both sides of the roadway as indicated in the adopted Sidewalk Plan. Minor Arterials. Minor Arterials shall have a roadway surface ~~be~~ between 60 and 80 feet ~~wide~~ in width (back of curb to back of curb), depending on the needs and the design as determined by the city or TXDOT. The right-of-way shall be between 90 and ~~120~~ 110 feet, depending on the design requirements as determined by the city or TXDOT. ~~These are high volume streets with five or more lanes.~~ These are limited access roads on which no residential lots may ~~front~~ have driveway access.
- (5) ~~(4)~~ Minor Arterials shall have 6-foot to 10-foot wide Promenade Sidewalks and amenities on both sides of roadway as indicated in the adopted Sidewalk Plan. Major Arterials.
- (6) Major Arterials shall have a roadway surface between 60 and 80 feet in width (back of curb to back of curb), depending on the needs and the design as determined by the city or TXDOT. The right-of-way shall be between 110 and 120 feet, depending on the design requirements as determined by the city and TXDOT. Major Arterials shall have 6-foot to 10-foot wide Connector or Promenade Sidewalks and amenities as indicated in the adopted Sidewalk Plan.

(D) Miscellaneous street requirements.

- (1) Property abutting arterials. Where a subdivision abuts or contains an existing or proposed arterial, the Planning and Zoning Commission may require access streets, reverse frontage with a screening buffer containing a non-access easement along the rear property line, deep lots with rear service alleys or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (2) Property abutting railroads. Where a subdivision abuts or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on the side of such right-of-way.
- (3) Reserve strips. Reserve strips controlling access to streets shall be prohibited except where their control is dedicated to the city, under conditions approved by the Planning and Zoning Commission.
- (4) Street jogs. Street jogs with centerline off-sets of less than 125 feet shall be avoided.
- (5) Street intersections. Streets shall be laid out so as to intersect at right angles, or as nearly as possible to 90 degrees. Six foot concrete valley gutters are required at street intersections where cross drainage will occur.

- (6) Non-cul-de-sac designed dead-end streets. Dead-end streets shall be prohibited except for short stub-outs for future roadway extensions. Short stub-out streets may require special terminus treatments for drainage concerns and street integrity. Temporary turnarounds are required if ~~they~~ the dead-end street exceeds 150 feet in length.
 - (7) Cul-des-sac design. For subdivisions with lots of less than one acre, cul-de-sac streets shall not exceed 800 feet in length (as measured from the right-of-way line of the intersecting roadway to the center of the turnaround). For single-family subdivisions with lots greater than one acre, the length may not exceed 1,200 feet. All cul-de-sacs shall be provided at the closed end with a turnaround having a minimum required radius of ~~38-50~~ feet ~~back-off from the face of~~ curb to ~~back-of curb~~ the center of the cul-de-sac with ~~a 50-foot~~ a minimum 124-foot right-of-way. The right-of-way shall extend a minimum of 12 feet behind the back of curb. The placement section shall meet fire code requirements.~~required.~~
 - (8) Street names. No street names shall be used which will duplicate or be confused with names of existing streets. Street extensions shall use the existing street names. Street names shall be subject to the approval of the Planning and Zoning Commission.
 - (9) Street signs. The city, at the developer's expense, shall install all street signs. The developer shall be charged for the cost of materials only.
- (E) Alleys.
- (1) Alleys shall generally be parallel to the street.
 - (2) Alley intersections and sharp changes in alignment shall be avoided. Where two alleys intersect, or where an alley turns, additional width may be required to allow for the turning of vehicles or guying of utility poles.
 - (3) Easements may be required on either side of the alley or alleys for utility placement.
 - (4) The width of an alley shall not be less than 20 feet.
 - (5) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the terminus, as determined by the Planning and Zoning Commission.
 - (6) Alleys shall paved in the same manner as streets.
- (F) Construction standards.
- (1) Design. Pavement section design shall be accomplished by a Texas registered professional engineer and shall be based upon a geo-technical analysis performed by a qualified geo-technical professional. All construction shall conform to Appendix A, Tables I through IV and the following adopted regulations where applicable: § 50.02, Chapter 50 of this Code of Ordinances, adoption of "Standard Specifications for Public Works Construction".
 - (2) Street surfaces. All street wearing surfaces shall consist of concrete or hot mixed asphaltic concrete (HMAC) laid over a base course of crushed stone which has been designed, and compacted in accordance with city standards and requirements.

- (3) Curb and gutter. All curb and gutter, integral curbs, valley gutters, driveway approaches, drainage structures and the like shall be constructed of Class "A" (3,600 PSI) Portland Cement Concrete per city standards.

§ 161.01 SECTION 1, THOROUGHFARE PLAN.

The Thoroughfare Plan last revised ~~May 20, 2014~~October 11, 2022, is hereby adopted by reference as though fully copied herein, and shall apply to all property under the jurisdiction of the city.

Definitions

Major Collector – Street designed to distribute traffic between more principal traffic routes and residential streets within the neighborhood. Collectors often support cycling and pedestrians in the absence of sidewalks and trails, and must balance the need to move automobile traffic with maintaining and enhancing neighborhood character and the public realm. **Classification of a Minor Collectors will be per designation by the Director of Public Works.**

Context Sensitive Design Manual – Designing Walkable Urban Thoroughfares: A Context Sensitive Approach is a design guide published by ITE, FHWA, and CNU. It is adopted by TxDOT as a preferred design manual due to the focuses on meeting the needs of stakeholders and users; preservation of scenic, aesthetic, historic, and environmental resources; safety, efficiency, capacity, and maintenance; and integration of the values and objectives of compatibility, livability, sense of place, urban design, and environmental impacts into public investment.

Critical Intersection – The confluence of several travel modes into an area where public safety is the primary concern. Pedestrians, cyclists, transit users and automobiles must share this space and designs must accommodate safety enhancements for all users.

Design Speed – A selected speed used to determine the various geometric design features of the roadway and is used explicitly for determining minimum values for highway design such as horizontal curve radius and sight distance.

Green Book – A Policy on Geometric Design of Highways and Streets is a design guide published by AASHTO. The Green Book is the dominant reference publication for geometric design in the U.S. and its application involves selecting a "design speed." The Green Book recommends that topography, anticipated operating speed, adjacent land use, and functional classification be considered, and as high a design speed as practical be selected.

Minor Arterial – High speed and high volume roads that move traffic between activity nodes. They are limited access roads with no single or two-family direct access. Movement and speed are the primary function.

Principal Arterial or Major Arterial – High speed and high volume, multiple lane roads that move traffic between activity nodes. They are limited access roads with no single or two-family direct access. Movement and speed are the primary function.



City of Harker Heights, Texas

Mobility 2030

§ 154.37 STREETS.**(A) Street layout.**

(1) *Thoroughfare plan.* Proposed streets must be in conformance with the city thoroughfare plan. All arterial and collector street locations, alignments, right-of-way widths, pavement widths and cross-sections shall be in accordance with the adopted plans and standards. Streets that are not on the thoroughfare plan and are proposed to collect traffic from residential streets shall be designed and constructed as collectors.

(2) *Consistency with existing streets.* The arrangement, character, extent, width, grade and location of each proposed street shall be consistent with streets in the immediate area. However, new streets must meet the minimum current standards. Consideration shall be made for topographical conditions, public safety, convenience and the proposed use of land to be served by such streets.

(3) *Entrances to subdivisions.* In no case shall platted lots have their sole access through an adjacent jurisdiction. As a rule, new subdivisions must have at least two access streets. Entrances shall be 42 feet wide with a 70-foot right-of-way for a minimum distance of 100 feet from the intersection. A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family structures. In addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:

- (a) Traffic circulation and emergency vehicle access;
- (b) Traffic and pedestrian safety with due consideration given to school bus routes; and
- (c) Topography and visibility distances.

(4) *Residential streets.* Internal local streets shall be laid out so as to discourage then-use by through traffic when possible.

(5) *Secondary access streets.* Where a subdivision has frontage on an arterial street, the city may require a secondary access street to facilitate the sharing of curb cuts and/or to separate access to lots from through traffic.

(6) *Projection of streets.* Where adjoining areas are not subdivided, the developer shall design and construct abutting short stub-outs or temporary turnarounds for the projection of streets at proper block intervals into such unsubdivided areas.

(7) *Inadequate or substandard streets.* Inadequate or substandard existing streets and other infrastructure shall be upgraded to city standards by the developer, including dedication of an additional right-of-way if necessary. If development is on one side of such a street, the developer shall dedicate an additional right-of-way if necessary, upgrade the street pavement and associated infrastructure on the side that is being platted. Sidewalks shall be constructed or upgraded (if needed) to city standards by the builder/owner prior to the issuance of a certificate of occupancy.

(B) Street design standards.

(1) *Street design.* Street design shall be in accordance with the city's standards and specifications.

(2) *Curbs and gutters.* The developer shall install curbs and gutters on all new streets except as provided in § 154.45, unless required in special situations determined by the city.

(3) *Curb cuts.* Restrictions to location, design, size and/or number of curb cuts are as required in the Zoning Code.

(4) *Pavement standards.* Streets shall be paved in accordance with city standards. The city may require increased right-of-way or pavement widths if traffic impacts of the proposed development or conditions in the area merit such changes.

(C) Street classification. All streets within the city shall be located and constructed as shown on the thoroughfare plan and, where not otherwise shown thereon, shall be designed as follows.

(1) *Residential streets.* Residential streets shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots. They carry low traffic volumes. Where entrances to subdivisions are not part of a collector street, they shall be 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection.

(2) *Minor collectors.* Minor collectors shall be 42 feet wide, with a minimum of 70 feet of right-of-way. These are streets generally located within subdivisions or between subdivisions to collect traffic from minor (residential) streets and to channel this traffic to the major collectors. Residential lots may front on these streets.

(3) *Major collectors.* Major collectors shall be 48 feet wide with a minimum of 80 feet of right-of-way. These streets are generally located along borders of neighborhoods and within commercial areas to collect traffic from residential areas and to channel this traffic to the arterial system. These are limited access roads on which no residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

(4) *Arterials.* Arterials shall be between 60 and 80 feet wide, depending on the needs and the design as determined by the city. The right-of-way shall be between 90 and 120 feet, depending on the design requirements as determined by the city. These are high volume streets with five or more lanes. These are limited access roads on which no residential lots may front.

(D) *Miscellaneous street requirements.*

(1) *Property abutting arterials.* Where a subdivision abuts or contains an existing or proposed arterial, the Planning and Zoning Commission may require access streets, reverse frontage with a screening buffer containing a non-access easement along the rear property line, deep lots with rear service alleys or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(2) *Property abutting railroads.* Where a subdivision abuts or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on the side of such right-of-way.

(3) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is dedicated to the city, under conditions approved by the Planning and Zoning Commission.

(4) *Street jogs.* Street jogs with centerline off-sets of less than 125 feet shall be avoided.

(5) *Street intersections.* Streets shall be laid out so as to intersect at right angles, or as nearly as possible to 90 degrees. Six foot concrete valley gutters are required at street intersections where cross drainage will occur.

(6) *Non-cul-de-sac designed dead-end streets.* Dead-end streets shall be prohibited except for short stub-outs for future roadway extensions. Short stub-out streets may require special terminus treatments for drainage concerns and street integrity. Temporary turnarounds are required if they exceed 150 feet in length.

(7) *Cul-des-sac design.* For subdivisions with lots of less than one acre, cul-de-sac streets shall not exceed 800 feet in length (as measured from the right-of-way line of the intersecting roadway to the center of the turnaround). For single-family subdivisions with lots greater than one acre, the length may not exceed 1,200 feet. All cul-de-sacs shall be provided at the closed end with a turnaround having a minimum radius of 38 feet back of curb to back of curb with a 50 foot right-of-way required.

(8) *Street names.* No street names shall be used which will duplicate or be confused with names of existing streets. Street extensions shall use the existing street names. Street names shall be subject to the approval of the Planning and Zoning Commission.

(9) *Street signs.* The city, at the developer's expense, shall install all street signs. The developer shall be charged for the cost of materials only.

(E) *Alleys.*

(1) Alleys shall generally be parallel to the street.

(2) Alley intersections and sharp changes in alignment shall be avoided. Where two alleys intersect, or where an alley turns, additional width may be required to allow for the turning of vehicles or guying of utility poles.

(3) Easements may be required on either side of the alley or alleys for utility placement.

(4) The width of an alley shall not be less than 20 feet.

(5) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the terminus, as determined by the Planning and Zoning Commission.

(6) Alleys shall paved in the same manner as streets.

(F) *Construction standards.*

(1) *Design.* Pavement section design shall be accomplished by a professional engineer and shall be based upon a geo-technical analysis performed by a qualified geo-technical professional. All construction shall conform to Appendix A, Tables I through IV and the following adopted regulations where applicable: § 50.02, Chapter 50 of this Code of Ordinances, adoption of "Standard Specifications for Public Works Construction".

(2) *Street surfaces.* All street wearing surfaces shall consist of concrete or hot mixed asphaltic concrete (HMAC) laid over a base course of crushed stone which has been designed, and compacted in accordance with city standards and requirements.

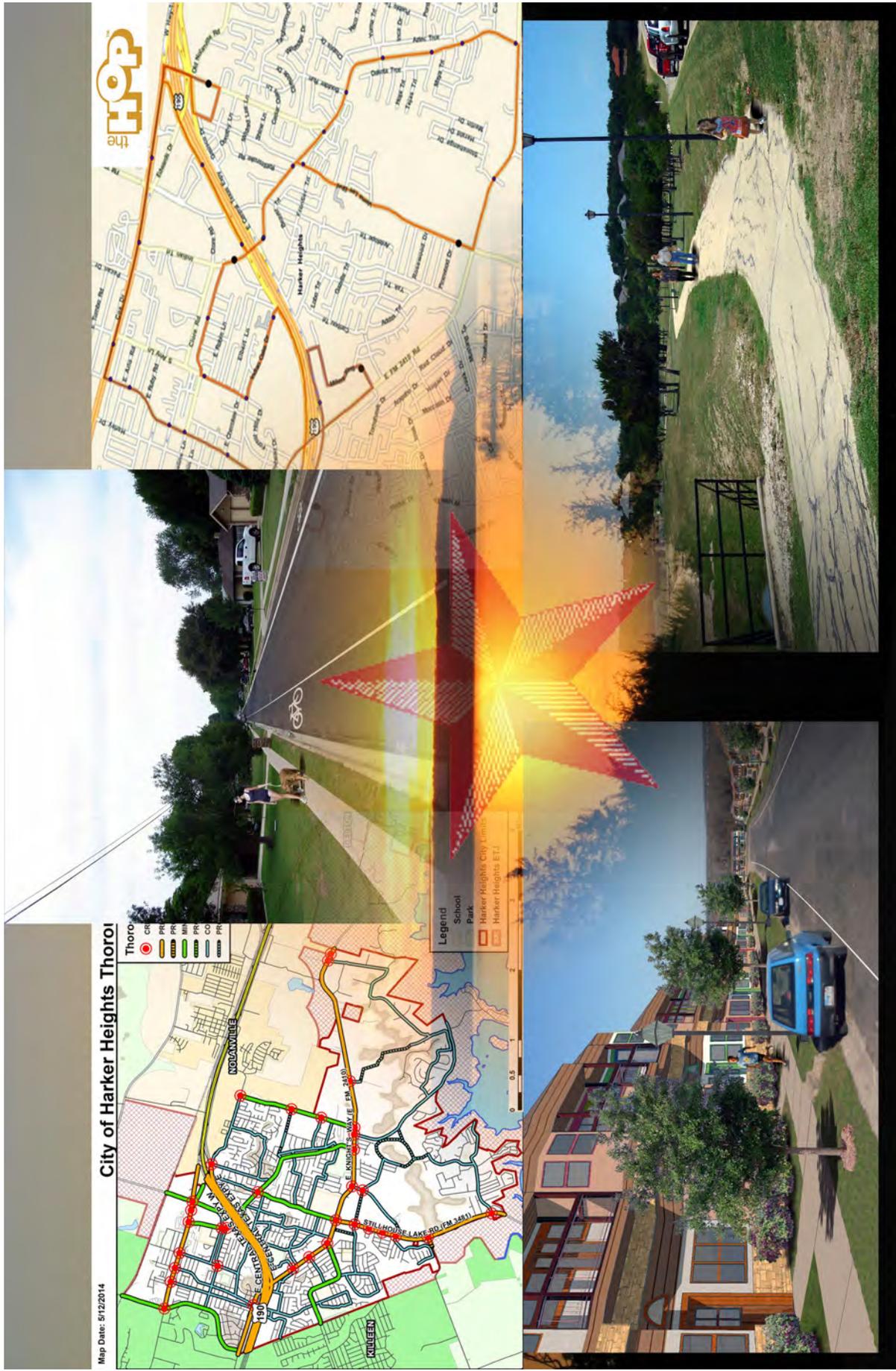
(3) *Curb and gutter.* All curb and gutter, integral curbs, valley gutters, driveway approaches, drainage structures and the like shall be constructed of Class "A" (3,600 PSI) Portland Cement Concrete per city standards.

(Ord. 2010-08, passed 3-9-10)

§ 161.01 SECTION 1, THOROUGHFARE PLAN.

The Thoroughfare Plan last revised May 20, 2014, is hereby adopted by reference as though fully copied herein, and shall apply to all property under the jurisdiction of the city.

(Ord. 2014-10, passed 5-27-14)



City of Harker Heights, Texas

Mobility 2030

Mayors Letter:

Date: May 28, 2014

To our citizens:

Our City strives to provide transportation opportunities that recognize the diverse nature of our population. Planning for a balanced and functional transportation system is a key element in our plans for growing a successful and sound community. **MOBILITY 2030** lays out the City's plans in relation to transportation.

MOBILITY 2030 is a critical update to the City's 2007 Comprehensive Plan that recognizes and embraces a true multi-modal systems approach to the transportation challenges of the future. This system provides a balanced network of roads, streets, sidewalks, trails, and transit opportunities that link our key residential, recreational, business and educational assets. Those operating motor vehicles, pedestrians, cyclists and persons with mobility challenges are all accommodated with transportation options that will meet their particular needs, challenges, and choices.

The definitions and standards contained within this document will guide decision making for years to come and they supersede and override any and all conflicting regulations. **MOBILITY 2030** will help ensure that the transportation needs of current and future generations of citizens are met.

Respectfully submitted,



Rob Robinson, Mayor
City of Harker Heights, Texas



City of Harker Heights, Texas

Mobility 2030

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City of Harker Heights, Texas

Mobility 2030

Section I Thoroughfare Plan



City of Harker Heights, Texas

Mobility 2030

Definitions

Collector – Street designed to distribute traffic between more principal traffic routes and residential streets within the neighborhood. Collectors often support cycling and pedestrians in the absence of sidewalks and trails, and must balance the need to move automobile traffic with maintaining and enhancing neighborhood character and the public realm.

Context Sensitive Design Manual – Designing Walkable Urban Thoroughfares: A Context Sensitive Approach is a design guide published by ITE, FHWA, and GNU. It is adopted by TxDOT as a preferred design manual due to the focuses on meeting the needs of stakeholders and users; preservation of scenic, aesthetic, historic, and environmental resources; safety, efficiency, capacity, and maintenance; and integration of the values and objectives of compatibility, livability, sense of place, urban design, and environmental impacts into public investment.

Critical Intersection – The confluence of several travel modes into an area where public safety is the primary concern. Pedestrians, cyclists, transit users and automobiles must share this space and designs must accommodate safety enhancements for all users.

Design Speed – A selected speed used to determine the various geometric design features of the roadway and is used explicitly for determining minimum values for highway design such as horizontal curve radius and sight distance.

Green Book – A Policy on Geometric Design of Highways and Streets is a design guide published by AASHTO. The Green Book is the dominant reference publication for geometric design in the U.S. and its application involves selecting a "design speed." The Green Book recommends that topography, anticipated operating speed, adjacent land use, and functional classification be considered, and as high a design speed as practical be selected.

Minor Arterial – High speed and high volume roads that move traffic between activity nodes. They are limited access roads with no single or two-family direct access. Movement and speed are the primary function.

Principal Arterial – High speed and high volume, multiple lane roads that move traffic between activity nodes. They are limited access roads with no single or two-family direct access. Movement and speed are the primary function.



City of Harker Heights, Texas

Mobility 2030

Definitions (Continued)

Residential Street – A low speed, low volume street that supports neighborhood integrity by simultaneously providing for vehicular movement, social contacts, and civic activities within a neighborhood unit.

Road – A transportation facility designed to provide speed and efficiency of movement between places; any reduction in the speed and efficiency devalues that facility. Roads connect places: they get you from a-to-b. They have minimum distractions on the side, infrequent intersections, and are wide enough for course corrections at speed.

Street – Shared multimodal transportation spaces containing intersections with crosswalks; sidewalks which provide access to property, homes, and businesses; pedestrians and cyclists; and parking and transit. Streets facilitate mixed activities such as vehicles pulling over to park, vehicles entering and emerging from side-streets, pedestrians and cyclists moving along or crossing the streets, and buses stopping and starting. Maximum street speed should be 20 – 25 mph with lane widths of 10 feet.

Target Speed – A design principal where the geometrics are specifically applied so that a maximum speed is limited to an acceptable range that is dependent on the context.



City of Harker Heights, Texas

Mobility 2030

Policy Statement

The Thoroughfare Plan is referenced in the Harker Heights Code of Ordinances throughout the street layout section of the Subdivision Code. The street layout section opens with §154.37(A)(1), which states:

(1) *Thoroughfare plan.* Proposed streets must be in conformance with the city thoroughfare plan. All arterial and collector street locations, alignments, right-of-way widths, pavement widths and cross-sections shall be in accordance with the adopted plans and standards. Streets that are not on the thoroughfare plan and are proposed to collect traffic from residential streets shall be designed and constructed as collectors.

This section gives the City the authority to require all proposed street layouts for future subdivisions to follow the Thoroughfare Plan. Further, this section requires proposed streets whose function appears to be a collector to be designed and constructed as a collector, meeting all requirements set forth in the Thoroughfare Plan.

Use of the Thoroughfare Plan

The Thoroughfare Plan establishes a long-range guide for the location and function of roads and streets. It recognizes the basic functions of roads, such as Arterials, as moving traffic quickly between activity centers. Movement, capacity, and speed are the driving influence in road design.

Streets, such as Collectors, function as conduits that gather or collect users from low speed, low volume areas and move them to other higher volume and higher speed facilities. Collectors must be designed within specific parameters so that safety and cost are the principal consideration.

Streets are also recognized as public investments that capture value from development, aesthetics, and social interaction. The inclusion of sidewalk and trail networks, lighting, landscape plantings, transit options, and other enhancements ensure that a full contingent of users and users benefit from the street. Properly designed streets become activity areas that support human interaction, vehicular travelers, pedestrians, and cyclists.

By recognizing basic functions and context sensitive design considerations, and by applying these ideals to new construction as well as to the rehabilitation of older streets and roads, these public facilities begin to serve a full range of users and modes of transportation.

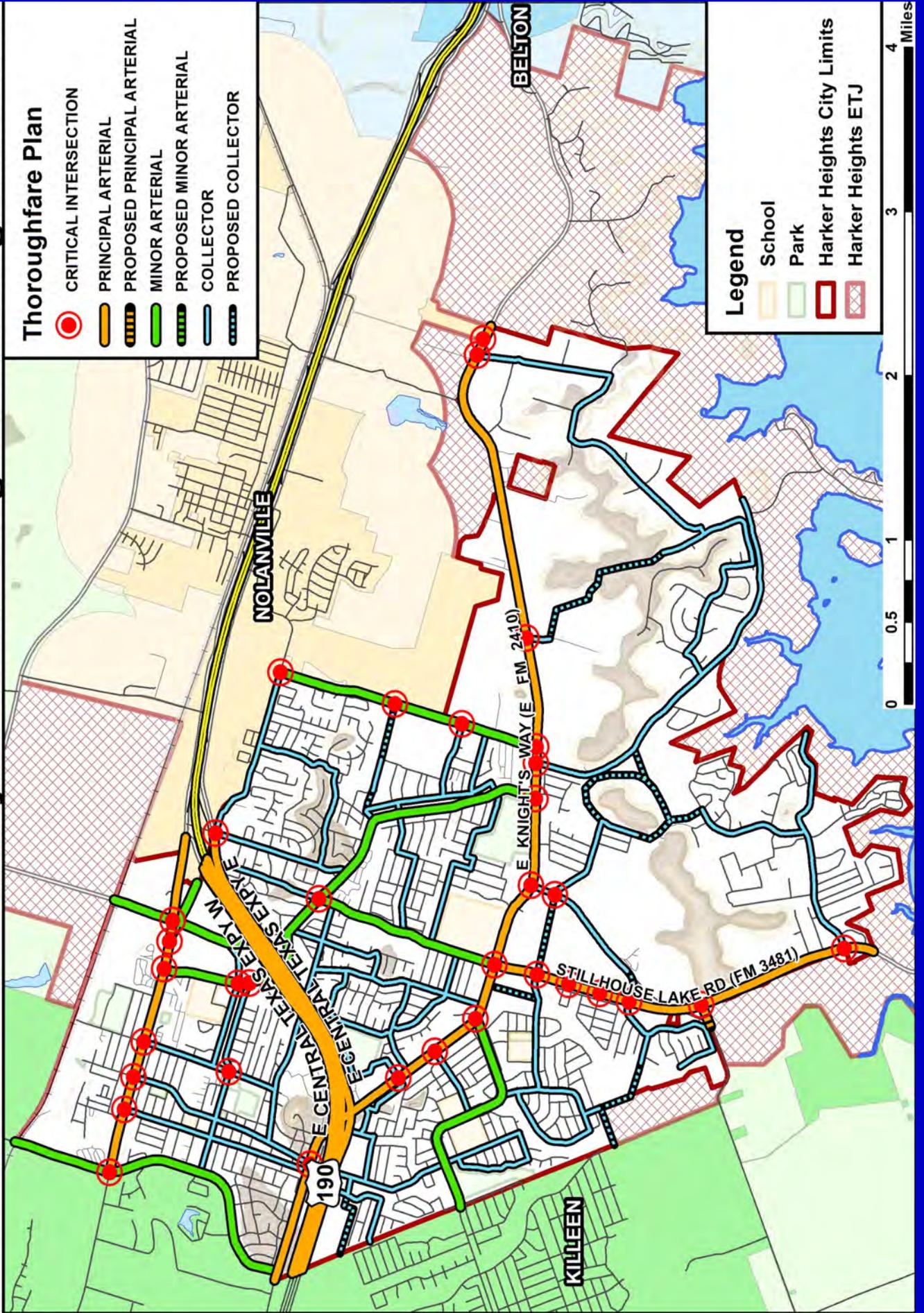


City of Harker Heights, Texas

Mobility 2030

City of Harker Heights Thoroughfare Plan

Map Date: 5/20/2014

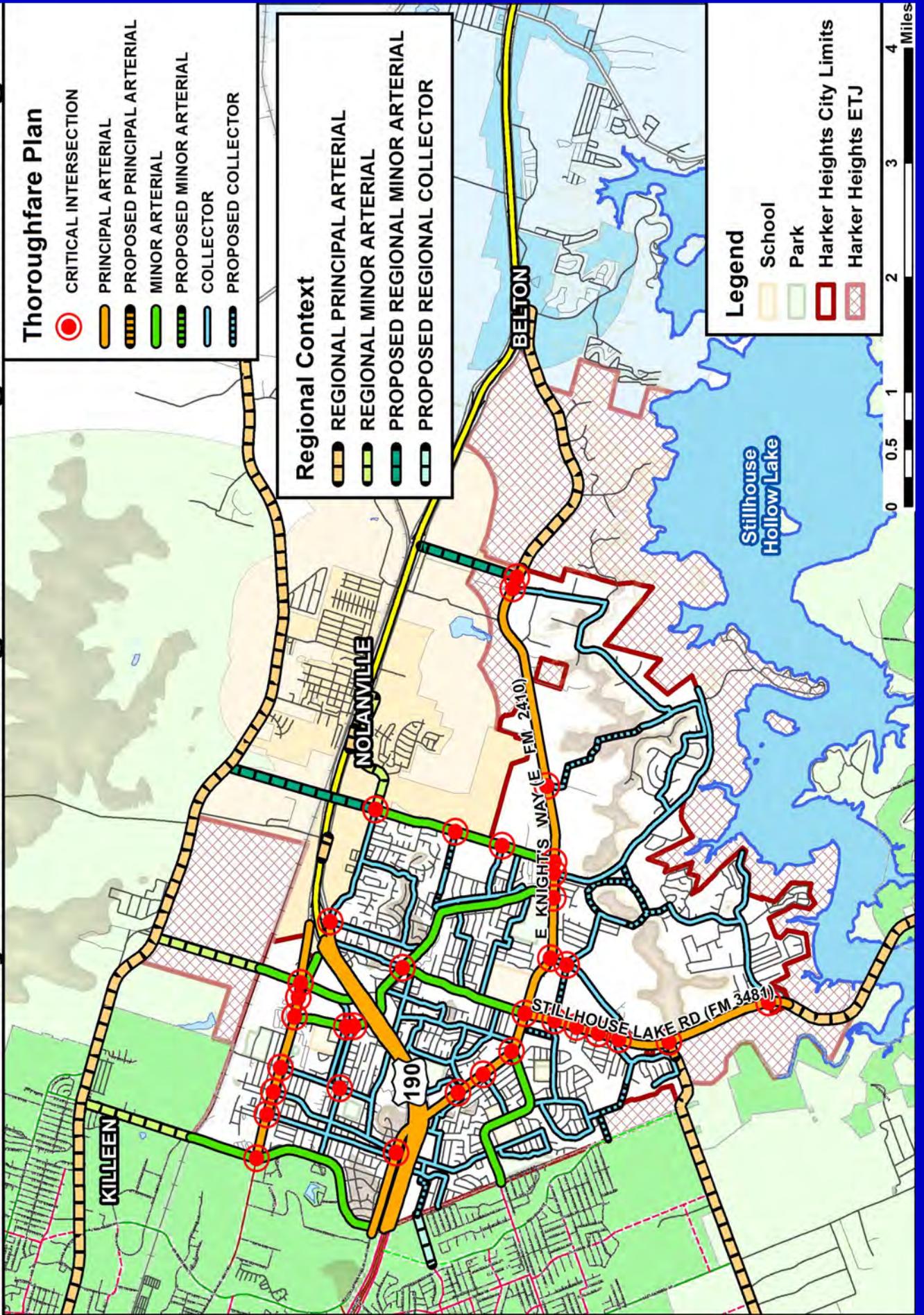


Ordinance 2015-22 Supplemented 10/27/15

Ordinance 2014-10 Adopted 05/27/14

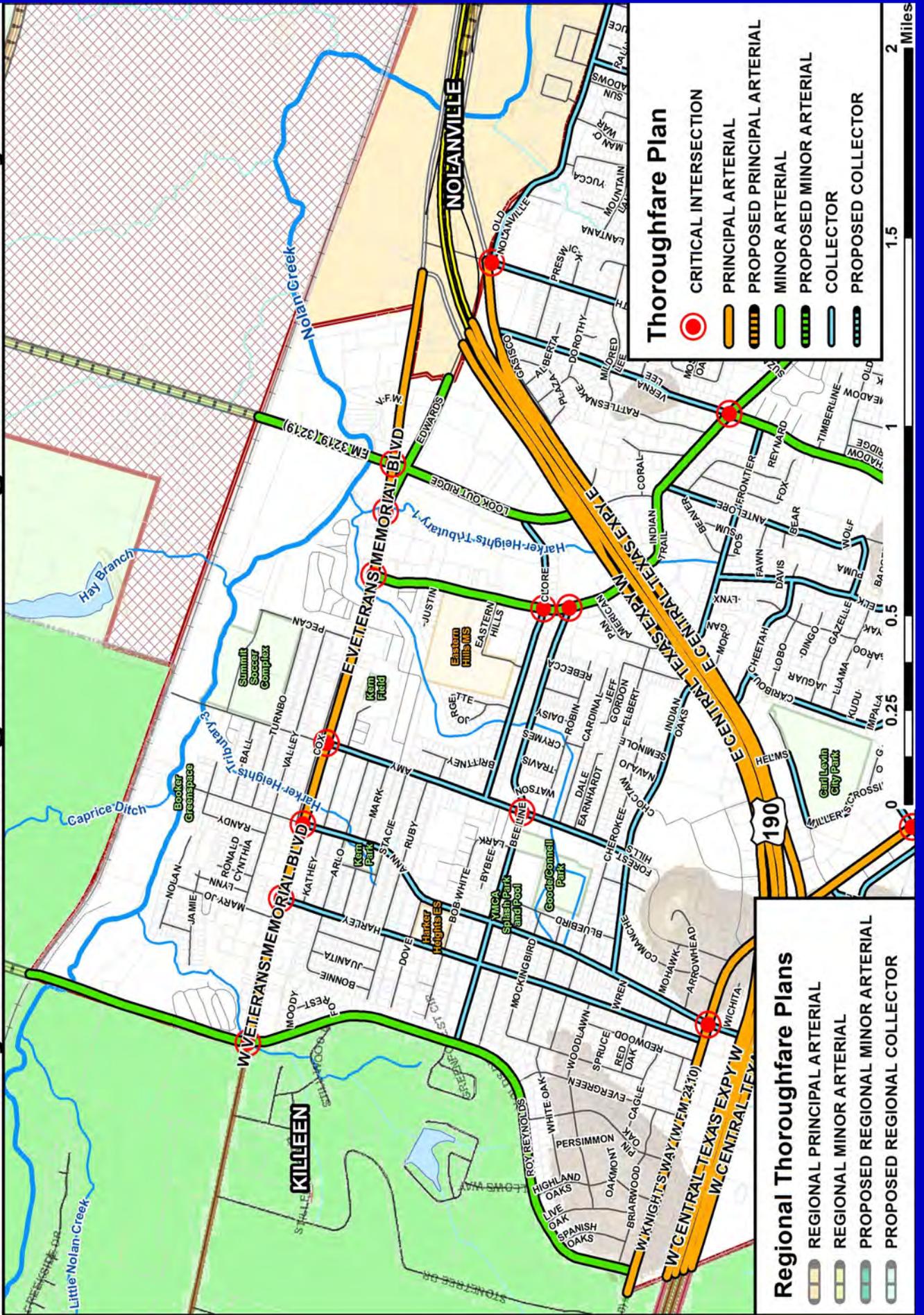
City of Harker Heights Thoroughfare Plan Region

Map Date: 5/20/2014



City of Harker Heights Thoroughfare Plan - City North

Map Date: 5/20/2014



Thoroughfare Plan

- CRITICAL INTERSECTION
- PRINCIPAL ARTERIAL
- PROPOSED PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- PROPOSED MINOR ARTERIAL
- COLLECTOR
- PROPOSED COLLECTOR

Regional Thoroughfare Plans

- REGIONAL PRINCIPAL ARTERIAL
- REGIONAL MINOR ARTERIAL
- PROPOSED REGIONAL MINOR ARTERIAL
- PROPOSED REGIONAL COLLECTOR

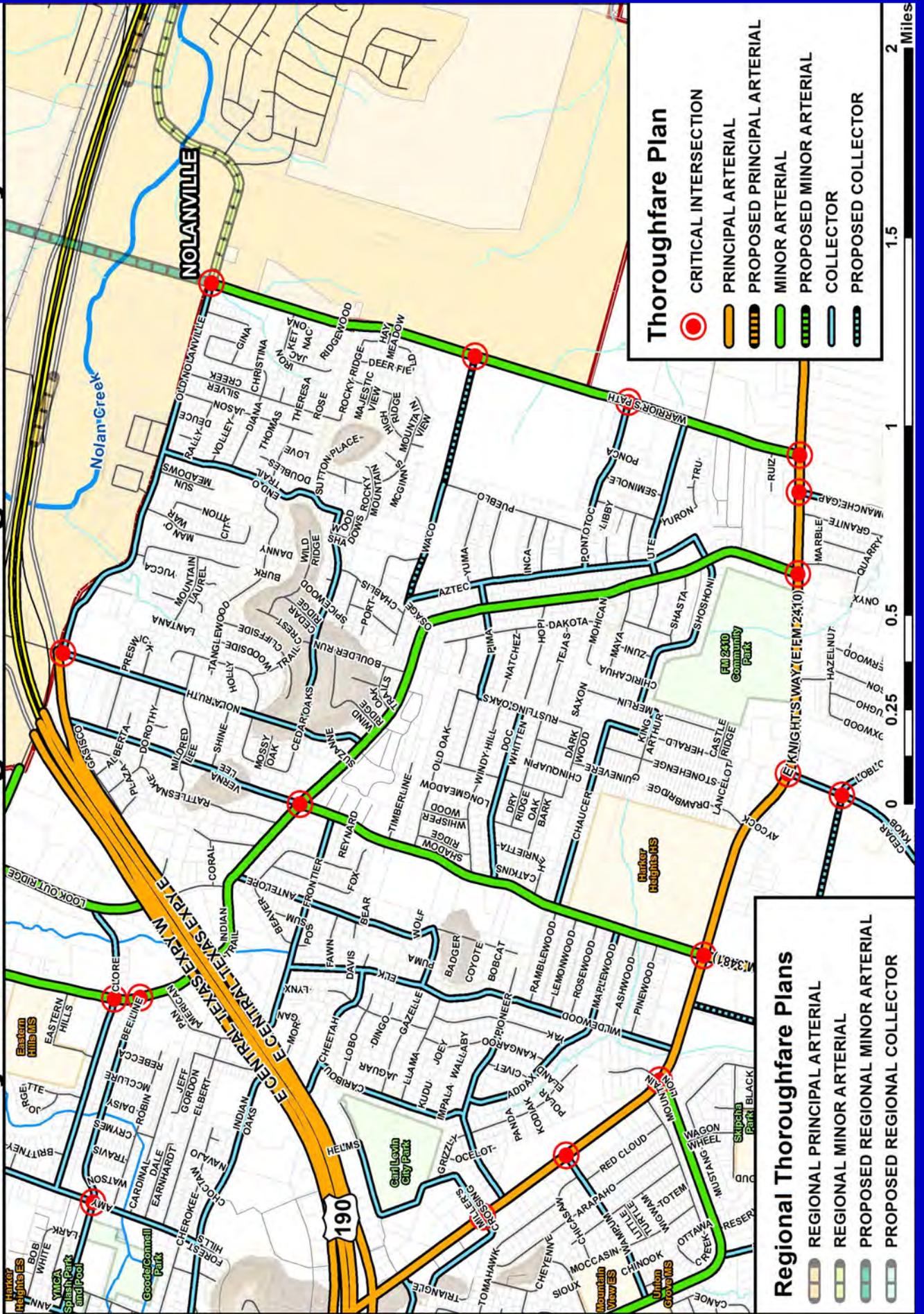


Ordinance 2015-22 Supplemented 10/27/15

Ordinance 2014-10 Adopted 05/27/14

City of Harker Heights Thoroughfare Plan - City Central

Map Date: 5/20/2014



Thoroughfare Plan

- CRITICAL INTERSECTION
- PRINCIPAL ARTERIAL
- PROPOSED PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- PROPOSED MINOR ARTERIAL
- COLLECTOR
- PROPOSED COLLECTOR

Regional Thoroughfare Plans

- REGIONAL PRINCIPAL ARTERIAL
- REGIONAL MINOR ARTERIAL
- PROPOSED REGIONAL MINOR ARTERIAL
- PROPOSED REGIONAL COLLECTOR

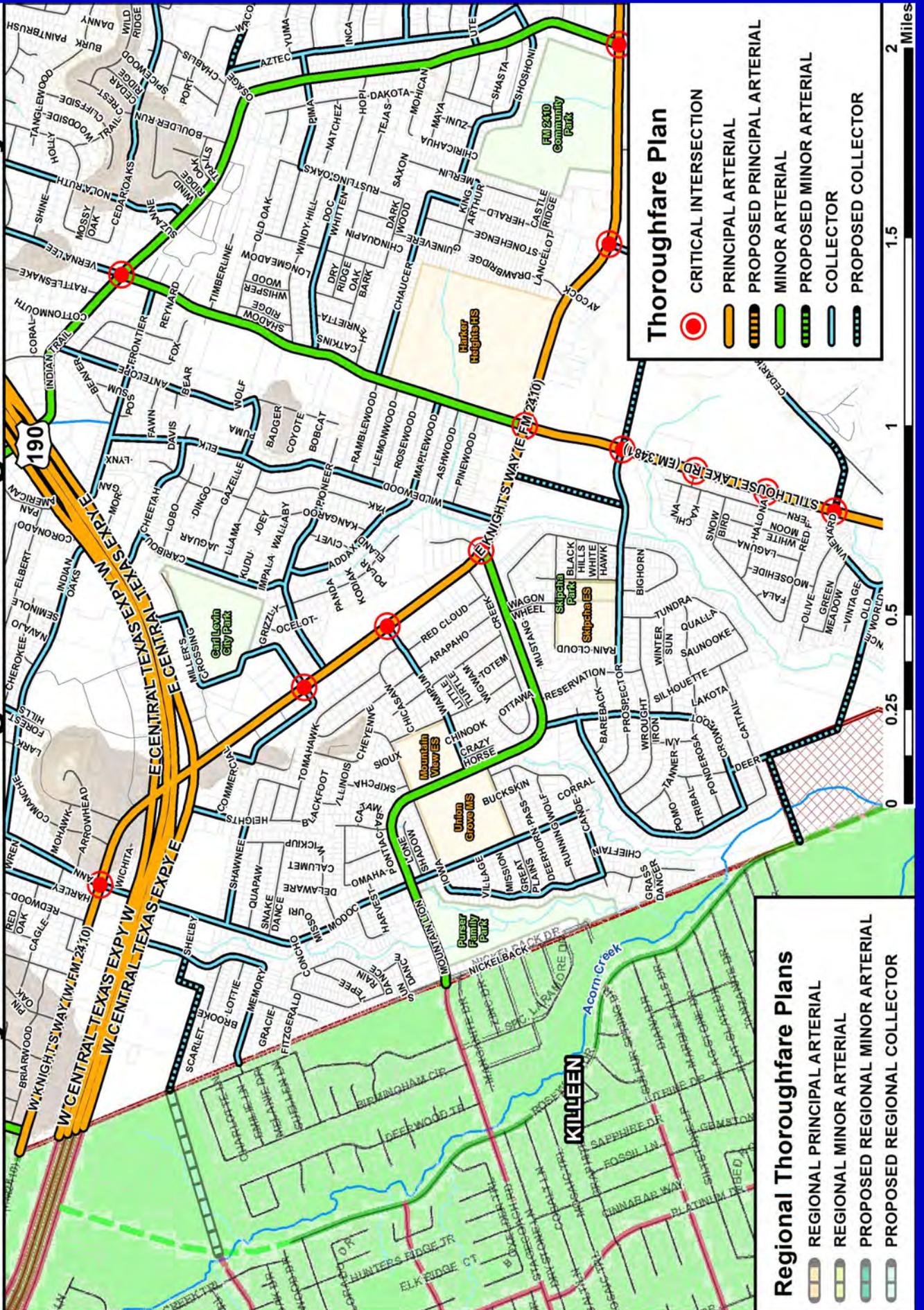


Ordinance 2015-22 Supplemented 10/27/15

Ordinance 2014-10 Adopted 05/27/14

City of Harker Heights Thoroughfare Plan - City West

Map Date: 5/20/2014



Thoroughfare Plan

- CRITICAL INTERSECTION
- PRINCIPAL ARTERIAL
- PROPOSED PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- PROPOSED MINOR ARTERIAL
- COLLECTOR
- PROPOSED COLLECTOR

Regional Thoroughfare Plans

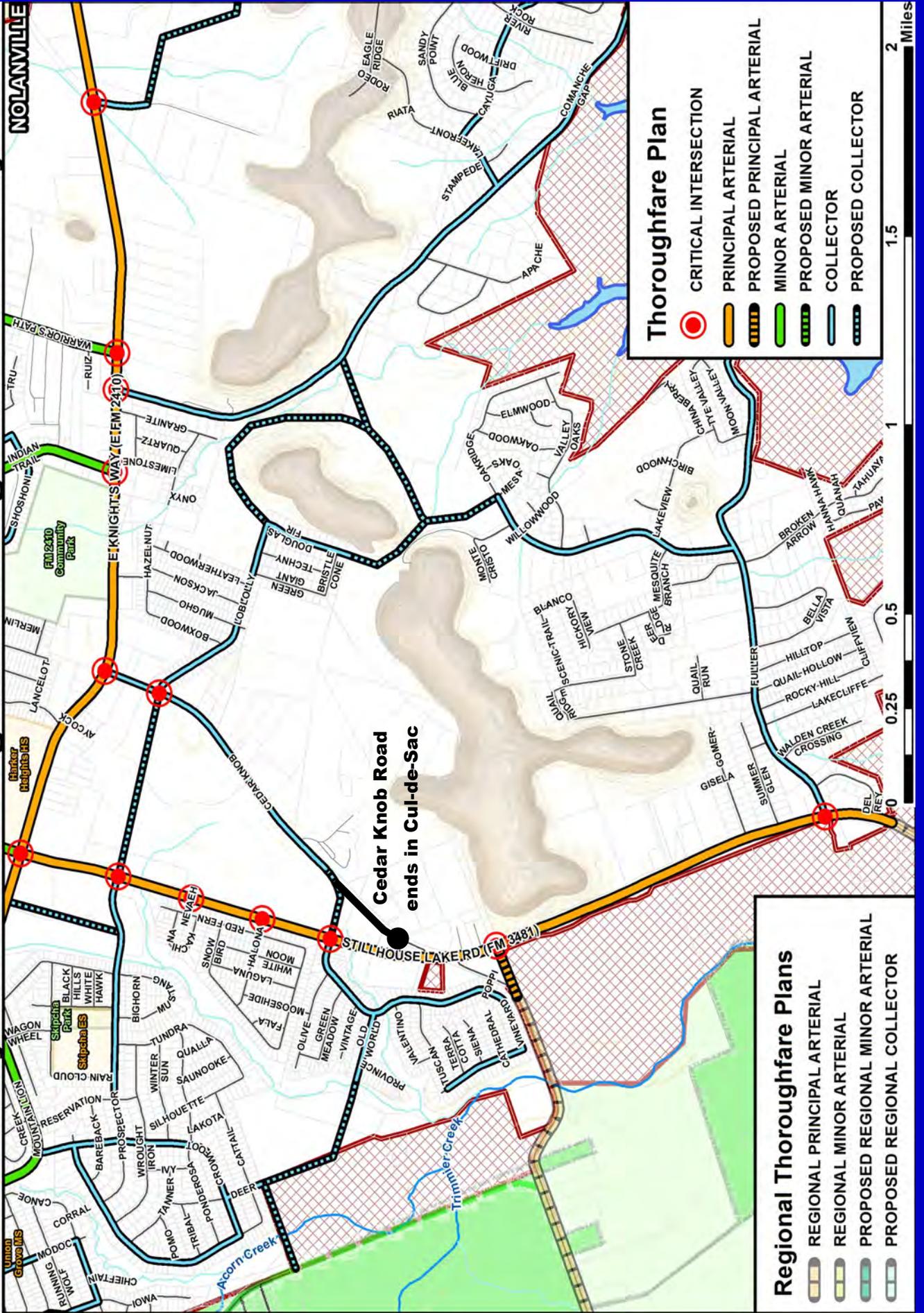
- REGIONAL PRINCIPAL ARTERIAL
- REGIONAL MINOR ARTERIAL
- PROPOSED REGIONAL MINOR ARTERIAL
- PROPOSED REGIONAL COLLECTOR

Ordinance 2015-22 Supplemented 10/27/15

Ordinance 2014-10 Adopted 05/27/14

City of Harker Heights Thoroughfare Plan - City South

Map Date: 5/20/2014

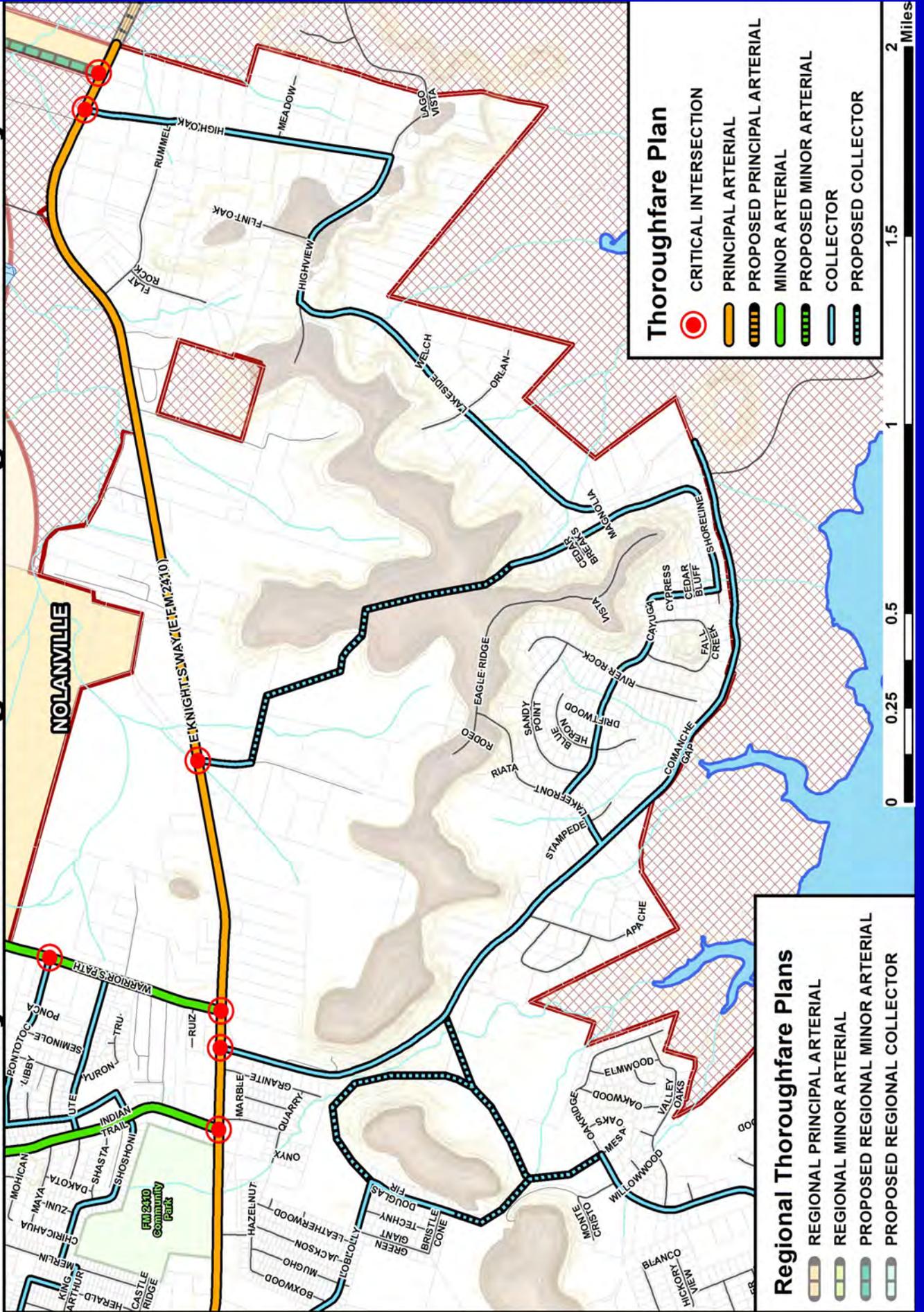


Ordinance 2014-10 Adopted 05/27/14

Ordinance 2015-22 Supplemented 10/27/15

City of Harker Heights Thoroughfare Plan - City East

Map Date: 5/20/2014



Thoroughfare Plan

- CRITICAL INTERSECTION
- PRINCIPAL ARTERIAL
- PROPOSED PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- PROPOSED MINOR ARTERIAL
- COLLECTOR
- PROPOSED COLLECTOR

Regional Thoroughfare Plans

- REGIONAL PRINCIPAL ARTERIAL
- REGIONAL MINOR ARTERIAL
- PROPOSED REGIONAL MINOR ARTERIAL
- PROPOSED REGIONAL COLLECTOR

Ordinance 2015-22 Supplemented 10/27/15

Ordinance 2014-10 Adopted 05/27/14

Section II Sidewalk Plan



City of Harker Heights, Texas

Mobility 2030

Introduction

Providing paths for pedestrians has always been fundamental to community building, and while the need for and function of sidewalks has changed, it has not disappeared. The basic purpose of sidewalks is to provide a safe location for people to walk separated from motorized or mechanized vehicles. Sidewalks are an elemental form of transit, connecting people to public transit, schools, work, shopping, services, and cultural or recreational facilities and activities. They provide a space for spontaneous social interaction. They are increasingly used as a recreation and health amenity in themselves for walkers and joggers. For families with young children, sidewalks provide a safe and dedicated space for youngsters to learn to ride a bike or rollerblade.

The City previously had limited sidewalk requirements which has led to fragmented sidewalk network as seen on the Existing Sidewalk Network Map. For all of these reasons the City of Harker Heights has recognized the need for sidewalks to be constructed by individuals or businesses developing land in the City. The overriding goal is to provide pedestrian connections within neighborhoods, connections between neighborhoods, and connections from homes to services, facilities, and amenities in the community. The Plan articulates policies for where new sidewalks should be installed, effectively and rationally deals with new installations in developed areas, and sets guidelines on materials and size for construction.

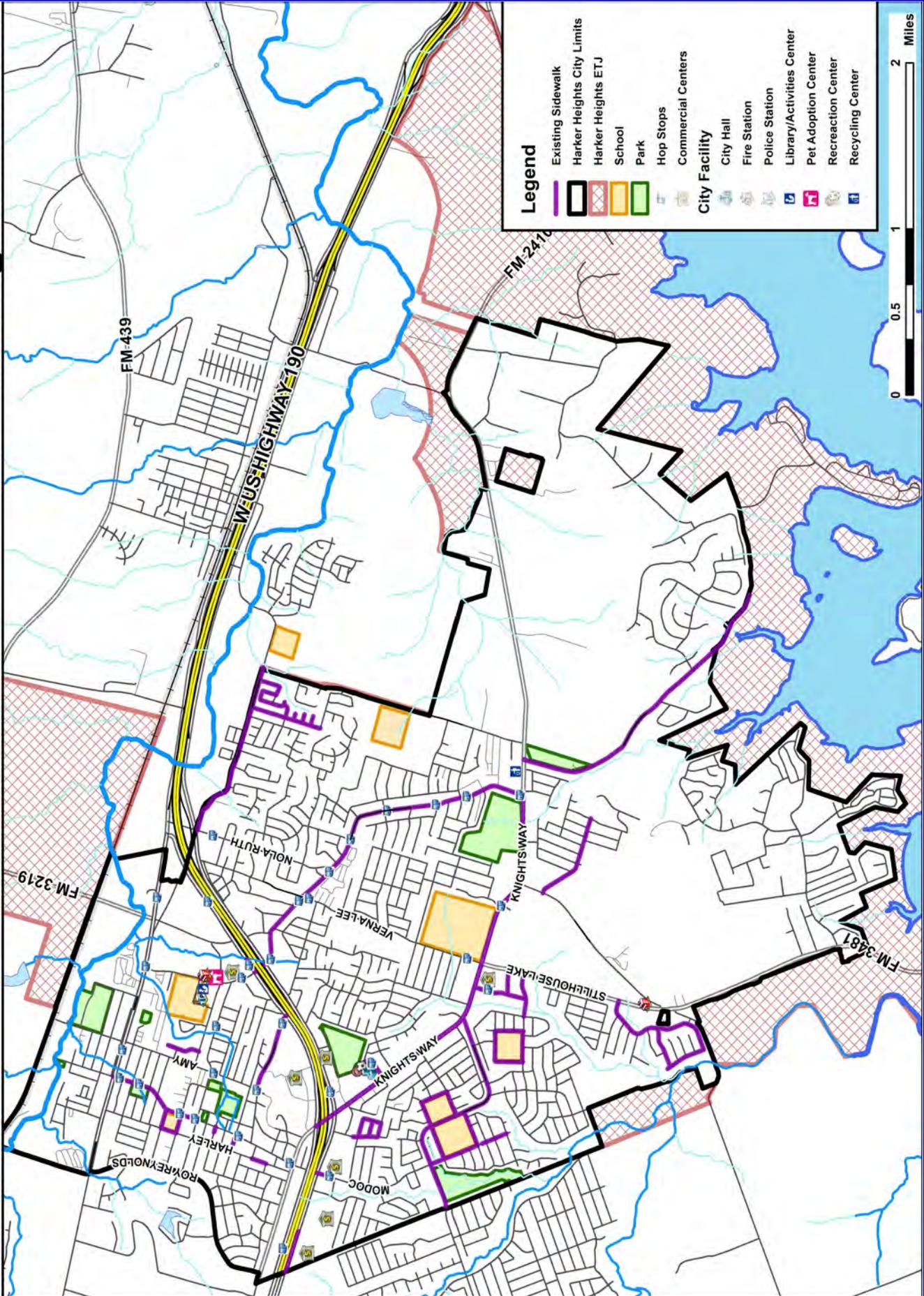


City of Harker Heights, Texas

Mobility 2030

Existing Sidewalks

Map Date: 10/27/2015



Ordinance 2015-22 Supplemented 10/27/15

Ordinance 2014-10 Adopted 05/27/14

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.



City of Harker Heights, Texas

Mobility 2030

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	

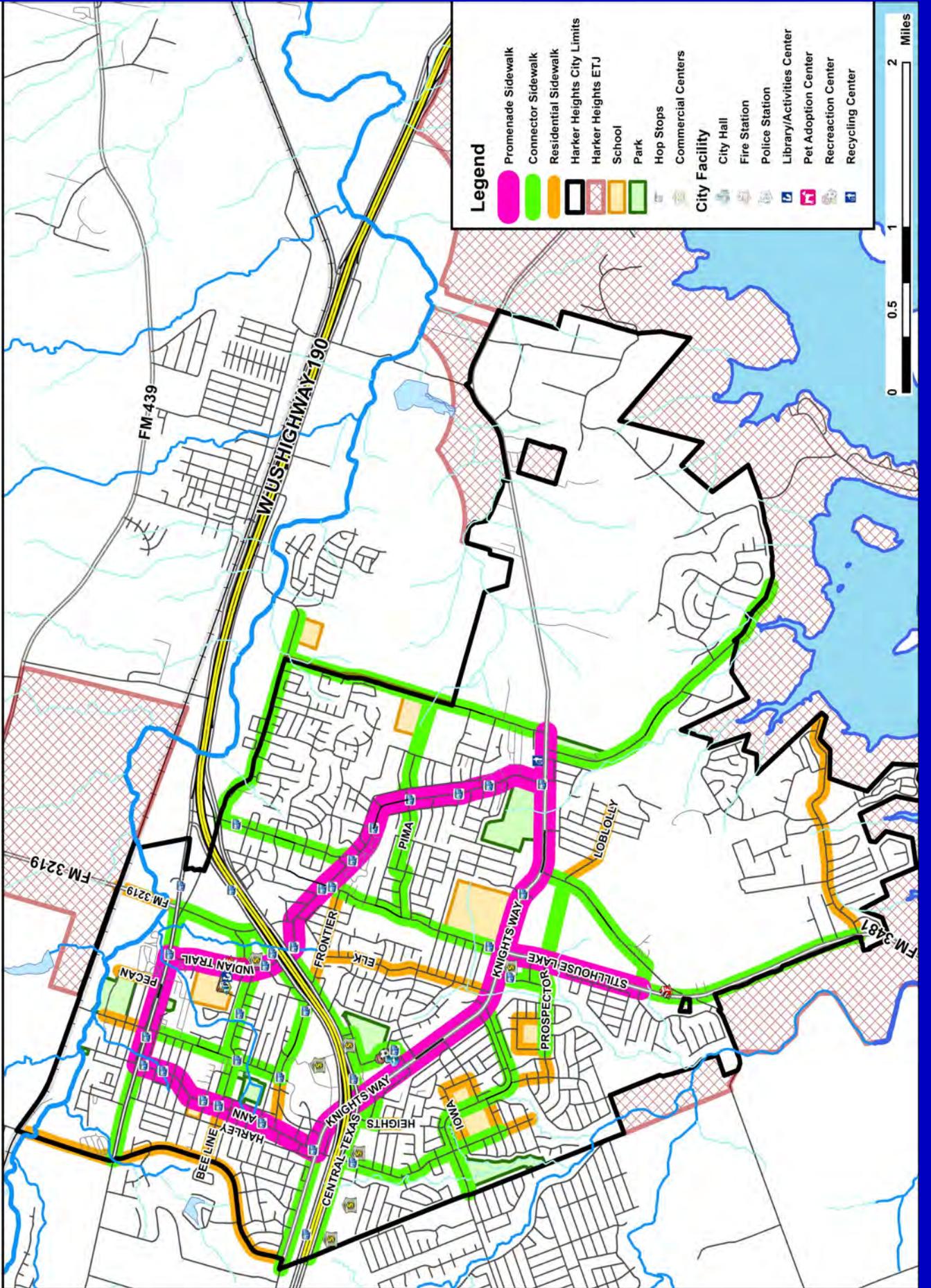


City of Harker Heights, Texas

Mobility 2030

Sidewalk Network

Map Date: 10/26/2015



Ordinance 2015-22 Supplemented 10/27/15

Ordinance 2014-10 Adopted 05/27/14

Regardless of the general policy and standards recommended in this Plan and contained in Table One above, the location of sidewalks on existing streets shall be based on the Sidewalk Network Map which is a part of this Plan. In some cases the Plan may require that sidewalks be built on both sides of an existing street if it is deemed necessary for pedestrian safety given the proximity to schools, the housing density of the neighborhood, and other factors to be determined by City Staff.

Sidewalk Construction Details

- (A) In developments in which the original application for approval is filed after the effective date hereof, the developer/property owner shall construct sidewalks on both sides of all streets, private access drives, passage easements and other circulation routes. Sidewalks shall be installed by the developer at the time of development, and owners of lots that remain undeveloped must construct sidewalks within two years after the date of approval of the final plat. Sidewalks must be constructed and accepted by the city prior to the issuance of a certificate of occupancy.
- (B) Sidewalks shall be constructed one foot from the property line in the rights-of-way adjacent to their lots, whether on the front, side, or rear of the lots, with a minimum six foot buffer strip behind the back of the curb or edge of pavement. New sidewalks shall be properly connected with existing sidewalks and constructed according to city standards. Streets designated by the Thoroughfare Plan for use as a collector or larger shall require a minimum six foot wide sidewalk. All other sidewalks shall be a minimum of five feet in width.
- (C) The appearance of a sidewalk (scoring pattern or special paving) shall be maintained across commercial driveways and alley access points, and crosswalks shall be marked at all legs of the intersection. Obstructions such as, but not limited to, fire hydrants, telephone poles, and street signs, shall not be located within a sidewalk, unless written approval of such is obtained from the Director of Public Works.



City of Harker Heights, Texas

Mobility 2030

(E) An alternative sidewalk design may be approved in writing by the Director of Public Works where there are unusual and practical difficulties in carrying out the provisions set forth by this code, provided the alternate design will not adversely affect any adjoining property or the general public.

(F) Exemptions. Division (A) of this section shall not apply to:

- (1) Large-lot residential subdivisions, where lots are one acre or larger in size;
- (2) Cul-de-sacs with a throat length of one lot or fewer; or
- (3) Improvements to existing developments on streets not identified in the sidewalk network where the majority of the developed portions of the street do not have sidewalks present.



City of Harker Heights, Texas

Mobility 2030

Section III Off-Street Hike and Bike Trail Network Plan



City of Harker Heights, Texas

Mobility 2030

Section IV On-Street Striping Plan for Biking and Pedestrians



City of Harker Heights, Texas

Mobility 2030

Section V Transit Planning



City of Harker Heights, Texas

Mobility 2030



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 11, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR USES ASSOCIATED WITH A B-1 (OFFICE DISTRICT) ZONING ON PROPERTY DESCRIBED AS FOREST HILLS ADDITION, BLOCK 016, LOT 0004, GENERALLY LOCATED AT 203 E. KNIGHT’S WAY/E. FM 2410, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant is requesting a consideration of a Conditional Use Permit (CUP) to allow for uses associated with B-1 (Office District) zoning on property generally located at 203 E. Knight’s Way/E. FM 2410. The applicant submitted the attached letter of intent to clarify that the intended use is for a Barber Shop.

Parcel History

This parcel is located within the original area of the city incorporation (1960) and was platted in 1962. Bell County Appraisal District information shows this parcel is approximately 15,000 square feet and the residential structure on site was built in 1969.

An application to request a change in zoning designation from R-1 (One-Family Dwelling District) to B-1 (Office District) was previously received on December 29, 2021. The Planning & Zoning Commission voted (7-1) to recommended disapproval of the request on January 26, 2022, and the City Council voted (3-2) to disapprove the request.

STAFF ANALYSIS:

Surrounding Land Uses

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

	Existing Land Use	Land Use Plan	Zoning
North	Low Density Residential	Low Density Residential	R-1 (One-Family Dwelling District)
South	Regional Center	Regional Center	B-4 (Secondary and Highway Business District)
East	Low Density Residential	Community Center	R-1 (One-Family Dwelling District)
West	Low Density Residential	Low Density Residential	R-1 (One-Family Dwelling District)

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Community Center use. The proposed Conditional Use with its intended use and conditions will not likely have an adverse impact on the neighborhood, is consistent with the commercial use planned in the adopted original plat, and is consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

FM 2410/Knight's Way is classified as a principal arterial/major arterial. Per §154.01 of the City's code of ordinances as adopted as of September 13, 2022, major arterials are defined as follows:

MAJOR ARTERIAL. High volume streets with multiple lanes which facilitate travel between major destinations or activity centers, as well as long-distance traffic that goes through or bypasses an area. These are limited access roads on which no driveway access for single-family or two-family residential lots may be allowed.

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

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

NOTICES:

Based on the most recently approved tax roll available, staff sent out forty (40) notices to property owners within the 400-foot notification area. As of September 28, 2022, three (3) responses were received in favor of the request, and one (1) response was received in opposition of the request.

Total area of land within the 200-foot notification area is: 222,783.96 sq.ft.

Total area of land within the 200-foot notification area recommending denial is: 4,374.60 sq.ft.

Percentage of land area recommending denial: 1.96%

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

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

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

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

Staff Recommendation

Staff recommended approval to the Planning & Zoning Commission of an ordinance to change zoning designation from R-1 (One Family Dwelling District) to R-1 (One Family Dwelling District) zoning with a Conditional Use Permit (CUP) to allow for a Barber Shop, Beauty Shop or Beauty Parlor on property generally located at 203 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas with the following eleven (11) conditions:

1. The property may operate as a Barber Shop, Beauty Shop, or Beauty Parlor.
2. A maximum of one (1) business may occupy the building.
3. A six (6') foot masonry fence shall be constructed along the rear property boundary. Fences along neighboring properties to either side of the site must be constructed of cedar or pressure treated materials, with support posts located either feet on center, or other materials and designs as may be approved by the Director of Planning and Development. Additionally, all screening requirements must be completed prior to receiving a Certificate of Occupancy on the property.
4. The external architectural style and appearance of the structure shall maintain a residential character.
5. Parking in the rear yard shall be accessed by a driveway installed on the west side of the property and both driveway and parking area must consist of a permanent, all-weather surface. All patrons must park in the designated parking areas. Parking for patrons will not be allowed on the street or on landscaped areas.
6. Landscaping shall meet the requirements of the B-1 zoning district.
7. All exterior lighting shall be fully shielded and down-lit to prevent light trespass onto surrounding properties.
8. Signage shall consist of:
 - a. One (1) wall sign, not to exceed twenty-four (24) square feet may be placed on the front façade wall parallel to the surface to which it is attached. Signage must be externally illuminated, shielded and down lit. In addition, one monument sign listed below may be permitted on site. One (1) Monument sign out of the public right-of-way shall be permitted. The sign shall not exceed thirty (30) square feet in area and may not be more than six (6') feet in height. Signage must be externally illuminated, shielded, and down-lit; OR
 - b. If shared, one (1) Monument sign out of the public right-of-way shall be permitted. The sign shall not exceed sixty (60) square feet in area and may not be more than ten (10') feet in height. Signage must be externally illuminated, shielded, and down-lit.
9. No box or channel letter type signs are permitted.
10. No outside storage will be allowed.
11. The site will comply with all other regulations and requirements within the Harker Heights Code of Ordinances.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on September 28, 2022, the Planning & Zoning Commission voted (9-0) on case #Z22-23 to recommend approval of an ordinance to

change zoning designation from R-1 (One Family Dwelling District) to R-1 (One Family Dwelling District) zoning with a Conditional Use Permit (CUP) to allow for a Barber Shop, Beauty Shop or Beauty Parlor on property described as Forest Hills Addition, Block 016, Lot 0004, generally located at 203 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas with the eleven (11) conditions presented and based on staff's recommendation and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve** an ordinance to change zoning designation from R-1 (One Family Dwelling District) to R-1 (One Family Dwelling District) zoning with a Conditional Use Permit (CUP) to allow for a Barber Shop, Beauty Shop or Beauty Parlor on property described as Forest Hills Addition, Block 016, Lot 0004, generally located at 203 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas **with the eleven (11) conditions as presented by staff, based on staff's recommendation and findings.**
2. Motion to **approve** an ordinance to change zoning designation from R-1 (One Family Dwelling District) to R-1 (One Family Dwelling District) zoning with a Conditional Use Permit (CUP) to allow for a Barber Shop, Beauty Shop or Beauty Parlor on property described as Forest Hills Addition, Block 016, Lot 0004, generally located at 203 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas **with the eleven (11) conditions as discussed, based on staff's recommendation and findings.**
3. Motion to **disapprove with explanation** an ordinance to change zoning designation from R-1 (One Family Dwelling District) to R-1 (One Family Dwelling District) zoning with a Conditional Use Permit (CUP) to allow for a Barber Shop, Beauty Shop or Beauty Parlor on property described as Forest Hills Addition, Block 016, Lot 0004, generally located at 203 E. Knight's Way/E. FM 2410, Harker Heights, Bell County, Texas **based on the discussed recommendation and findings.**
4. Any other action deemed necessary.

ATTACHMENTS:

[Z22-23 PropOrdinance](#)

[Z22-23 PropOrdinance-PropConditions](#)

[Z22-23 Attachments](#)

ORDINANCE NO. 2022 - ____

AN ORDINANCE GRANTING R-1 (ONE-FAMILY DWELLING DISTRICT) ZONING WITH A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR A BARBER SHOP, BEAUTY SHOP OR BEAUTY PARLOR ON PROPERTY DESCRIBED AS FOREST HILLS ADDITION, BLOCK 016, LOT 0004, GENERALLY LOCATED AT 203 E. KNIGHT’S WAY/E. FM 2410, HARKER HEIGHTS, BELL COUNTY, TEXAS.

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

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

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

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

SECTION 2: The hereinafter-described property, as previously zoned R-1 (One-Family Dwelling District) to R-1 (One-Family Dwelling District) zoning with a Conditional Use Permit (CUP) to allow for a Barber Shop, Beauty Shop or Beauty Parlor on property described as Forest Hills Addition, Block 016, Lot 0004, generally located at 203 E. Knight’s Way/E. FM 2410, Harker Heights, Bell County, Texas with the following eleven (11) conditions:

1. The property may operate as a Barber Shop, Beauty Shop, or Beauty Parlor.
2. A maximum of one (1) business may occupy the building.
3. A six (6’) foot masonry fence shall be constructed along the rear property boundary. Fences along neighboring properties to either side of the site must be constructed of cedar or pressure treated materials, with support posts located either feet on center, or other materials and designs as may be approved by the Director of Planning and Development. Additionally, all screening requirements must be completed prior to receiving a Certificate of Occupancy on the property.
4. The external architectural style and appearance of the structure shall maintain a residential character.
5. Parking in the rear yard shall be accessed by a driveway installed on the west side of the property and both driveway and parking area must consist of a permanent, all-weather surface. All patrons must park in the designated parking areas. Parking for patrons will not be allowed on the street or on landscaped areas.

6. Landscaping shall meet the requirements of the B-1 zoning district.
7. All exterior lighting shall be fully shielded and down-lit to prevent light trespass onto surrounding properties.
8. Signage shall consist of:
 1. One (1) wall sign, not to exceed twenty-four (24) square feet may be placed on the front façade wall parallel to the surface to which it is attached. Signage must be externally illuminated, shielded and down lit. In addition, one monument sign listed below may be permitted on site.
 - i. One (1) Monument sign out of the public right-of-way shall be permitted. The sign shall not exceed thirty (30) square feet in area and may not be more than six (6') feet in height. Signage must be externally illuminated, shielded, and down-lit; OR
 - ii. If shared, one (1) Monument sign out of the public right-of-way shall be permitted. The sign shall not exceed sixty (60) square feet in area and may not be more than ten (10') feet in height. Signage must be externally illuminated, shielded, and down lit.
9. No box or channel letter type signs are permitted.
10. No outside storage will be allowed.
11. The site will comply with all other regulations and requirements within the Harker Heights Code of Ordinances.

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

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022 - ____	10/11/2022	Granting R-1 (One-Family Dwelling District) zoning with a Conditional Use Permit (CUP) to allow for a Barber Shop, Beauty Shop or Beauty Parlor on property described as Forest Hills Addition, Block 016, Lot 0004, generally located at 203 E. Knight's Way/E. FM 2410, 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
October 11, 2022.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

Conditional Use Permit

Proposed Conditions for 203 E. Knight's Way (E. FM 2410)

1. The property may operate as a Barber Shop, Beauty Shop, or Beauty Parlor.
2. A maximum of one (1) business may occupy the building.
3. A six (6') foot masonry fence shall be constructed along the rear property boundary. Fences along neighboring properties to either side of the site must be constructed of cedar or pressure treated materials, with support posts located either feet on center, or other materials and designs as may be approved by the Director of Planning and Development. Additionally, all screening requirements must be completed prior to receiving a Certificate of Occupancy on the property.
4. The external architectural style and appearance of the structure shall maintain a residential character.
5. Parking in the rear yard shall be accessed by a driveway installed on the west side of the property and both driveway and parking area must consist of a permanent, all-weather surface. All patrons must park in the designated parking areas. Parking for patrons will not be allowed on the street or on landscaped areas.
6. Landscaping shall meet the requirements of the B-1 zoning district.
7. All exterior lighting shall be fully shielded and down-lit to prevent light trespass onto surrounding properties.
8. Signage shall consist of:
 1. One (1) wall sign, not to exceed twenty-four (24) square feet may be placed on the front façade wall parallel to the surface to which it is attached. Signage must be externally illuminated, shielded and down lit. In addition, one monument sign listed below may be permitted on site.
 - i. One (1) Monument sign out of the public right-of-way shall be permitted. The sign shall not exceed thirty (30) square feet in area and may not be more than six (6') feet in height. Signage must be externally illuminated, shielded, and down-lit; OR
 - ii. If shared, one (1) Monument sign out of the public right-of-way shall be permitted. The sign shall not exceed sixty (60) square feet in area and may not be more than ten (10') feet in height. Signage must be externally illuminated, shielded, and down lit.
9. No box or channel letter type signs are permitted.
10. No outside storage will be allowed.
11. The site will comply with all other regulations and requirements within the Harker Heights Code of Ordinances.



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: Dok Sun Barton Date: 8-31-2022

Address: 203 E Fm 2410 Rd

City/State/Zip: Harker Heights, Tx 76548

Phone: _____ E-mail: _____

Legal Description of Property:

Location of Property (Address if available): 203 E FM ~~2410~~ 2410 Harker Heights Tx 76548

Lot: 4 Block: 16 Subdivision: Forest Hills

Acres: 0.340 Property ID: _____ Survey: _____

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

Current Zoning Classification: R-1 Future Land Use Designation: R-1 with a CUP

Applicant's Representative (if applicable):

Applicant's Representative: CHI UNG, YU

Phone: 254-213-8739 E-Mail: 512 N. Ft. Hood St, Killeen, Tx 76541

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.

Barton Doksun
 Printed Name of Property Owner

Dok Sun Barton
 Signature of Property Owner

CHI UNG YU
 Printed Name of Representative

Chi Ung Yu
 Signature of Representative

STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: 8/31/2022

Pre-Application Meeting

Receipt #: 01865596

Received By: [Signature]

Case #: _____

Letter of Intent

I want to make Home Barber Shop at this address. 203 E FM2410, Harker Heights, TX 76548.

- House Remodeling for Barber Shop
- Make Parking Lots about 10 Lots spot
- 5-6 barbers employees
- Business hours 7AM - 7PM. (MON - SUN)

§ 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)

§ 155.028 B-1 OFFICE DISTRICT.**(A) Permitted uses.**

- (1) Office, general business.
- (2) Offices of practitioners of the recognized professions, as herein defined:
 - (a) *Professional building.* Any structure used solely for the housing of professional offices of recognized professions.
 - (b) *Recognized professions.* Members of a recognized profession include those persons and customary staff normally considered as professional and shall be deemed to include doctors, veterinarians, dentists, lawyers, architects, certified public accountants, registered engineers and surveyors, and professions providing personal services, and the like.
- (3) Uses customarily incidental to the primary use.
- (4) Coffee shop.
- (5) Barber shop; beauty shop; beauty parlor.
- (6) Public schools.
- (7) Public parks, municipal golf courses, public recreation facilities, and community buildings.
- (8) Municipal buildings, public libraries or museums, police and fire stations.
- (9) Construction field office and yard on the job site for the duration of construction only.
- (10) An on-premises residential use or living quarters associated with the business provided both uses are in compliance with appropriate building codes, and the proprietor or employee of the business is a resident of the living quarters.
- (11) Low impact telecom towers.
- (12) Churches or places of worship.

(B) Conditional uses.

- (1) Private schools.
- (2) Civic clubs.
- (3) Fitness centers.

(C) *Height regulations.* No building shall exceed three and one-half stories or 45 feet in height.

(D) *Area regulations.* Front yard, side yard, and rear yards as per Table 21-A.

(E) *Landscaping requirements.* As per § 155.051.

(F) *Intensity of use.* There are no minimum lot area or lot width requirements.

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

(H) Additional use, height, and area regulation.

- (1) *Conditions for use.* Buildings may be used for one or more of the uses prescribed in division (A)(2) hereof only under the following conditions:
 - (a) The total area of a professional building devoted to any single incidental use shall not exceed 15% of the gross floor area of the building.
 - (b) The total area of a professional building devoted to incidental uses in the aggregate shall not exceed 25% of the gross floor area of the building.
 - (c) Public access to such incidental uses shall be from the interior of the building.
- (2) *Parking.* No parking space shall occupy any part of the required front yard, except as provided in division (G) of this section.
- (3) *Visibility of interior.* No building in this district shall be constructed or altered to produce a store front, show window or display window, and there shall be no merchandise visible from the exterior of the building.
- (4) *Storage.* No outside storage shall be permitted in this district.
- (5) *Signage.* As per Chapter 151.
- (6) *Screening requirements.* As per § 155.050.
- (7) *Building facade.* As per § 155.040.

§ 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)

A
203B



DEDICATION
VOL PAGE
638 446

Forest Hills Addition

I, Barney Sisson, the owner and developer of the land shown in plat above hereby dedicate to the City of Hurst Heights, Bell County, Texas all roads, Alley, Easements and ways for the use of the public.
JAN 8, 1962.
Barney Sisson

I, Charles Z. Miller, Surveyor with Surveyor in the State of Texas hereby certify that this Plat was drawn from an actual survey made on the ground.
26 July, 1961
Charles Z. Miller
Registered Public Surveyor
Seal No. 719

Passed and adopted on
this the 8th day of July, 1960.
P.R. COX Mayor

FOREST HILLS ADDITION
CITY OF HURST HEIGHTS
BELL COUNTY TEXAS
BARNEY THEDFORD SISSON
OWNERS and DEVELOPER
Charles Z. Miller Surveyor
July, 1961



DEDICATION VOL PAGE
 838 446

I Barney Sisson, the owner and/or
developer of the land shown in
plot above hereby dedicate to
the City of Hurker Heights,
Bell County, Texas, all streets,
alleys, easements and ways for
the use of the public.
Jan. 8, 1962.
dss
Barney Sisson

passed and adopted on
this the 8th day of Jan., 1962.
P.R. COX Mayor

203 E. FM 2410 CUP



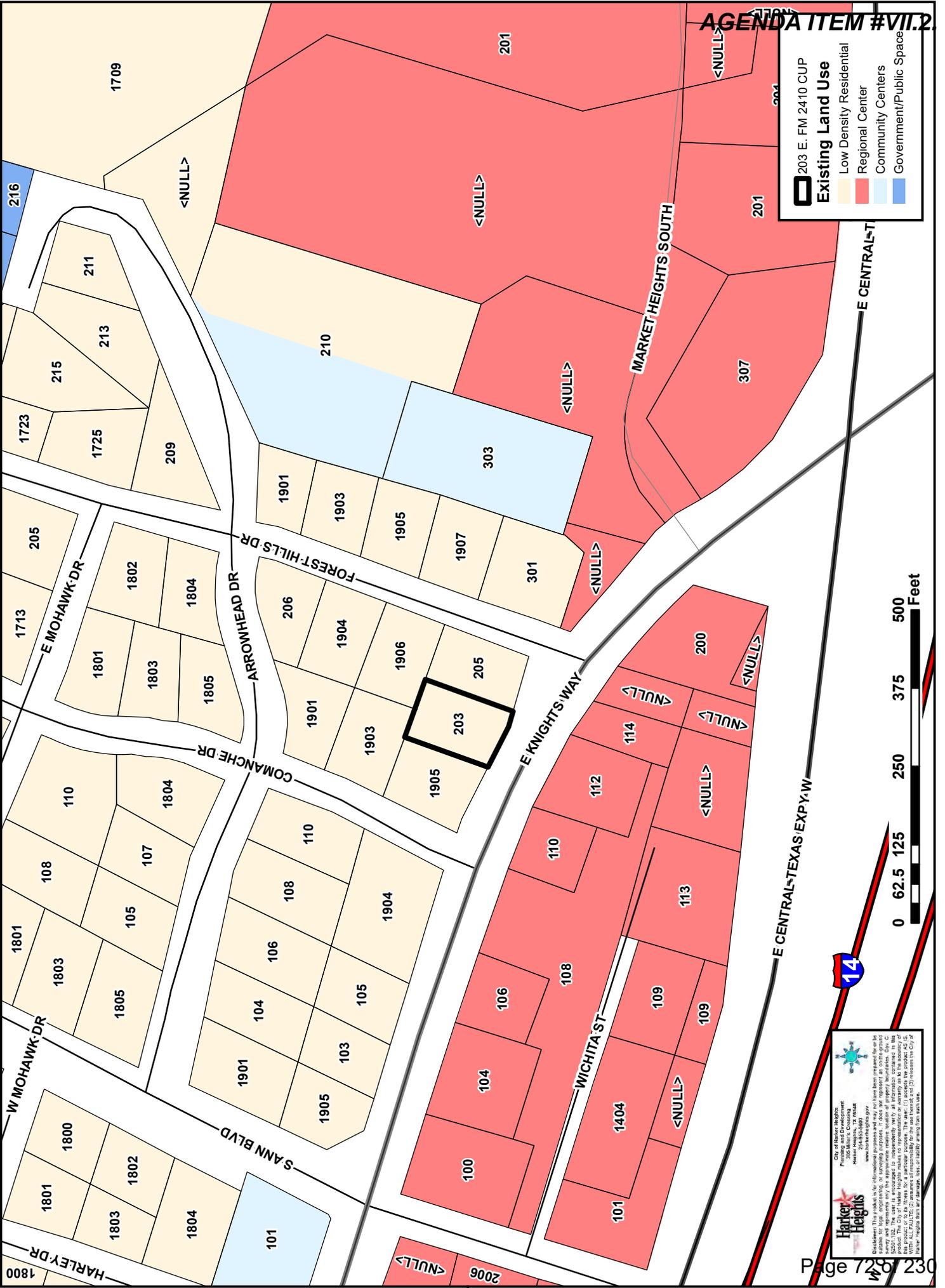
City of Harker Heights
 Planning and Development
 Harker Heights, TX 75044
 www.harkerheights.gov

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Existing Land Use

Z22-23

AGENDA ITEM #VII.2



203 E. FM 2410 CUP

Existing Land Use

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

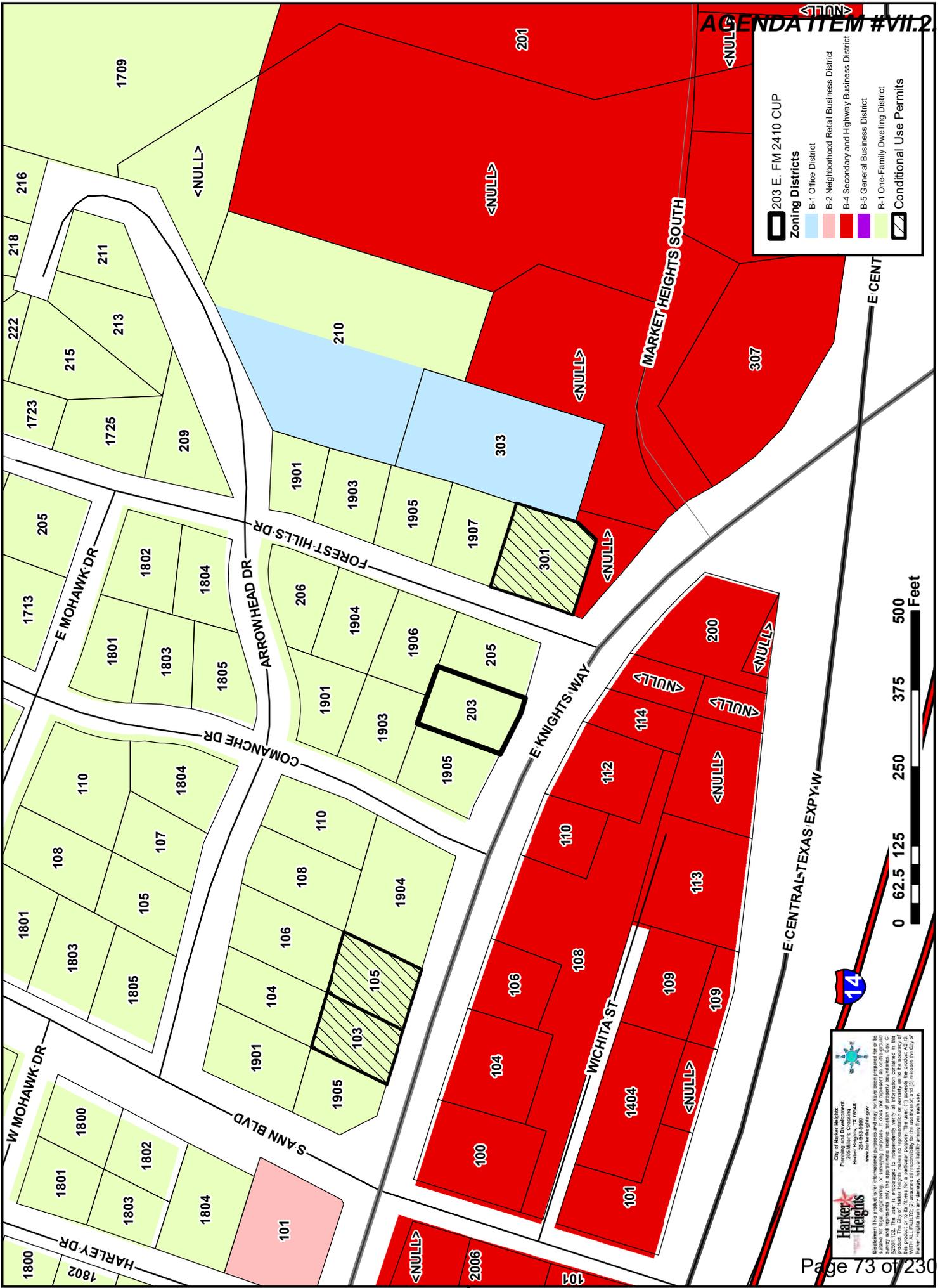
Harker Heights

City of Harker Heights
Planning and Development
Harker Heights, TX 78044
www.harkerheights.gov

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Conditional Use Permits

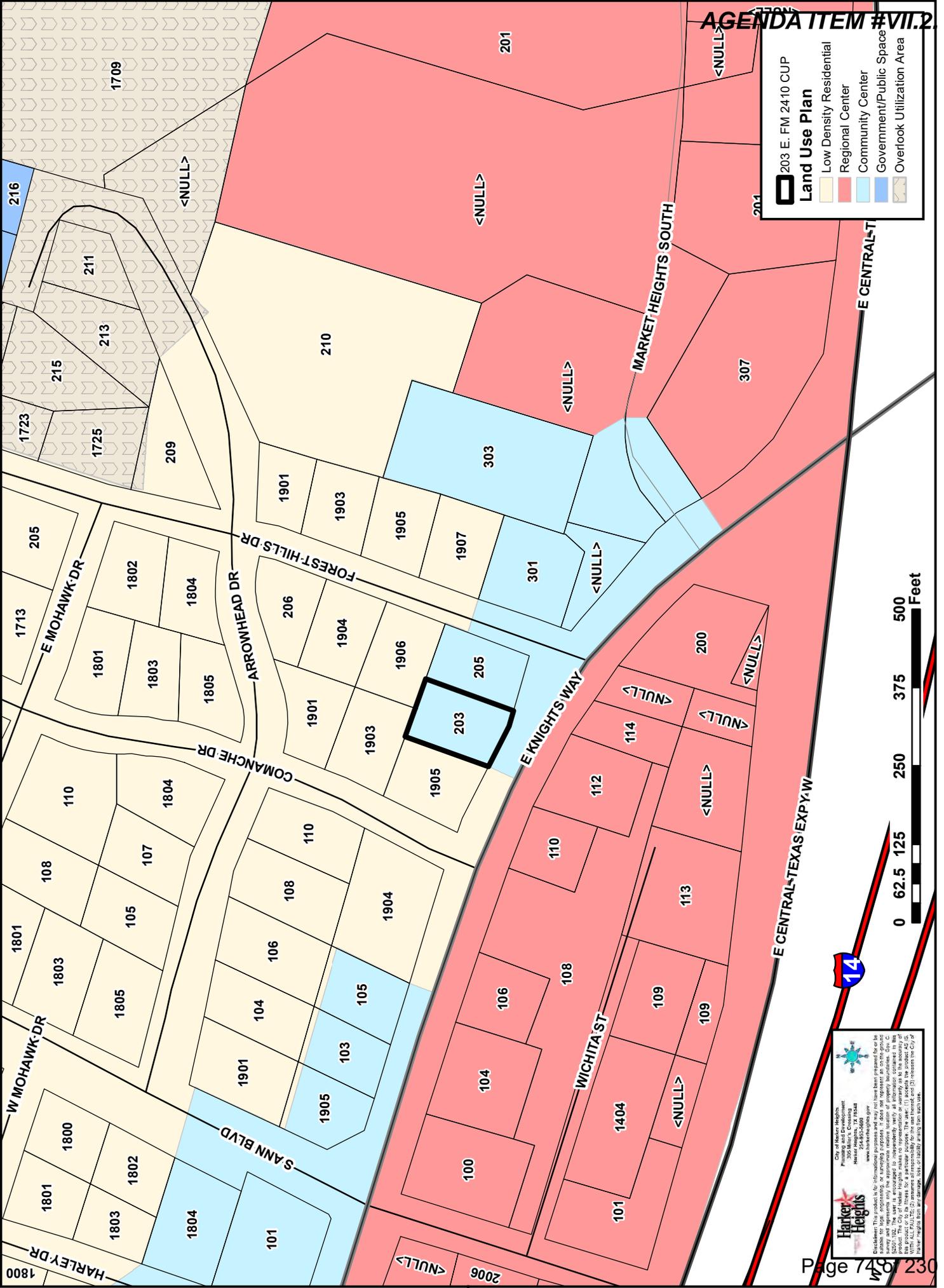
Z22-23



Land Use Plan

Z22-23

AGENDA ITEM #VII.2



203 E. FM 2410 CUP

Land Use Plan

- Low Density Residential
- Regional Center
- Community Center
- Government/Public Space
- Overlook Utilization Area

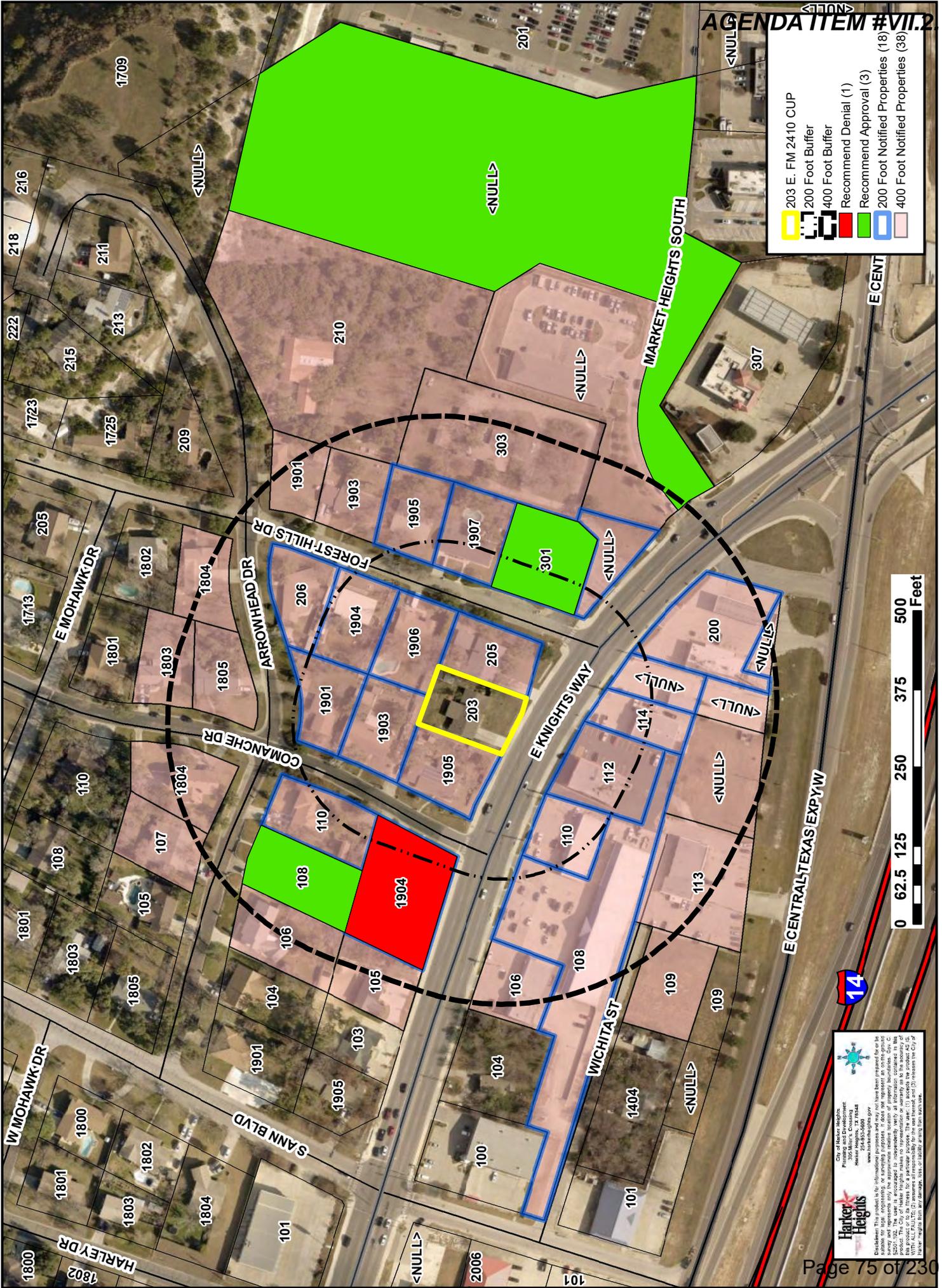
City of Harker Heights
Planning and Development
Harker Heights, TX 76788
www.harkerheights.gov

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Notification

Z22-23

AGENDA ITEM #VII.2



Legend

- 203 E. FM 2410 CUP
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Denial (1)
- Recommend Approval (3)
- 200 Foot Notified Properties (18)
- 400 Foot Notified Properties (38)



City of Harter Heights
 Planning and Development
 Harter Heights, TX 75044
 www.harterheights.gov

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SENT: SEPTEMBER 7 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: CORSI, ANDREW WAYNE ETUX GINA LAKAYE

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

Physical Address	Property ID
108 ARROWHEAD DR	3024

Z22-23 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for uses associated with a B-1 (Office District)** zoning on property described as *Forest Hills Addition, Block 016, Lot 0004*, (see attached notification map)

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Gina Lakaye Corsi
Printed Name

Gina Lakaye Corsi
Signature

9-12-22
Date

Received
SEP 15 2022
Planning & Development

SENT: SEPTEMBER 7 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: DRP MARKET HEIGHTS PROPERTY OWNER LLC

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

Physical Address	Property ID
E CENTRAL TEXAS EXPWY	403036

Z22-23 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP) to allow for uses associated with a B-1 (Office District)** zoning on property described as *Forest Hills Addition, Block 016, Lot 0004*, (see attached notification map)

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

Comments:

Bruce A. Sifford

Printed Name

Bruce A. Sifford

Signature

9/14/22

Date

Received

SEP 20 2022

Planning & Development

FROM: JAN PROPERTIES LLC

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

Physical Address	Property ID
301 E KNIGHTS WAY	106793

Z22-23 RE: An application has been made to consider an ordinance for a **Conditional Use Permit (CUP)** to allow for uses associated with a **B-1 (Office District)** zoning on property described as *Forest Hills Addition, Block 016, Lot 0004*, (see attached notification map)

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

approval

Ann Nguyen
Printed Name

[Signature]
Signature

9/21/2022
Date



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 11, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN ZONING DESIGNATION FROM B-5 (GENERAL BUSINESS DISTRICT) TO R-1 (ONE FAMILY DWELLING DISTRICT), ON PROPERTY DESCRIBED AS STILLFOREST SUBDIVISION REPLAT (BLKS 6-7, 11 PT 8), BLOCK 011, LOT PT BLK, (SW 82.37' X 161.68' X 137.88' TRI), ACRES 0.13, GENERALLY LOCATED NORTH OF 1003 S. ROY REYNOLDS DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant is requesting a change in zoning designation from B-5 (General Business District) to R-1 (One-Family Dwelling District) on property generally located north of 1003 S. Roy Reynolds. Staff was contacted by the property owner of both 1003 S. Roy Reynolds and the property located just north, regarding construction of a residence on these two parcels. The parcel addressed as 1003 S. Roy Reynolds is currently zoned appropriately as R-1 (One-Family Dwelling District); the property to the north is currently zoned as B-5 (General Business District) and would require a change in zoning designation to allow for the construction of a residence.

Parcel History

This property was platted as part of the Stillforest Subdivision Replat, recorded in 1974, and was annexed into city limits in June 1976. This parcel was originally part of the southeast corner parcel at the intersection of Roy Reynolds and VMB. The parcel is now owned by the property owner at 1003 Roy Reynolds.

STAFF ANALYSIS:

Surrounding Land Uses

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

	Existing Land Use	Land Use Plan	Zoning
North	Regional Center	Regional Center	B-5 (General Business District)
South	Low Density Residential	Low Density Residential	R-1 (One-Family Dwelling District)
East	Low Density Residential; Regional Center	Low Density Residential; Regional Center	B-5 (General Business District); R-1 (One-Family Dwelling District)
West	Outside City Limits	Outside City Limits	Outside City Limits

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Low Density Residential use. The proposed R-1 zoning with its intended use will not likely have an adverse impact on the neighborhood and is consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

S. Roy Reynolds Drive is classified as a minor arterial per the most recently adopted Comprehensive Plan. Per §154.01 of the City's code of ordinances (adopted as of September 13, 2022, codification in process), Minor Arterials are defined as: "High volume streets with multiple lanes which facilitate traffic into and between Major Arterials. These are limited access roads on which no driveway access for single-family or two-family residential lots may be allowed.

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

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

NOTICES:

Based on the most recently approved tax roll available, staff sent out twenty-two (22) notices to property owners within the 400-foot notification area. As of September 22, 2022, one (1) response was received in favor of the request, and one (1) response was received in opposition of the request.

Total area of land within the 200-foot notification area is: 202,021.30 sq. ft.

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

Percentage of land area recommending denial: 0%

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

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

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

1. Recommend approval of the applicant's zoning request as presented.

AGENDA ITEM #VII.3.

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

Staff Recommendation

Staff recommended approval to the Planning & Zoning Commission of an ordinance to change zoning designation from B-5 (General Business District) to R-1 (One-Family Dwelling District) on property generally located north of 1003 S. Roy Reynolds.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on September 28, 2022, the Planning & Zoning Commission voted (9-0) on case #Z22-24 to recommend approval of an ordinance to change zoning designation from B-5 (General Business District) to R-1 (One-Family Dwelling District) on property described as Stillforest Subdivision Replat (Blks 6-7, 11 PT 8), Block 011, Lot PT Blk, (SW 82.37' X 161.68' X 137.88' TRI), Acres 0.13, generally located north of 1003 S. Roy Reynolds Drive, Harker Heights, Bell County, Texas.

ACTION BY THE COUNCIL:

1. Motion to **approve / disapprove with explanation** an ordinance to change zoning designation from B-5 (General Business District) to R-1 (One-Family Dwelling District) on property described as Stillforest Subdivision Replat (Blks 6-7, 11 PT 8), Block 011, Lot PT Blk, (SW 82.37' X 161.68' X 137.88' TRI), Acres 0.13, generally located north of 1003 S. Roy Reynolds Drive, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

[Z22-24-PropOrdinance](#)

[Z22-24 Attachments](#)

ORDINANCE NO. 2022 - ____

AN ORDINANCE GRANTING R-1 (ONE-FAMILY DWELLING DISTRICT) ON PROPERTY DESCRIBED AS STILLFOREST SUBDIVISION REPLAT (BLKS 6-7, 11 PT 8), BLOCK 011, LOT PT BLK, (SW 82.37' X 161.68' X 137.88' TRI), ACRES 0.13, GENERALLY LOCATED NORTH OF 1003 S. ROY REYNOLDS DRIVE, HARKER HEIGHTS, BELL COUNTY, TEXAS.

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

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

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

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

SECTION 2: The hereinafter-described property, as previously zoned B-5 (General Business District) to R-1 (One-Family Dwelling District) on property described as Stillforest Subdivision Replat (Blks 6-7, 11 PT 8), Block 011, Lot PT Blk, (SW 82.37' X 161.68' X 137.88' TRI), Acres 0.13, generally located north of 1003 S. Roy Reynolds Drive, Harker Heights, Bell County, Texas.

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

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022 - ____	10/11/2022	Granting R-1 (One-Family Dwelling District) on property described as Stillforest Subdivision Replat (Blks 6-7, 11 PT 8), Block 011, Lot PT Blk, (SW 82.37' X 161.68' X 137.88' TRI), Acres 0.13, generally located north of 1003 S. Roy Reynolds Drive, Harker Heights, Bell County, Texas.

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on October 11, 2022.

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

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

Property Owner(s) Name: PAUL + IRIS KEEN Date: 30 AUG 2022
 Address: 2910 APACHE LOOP
 City/State/Zip: HARKER HEIGHTS / TX / 76548
 Phone: 254-423-4341 E-mail: txrosegirlusn@gmail.com

Legal Description of Property:

Location of Property (Address if available): 1003 S ROY REYNOLDS DR
 Lot: 1 Block: 11 Subdivision: STILL FOREST
 Acres: 0.13 Property ID: 22717 Survey: COMPLETED 25 JAN 2021

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

Proposed Use: BUILD SINGLE FAMILY HOME
 Current Zoning Classification: B5 Proposed Zoning: R1
 Current Land Use: VACANT Proposed Land Use: SINGLE FAMILY HOME

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.

IRIS KEEN
Printed Name of Property Owner

[Signature]
Signature of Property Owner

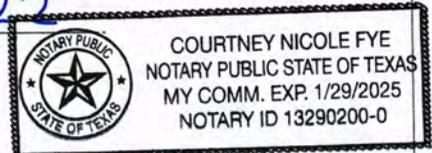
Printed Name of Representative

Signature of Representative

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

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 01/29/2025



Date Submitted: 8/31/22

STAFF ONLY - DO NOT FILL OUT BELOW

Pre-Application Meeting

Receipt #: 01865527

Received By: C. Fye

Revised: 10/2021

Case #: 722-25

§ 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)

§ 155.032 B-5 GENERAL BUSINESS DISTRICT.

(A) Permitted uses.

(1) Any use permitted in the B-4 District that is permitted by right.

(2) Storage in bulk, or warehouse for such material as household goods, clothing, drugs, glass, dry goods, furniture, hardware, groceries, millinery, and shop supplies.

(3) Wholesale sales room.

(4) Building material and lumber sales (outside storage permitted).

(5) Newspaper or job printing.

(6) Railroad or bus passenger terminal.

(7) Auto parts sales, used: No outside storage, display or dismantling.

(8) Any commercial use not included in any other district, provided such use is not noxious or offensive because of odors, dust, noise, fumes, or vibrations.

(9) Installation of vehicle electronics (no outside storage of vehicles without screening).

(10) Trailer rental or sales.

(B) Conditional uses.

(1) Any use permitted in a more restricted district that is permitted by a conditional use permit.

(2) Kennel (small pets).

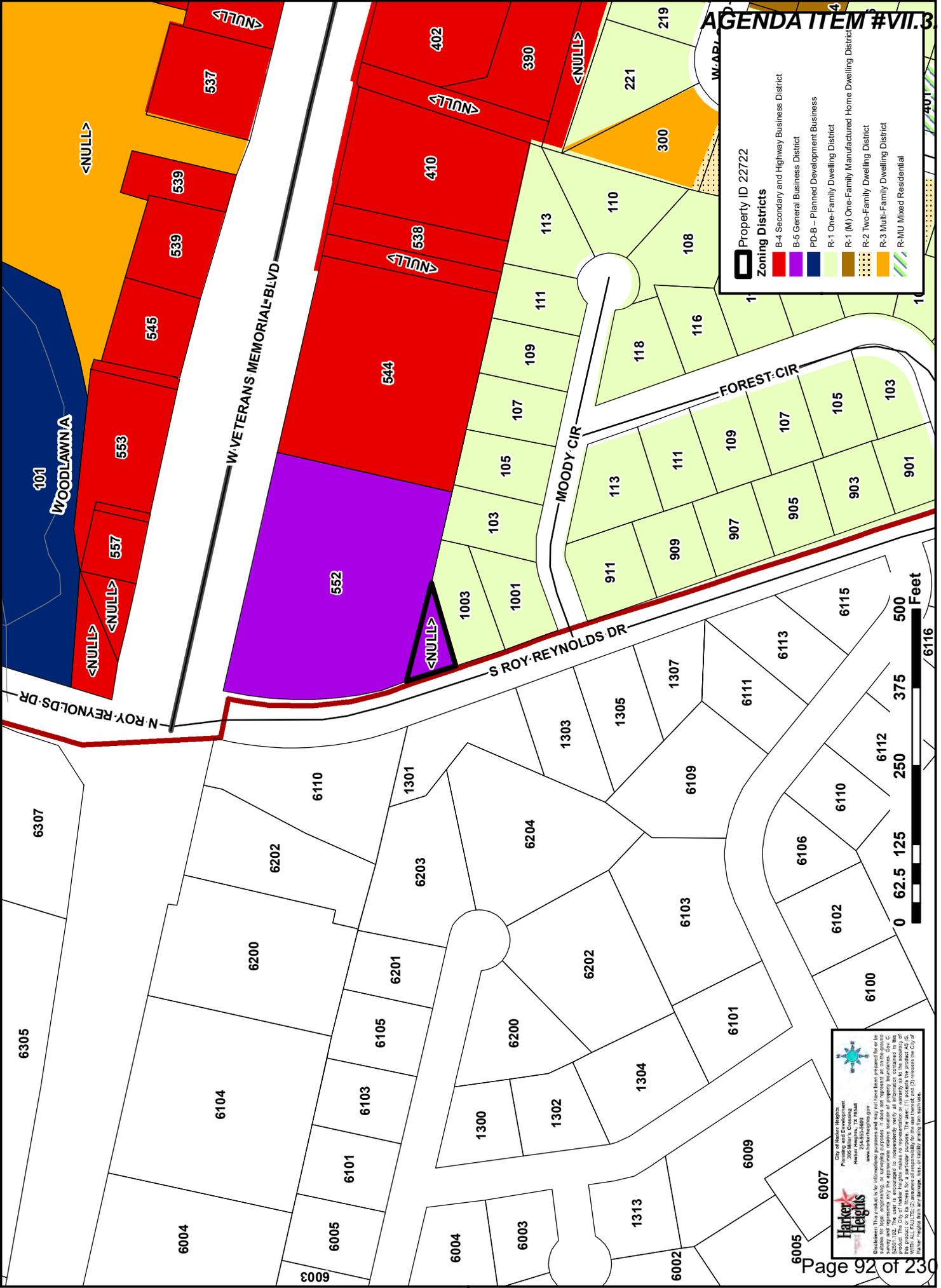
(3) Tire re-capping or retreading.

(4) Electroplating.

(5) High impact telecommunication tower (as defined in Chapter 157).

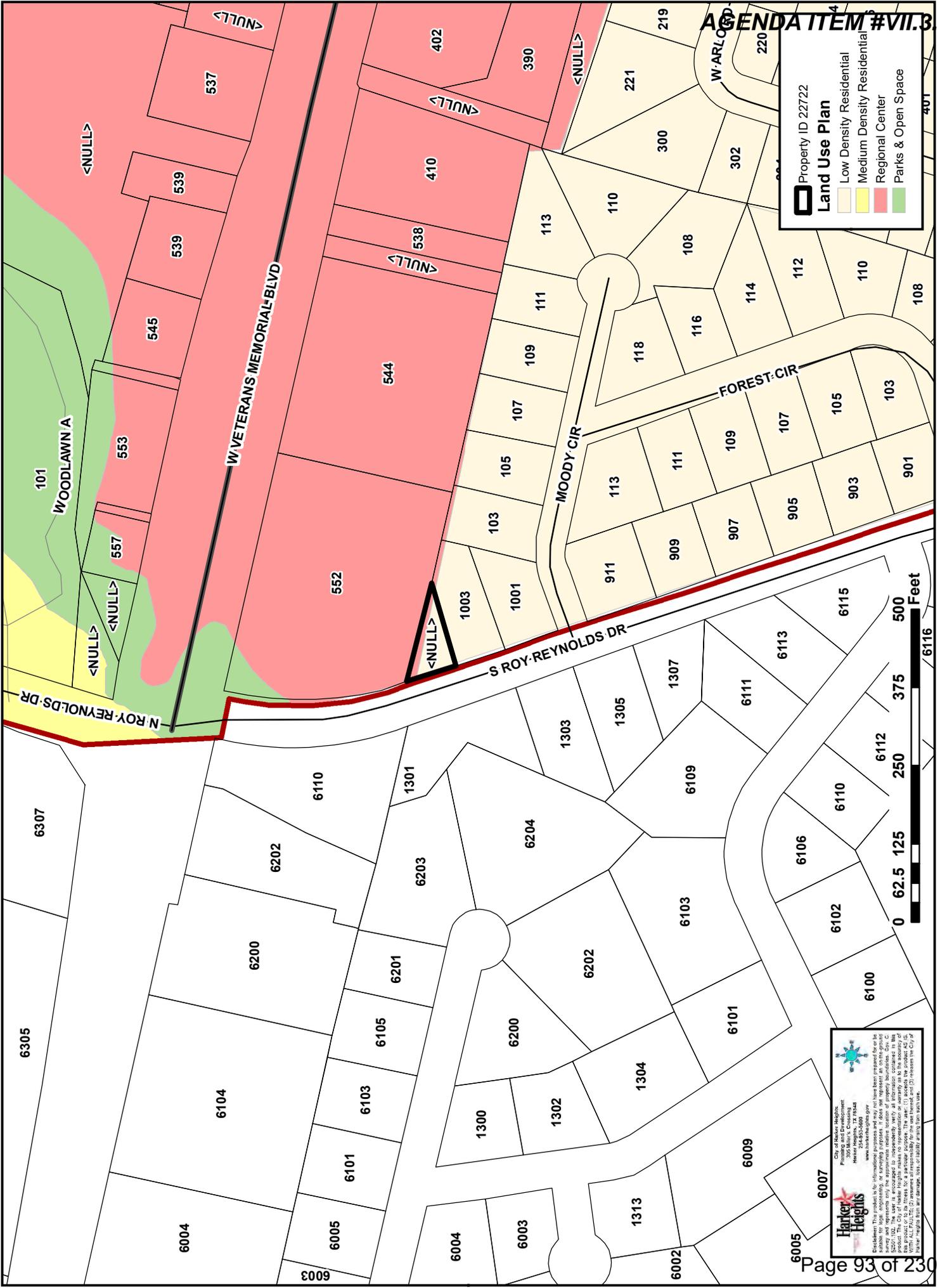
(C) **Height regulations.** No building hereafter erected or structurally altered shall exceed six stories or 75 feet in height.

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



City of Harker Heights
Planning and Development
Harker Heights, TX 76788
www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or by the City of Harker Heights. The user is encouraged to independently verify all information contained in this product or to hire a professional to verify the information. The user is responsible for any damage, loss, or liability arising from its use.



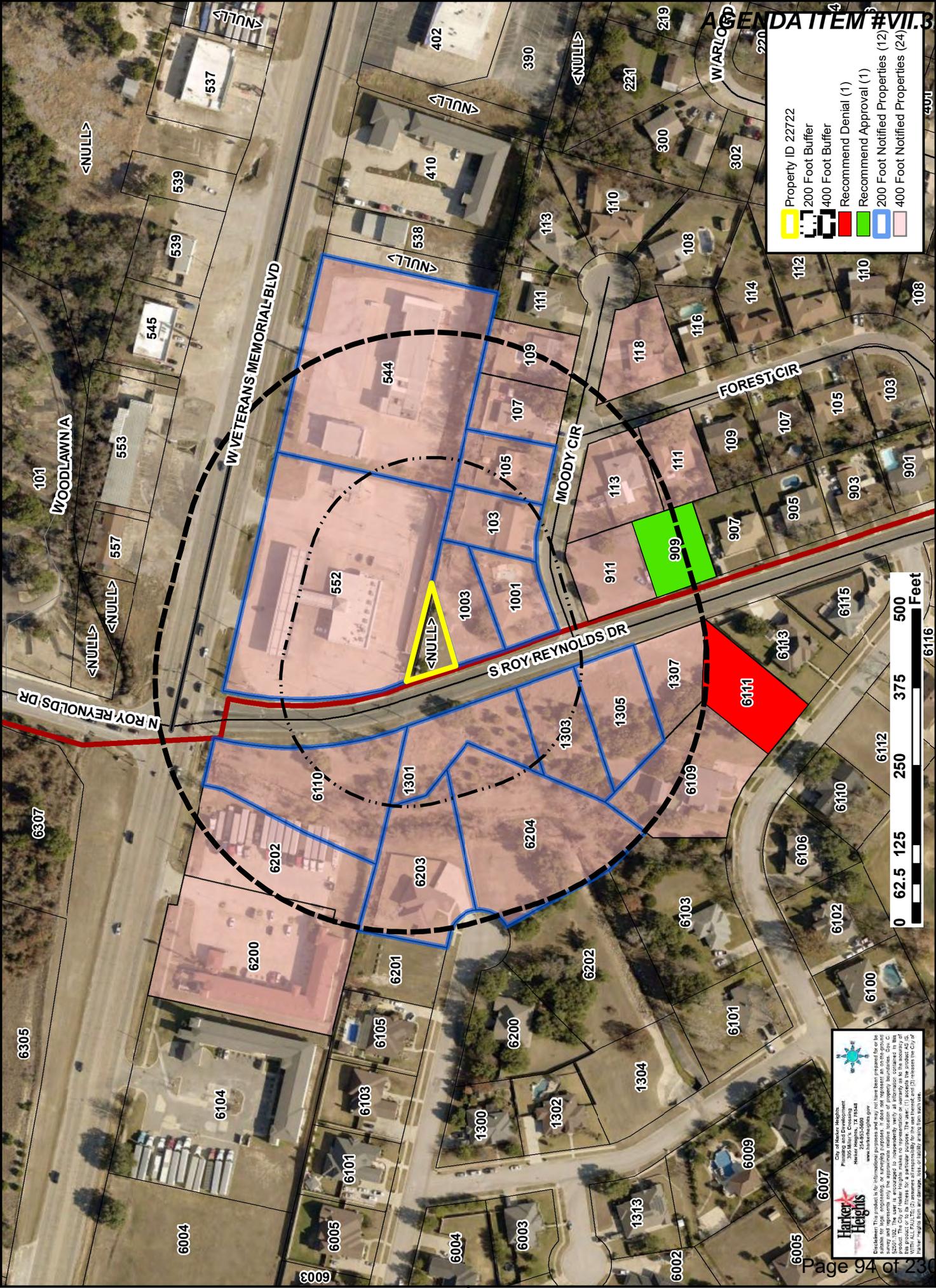
Property ID 22722

Land Use Plan

- Low Density Residential
- Medium Density Residential
- Regional Center
- Parks & Open Space

City of Harker Heights
Planning and Development
Harker Heights, TX 78044
www.harkerheights.gov

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Legend

- Property ID 22722
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Denial (1)
- Recommend Approval (1)
- 200 Foot Notified Properties (12)
- 400 Foot Notified Properties (24)



Harker Heights
City of Harker Heights
Planning and Development
Harker Heights, TX 76788
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SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBERR 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: BROWN, KAREN L

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

Physical Address	Property ID
909 S ROY REYNOLDS DR	35017

Z22-24 RE: application has been made to request a change in zoning designation from **B-5 (General Business District) to R-1 (One-Family Dwelling District)** on property described as *Stillforest Subdivision Replat (Blks 6-7, 11 PT 8), Block 011, Lot PT Blk, (SW 82.37' X 161.68' X 137.88' TRI), Acres 0.13*, (see attached notification map).

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

Comments:

KAREN Brown
Printed Name

Karen Brown
Signature

Sept. 15, 2022
Date

Received
SEP 19 2022
Planning & Development



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 11, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN ZONING DESIGNATION FROM R-2 (TWO-FAMILY DWELLING DISTRICT) TO R2-I (TWO-FAMILY INFILL DWELLING DISTRICT) ON PROPERTY DESCRIBED AS A0288BC VL EVANS, ACRES .78, PROPERTY ID #77900, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF N. MARY JO DRIVE AND W. VALLEY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant is requesting a change from the current zoning of R-2 (Two-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) on property generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road (Property ID #77900). The application submitted indicates the intended zoning use for the property is duplex development..

Parcel History

This parcel is located within the original area of the city incorporation (1960) and is not platted. Bell County Appraisal District information shows this parcel is approximately 0.78 acres and is vacant. The property recently had a change in zoning from R1-M (One-Family Manufactured Home Dwelling District) to R-2 (Two-Family Dwelling District) that was recommended for approval by P&Z on June 29, 2022, and approved by City Council on July 19, 2022.

STAFF ANALYSIS:

Surrounding Land Uses

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

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

The current Land Use Plan and Comprehensive Plan, as amended, identifies this area as being designated for Medium Density Residential use. The proposed R2-I zoning with its intended use will not likely have an adverse impact on the neighborhood.

Thoroughfare Plan

N. Mary Jo Drive is classified as a residential street. Per §154.01 of the City's code of ordinances as amended in 2022, Residential Streets are defined as follows:

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

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

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

NOTICES:

Based on the most recently approved tax roll available, staff sent out forty-eight (48) notices to property owners within the 400-foot notification area. As of September 28, 2022, four (4) responses were received in favor of the request, and zero (0) responses were received in opposition of the request.

Total area of land within the 200-foot notification area is: 297,138.179 sq. ft.

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

Percentage of land area recommending denial: 0%

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

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

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

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

Staff Recommendation

Staff recommended approval to the Planning and Zoning Commission of an ordinance to change zoning designation from R-2 (Two-Family Dwelling District) to R2-I (Two-Family Infill Dwelling District) on property generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, property ID #77900.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on September 28, 2022, the Planning & Zoning Commission voted (9-0) on case #Z22-25 to recommend approval of an ordinance to change zoning designation from R-2 (Two-Family Dwelling District) to R2-1 (Two-Family Infill Dwelling District) on property generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road (Property ID #77900) based on staff's recommendation and findings.

ACTION BY THE COUNCIL:

1. Motion to **approve / disapprove with explanation** an ordinance to change zoning designation from R-2 (Two-Family Dwelling District) to R2-1 (Two-Family Infill Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road based on staff's recommendation and findings.
2. Any other action deemed necessary.

ATTACHMENTS:

[Z22-25-PropOrdinance](#)

[Z22-25 Attachments](#)

ORDINANCE NO. 2022 - ____

AN ORDINANCE GRANTING R2-1 (TWO-FAMILY INFILL DWELLING DISTRICT) ON PROPERTY DESCRIBED AS A0288BC VL EVANS, ACRES .78, PROPERTY ID #77900, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF N. MARY JO DRIVE AND W. VALLEY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS.

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

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

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

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

SECTION 2: The hereinafter-described property, as previously zoned R-2 (Two-Family Dwelling District) to R2-1 (Two-Family Infill Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas.

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

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022 - ____	10/11/2022	Granting R2-1 (Two-Family Infill Dwelling District) on property described as A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas.

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

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

PASSED AND APPROVED by the City Council of the City of Harker Heights on
October 11, 2022.

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

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

Property Owner(s) Name: Andrea Thompson

Date: 08/31/2022

Address: 204 Docia Lane

City/State/Zip: Killeen, Tx 76542

Phone: 254-291-3685

E-mail: homeskilleen@gmail.com

Legal Description of Property:

Location of Property (Address if available): Jamie Rd (N. Mary Jo)

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

Acres: _____ Property ID: 77900 Survey: _____

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

Proposed Use: Duplexes

Current Zoning Classification: R2

Proposed Zoning: R2I

Current Land Use: R2

Proposed Land Use: R2I

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.

[Signature]
Printed Name of Property Owner

Andrea Thompson
Signature of Property Owner

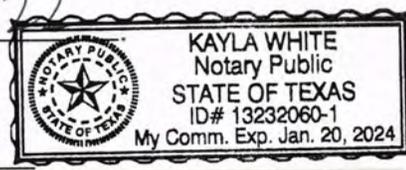
Printed Name of Representative

Signature of Representative

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

[Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 1-24



STAFF ONLY -- DO NOT FILL OUT BELOW

Date Submitted: _____

Pre-Application Meeting

Receipt #: _____

Received By: _____

Revised: 10/2021

Case #: _____

§ 155.023 R-2 TWO-FAMILY DWELLING DISTRICT.**(A) Permitted uses.**

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

(2) Two-family or duplex dwelling.

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

(B) Conditional uses. Neighborhood association facilities.

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

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

(E) Intensity of use.

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

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

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

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

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

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

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

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

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

§ 155.0231 R2-I TWO-FAMILY INFILL DWELLING DISTRICT.

(A) *Purpose.* To establish and preserve areas of low-medium intensity land use primarily devoted to moderate density residential development.

(B) *Location requirements.* The R2-I (Two-Family Infill Dwelling District) shall be restricted to specific geographic locations as designated in the map attached to Ordinance 2017-28 as Exhibit "A" and incorporated by reference, an official copy of which map shall be filed in the office of the City Secretary. This copy shall be the official map and shall not be changed in any manner except as the Council may amend from time to time. In case of any question, such copy, together with any amending ordinances, shall be controlling. Additional copies of the map may be placed in the offices of the Planning and Development Director and the Public Works Director.

(C) *Permitted uses.* Any use permitted by right in the R-2 District, if it meets required standards.

(D) *Conditional uses.* Any conditional use permitted in the R-2 District, if it meets required standards.

(E) *Height regulations.* No building shall exceed three stories or 40 feet in height.

(F) *Design regulations.*

(1) *Materials and appearance.* Building facade must be of masonry or cementitious materials approved by the Building Official. Varying textures, colors, materials and architectural treatments are required on adjacent houses to avoid repetition and add visual interest to the area. R2-I buildings shall be designed to avoid repetitions of buildings or roof lines, and the same elevation may not be used within any five lot groupings. Windows must be configured to break the line of sight between adjacent residences and shall be provided with trim or recessed, rather than flush with exterior wall treatment.

(2) *Fences.* All fences shall provide a finished face to abutting streets.

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

(G) *Area regulations.*

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

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

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

(b) There is a required minimum 12 foot separation between neighboring residences.

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

(H) *Intensity of use.*

(1) The minimum lot area shall be 6,000 square feet.

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

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

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

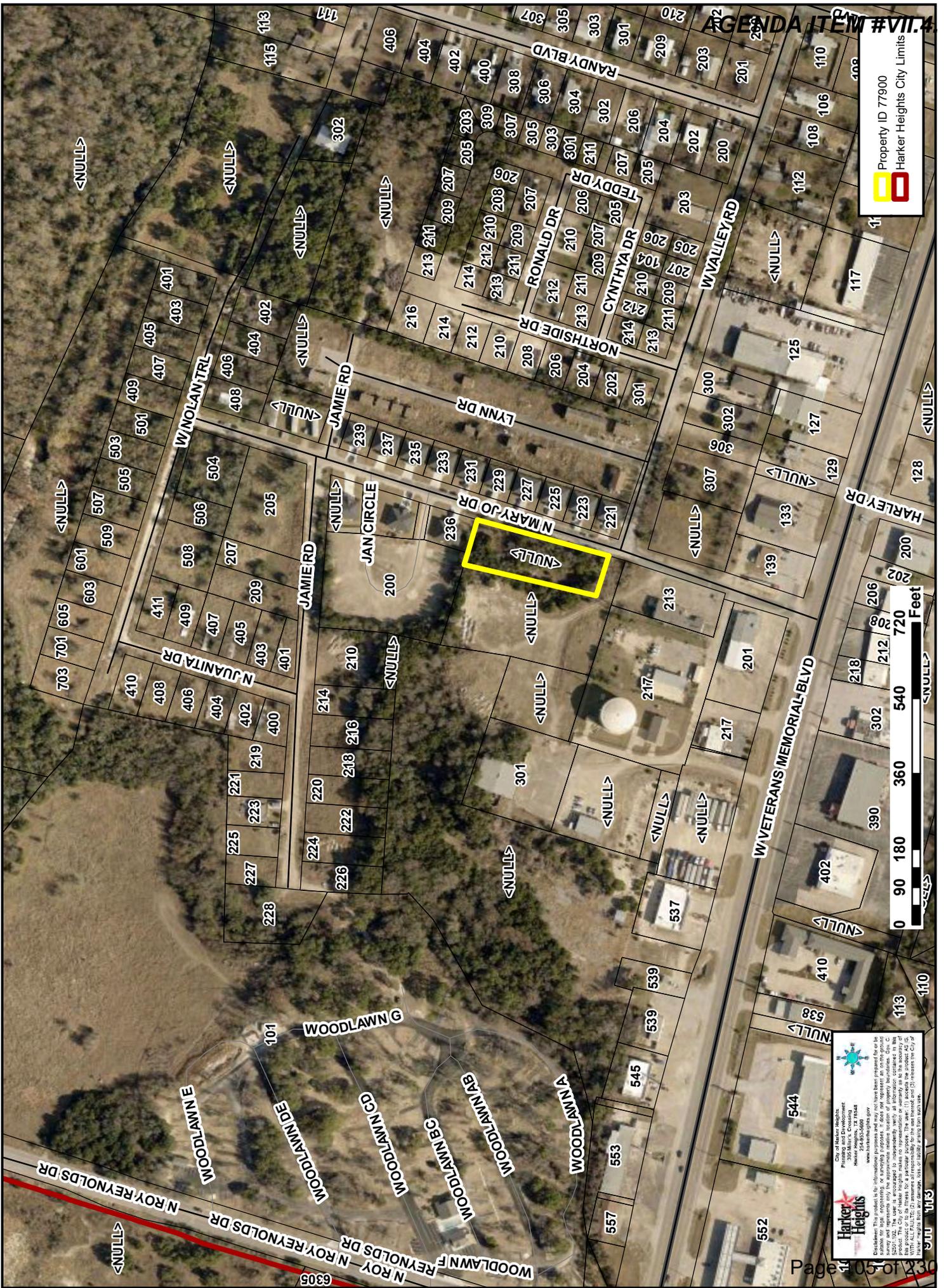
(K) *Landscaping.* All R2-I lots shall have vegetative groundcover of sufficient quality and quantity, or other city- approved groundcover, to control dust, erosion and sediment upon final inspection. In addition, a minimum of two six-foot tall trees, measuring two inches or more in caliper (diameter) when measured 12 inches from the base of the trunk, and eight three-gallon shrubs are required in the front yard.

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

(M) *Accessory structures.* Any accessory structure permitted in the R-2 District is allowed. Detached garages do not count against the number of accessory structures permitted, provided they are behind the rear facade of the main residence building, are set back ten feet from the rear property line, and comply with R2-I side yard setback requirements. Building materials and facade must be consistent with the main residence building materials and facade.

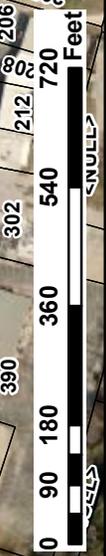
(N) *Zoning incentives.* The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps (excluding material and street cut costs), and water taps (excluding material and street cut costs) hereafter paid in connection with lots zoned R2-I, provided that such zoning, platting or permitting is approved or approved with conditions, and such taps are satisfactorily installed after June 28, 2022 and not later than September 30, 2023.

(Ord. 2017-28, passed 10-10-17; Am. Ord. 2020-09, passed 4-14-20; Am. Ord. 2022-36, passed 6-28-22)



Harker Heights
 City of Harker Heights
 Planning and Development
 Harker Heights, TX 77848
 www.harkerheights.gov

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Property ID 77900
 Harker Heights City Limits

Existing Land Use

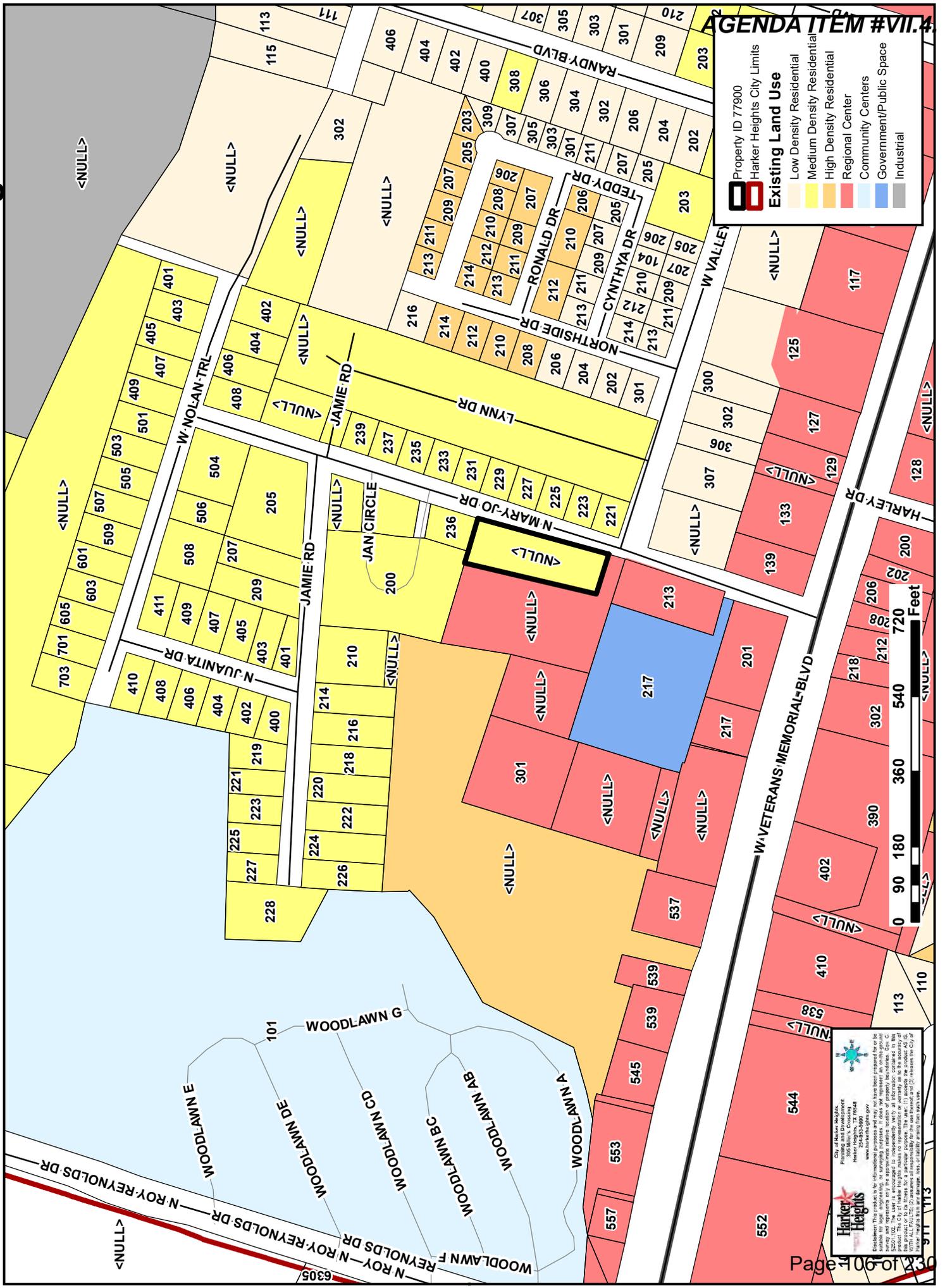
Z22-25

AGENDA ITEM # VII.4

Property ID 77900
Harker Heights City Limits

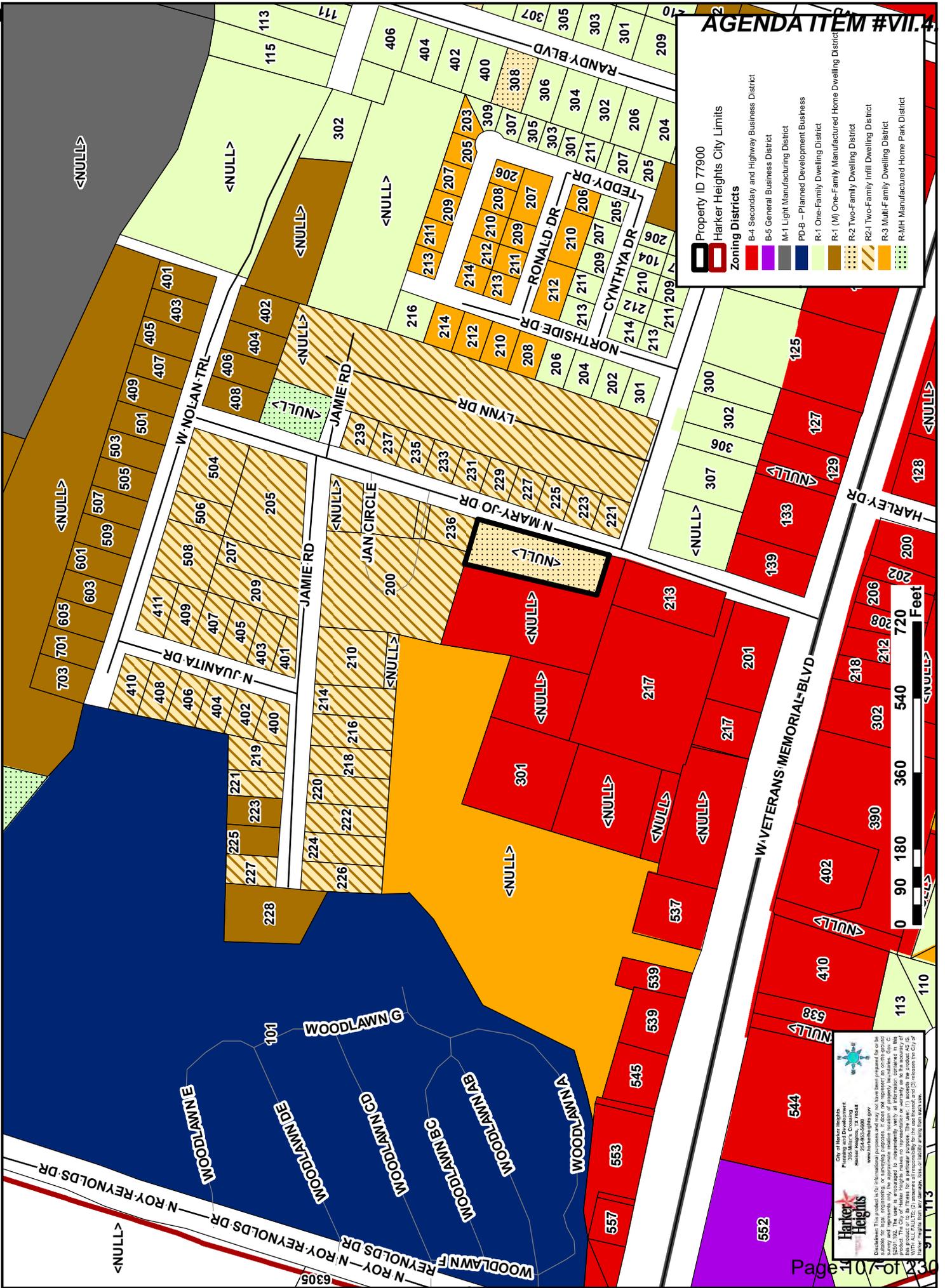
Existing Land Use

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



City of Harker Heights
Planning and Development
Harker Heights, TX 76044
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Property ID 77900

Harker Heights City Limits

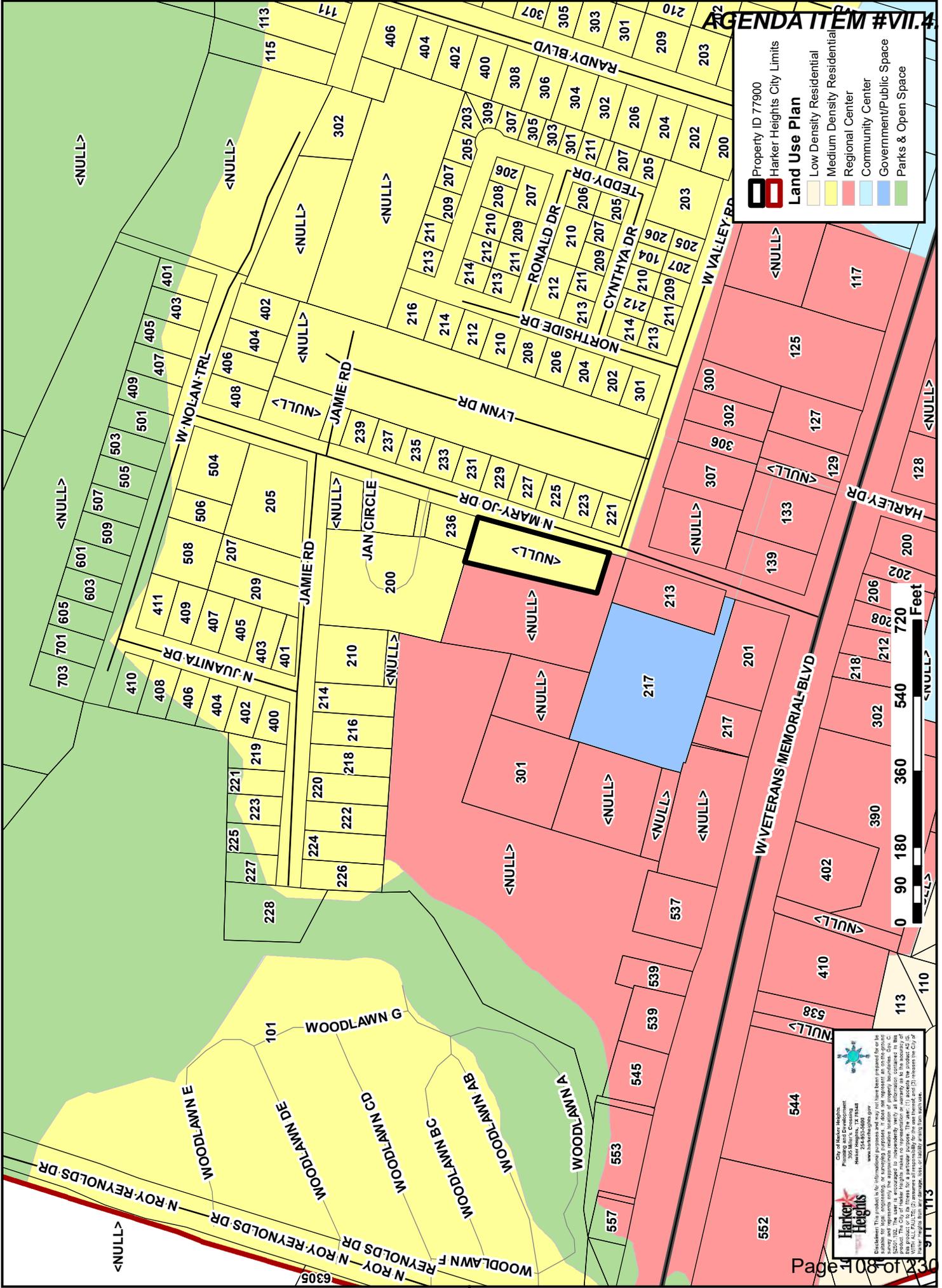
Zoning Districts

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



City of Harker Heights
Planning and Development
Harker Heights, TX 77048
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Property ID 77900
Harker Heights City Limits

Land Use Plan

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



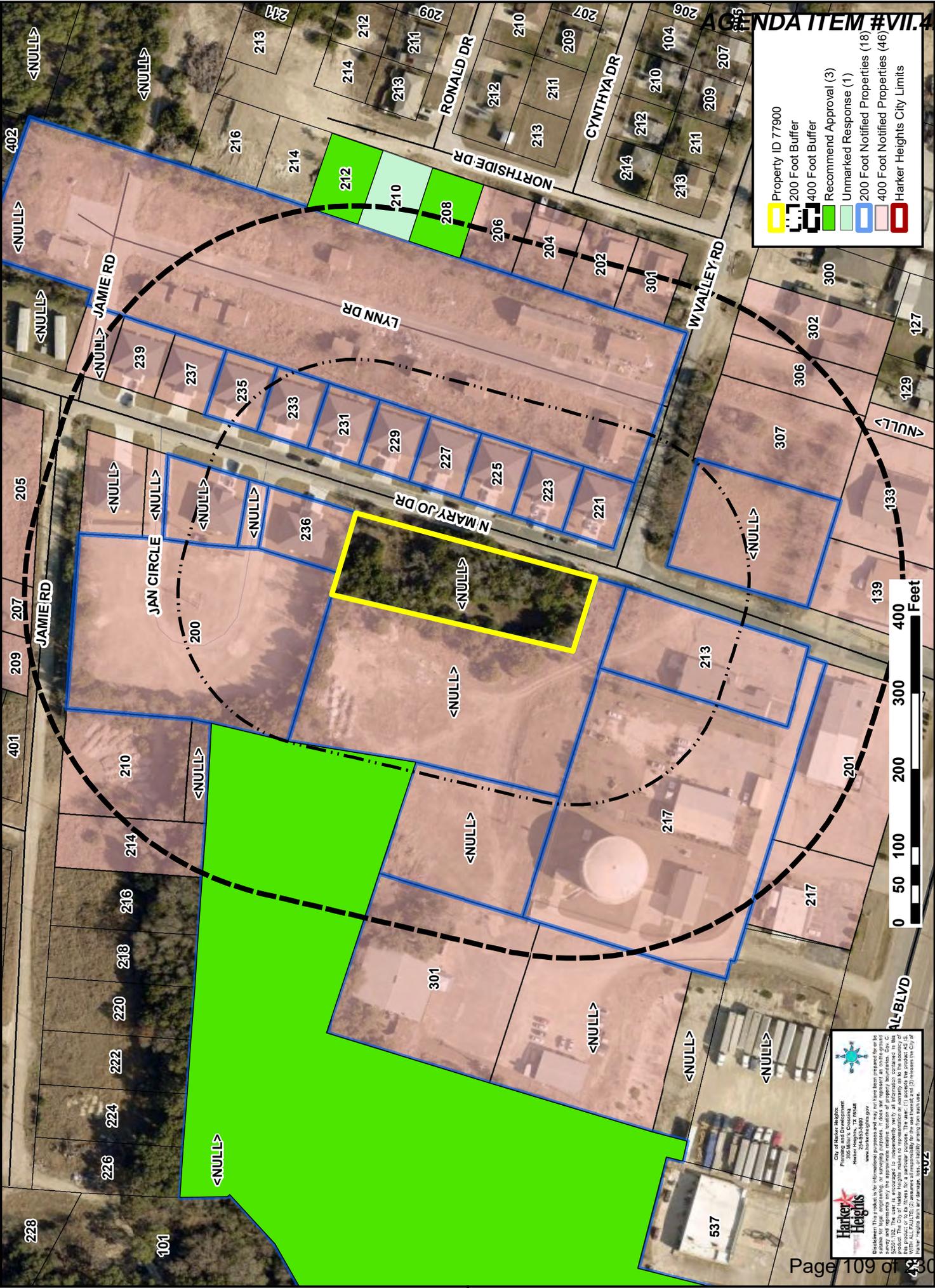
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Harker Heights, TX 77948
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Notification

Z22-25

AGENDA ITEM #VII.4



- Property ID 77900
- 200 Foot Buffer
- 400 Foot Buffer
- Recommend Approval (3)
- Unremarked Response (1)
- 200 Foot Notified Properties (18)
- 400 Foot Notified Properties (46)
- Harker Heights City Limits



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SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FOUNTAIN, TERRY ETUX JACKELINE S

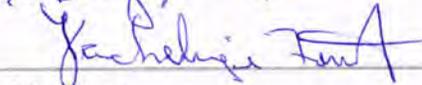
Address(es)/Property ID(s) that could be impacted by this request:

Physical Address	Property ID
W VETERANS MEMORIAL BLVD	169326

Z22-25 RE: An application has been made to consider a change in zoning designation from **R-2 (Two-Family Dwelling District)** to **R2-1 (Two-Family Infill Dwelling District)** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas,* (see attached notification map)

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

Comments:

<i>Terry Fountain</i>		<i>15 Sept 2022</i>
<i>Jackeline S. Fountain</i>		<i>15 Sept 2022</i>
Printed Name	Signature	Date

Received
SEP 20 2022
Planning & Development

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

Physical Address	Property ID
208 NORTHSIDE DR	39738

Z22-25 RE: An application has been made to consider a change in zoning designation from **R-2 (Two-Family Dwelling District)** to **R2-1 (Two-Family Infill Dwelling District)** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas,* (see attached notification map)

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Kristin Smith

Printed Name

Kristin Smith

Signature

09/20/2022

Date

Received

SEP 22 2022

Planning & Development

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

Physical Address	Property ID
210 NORTHSIDE DR	39739

Z22-25 RE: An application has been made to consider a change in zoning designation from **R-2 (Two-Family Dwelling District)** to **R2-1 (Two-Family Infill Dwelling District)** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas,* (see attached notification map)

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Kristin Smith
Printed Name

[Signature]
Signature

09/20/2022
Date

Received
SEP 22 2022
Planning & Development

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: FORT HOOD AREA HABITAT FOR HUMANITY INC

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

Physical Address	Property ID
212 NORTHSIDE DR	39740

Z22-25 RE: An application has been made to consider a change in zoning designation from **R-2 (Two-Family Dwelling District)** to **R2-1 (Two-Family Infill Dwelling District)** on property described as *A0288BC VL Evans, Acres .78, Property ID #77900, generally located northwest of the intersection of N. Mary Jo Drive and W. Valley Road, Harker Heights, Bell County, Texas,* (see attached notification map)

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Krista Smith

Printed Name

[Handwritten Signature]

Signature

09/20/2022

Date

Received

SEP 22 2022

Planning & Development



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 11, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, GRANTING A CHANGE IN ZONING DESIGNATION FROM R-1 (ONE-FAMILY DWELLING DISTRICT) TO R1-I (ONE-FAMILY INFILL DWELLING DISTRICT) AND R2-I (TWO-FAMILY INFILL DWELLING DISTRICT) ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 012, LOT 0016, (TOD DEED), GENERALLY LOCATED AT 132 E. RUBY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant is requesting a change from the current zoning of R-1 (One-Family Dwelling District) to R1-I (One-Family Infill Dwelling District) to R2-I (Two-Family Infill Dwelling District) on property generally located at 132 E. Ruby Road as illustrated in the attached Exhibit A. The applicant's intent is to place a single family home facing E. Ruby Road, and a duplex facing S. Amy Lane.

Parcel History

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

An application was received in April 2019 to request a change in zoning designation from R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District). The Planning & Zoning Commission voted unanimously (8-0) to recommend denial, and the applicant requested the case be withdrawn on May 1, 2019, prior to being considered by City Council.

Another application to request a change in zoning designation from R-1 (One-Family Dwelling District) to R-3 (Multi-Family Dwelling District) was received on June 1, 2022 for a four-plex on the same parcel. The Planning & Zoning Commission voted unanimously to recommend disapproval of the request on June 29, 2022, and the City Council voted unanimously to disapprove the request on July 19, 2022.

STAFF ANALYSIS:

Surrounding Land Uses

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

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

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Low Density Residential. The proposed R1-I zoning with its intended use will likely not have an adverse impact on the neighborhood and is consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan. Additionally, the proposed R2-I zoning with its intended use will likely not have an adverse impact on the neighborhood but is not consistent with the 2021 updates to the City of Harker Heights Comprehensive Plan and Land Use Plan.

Thoroughfare Plan

E. Ruby Road is classified as a residential street. Per §154.01 of the City’s code of ordinances as amended in September 13, 2022, Residential Streets are defined as: “Streets whose primary function is to serve individual residential lots. They carry low traffic volumes at low speeds.”.

S. Amy Lane is classified as a collector street per the most recently adopted Comprehensive Plan. Per City of Harker Heights Code of Ordinances §154.01 as amended in September 13, 2022, defines a collector street as follows:

- Minor Collectors are defined as: Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to Major Collectors or Arterials. Residential lots may front on these streets.
- Major Collectors are defined as: Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the Arterial System. These are limited access roads on which no driveway access for single-family or two-family residential lots may be allowed.

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

1. The proposed use and rezoning are partially not compatible with the current Comprehensive Plan and Land Use Plan. (The proposed R1-I zoning request is compatible. The proposed R2-I rezoning request is not compatible.)
2. The proposed use and rezoning will likely not have an adverse impact on surrounding properties.
3. The proposed use and rezoning are compatible with existing uses and zoning in the neighborhood.
4. The proposed use and rezoning will likely not pose an adverse impact to the public health, safety, or general welfare.

NOTICES:

Based on the most recently approved tax roll available, staff sent out fifty-three (53) notices to property owners within the 400-foot notification area. As of September 28, 2022, two (2) responses were received in favor of the request, and twenty-one (21) responses were received in opposition of the request. Of the twenty-one responses in opposition:

- Fifteen (15) responses are from property owners (3 are located within the 200' notification area, 7 are located within the 400' notification area, and 5 are located outside of the 400' notification area).
- Four (4) responses are from tenants (1 is located within the 400' notification area, 3 are located outside of the 400' notification area).
- One (1) response is unverified (i.e. staff could not determine if it was the property owner or tenant who responded) and is located within the 400' notification area.

Total area of land within the 200-foot notification area is: 198,796 sq. ft.

Total area of land within the 200-foot notification area recommending denial is: 21,356 sq. ft.

Percentage of land area recommending denial: 10.74%

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

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

RECOMMENDATION:

Alternatives Considered

Staff considered three (3) alternatives for this case.

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

Staff Recommendation

Based on the current Land Use Plan designation for this area, staff recommended disapproval to the Planning & Zoning Commission of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) and R-2I (Two-Family Infill Dwelling District) on property generally located at the 132 E. Ruby Road.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on September 28, 2022, the Planning & Zoning Commission voted (9-0) on case #Z22-26 to recommend disapproval of an ordinance to change zoning designation from R-1 (One-Family Dwelling District) to R1-I (One-Family Infill Dwelling District) and R2-I (Two-Family Infill Dwelling District) on property generally located at the 132 E. Ruby Road, Harker Heights, Texas, based on staff's recommendation and findings.

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

ACTION BY THE COUNCIL:

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

(D) Vote Required

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

1. Motion to **approve** an ordinance to change zoning designation R-1 (One-Family Dwelling District) to R1-I (One-Family Infill Dwelling District) and R2-I (Two-Family Infill Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas **as illustrated in Exhibit A**, based on staff's recommendation and findings.
2. Motion to **disapprove with explanation** an ordinance to change zoning designation R-1 (One-Family Dwelling District) to R1-I (One-Family Infill Dwelling District) and R2-I (Two-Family Infill Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, based on staff's recommendation and findings.
3. Any other action deemed necessary.

ATTACHMENTS:

[Z22-26-PropOrdinance](#)

[Z22-26 Exhibit A](#)

[Z22-26 Attachments](#)

ORDINANCE NO. 2022 - ____

AN ORDINANCE GRANTING R1-I (ONE-FAMILY INFILL DWELLING DISTRICT) AND R2-I (TWO-FAMILY INFILL DWELLING DISTRICT) ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 012, LOT 0016, (TOD DEED), GENERALLY LOCATED AT 132 E. RUBY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS AS ILLUSTRATED IN EXHIBIT A.

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

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

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

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

SECTION 2: The hereinafter-described property, as previously zoned R-1 (One Family Dwelling District) to R1-I (One-Family Infill Dwelling District) and R2-I (Two-Family Infill Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (Tod Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas as illustrated in the attached Exhibit A.

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

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022 - ____	7/12/2022	Granting R1-I (One-Family Infill Dwelling District) and R2-I (Two-Family Infill Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (Tod Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas as illustrated in Exhibit A.

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 October 11, 2022.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



132 E. Ruby Rd.

Proposed Zoning

- R1-1
- R2-1



Harker Heights

City of Harker Heights
Planning and Development
Harker Heights, TX 78044
www.harkerheights.gov

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Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Eddie Bass Date: 1 sept 22
 Address: 132 E Ruby 106 Concho Ct
 City/State/Zip: Harker Heights
 Phone: 254-681-1105 E-mail: Ebass3@Hot.RR.com

Legal Description of Property:

Location of Property (Address if available): _____
 Lot: 132 16 Block: 12 Subdivision: Kern Arce 2nd Ext
 Acres: _____ Property ID: 172 55 Survey: _____

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

Proposed Use: Single Family and duplex
 Current Zoning Classification: R1 Proposed Zoning: R2 & R15
 Current Land Use: Vacant Proposed Land Use: Low density and Medium Density

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.

Eddie Bass
Printed Name of Property Owner

[Signature]
Signature of Property Owner

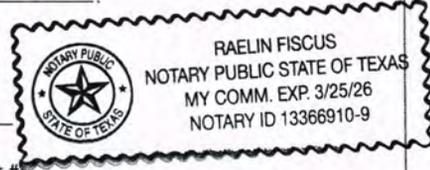
Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 15th DAY OF September, 20 22

Raelin Fiscus
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 3/25/2024



Date Submitted: _____
 Received By: _____
 Pre-Application Meeting
 Receipt #: _____
 Case #: _____

Revised: 10/2021

§ 155.020 R-1 ONE FAMILY DWELLING DISTRICT.

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

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

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

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

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

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

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

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

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

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

(2) Neighborhood association facilities.

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

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

(5) Accessory structure as provided by § 155.040.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(H) *Signs* As per Chapter 151.

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

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

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

(L) *Industrialized housing.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) *Design regulations.*

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

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

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

(F) *Area regulations.*

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

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

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

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

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

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

(G) *Intensity of use.*

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

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

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

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

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

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

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

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

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

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

(M) *Zoning incentives.* The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps (excluding material and street cut costs), and water taps (excluding material and street cut costs) hereafter paid in connection with lots zoned R1-I, provided that such zoning, platting or permitting is approved or approved with conditions, and such taps are satisfactorily installed after June 28, 2022 and not later than September 30, 2023.

(Ord. 2016-24, passed 10-11-16; Am. Ord. 2017-27, passed 10-10-17; Am. Ord. 2022-35, passed 6-28-22)

§ 155.0231 R2-I TWO-FAMILY INFILL DWELLING DISTRICT.

(A) *Purpose.* To establish and preserve areas of low-medium intensity land use primarily devoted to moderate density residential development.

(B) *Location requirements.* The R2-I (Two-Family Infill Dwelling District) shall be restricted to specific geographic locations as designated in the map attached to Ordinance 2017-28 as Exhibit "A" and incorporated by reference, an official copy of which map shall be filed in the office of the City Secretary. This copy shall be the official map and shall not be changed in any manner except as the Council may amend from time to time. In case of any question, such copy, together with any amending ordinances, shall be controlling. Additional copies of the map may be placed in the offices of the Planning and Development Director and the Public Works Director.

(C) *Permitted uses.* Any use permitted by right in the R-2 District, if it meets required standards.

(D) *Conditional uses.* Any conditional use permitted in the R-2 District, if it meets required standards.

(E) *Height regulations.* No building shall exceed three stories or 40 feet in height.

(F) *Design regulations.*

(1) *Materials and appearance.* Building facade must be of masonry or cementitious materials approved by the Building Official. Varying textures, colors, materials and architectural treatments are required on adjacent houses to avoid repetition and add visual interest to the area. R2-I buildings shall be designed to avoid repetitions of buildings or roof lines, and the same elevation may not be used within any five lot groupings. Windows must be configured to break the line of sight between adjacent residences and shall be provided with trim or recessed, rather than flush with exterior wall treatment.

(2) *Fences.* All fences shall provide a finished face to abutting streets.

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

(G) *Area regulations.*

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

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

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

(b) There is a required minimum 12 foot separation between neighboring residences.

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

(H) *Intensity of use.*

(1) The minimum lot area shall be 6,000 square feet.

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

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

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

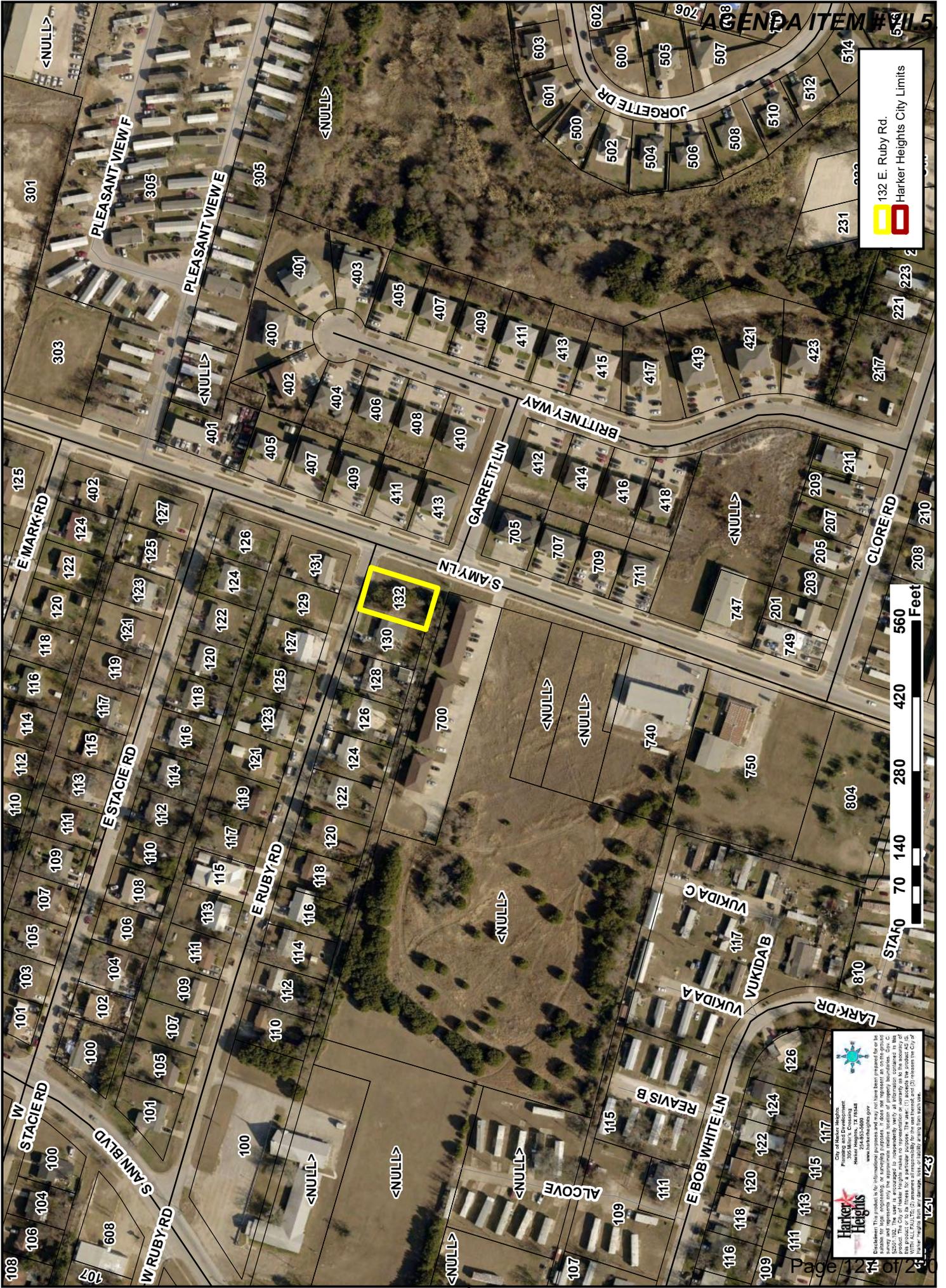
(K) *Landscaping.* All R2-I lots shall have vegetative groundcover of sufficient quality and quantity, or other city- approved groundcover, to control dust, erosion and sediment upon final inspection. In addition, a minimum of two six-foot tall trees, measuring two inches or more in caliper (diameter) when measured 12 inches from the base of the trunk, and eight three-gallon shrubs are required in the front yard.

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

(M) *Accessory structures.* Any accessory structure permitted in the R-2 District is allowed. Detached garages do not count against the number of accessory structures permitted, provided they are behind the rear facade of the main residence building, are set back ten feet from the rear property line, and comply with R2-I side yard setback requirements. Building materials and facade must be consistent with the main residence building materials and facade.

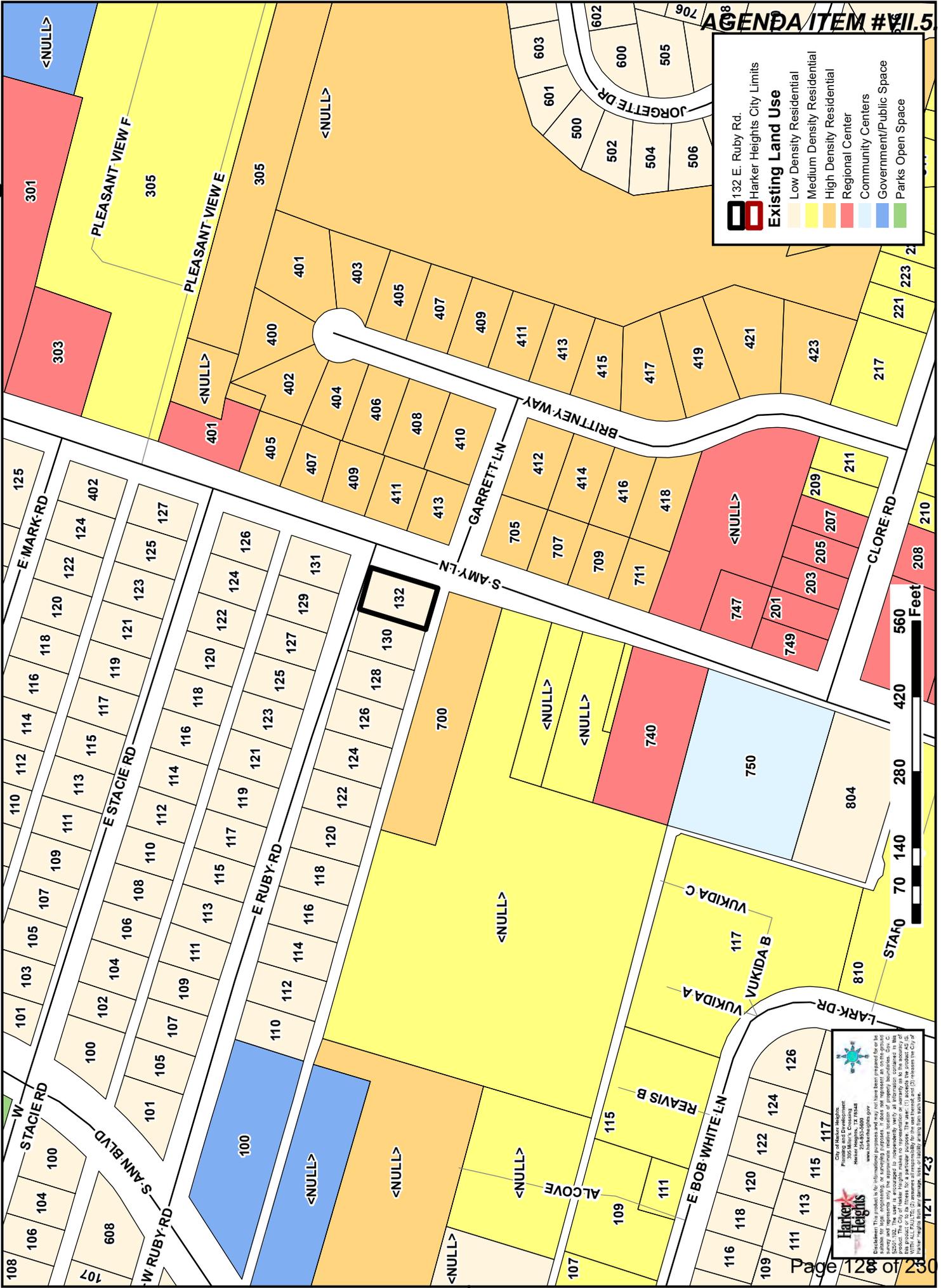
(N) *Zoning incentives.* The Director of Planning and Development is authorized to refund the city's standard fees for zoning, platting, and permitting, sewer taps (excluding material and street cut costs), and water taps (excluding material and street cut costs) hereafter paid in connection with lots zoned R2-I, provided that such zoning, platting or permitting is approved or approved with conditions, and such taps are satisfactorily installed after June 28, 2022 and not later than September 30, 2023.

(Ord. 2017-28, passed 10-10-17; Am. Ord. 2020-09, passed 4-14-20; Am. Ord. 2022-36, passed 6-28-22)



Harker Heights
 City of Harker Heights
 Planning and Development
 Harker Heights, TX 75848
 www.harkerheights.gov

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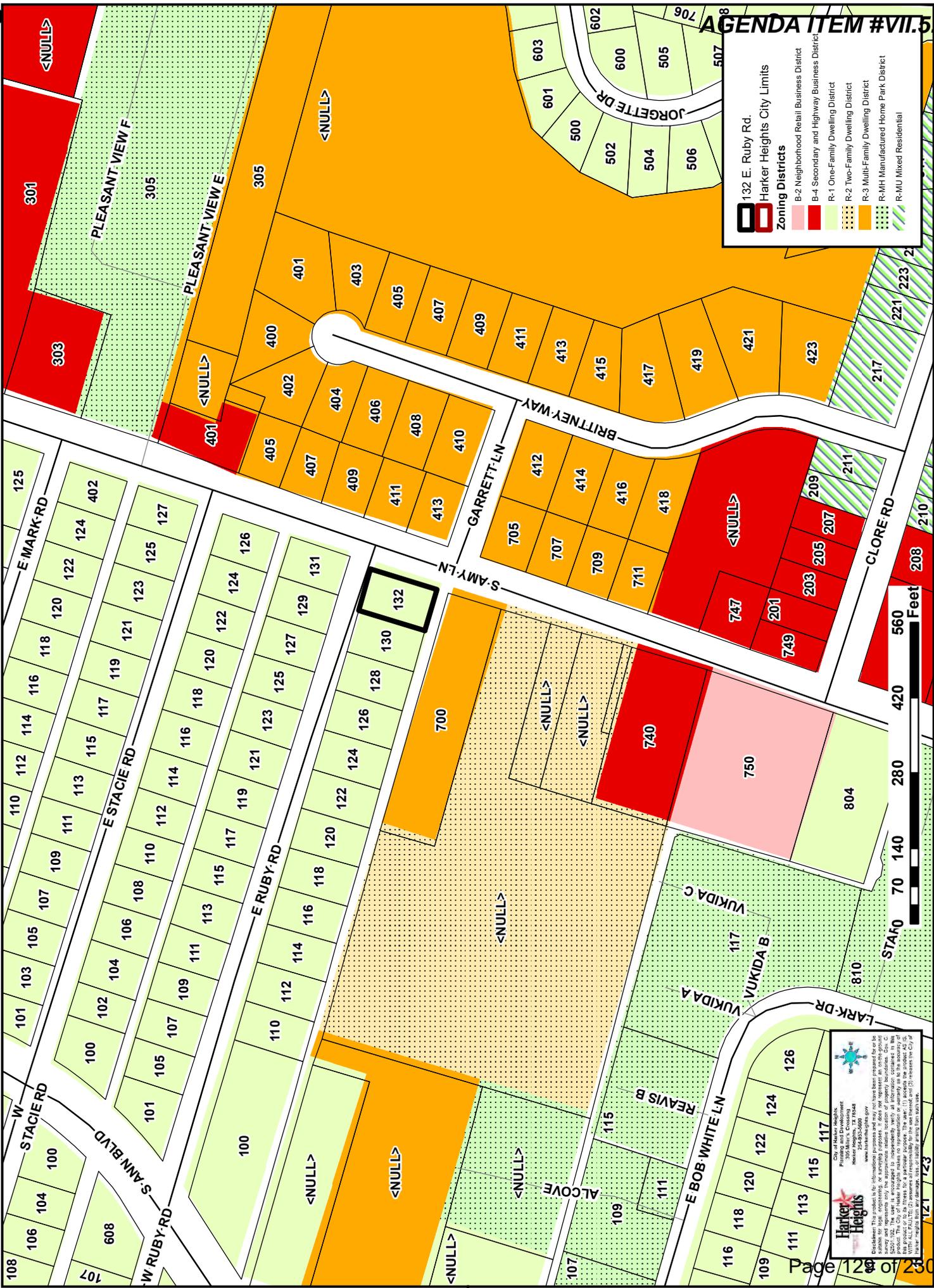
Existing Land Use

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



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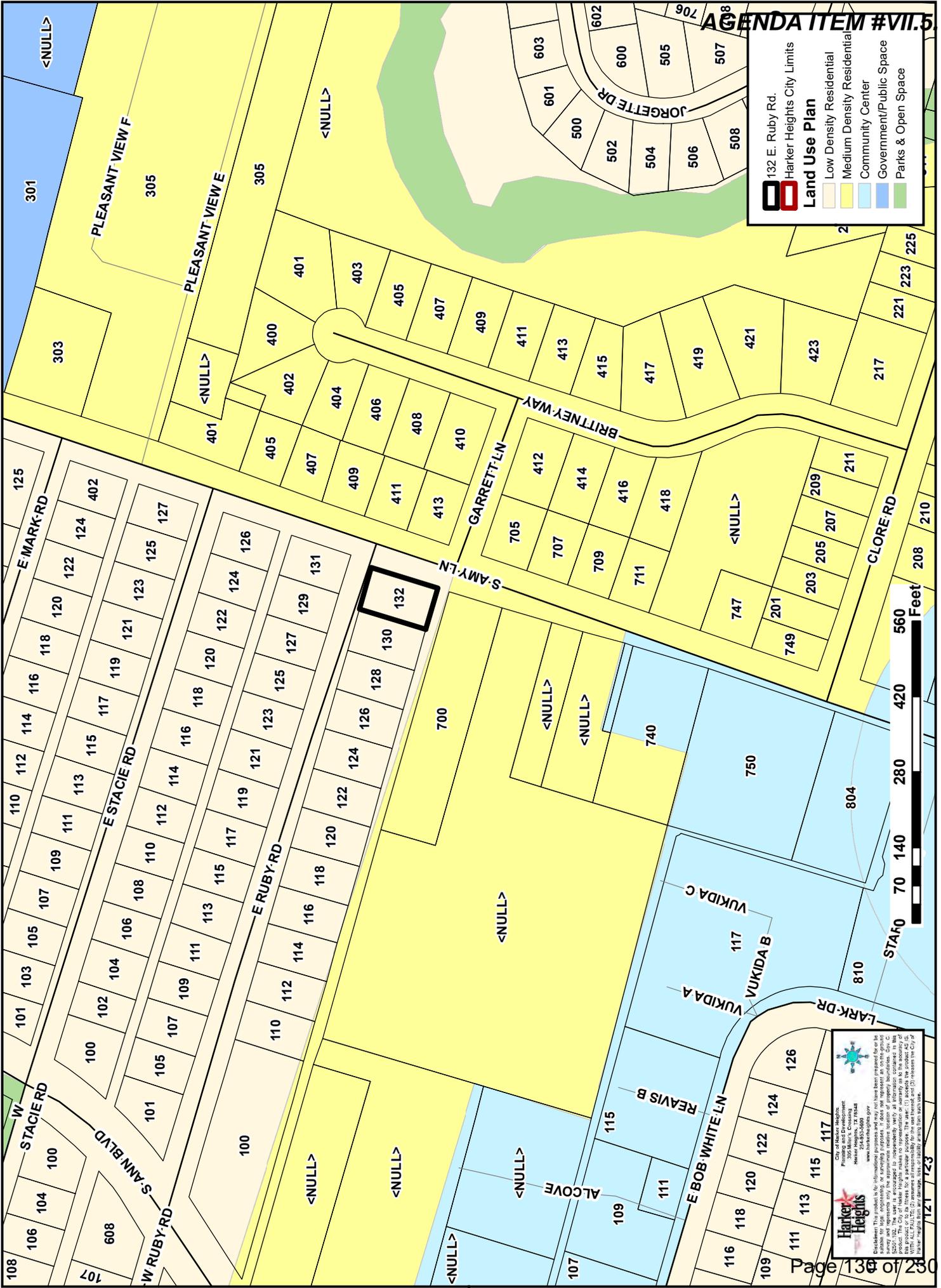
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Page 124 of 230



132 E. Ruby Rd.
Harker Heights City Limits

Land Use Plan

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

Harker Heights

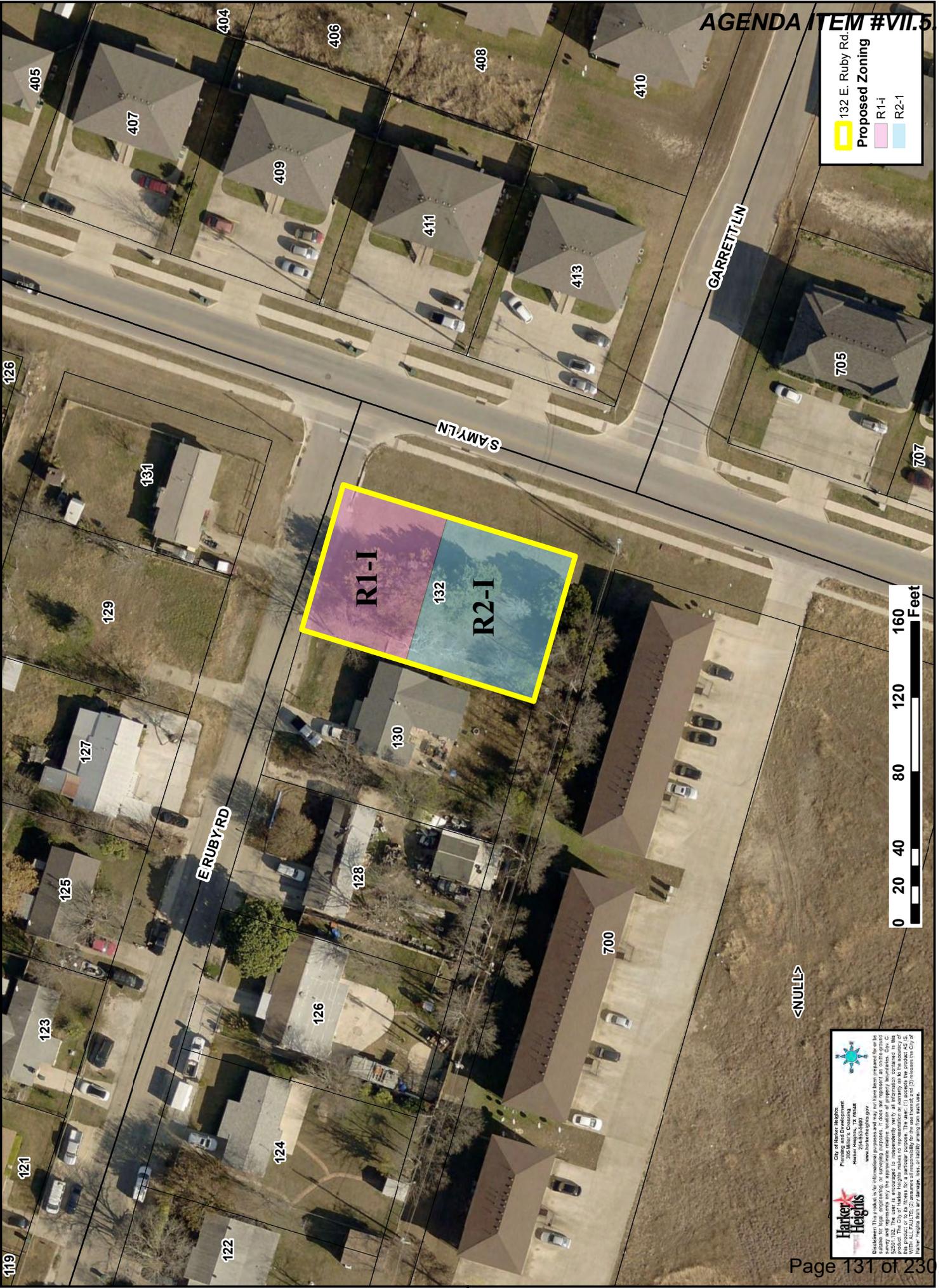
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Proposed Zoning Change

Z22-26

AGENDA ITEM #VII.5



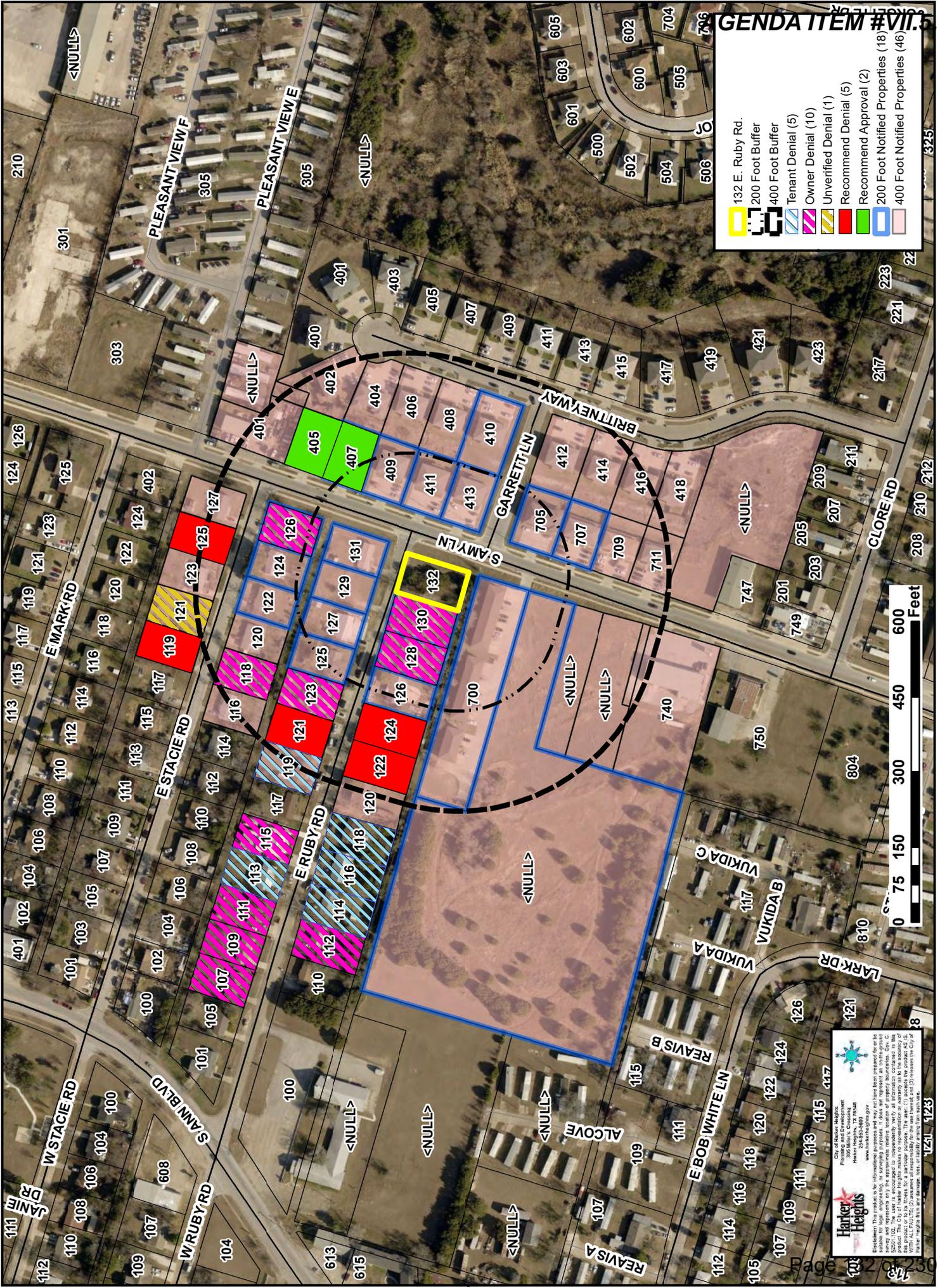
132 E. Ruby Rd.
Proposed Zoning
 R1-I
 R2-I



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GENDA ITEM #VII.5

- 132 E. Ruby Rd.
- 200 Foot Buffer
- 400 Foot Buffer
- Tenant Denial (5)
- Owner Denial (10)
- Unverified Denial (1)
- Recommend Denial (5)
- Recommend Approval (2)
- 200 Foot Notified Properties (18)
- 400 Foot Notified Properties (46)

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SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: BASS, DIERDE M & EDDIE J

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

Physical Address	Property ID
405 S AMY LN	350598

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) and R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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

Comments:

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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

Comments:

Received

SEP 13 2022

Planning & Development

Eddie J. Bass _____ 13 Sept 22
 Printed Name Signature Date

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: THOMASON, CAROLINE

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

Physical Address	Property ID
119 E STACIE RD	36781

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** and **R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Received

SEP 15 2022

Planning & Development

Caroline Thomason

Printed Name

Caroline Thomason

Signature

9/11/2022

Date

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: City of Harker Heights
Planning & Development Department

Received

SEP 19 2022

FROM: HART, CLEO J ETUX MELVINA L

Planning & Development

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

Physical Address	Property ID
121 E RUBY RD	46654

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) and R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments: *Re-zoning the lot located at 132 E. Ruby Road Harker Heights, Bell County, Texas from R1 to R1-I and R-2I, is not in the best interest of our established neighborhood. It will cause added congestion by cramming family dwellings on an area not originally designated for them.*

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments: *Same reasons.*

Melvina L. Hart

Melvina L. Hart

Sept. 19, 2022

Printed Name

Signature

Date

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: SWAIN, KATIE LEE & EVA SHANE AVANS

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

Physical Address	Property ID
122 E RUBY RD	4385

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** and **R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

We are not interested in multi-family anything.

Katie Swain Printed Name Katie d. Swain Signature 09/12/2022 Date

²²²⁻²⁶
^{22-26-f} SWAIN, KATIE LEE & EVA SHANE AVANS
510 NORWOOD PL UNIT 7
ARLINGTON, TX 76013

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: City of Harker Heights
Planning & Development Department

Received

SEP 28 2022

FROM: ZEITNER, ALLYSON ROSE

Planning & Development

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

Physical Address	Property ID
123 E RUBY RD	17251

Z22-26 RE: application has been made to request a change in zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) and R-2I (Two-Family Infill Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).

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

Comments:

il dont agree with changing the zoning because it will open doors to allow other properties with to do the same, which will cause an influy of traffic, parkins and over crowding which is already a problem. East Ruby is already a thoro fare.

Z22-26-F RE: application has been made to consider a request to change land use designation from Low Density Residential to Medium Density Residential on a portion of the property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).

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

Comments:

Overcrowding and Traffic issues! EAST Ruby RD is Already A thoro fare for the existing Housing in the Area.

Allyson Zeitner *Allyson Zeitner* 9-28-2022
Printed Name Signature Date

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: ROBERSON, DONNA & MICHAEL PAUL METZGER

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

Physical Address	Property ID
124 E RUBY RD	46299

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** and **R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

NO

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

WE ARE NOT INTERESTED IN MULTI FAMILY
AFTER WHAT YOU DID TO AMY

Donna Roberson
Printed Name

Donna A Roberson
Signature

9/12/22
Date

²²²⁻²⁶ ROBERSON, DONNA & MICHAEL PAUL METZGER
^{22-26-F}
510 NORWOOD PL UNIT 7
ARLINGTON, TX 76013

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

Received

SEP 19 2022

Planning & Development

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

FROM: GORDON-WELLS, STORMIE N

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

Physical Address	Property ID
125 E STACIE RD	40468

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) and R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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

Comments:

Our single family houses in this neighborhood should be kept on track, these proposed changes will change the entire dynamic of the neighborhood allowing it to change to a renters zone not a family type neighborhood. Already Amy St (See Attached)

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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

Comments:

same reasons as above

Printed Name

Signature

Date

has rows of four plots on one side, with the single road lay out in each direction, traffic doesn't flow as it should because of the constant vehicles having to pull in so many driveways, this should be a bigger problem if allowed on both sides of Amy St. Ruby Street sits on the corner of Amy where they want to change the zoning. If allowed this entire neighborhood area will also be affected with the construction part of the plan. Again there is only one lane per direction on Amy St.

Leave our current neighborhood in tact so it can continue to be a family neighborhood of home buyers. I personally live in that area I have personally witnessed the more renters the more problems for the rest of the neighborhood.

Please don't change our existing neighborhood?

Received

SEP 19 2022

Planning & Development

Respectfully
Stannis And Well

We the citizens of Harker Heights that live on E. Stacy & E. Ruby RD. **AGENDA ITEM #VII.5.**
 signed below are against the rezoning of 132 E Ruby from R1 to R1i-R2i.

Please allow us to help you understand why 132 E Ruby RD. should not be rezoned from R1 to R1-i-R2i, at the present time there are 27 R1 zoned properties on east Ruby Rd 25 of them have houses on them and 2 empty lots, 132 & 129 east Ruby, all of these properties are roughly 75 ft wide X125 ft deep. If 132 E Ruby were to be rezoned from R1 to R1i-R2i, this would open the door to allowing 129 E Ruby to be rezoned from R1 to R1-i. According to the city ordinance 2016-24 to establish the R1-i, in the area regulations, the minimum width of the lot shall be not less than 30 ft at the front street building line. This part of the ordinance alone would allow 129 E Ruby to be split into 2 properties and a house to be built on each one. This would open a big door to the possibility of the same thing happening to every property on E Ruby & E Stacy, as they are bought & sold because they are all roughly 75 ft wide & 125 ft deep. Doubling the number of properties that are on E Ruby & E Stacy at the present time. It would make it possible for E Ruby to go from 27 properties to 54 & E Stacy to go from 28 properties to 56, this could very easily happen over a period of time, slowly doubling the number of people & vehicles on these two streets. Keep in mind that we already have a unsafe condition at the present time, there are no sidewalks on E Ruby & E Stacy, large numbers of people are walking in the street, & not all vehicles traveling on these streets are going the speed limit especially in the morning going to work when it's still dark and parents and their kids & some kids walking alone to school. Would You Please help us keep our R1 Zoning intact so that the number of properties doesn't increase, and the problems we have now don't get any worse. Thank You.

- | | |
|--|--|
| 1. <u>Burl Lewis, 115 E. Ruby Rd.</u> | 12. <u>Helga Bentley 113 E Ruby Rd</u> |
| 2. <u>Michelle & Lewis 115 E. Ruby Rd</u> | 13. <u>Debra King 111 E Ruby Rd</u> |
| 3. <u>Monty Hunt 128 E Ruby Rd.</u> | 14. <u>Sandra Montoya 107 E. Ruby</u> |
| 4. <u>Albert C. Fry 119 E Ruby Rd</u> | 15. <u>Rowan Smith 112 E. Ruby</u> |
| 5. <u>Maria Lopez 109 EAST Ruby Rd</u> | 16. <u>Linda Jackson 114 E. Ruby</u> |
| 6. <u>Hester Carter 118 E. Ruby Rd.</u> | 17. <u>Allyson Gestner 123 E Ruby Rd</u> |
| 7. <u>JESUS UNCA 138 E. Ruby Rd</u> | 18. <u>Caldyn Cochran 116 E. Ruby Rd</u> |
| 8. <u>Russell & Bernice Lechner 118 E Stacy Rd</u> | 19. <u>Kevin J. Cochran 116 E. Ruby Rd</u> |
| 9. <u>Samuel Algeria Rd 121 E Stacy</u> | 20. <u>Jaedi Rivers Adams 109 E. Ruby RD</u> |
| 10. <u>James Wall 126 E. Stacy</u> | 21. _____ |
| 11. <u>Melvinia L. Hart 121 E. Ruby</u> | 22. _____ |

Received
 SEP 28 2022



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 11, 2022

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

EXPLANATION:

The applicant is requesting a change land use designation from Low Density Residential to Low Density Residential and Medium Density Residential on property generally located at 132 E. Ruby Road as illustrated in Exhibit A.

Parcel History

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

An application to request a change in land use designation from Low Density Residential to High Density Residential was received on June 1, 2022 for a four-plex on the same parcel. The Planning & Zoning Commission voted unanimously to recommend disapproval of the request on June 29, 2022, and the City Council voted unanimously to disapprove the request on July 19, 2022.

STAFF ANALYSIS:

Surrounding Land Uses

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

	Land Use Plan
North	Low Density Residential
South	Medium Density Residential
East	Medium Density Residential
West	Low Density Residential

The 2021 Land Use Plan and Comprehensive Plan identifies this area as being designated for Low Density Residential.

Thoroughfare Plan

E. Ruby Road is classified as a residential street. Per §154.01 of the City's code of ordinances as amended in September 13, 2022, Residential Streets are defined as: "Streets whose primary function is to serve individual residential lots. They carry low traffic volumes at low speeds."

S. Amy Lane is classified as a collector street per the most recently adopted Comprehensive Plan. Per City of Harker Heights Code of Ordinances §154.01 as amended in September 13, 2022, defines a collector street as follows:

- Minor Collectors are defined as: Streets generally located within subdivisions or between subdivisions to collect traffic from residential streets and to channel this traffic to Major Collectors or Arterials. Residential lots may front on these streets.
- Major Collectors are defined as: Streets generally located along borders of neighborhoods and within commercial areas to collect and to channel this traffic to the Arterial System. These are limited access roads on which no driveway access for single-family or two-family residential lots may be allowed.

Flood Damage Prevention

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

Pharr vs. Tippett Considerations

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

NOTICES:

Based on the most recently approved tax roll available, staff sent out fifty-three (53) notices to property owners within the 400-foot notification area. As of September 28, 2022, two (2) responses were received in favor of the request, and twenty-one (21) responses were received in opposition of the request. This response was based on the submitted petition for the zoning case (Z22-26) for this parcel. Fifteen of the responders in opposition submitted a response for disapproval of the zoning case but did not submit a response for the Land Use case. Of the twenty-one responses in opposition:

- Fifteen (15) responses are from property owners (3 are located within the 200' notification area, 7 are located within the 400' notification area, and 5 are located outside of the 400' notification area).
- Four (4) responses are from tenants (1 is located within the 400' notification area, 3 are located outside of the 400' notification area).
- One (1) response is unverified (i.e. staff could not determine if it was the property owner or tenant who responded) and is located within the 400' notification area.

Total area of land within the 200-foot notification area is: 198,796 sq. ft.

Total area of land within the 200-foot notification area recommending denial is: 21,356 sq. ft.
Percentage of land area recommending denial: 10.74%

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

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

RECOMMENDATION:

Staff Recommendation

Since the R1-I and R2-I rezoning case for this parcel (Z22-26) was recommended for disapproval by the Planning & Zoning Commission, staff recommended disapproval of this request based on the following Pharr vs. Tippetts Considerations:

1. The proposed Medium Density Residential use is not compatible with the current Comprehensive Plan and Land Use Plan.
2. The proposed Medium Density Residential use is not compatible with existing uses and zoning in the neighborhood.

Action Taken By The Planning & Zoning Commission

During the Planning & Zoning Commission meeting held on September 28, 2022, the Planning & Zoning Commission voted (9-0) on case #Z22-26F to recommend disapproval of an ordinance to change land use designation from Low Density Residential to Low Density Residential and Medium Density Residential on property generally located at the 132 E. Ruby Road, Harker Heights, Texas, based on staff's recommendation and findings.

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

ACTION BY THE COUNCIL:

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

(D) Vote Required

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

1. Motion to **approve** an ordinance to change land use designation from Low Density Residential to Low Density Residential and Medium Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas **as illustrated in the attached Exhibit A**, based on staff's recommendation and findings.

AGENDA ITEM #VII.6.

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

ATTACHMENTS:

[Z22-26-F-PropOrdinance](#)

[Z22-26-F Exhibit A](#)

[Z22-26-F Attachments](#)

ORDINANCE NO. 2022 - ____

AN ORDINANCE GRANTING LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION ON PROPERTY DESCRIBED AS KERN ACRES 2ND EXTENSION & REVISION, BLOCK 012, LOT 0016, (TOD DEED), GENERALLY LOCATED AT 132 E. RUBY ROAD, HARKER HEIGHTS, BELL COUNTY, TEXAS AS ILLUSTRATED IN THE ATTACHED EXHIBIT A.

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

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

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

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

SECTION 2: The hereinafter-described property, as previously designated as Low Density Residential to Low Density Residential and Medium Density Residential on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (Tod Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas as illustrated in the attached Exhibit A.

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

<u>Ord. No.</u>	<u>Date Passed</u>	<u>Description</u>
2022 - ____	10/11/2022	Granting Low Density Residential and Medium Density Residential Land Use on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (Tod Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas as illustrated in the attached Exhibit A.

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 October 11, 2022.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



132 E. Ruby Rd.

Land Use Change

- Low Density Residential
- Medium Density Residential

Harker Heights

City of Harker Heights
 Planning and Development
 1305 W. Highway 190
 Harker Heights, TX 76788
 www.harkerheights.gov

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Rezoning Request Application

Requirements - MUST BE COMPLETE OR WILL NOT BE ACCEPTED

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

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

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

Property Owner(s) Name: Eddie Bass Date: 1 sept 22
 Address: 132 E Ruby 106 Concho Ct
 City/State/Zip: Harker Heights
 Phone: 254-681-1105 E-mail: Ebass3@Hot.RR.com

Legal Description of Property:

Location of Property (Address if available): _____
 Lot: 132 16 Block: 12 Subdivision: Kern Arce 2nd Ext
 Acres: _____ Property ID: 172 55 Survey: _____

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

Proposed Use: Single Family and duplex
 Current Zoning Classification: R1 Proposed Zoning: R2 & R15
 Current Land Use: Vacant Proposed Land Use: Low density and Medium Density

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.

Eddie Bass
Printed Name of Property Owner

[Signature]
Signature of Property Owner

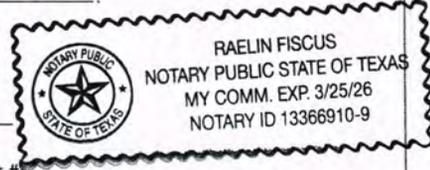
Printed Name of Representative

Signature of Representative

SWORN AND SUBSCRIBED BEFORE ME ON THIS 15th DAY OF September, 20 22

Ral [Signature]
SIGNATURE OF NOTARY PUBLIC

MY COMMISSION EXPIRES: 3/25/2024



STAFF ONLY – DO NOT FILL OUT BELOW

Date Submitted: _____
 Received By: _____
 Pre-Application Meeting
 Receipt #: _____
 Case #: _____

Revised: 10/2021

Zoning Districts Per Land Use*

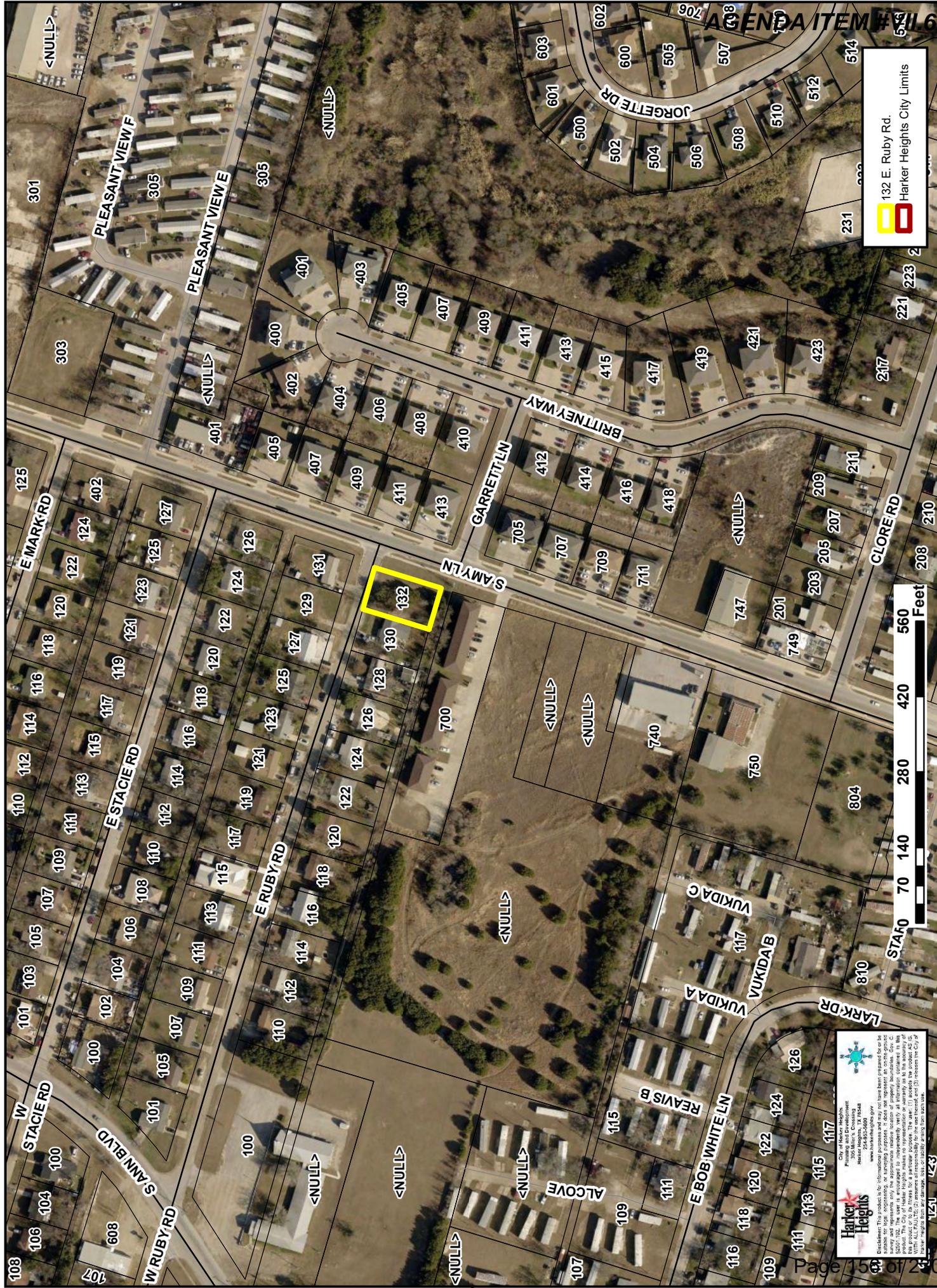
Land Use	Residential Estate	Overlook Utilization Area	Low Density Residential	Medium Density Residential	High Density Residential	Community Center	Regional Center	Parks & Open Spaces	Government & School
Residential Estate	Residential Estate***								Potentially all zoning districts
Overlook Utilization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

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

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

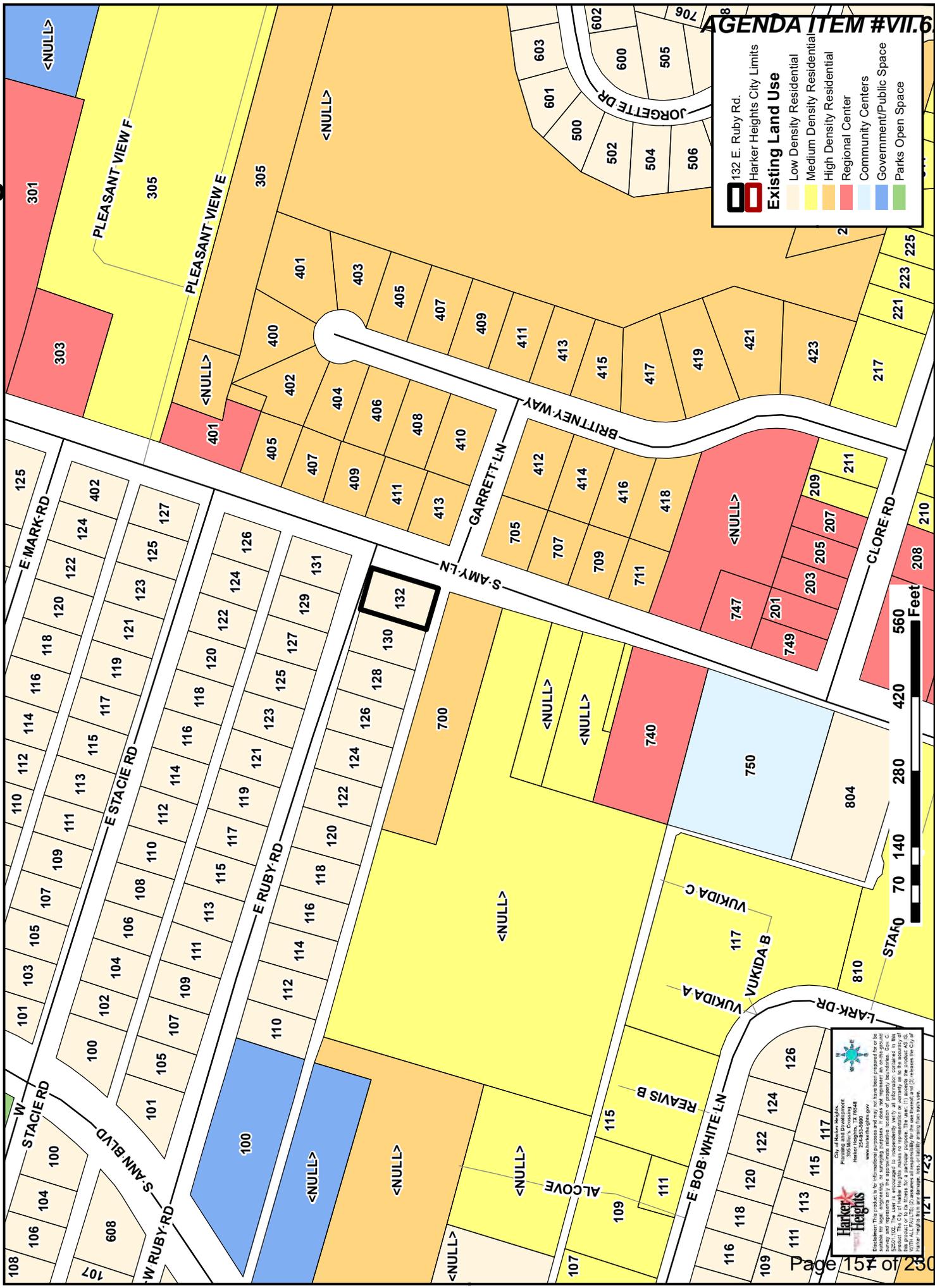
** Currently R-1 larger than 0.5 acres and R1-R Zoning Districts are being utilized for Residential Estates proposed Zoning District.

Updated March 24, 2022



Harker Heights
 City of Harker Heights
 Planning and Development
 Harker Heights, TX 75848
 www.harkerheights.gov

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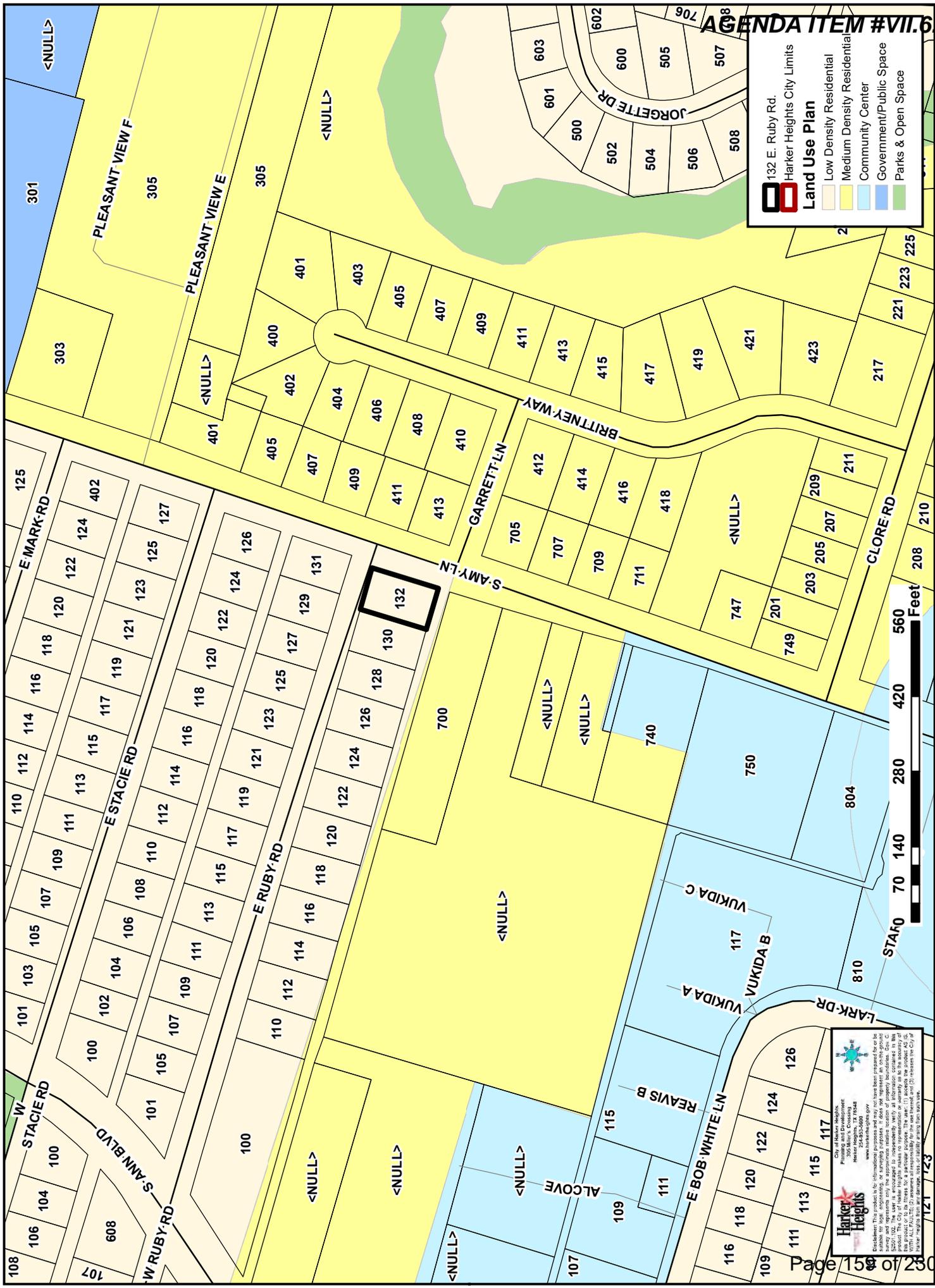
132 E. Ruby Rd.
Harker Heights City Limits

Existing Land Use

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

Harker Heights
City of Harker Heights
Planning and Development
Harker Heights, TX 76744
www.harkerheights.gov

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132 E. Ruby Rd.
Harker Heights City Limits

Land Use Plan

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

Harker Heights

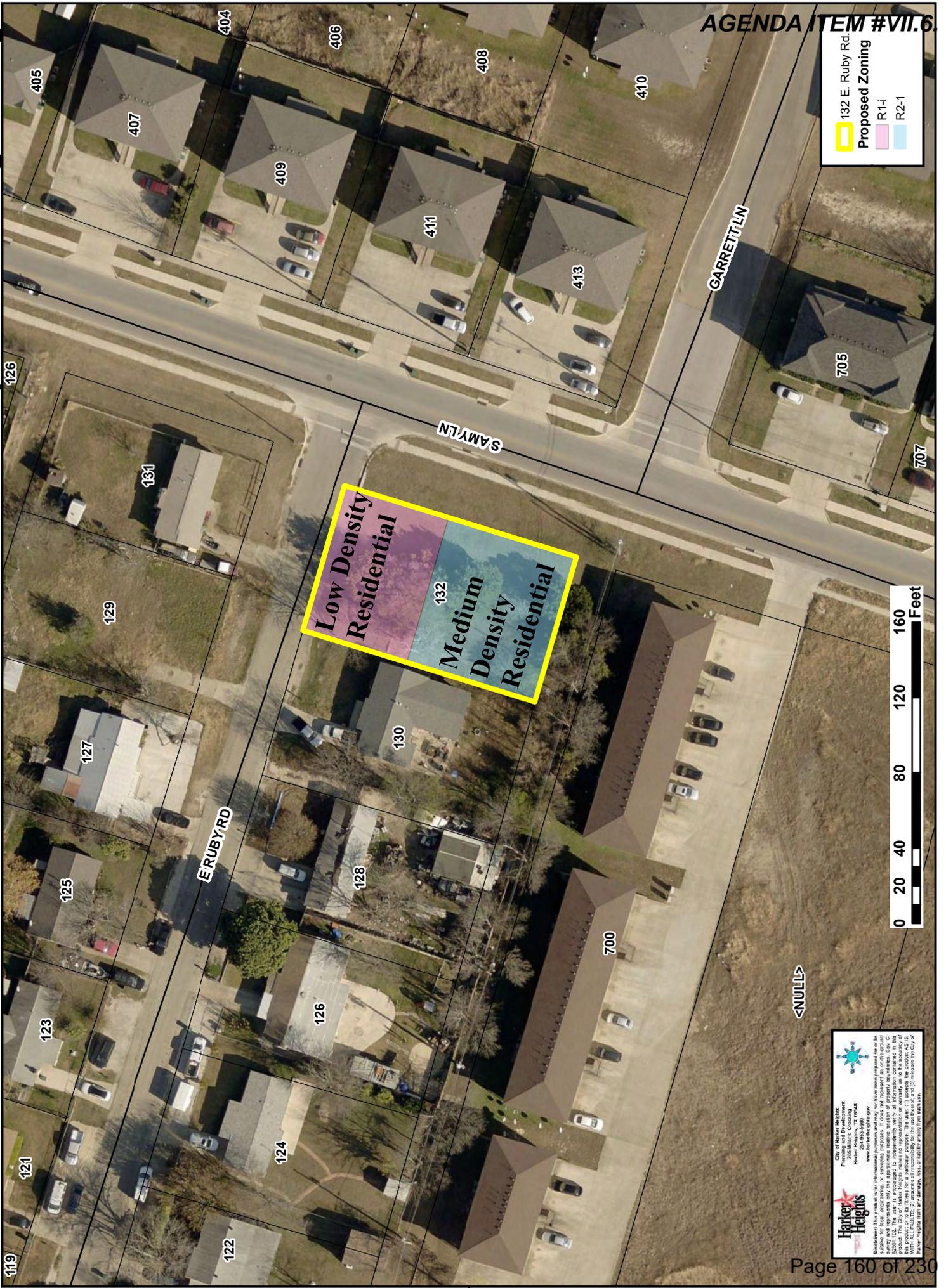
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Planning and Development
Harker Heights, TX 76788
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Proposed Zoning Change

Z22-26

AGENDA ITEM #VII.6



132 E. Ruby Rd.
Proposed Zoning
 R1-i
 R2-1

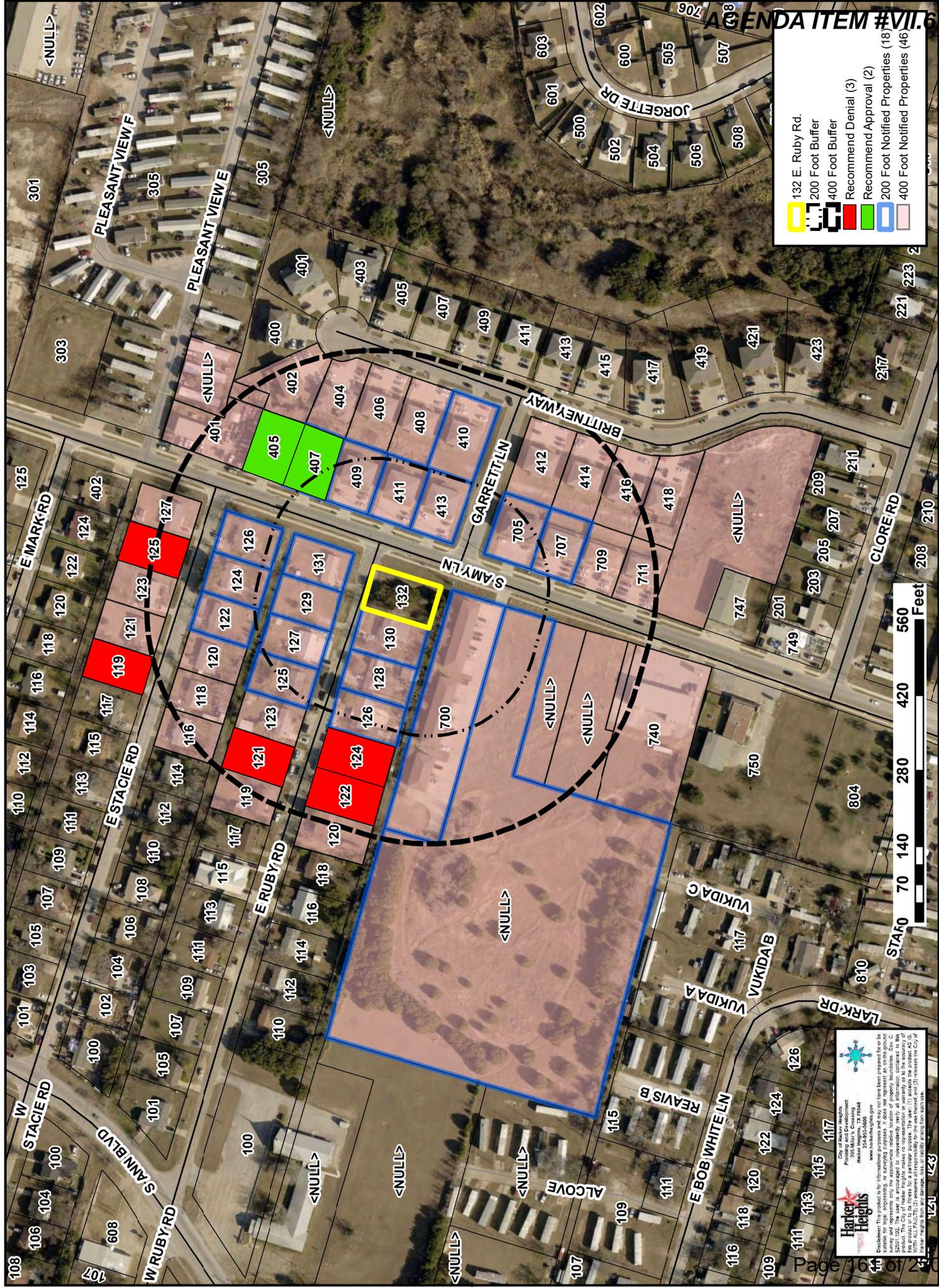
Low Density Residential
 Medium Density Residential
 132



<NULL>

City of Harker Heights
 Planning and Development
 Harker Heights, TX 75348
 www.harkerheights.gov

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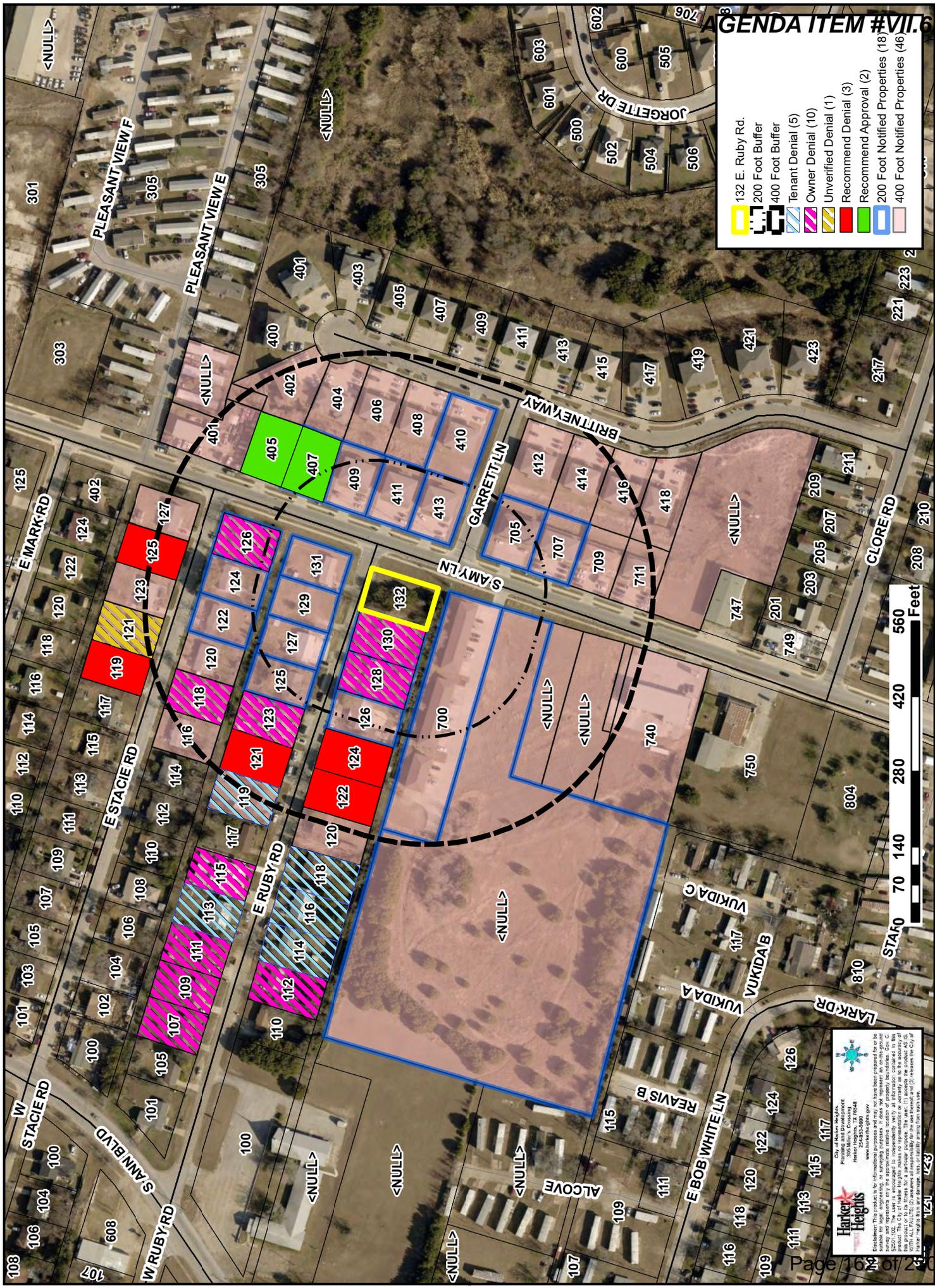


132 E. Ruby Rd.
 200 Foot Buffer
 400 Foot Buffer
 Recommend Denial (3)
 Recommend Approval (2)
 200 Foot Notified Properties (18)
 400 Foot Notified Properties (46)




 City of Harker Heights
 Planning and Development
 Harker Heights, TX 75048
 www.harkerheights.gov

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- 132 E. Ruby Rd.
- 200 Foot Buffer
- 400 Foot Buffer
- Tenant Denial (5)
- Owner Denial (10)
- Unverified Denial (1)
- Recommend Denial (3)
- Recommend Approval (2)
- 200 Foot Notified Properties (18)
- 400 Foot Notified Properties (46)

Harker Heights
 City of Harker Heights
 Planning and Development
 Harker Heights, TX 75848
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be intended to be used for any other purpose. The user is encouraged to independently verify all information contained in this product or to be aware of its intended use. The user is responsible for any damages, loss of liability, or other consequences that may result from any use of this product.

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: BASS, DIERDE M & EDDIE J

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

Physical Address	Property ID
405 S AMY LN	350598

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) and R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Received

SEP 13 2022

Planning & Development

Eddie J. Bass

Printed Name

[Signature]

Signature

13 Sept 22

Date

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: City of Harker Heights
Planning & Development Department

FROM: THOMASON, CAROLINE

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

Physical Address	Property ID
119 E STACIE RD	36781

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** and **R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Received

SEP 15 2022

Comments:

Planning & Development

Caroline Thomason

Printed Name

Caroline Thomason

Signature

9/11/2022

Date

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: City of Harker Heights
Planning & Development Department

Received

SEP 19 2022

FROM: HART, CLEO J ETUX MELVINA L

Planning & Development

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

Physical Address	Property ID
121 E RUBY RD	46654

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) and R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments: *Re-zoning the lot located at 132 E. Ruby Road Harker Heights, Bell County, Texas from R1 to R1-I and R-2I, is not in the best interest of our established neighborhood. It will cause added congestion by cramming family dwellings on an area not originally designated for them.*

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments: *Same reasons.*

Melvina L. Hart

Melvina L. Hart

Sept. 19, 2022

Printed Name

Signature

Date

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: SWAIN, KATIE LEE & EVA SHANE AVANS

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

Physical Address	Property ID
122 E RUBY RD	4385

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** and **R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

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

Comments:

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

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

Comments:

We are not interested in multi-family anything.

Katie Swain
Printed Name

Katie L. Swain
Signature

09/12/2022
Date

²²²⁻²⁶
^{22-26-f} SWAIN, KATIE LEE & EVA SHANE AVANS
510 NORWOOD PL UNIT 7
ARLINGTON, TX 76013

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

TO: City of Harker Heights
Planning & Development Department

Received

SEP 28 2022

FROM: ZEITNER, ALLYSON ROSE

Planning & Development

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

Physical Address	Property ID
123 E RUBY RD	17251

Z22-26 RE: application has been made to request a change in zoning designation from R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) and R-2I (Two-Family Infill Dwelling District) on property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).

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

Comments:

il dont agree with changing the zoning because it will open doors to allow other properties with to do the same, which will cause an influy of traffic, parkins and over crowding which is already a problem. East Ruby is already a thoro fare.

Z22-26-F RE: application has been made to consider a request to change land use designation from Low Density Residential to Medium Density Residential on a portion of the property described as Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).

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

Comments:

Overcrowding and Traffic issues! EAST Ruby RD is Already A thoro fare for the existing Housing in the Area.

Allyson Zeitner
Printed Name

Allyson Zeitner
Signature

9-28-2022
Date

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

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

FROM: ROBERSON, DONNA & MICHAEL PAUL METZGER

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

Physical Address	Property ID
124 E RUBY RD	46299

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District)** to **R1-I (Single-Family Infill Dwelling District)** and **R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

NO

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas, (see attached notification map).*

I RECOMMEND APPROVAL OF THE REQUEST

I RECOMMEND DENIAL OF THE REQUEST

Comments:

WE ARE NOT INTERESTED IN MULTI FAMILY
AFTER WHAT YOU DID TO AMY

Donna Roberson
Printed Name

Donna A Roberson
Signature

9/12/22
Date

²²²⁻²⁶ ROBERSON, DONNA & MICHAEL PAUL METZGER
^{22-26-F}
510 NORWOOD PL UNIT 7
ARLINGTON, TX 76013

SENT: SEPTEMBER 7, 2022
DUE BACK: SEPTEMBER 21, 2022, 5:00 P.M.

RESPONSES RECEIVED AFTER 5:00 P.M. ON SEPTEMBER 21, 2022 WILL BE PROVIDED TO PLANNING & ZONING COMMISSIONERS AND CITY COUNCIL MEMBERS AT THE TIME OF THEIR RESPECTIVE PUBLIC MEETINGS

Received

SEP 19 2022

Planning & Development

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

FROM: GORDON-WELLS, STORMIE N

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

Physical Address	Property ID
125 E STACIE RD	40468

Z22-26 RE: application has been made to request a change in zoning designation from **R-1 (One-Family Dwelling District) to R1-I (Single-Family Infill Dwelling District) and R-2I (Two-Family Infill Dwelling District)** on property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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

Comments:

Our single family houses in this neighborhood should be kept on track, these proposed changes will change the entire dynamic of the neighborhood allowing it to change to a renters zone not a family type neighborhood. Already Amy St (See Attached)

Z22-26-F RE: application has been made to consider a request to change land use designation from **Low Density Residential to Medium Density Residential** on a portion of the property described as *Kern Acres 2nd Extension & Revision, Block 012, Lot 0016, (TOD Deed), generally located at 132 E. Ruby Road, Harker Heights, Bell County, Texas*, (see attached notification map).

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

Comments:

same reasons as above

Printed Name

Signature

Date

has rows of four plots on one side, with the single road lay out in each direction, traffic doesn't flow as it should because of the constant vehicles having to pull in so many driveways, this should be a bigger problem if allowed on both sides of Amy St. Ruby Street sits on the corner of Amy where they want to change the zoning. If allowed this entire neighborhood area will also be affected with the construction part of the plan. Again there is only one lane per direction on Amy St.

Leave our current neighborhood in tact so it can continue to be a family neighborhood of home buyers. I personally live in that area I have personally witnessed the more renters the more problems for the rest of the neighborhood.

Please don't change our existing neighborhood?

Received

SEP 19 2022

Planning & Development

Respectfully
Stannis And Well

We the citizens of Harker Heights that live on E. Stacy & E. Ruby Rd. **AGENDA ITEM #VII.6.**
 signed below are against the rezoning of 132 E Ruby from R1 to R1i-R2i.

Please allow us to help you understand why 132 E Ruby RD. should not be rezoned from R1 to R1-i-R2i, at the present time there are 27 R1 zoned properties on east Ruby Rd 25 of them have houses on them and 2 empty lots, 132 & 129 east Ruby, all of these properties are roughly 75 ft wide X125 ft deep. If 132 E Ruby were to be rezoned from R1 to R1i-R2i, this would open the door to allowing 129 E Ruby to be rezoned from R1 to R1-i. According to the city ordinance 2016-24 to establish the R1-i, in the area regulations, the minimum width of the lot shall be not less than 30 ft at the front street building line. This part of the ordinance alone would allow 129 E Ruby to be split into 2 properties and a house to be built on each one. This would open a big door to the possibility of the same thing happening to every property on E Ruby & E Stacy, as they are bought & sold because they are all roughly 75 ft wide & 125 ft deep. Doubling the number of properties that are on E Ruby & E Stacy at the present time. It would make it possible for E Ruby to go from 27 properties to 54 & E Stacy to go from 28 properties to 56, this could very easily happen over a period of time, slowly doubling the number of people & vehicles on these two streets. Keep in mind that we already have a unsafe condition at the present time, there are no sidewalks on E Ruby & E Stacy, large numbers of people are walking in the street, & not all vehicles traveling on these streets are going the speed limit especially in the morning going to work when it's still dark and parents and their kids & some kids walking alone to school. Would You Please help us keep our R1 Zoning intact so that the number of properties doesn't increase, and the problems we have now don't get any worse. Thank You.

- | | |
|--|--|
| 1. <u>Burl Lewis, 115 E. Ruby Rd.</u> | 12. <u>Helga Bentley 113 E Ruby Rd</u> |
| 2. <u>Nichole & Lewis 115 E. Ruby Rd</u> | 13. <u>Debra King 111 E Ruby Rd</u> |
| 3. <u>Monty Hunt 128 E Ruby Rd.</u> | 14. <u>Sandra Montoya 107 E. Ruby</u> |
| 4. <u>Albert C. Fry 119 E Ruby Rd</u> | 15. <u>Rowan Smith 112 E. Ruby</u> |
| 5. <u>Maria Lopez 109 EAST Ruby Rd</u> | 16. <u>Linda Jackson 114 E. Ruby</u> |
| 6. <u>Hester Carter 118 E. Ruby Rd.</u> | 17. <u>Allyson Reiter 123 E Ruby Rd</u> |
| 7. <u>JESUS UNCA 138 E. Ruby Rd</u> | 18. <u>Caldyn Cochran 116 E. Ruby Rd</u> |
| 8. <u>Russell & Bernice Lechner 118 E Stacy Rd</u> | 19. <u>Kevin J. Cochran 116 E. Ruby Rd</u> |
| 9. <u>Samuel Alegria Rd 121 E Stacy</u> | 20. <u>Jaedi Rivera Adams 109 E. Ruby RD</u> |
| 10. <u>James Wall 126 E. Stacy</u> | 21. _____ |
| 11. <u>Melvinia L. Hart 121 E. Ruby</u> | 22. _____ |

Received

SEP 28 2022

Planning & Development



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 11, 2022

DISCUSS AND CONSIDER APPROVING A PRELIMINARY PLAT REFERRED TO AS HABITAT FOR HUMANITY NORTHSIDE ADDITION, ON PROPERTY DESCRIBED AS 2.797 ACRES OF LAND, SITUATED IN THE V.L. EVANS SURVEY, ABSTRACT 288, BELL COUNTY, TEXAS, BEING ALL OF THE CALLED 2.80 ACRE TRACT CONVEYED TO FORT HOOD AREA HABITAT FOR HUMANITY, OF RECORD IN DOCUMENT NUMBER 2020053778, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, BELL COUNTY, TEXAS; AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant submitted an application for a preliminary plat for 2.797 acres of land located at the northeast corner of Northside Drive and Jamie Drive. This plat would create 15 residential lots and one drainage tract to be dedicated to the city. The 2021 Land Use Plan designates this area for Medium Density Residential use which supports the proposed preliminary plat layout.

The application for this case was received on August 31, 2022. Comments were compiled and submitted to the applicant on September 16, 2022. Revisions from the applicant were received on September 20, 2022, and responses to revisions were returned to the applicant on September 22, 2022. The applicant provided responses to some comments on September 28, 2022, this substantially met the city's code requirements for preliminary plat approval.

RECOMMENDATION:

Topography for this area proved to be challenging and resulted in multiple changes to the layout during the development process. The applicant has amended the lot layout to provide adequate lot sizes per the R1-I Zoning designation. Therefore, staff recommended approval to the Planning and Zoning Commission of the Preliminary Plat referred to as Habitat for Humanity Northside Addition, with the following condition:

1. All outstanding comments shall be addressed as directed by City Staff prior to consideration by the City Council.

As of October 3, 2022, staff had not received resolution of all the outstanding comments. Therefore, staff recommends approval with conditions of the Preliminary Plat referred to as Habitat for Humanity Northside Addition, with the following conditions:

1. Provide a utility easement for the existing public utility in the southeast corner of Lot 13 per §154.21(C)(1)(j).
2. Provide a 10' utility easement along the eastern property boundary of Tract C per §154.21(C)(1)(j).

3. Change the call out for Tract A and identify the proposed future use per §154.21(C)(1).
4. Per §154.35(D), add a note on the plat dedication page indicating that Lot 2, Block 1 shall have driveway access on the straight portion of Jaime Drive.
5. Per §154.35(D), add a note on the plat dedication page indicating that Lot 1, Block 2 shall have driveway access along the L4 portion of the lot and that said parcel shall be addressed off of Northside Drive.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning and Zoning Commission meeting held on September 28, 2022, the Planning & Zoning Commission voted (9-0) to recommend approval of a Preliminary Plat referred to as Habitat for Humanity Northside Addition based on staff's recommendations and findings with the following condition:

All outstanding comments shall be addressed as directed by City Staff prior to consideration by the City Council.

ACTION BY THE COUNCIL:

1. Motion to **approve with conditions** a Preliminary Plat referred to as Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warrant Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.) based on staff's recommendations and findings, **with the five conditions as presented by staff.**
2. Motion to **approve**, a Preliminary Plat referred to as Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warrant Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.) **based on the discussed recommendations and findings.**
3. Motion to **disapprove with explanation** a Preliminary Plat referred to as Meadow White Addition, on property described as being a 1.021 acre tract of land in Bell County, Texas, being part of the John T. Tumlinson Survey, Abstract No. 831, the land herein being part of Lot 2, Block 5, Meadow Acres, an addition to the City of Harker Heights, Texas, being of record in Cabinet A, Slide 143-C, Plat Records of Bell County, Texas (P.R.B.C.T.), and being that all certain tract of land conveyed in a General Warrant Deed to BFF Construction, LLC, a Texas limited liability company, being described of record under Instrument No. 2022035043, Official Public Records of Real Property of Bell County, Texas (O.P.R.R.P.B.C.T.) **based on the discussed recommendations and findings with the explanation that the applicant has not met the requirements of §154.21(C)(1)(j), §154.21(C)(1), and §154.35(D).**
4. Any other action desired.

ATTACHMENTS:

[P22-26 Attachments](#)

[P22-26-Codes](#)



Preliminary Plat Application

*** Requirements - APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED***

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

- 1. Pre-Application Meeting with Staff to ensure applicability
- 2. Payment of \$500.00 + \$25/per lot
- 3. Signed Original Field Notes and Dedication Pages
- 4. Paper Plan Submissions: Ten (10) Copies of the Plat and Seven (7) Copies of Preliminary Engineering Drawings
- 5. Electronic Submission of all documents for review delivered to Planning Administrative Assistant

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

Property Information:

Plat Name: HABITAT FOR HUMANITY NORTHSIDE ADDITION Date Submitted: 08-31-22
 Existing Lot Count: 1 Proposed Lot Count: 15-1 TRACTS Proposed Units: 15 Acreage: 2.780
 Existing Land Use: Medium Density Residential Proposed Land Use: Medium Density Residential

Site Address or General Location: Tract of land at the intersection of Jamie Road and Northside Drive

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

Owner Information & Authorization:

Property Owner: Fort Hood Area Habitat for Humanity

Address: 2601 Atkinson Avenue

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

Developer: same as above

Address: _____

Phone: _____ E-Mail: _____

Engineer/Surveyor: All County Surveying, INC

Address: 4330 South 5th Street

Phone: 254-778-2272 E-Mail: dale@allcountysurveying.com, ashley@allcountysurveying.com

CHECK ONE OF THE FOLLOWING:

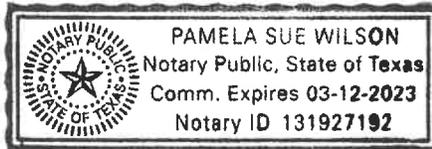
- I will represent the application myself.
- I hereby designate Chuck Lucko, RPLS 4636 (name of project representative) to act in the capacity as my agent for submittal, processing, representation, and/or presentation of this development application.

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.

Kristin Smith, CEO FHAHFH

Printed Name of Owner

Signature of Owner



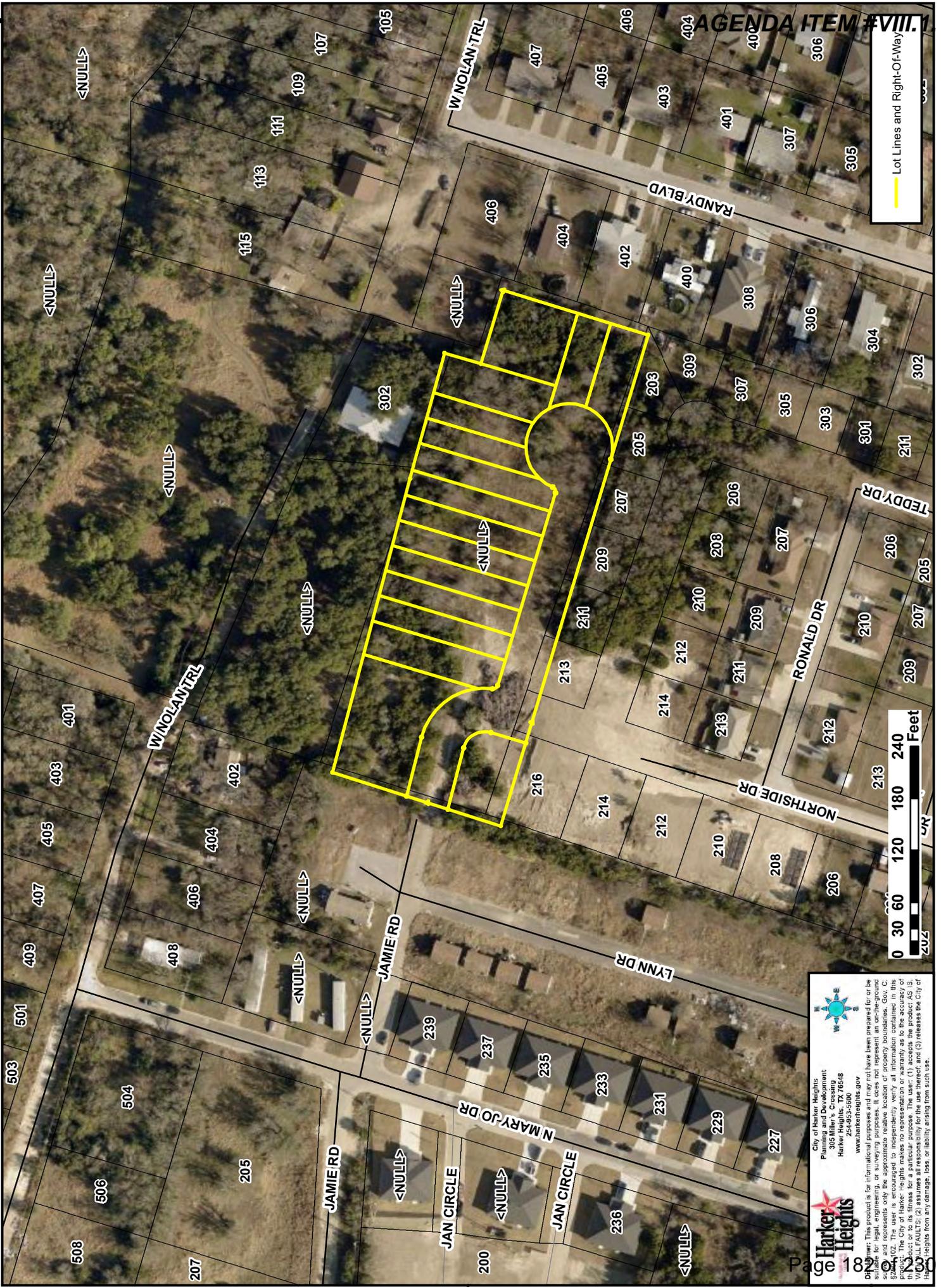
SWORN AND SUBSCRIBED BEFORE ME ON THIS 20th DAY OF September 2022.

Pamela Wilson
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: 03-12-2023

STAFF ONLY -- DO NOT FILL OUT

Date Submitted: _____ Received By: _____ Receipt #: _____



AGENDA ITEM #VIII.1

Lot Lines and Right-Of-Way



City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76548
 www.harkerheights.gov

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. 52, 04.02. 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 or completeness of the information provided. THE CITY OF HARKER HEIGHTS DISCLAIMS ALL WARRANTIES (2) ASSURES ALL RESPONSIBILITIES for the use hereof and (3) RELEASES THE CITY OF HARKER HEIGHTS FROM ANY DAMAGE, LOSS, OR LIABILITY ARISING FROM SUCH USE.

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

September 19, 2022

Surveyor's Field Notes for:

2.780 ACRES OF LAND, situated in the V.L. EVANS SURVEY, ABSTRACT 288, BELL COUNTY, TEXAS, being all of the called 2.80 Acre tract conveyed to Fort Hood Area Habitat for Humanity, of record in Document Number 2020053778, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with "ACS" cap set on the west line of Lot 4, Block 2, of Kern Terrace, of record in Cabinet A, Slide 224-D, Plat Records of Bell County, Texas, being the northeast corner of Kern Terrace Extension #3, of record in Cabinet A, Slide 225-D, Plat Records of Bell County, Texas, same being the southeast corner of said 2.80 Acre tract, for the southeast corner of the herein described tract, from which a 1/2" iron rod found at the northwest corner of said Lot 4, Block 2, Kern Terrace bears S. $17^{\circ}00'54''$ W., 49.76 feet;

THENCE in a westerly direction with the north line of said Kern Terrace Extension #3, same being the south line of said 2.80 Acre tract, (Rec. N. $70^{\circ}36'$ W., 590.0 feet), **N. $73^{\circ}18'09''$ W., 587.19 feet**, to a 5/8" iron rod with "ACS" cap set on the east line of a called 4.216 Acre tract conveyed to Yellow Lilly, INC., of record in Document Number 2022008375, Official Public Records of Real Property, Bell County, Texas, being the northwest corner of said Kern Terrace Extension #3, same being the southwest corner of said 2.80 Acre tract, for the southwest corner of the herein described tract;

THENCE in a northerly direction with the east line of said 4.216 Acre tract, same being the west line of said 2.80 Acre tract, (Rec. N. 19° E., 195.0 feet), **N. $17^{\circ}15'09''$ E., 203.83 feet**, to a 5/8" iron rod with "ACS" cap set, being the southwest corner of a called 1.252 Acre tract conveyed to Felipe Rodriguez and wife, Cruz Rodriguez, of record in Volume 5171, Page 459, Official Public Records of Real Property, Bell County, Texas, same being the northwest corner of said 2.80 Acre tract, for the northwest corner of the herein described tract, from which a 3/8" iron rod found at the northeast corner of said 4.216 Acre tract bears N. $17^{\circ}15'09''$ E., 46.43 feet;

THENCE in an easterly direction with the south line of said 1.252 Acre tract, (Rec. S. $73^{\circ}28'09''$ E., 374.6 feet), same being the north line of said 2.80 Acre tract, (S. $73^{\circ}26'$ E., 497.6 feet), **S. $75^{\circ}12'38''$ E., 347.48 feet**, to a 3/8" iron rod found at the southeast corner of said 1.252 Acre tract, same being the southwest corner of a called 0.425 Acre tract conveyed to Joe G. Saunders, of record in Volume 3218, Page 591, Official Public Records of Real Property, Bell County, Texas, for a corner of the herein described tract, from which a 3/8" iron rod found at the common north corner of said 1.252 Acre tract and said 0.425 Acre tract bears N. $02^{\circ}37'10''$ E., 130.85 feet;

THENCE continuing in said easterly direction with the south line of said 0.425 Acre tract, (Rec. S. $73^{\circ}21'58''$ E., 150.00 feet), same being the north line of said 2.80 Acre

tract, (S. 73°26' E., 497.6 feet), **S. 74° 40' 59" E., 150.47 feet**, to a 1/2" metal pipe found on the west line of a called 0.017 Acre tract conveyed to Vicente V. Ramos, of record in Document Number 2017-00033653, Official Public Records of Real Property, Bell County, Texas, same being the most northerly northeast corner of said 2.80 Acre tract, for the most northerly northeast corner of the herein described tract;

THENCE in a southerly direction with the west line of said 0.017 Acre tract, same being an interior line of said 2.80 Acre tract, (Rec. S. 16°34' W., 49.9 feet), **S. 16° 16' 15" W., 43.87 feet**, to an 80d nail found at the southwest corner of said 0.017 Acre tract, same being an interior corner of said 2.80 Acre tract, for an interior corner of the herein described tract;

THENCE in an easterly direction with the south line of said 0.017 Acre tract, same being an interior line of said 2.80 Acre tract, (Rec. S. 70°36' E., 86.4 feet), **S. 73° 17' 58" E., 88.13 feet**, to a calculated point that falls in the center of a 20" Hackberry Tree at the common west corner of Lot 1, and Lot 2, Block 2, of said Kern Terrace, same being the southeast corner of said 0.017, same being the most easterly northeast corner of said 2.80 Acre tract, for the most easterly northeast corner of the herein described tract;

THENCE in a southerly direction with the west line of said Kern Terrace, same being the east line of said 2.80 Acre tract, (Rec. S. 19°24' W., 178.6 feet), **S. 17° 00' 54" W., 175.15 feet**, to the **POINT OF BEGINNING**, and containing 2.780 Acres of Land.

Horizontal Control based upon the Texas State Plane Coordinate System, Central Zone, NAD83, as per GPS observations. Scale Factor=1.0001501134, scaled about TS-1 (N:10,371,008.400 E:3,131,122.44).

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed July 16, 2022

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro210000/210500/210579/210579.3/210579.3P FN.doc



Roy Michael Smith

Roy Michael Smith
Registered Professional Land Surveyor
Registration No. 6748

**DEDICATION OF
HABITAT FOR HUMANITY NORTHSIDE ADDITION
A subdivision within the City of Harker Heights,
Bell County, Texas.**

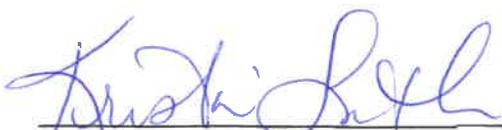
STATE OF TEXAS)
COUNTY OF BELL)

That **Fort Hood Area Habitat for Humanity**, being the sole owner of that certain tract of land containing 2.780 acres described in Field Notes prepared by Roy Michael Smith, RPLS No. 6748, dated September 19, 2022, which Field Notes are attached hereto as Exhibit A and made a part hereof as fully as if written verbatim, do hereby name and designate said 2.780 acre tract as **Habitat for Humanity Northside Addition**, a subdivision in the City of Harker Heights, Bell County, Texas, and do hereby adopt the attached map and plat thereof and do hereby agree that all future sales and conveyances of said property shall be by reference to said plat and dedication.

Fort Hood Area Habitat for Humanity, does hereby give, grant and convey to the **CITY OF HARKER HEIGHTS, TEXAS**, its assignees and franchisees furnishing public utilities in said subdivision, the easements as shown on said plat for drainage and for the installation, operation, maintenance, repair, use and replacement of all public utility lines, including electric power, water, sewer, gas and telephone, and reference is hereby made to such plat for the location of such easements.

To have and to hold said easements unto said Grantee, and the undersigned hereby binds itself, its heirs, administrators, executors, successors and assigns, to warrant and forever defend all and singular said premises unto the said Grantee against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS THE EXECUTION HEREOF, on this 20 day of September, 2022.



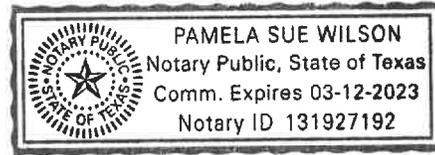
By: **Kristin Smith, CEO**
Fort Hood Area Habitat for Humanity

ACKNOWLEDGMENT

STATE OF TEXAS)
COUNTY OF BELL)

BEFORE ME, the undersigned authority, on this day personally appeared **Kristin Smith**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same as the CEO of Fort Hood Area Habitat for Humanity, for the purposes and consideration therein expressed.

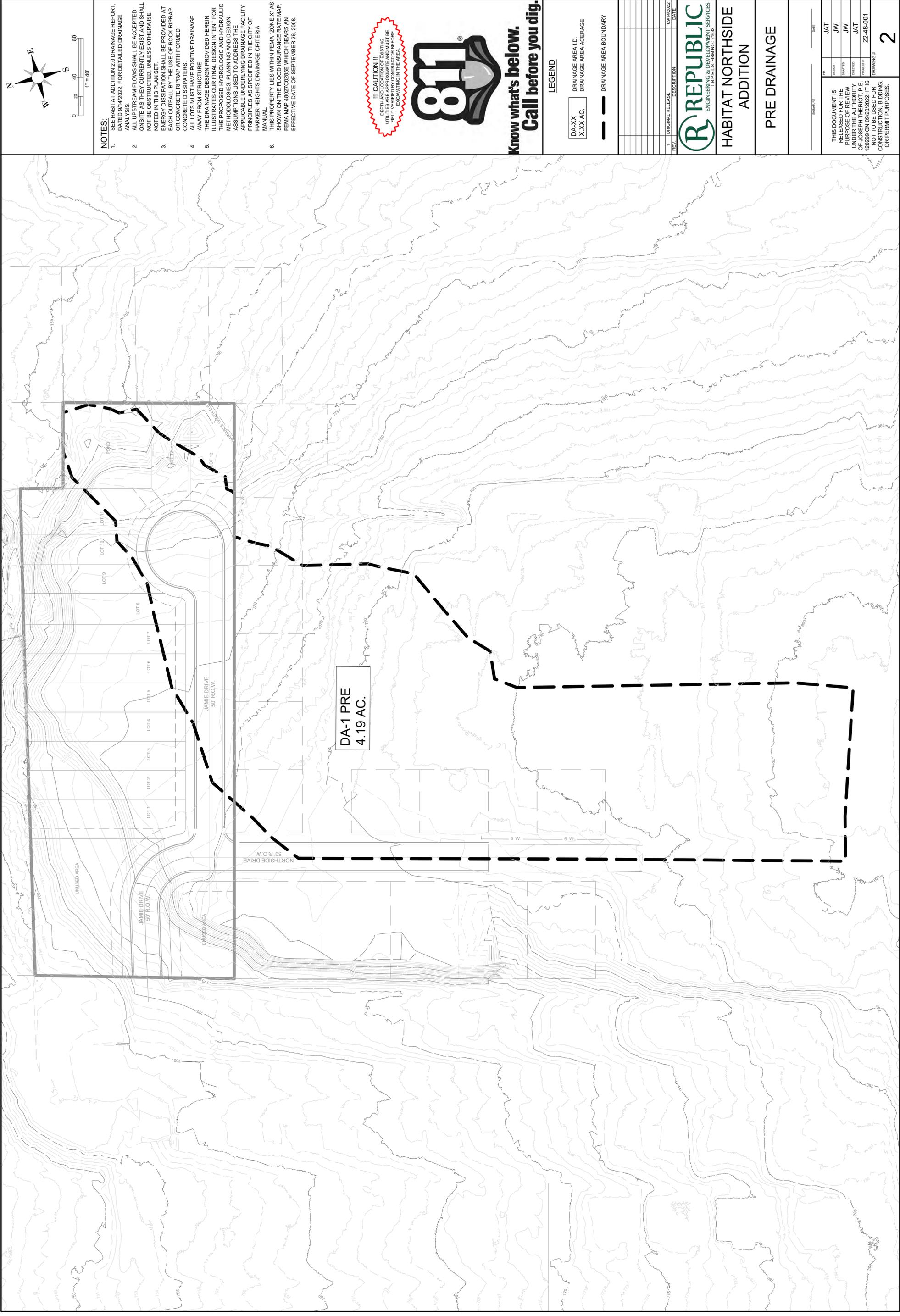
GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 20th day of September, 2022.



Pamela Wilson

NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING, RETURN TO:
All County Surveying, Inc.
4330 South 5th Street
Temple, Texas 76502



NOTES:

1. SEE HABITAT ADDITION 2.0 DRAINAGE REPORT, DATED 9/14/2022, FOR DETAILED DRAINAGE ANALYSIS.
2. ALL UPSTREAM FLOWS SHALL BE ACCEPTED ON-SITE AS THEY CURRENTLY EXIST AND SHALL NOT BE OBSTRUCTED, UNLESS OTHERWISE NOTED IN THIS PLAN SET.
3. ENERGY DISSIPATION SHALL BE PROVIDED AT EACH OUTFALL BY THE USE OF ROCK RIPRAP OR CONCRETE RIPRAP WITH FORMED CONCRETE DISSIPATORS.
4. ALL LOTS MUST HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURE.
5. THE DRAINAGE DESIGN PROVIDED HEREIN ILLUSTRATES OUR FINAL DESIGN INTENT FOR THE PROPOSED HYDROLOGIC AND HYDRAULIC METHODOLOGIES, PLANNING AND DESIGN ASSUMPTIONS USED TO ADDRESS THE APPLICABLE UNDERLYING DRAINAGE FACILITY PRINCIPLES AS SPECIFIED IN THE CITY OF HARKER HEIGHTS DRAINAGE CRITERIA MANUAL.
6. THIS PROPERTY LIES WITHIN FEMA "ZONE X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, FEMA MAP 480270285E WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.



**Know what's below.
Call before you dig.**

LEGEND

- DA-XX
X.XX AC. DRAINAGE AREA I.D.
 DRAINAGE AREA ACREAGE
- DRAINAGE AREA BOUNDARY

REV.	DESCRIPTION	DATE
1	ORIGINAL RELEASE	09/14/2022

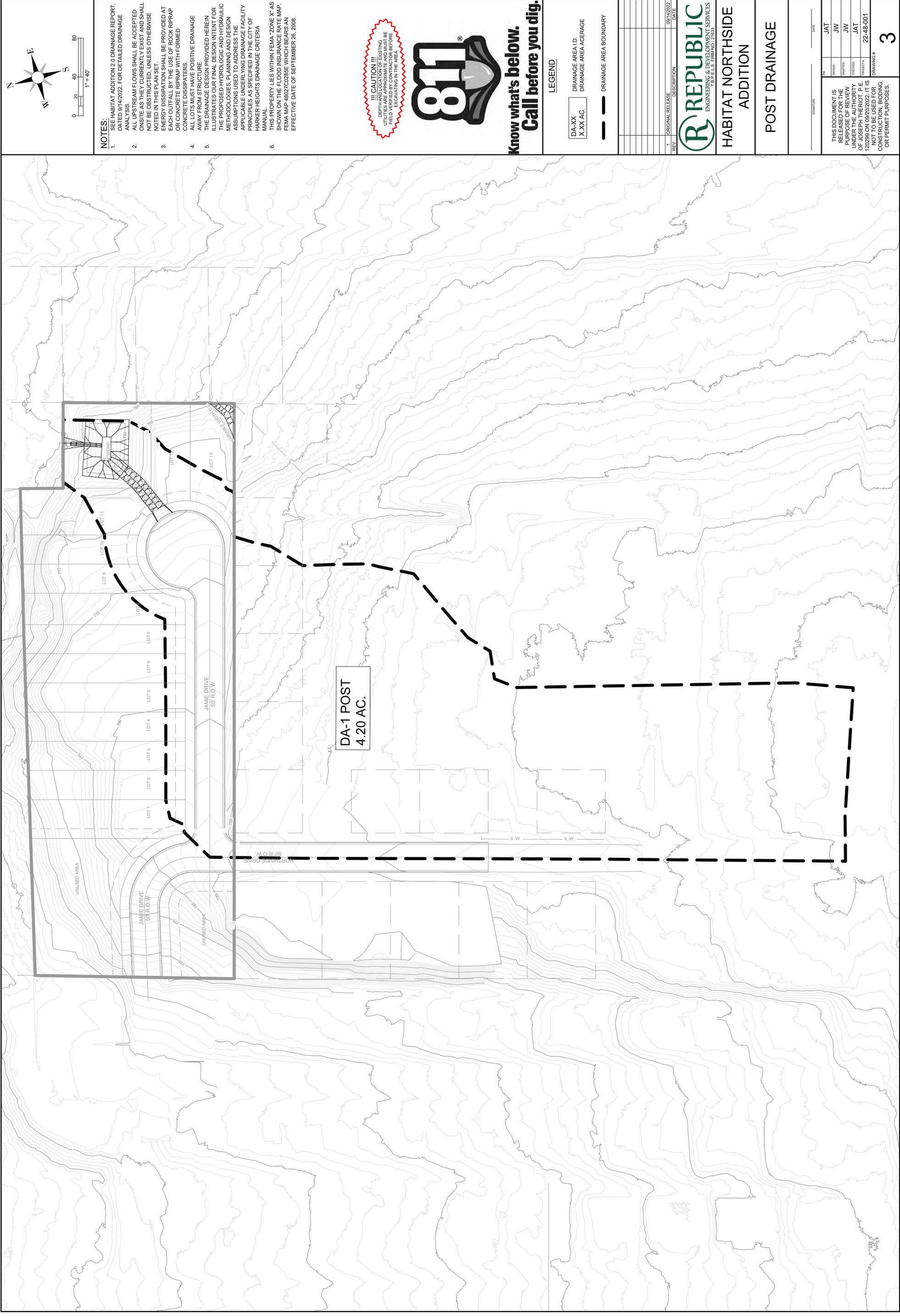


**HABITAT NORTHSIDE
ADDITION**

PRE DRAINAGE

SIGNATURE	DATE
-----------	------

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF JOSEPH THERIOT, P.E. 1202999 ON 09/20/2022. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.	
DATE	DATE
JAT	JW
CHECKED	CHECKED
JAT	JW
PROJECT #	DRAWING #
22-48-001	2



- NOTES:**
1. SEE HABITAT ADDITION 2.0 DRAINAGE REPORT, DATED 9/14/2022, FOR DETAILED DRAINAGE ANALYSIS.
 2. ALL UPSTREAM FLOWS SHALL BE ACCEPTED ON-SITE AS THEY CURRENTLY EXIST AND SHALL NOT BE OBSTRUCTED, UNLESS OTHERWISE NOTED IN THIS PLAN SET.
 3. ENERGY DISSIPATION SHALL BE PROVIDED AT EACH OUTFALL BY THE USE OF ROCK RIPRAP OR CONCRETE RIPRAP WITH FORMED CONCRETE DISSIPATORS.
 4. ALL LOTS MUST HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURE.
 5. THE DRAINAGE DESIGN PROVIDED HEREIN ILLUSTRATES OUR FINAL DESIGN INTENT FOR THE PROPOSED HYDROLOGIC AND HYDRAULIC METHODOLOGIES, PLANNING AND DESIGN ASSUMPTIONS USED TO ADDRESS THE APPLICABLE UNDERLYING DRAINAGE FACILITY PRINCIPLES AS SPECIFIED IN THE CITY OF HARKER HEIGHTS DRAINAGE CRITERIA MANUAL.
 6. THIS PROPERTY LIES WITHIN FEMA "ZONE X" AS SHOWN ON THE FLOOD INSURANCE RATE MAP, FEMA MAP 48027C0285E WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.

!!! CAUTION !!!
 ALL UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED BY CONTRACTOR BEFORE EXCAVATING IN THE AREA.



**Know what's below.
 Call before you dig.**

- LEGEND**
- DA-XX
X.XX AC. DRAINAGE AREA I.D.
DRAINAGE AREA ACERAGE
 - DRAINAGE AREA BOUNDARY

REV.	ORIGINAL RELEASE	DESCRIPTION	DATE
1			09/14/2022



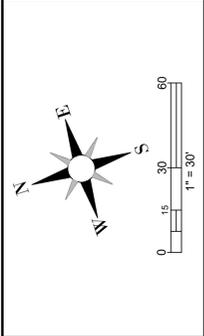
**HABITAT NORTHSIDE
 ADDITION**

POST DRAINAGE

SIGNATURE	DATE
	JAT
	JW
	JW
	JAT
	22-48-001
	DRAWING #
	3

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**DA-1 POST
 4.20 AC.**



WATER NOTES:

1. ALL WATERLINES SHALL BE AWWA C900 PIPE UNLESS OTHERWISE NOTED.
2. ALL CONSTRUCTION SHOWN HEREIN SHALL BE PER CITY OF HARKER HEIGHTS STANDARDS AND SPECIFICATIONS.
3. EXISTING UTILITIES SHOWN HEREIN HAVE BEEN LOCATED BY VISIBLE APPURTENANCES AND RECORD DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATION AND PROTECTING ALL UTILITIES REGARDLESS OF THEIR DEPICTION HEREIN.
4. FIRE HYDRANT SYMBOLS ARE FOR REPRESENTATION ONLY. FIRE HYDRANT ORIENTATION SHALL BE PER CITY OF HARKER HEIGHTS STANDARD DETAIL. ALL VALVES FOR HYDRANTS ARE TO BE CONNECTED DIRECTLY TO TEE AND HYDRANT IS TO BE EXTENDED TO PROPERTY LINE.
5. ALL FIELD BENDS SHALL BE PER PIPE MANUFACTURER RECOMMENDATIONS.
6. WATER - SEWER CROSSING SHALL MEET THE MINIMUM CURRENT REQUIREMENTS PER TCEQ AND CITY CODE.
7. THE CONTRACTOR SHALL COORDINATE THE FINAL PLACEMENT OF PROPOSED VALVES AND OTHER APPURTENANCES WITH STREET, SIDEWALK AND UTILITY IMPROVEMENTS TO AVOID CONFLICTS.

!!! CAUTION !!!
 DEPTH AND LOCATION OF EXISTING UTILITIES SHALL BE FIELD VERIFIED BY CONTRACTOR BEFORE EXCAVATING IN THE AREA.



**Know what's below.
 Call before you dig.**

LEGEND:

— 6" W	PROPOSED WATERLINE
⊙	PROPOSED GATE VALVE
⊕	PROPOSED FIRE HYDRANT
— 6" W	PROPOSED WATER SERVICE
— 6" W	EXISTING WATERLINE

REV.	ORIGINAL RELEASE DATE	DESCRIPTION
1	09/14/2022	

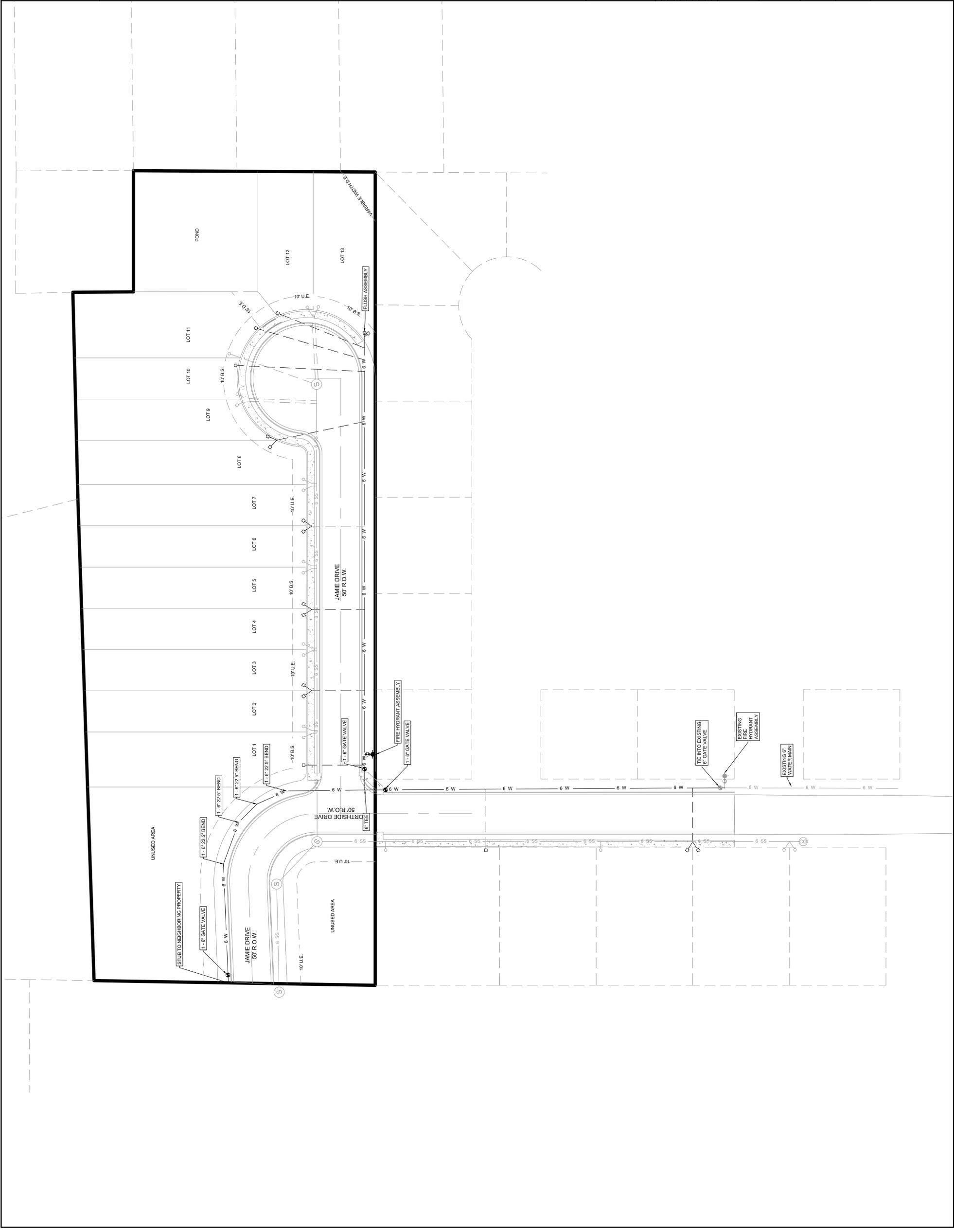


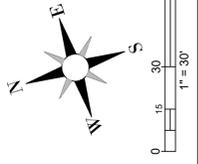
**HABITAT NORTHSIDE
 ADDITION**

WATER LAYOUT

SIGNATURE	DATE

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF JOSEPH THERIOT, P.E. 1202989 ON 09/20/2022. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.	
DATE	JAT
DRAWN	JWW
CHECKED	LEH
PROJECT #	JAT
DRAWING #	22-048-001
	5





SIDEWALK NOTES:

1. SIDEWALKS WITHIN THE PROJECT BOUNDARY ARE TO BE 5' WIDE AND 1" FROM PROPERTY LINE.
2. SIDEWALKS AND CURB RAMPS WITHIN THE PROJECT BOUNDARY ARE TO BE BUILT BY HOMEOWNER AT TIME OF HOUSE CONSTRUCTION UNLESS OTHERWISE NOTED ON THIS SHEET.
3. ALL CURB RAMPS ARE STANDARD HARKER HEIGHTS WHEELCHAIR RAMPS UNLESS OTHERWISE NOTED ON THIS SHEET.
4. DEVELOPER IS REQUIRED TO INSTALL ALL SIDEWALKS ACROSS ALL DRAINAGE EASEMENT/TRACT CROSSINGS DURING SUBDIVISION CONSTRUCTION.
5. SEE SHEET 16 FOR DETAILS.

!!! CAUTION !!!
 DEPTH AND LOCATION OF EXISTING UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED PRIOR TO ANY EXCAVATING IN THE AREA.



**Know what's below.
 Call before you dig.**

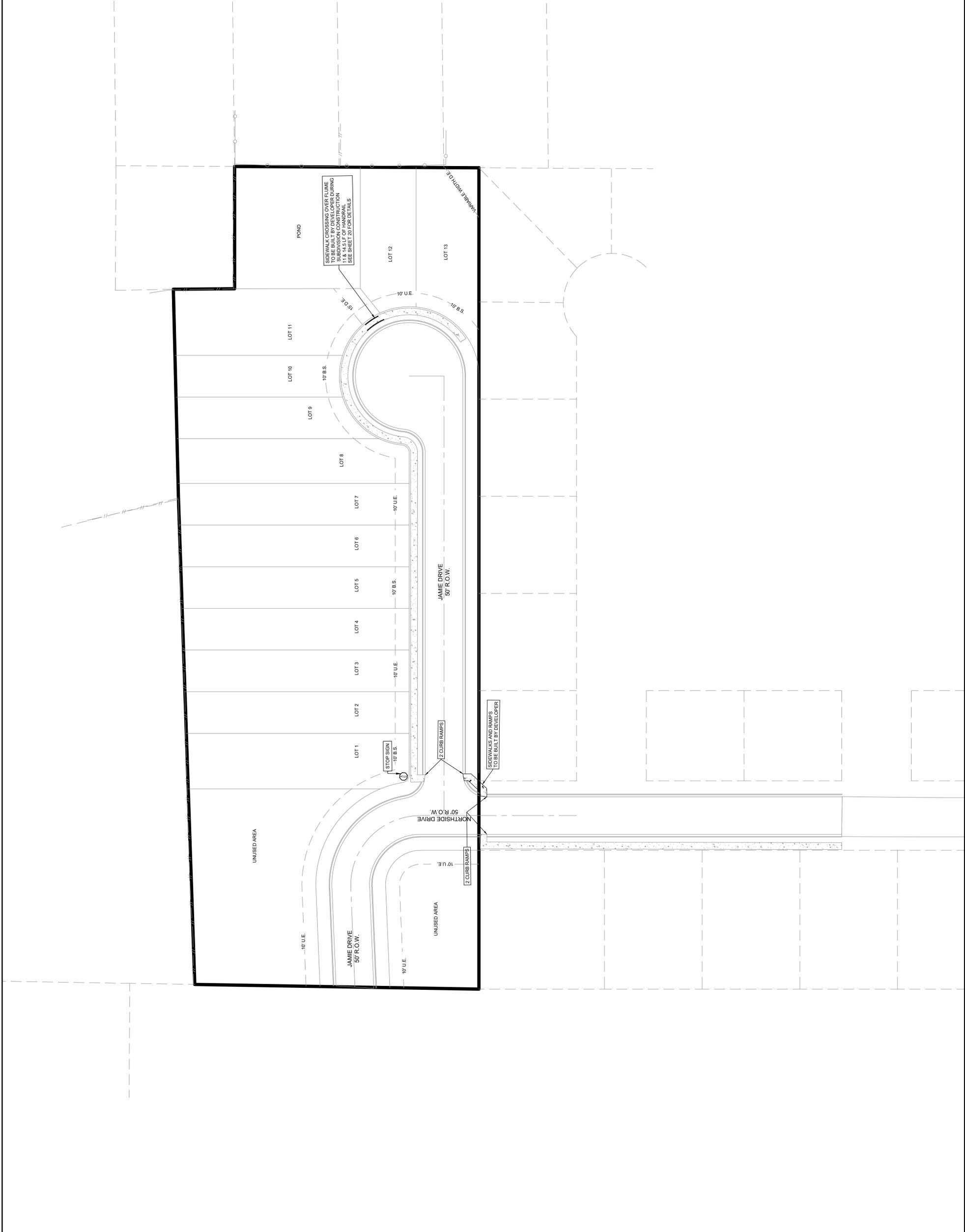
REV.	ORIGINAL RELEASE DATE	DESCRIPTION
1	09/14/2022	



**HABITAT NORTHSIDE
 ADDITION
 SIGN & SIDEWALK
 LAYOUT**

DATE	
SIGNATURE	JAT
DATE	JWW
CHECKED	LEH
PROJECT	JAT
DRAWING #	22-048-001
	6

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF JOSEPH THERIOT, P.E. 1202989 ON 09/20/2022. IT IS NOT TO BE USED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.



HABITAT FOR HUMANITY, PHASE 2 - PRELIMINARY

P22-26 – Habitat for Humanity, Phase 2

Plat Distributed to Reviewers: 09/02/2022

Comments sent to Engineer: 09/16/2022

Revisions Received: 09/20/2022

Comments sent to Engineer: 09/22/2022

Planning & Development

- Per §155.0221(G)(2), the applicant shall provide the measurement at the setback line for Lot 11. The Lot width at the setback line is at least 30' per zoning requirements. 9/22/22 Met.
- Per §155.0221(F)(2)(a), the applicant shall provide a 5' side yard maintenance easement for any lot that has a neighboring lot constructed don a lot line. 9/22/22 Met.
- Applicant shall provide a drainage easement to access the called Tract C. Said easement shall be at least 15 feet in width and connect Tract C to the Jaime Drive ROW per §154.21(C)(1)(j). 9/22/22 Met.
- Applicant shall provide a utility easement for the existing public utility in the southeast corner of Lot 13 per §154.21(C)(1)(j). 9/22/22 Partially Met. Applicant labeled this easement as a DE. Applicant shall clarify that this easement is also for the existing power utility and other public utilities. Also, applicant shall label the easement as variable width.
- Applicant shall provide a 10' rear lot utility easement on Lots 12 & 13, and on Tract B per §154.21(C)(1)(j). 9/22/22. Met. As renumbered this comment is for Lots 13 & 14, Block 1 and Lot 1 Block 2.
- Applicant shall provide a 10' side yard utility easement along the western property boundary of Tract A and along the eastern property boundary of Tract C per §154.21(C)(1)(j). 9/22/22 Partially Met. Applicant shall provide a 10' UE along the eastern property boundary of Lot C.
- Applicant shall change the call outs for Tracts A & B to Lot & Block format or identify the proposed future use per §154.21(C)(1) 9/22/22 Partially Met. Since the original proposed Tracts A & B were removed, Applicant shall amend the Tract C label to Tract A.
- Per §154.35(D), the applicant shall add a note on the plat dedication page indicating that Lot 1 shall have driveway access on the straight portion of Jaime Drive. 9/22/22. Partially Met. Since the Lots were re-numbered this comment now applies to Lot 2, Block 1. Please amend Note 2 accordingly.
- Per §154.35(D), the applicant shall add a note on the plat dedication page indicating that Tract B shall have driveway access along the L4 portion of the lot and that said parcel shall be addressed off of Northside Drive. 9/22/22. Partially Met. Since the Lots were re-numbered this comment now applies to Lot 1, Block 2. Please amend Note 3 accordingly.
- Per §154.21(C)(1)(g), applicant shall illustrate and annotate existing utility easements on and adjacent to this development. 9/22/22 Met.
- The plat dedication page shall be signed by the owner. 9/22/22 Partially Met. The separate instrument was signed but not the plat dedication page (face of the plat).

- Applicant shall add the lot acreage to each Lot/Tract on the plat dedication page per §154.21(C)(1)(b). **9/22/22 Met.**
- Applicant shall annotate ownership information for all adjacent property to this subdivision per §154.21(C)(1)(k). **9/22/22 Met.**
- Applicant shall amend the summary on the plat dedication page to clarify the number of blocks, and tracts in the subdivision, and amend the retention phrase to specify who is retaining the tracts. **9/22/22 Met.**

LOTS - THIRTEEN (13)
 TRACTS - TWO (2)
 BLOCKS - ONE (2)
 AREA - 2.797 ACRES

OWNER:
 FORT HOOD AREA HABITAT FOR HUMANITY

TRACT A AND TRACT B RETAINED FOR FUTURE USE.

TRACT C WILL BE FOR DRAINAGE, AND DEDICATED TO THE CITY OF HARKER HEIGHTS

- Since this development is not located in the same city and is not immediately adjacent to phase one it cannot be named Phase 2. Applicant shall amend the name of this subdivision (i.e. Habitat For Humanity Northside Addition, Habitat For Humanity Place Addition or another of your choosing) . **9/22/22 Met.**
- Applicant shall amend the dedication language on the face of the plat to meet Bell County and City of Harker Heights requirements. Below is an example from a recent plat. **9/22/22 Met.**

KNOW ALL MEN BY THESE PRESENTS, THAT **TERRA AZUL DEVELOPMENTS, LLC**, BEING THE SOLE OWNERS OF THAT CERTAIN **16.55 ACRE TRACT OF LAND** SITUATED IN THE **W. E. HALL SURVEY, ABSTRACT NO. 1086**, AND THE **J. M. ROBERTS SURVEY, ABSTRACT NO. 723**, BOTH OF BELL COUNTY, TEXAS, AND BEING ALL OF THE CALLED **2.980 ACRE TRACT OF LAND** DESCRIBED IN A DEED TO **TERRA AZUL DEVELOPMENTS, LLC**, RECORDED IN INSTRUMENT NO. **201300048431**, DEED RECORDS OF BELL COUNTY, TEXAS, ALL OF THE CALLED **7.971 ACRE TRACT OF LAND** DESCRIBED IN A DEED TO **TERRA AZUL DEVELOPMENTS, LLC**, RECORDED IN INSTRUMENT NO. **201300048422**, DEED RECORDS OF BELL COUNTY, TEXAS, ALL OF THE "PARCEL 1" CALLED **3.003 ACRE TRACT OF LAND** DESCRIBED IN A DEED TO **TERRA AZUL DEVELOPMENTS, LLC**, RECORDED IN INSTRUMENT NO. **201300048429**, DEED RECORDS OF BELL COUNTY, TEXAS, AND ALL OF THE "PARCEL 2" CALLED **2.649 ACRE TRACT OF LAND** DESCRIBED IN A DEED TO **TERRA AZUL DEVELOPMENTS, LLC**, RECORDED IN INSTRUMENT NO. **201300048429**, DEED RECORDS OF BELL COUNTY, TEXAS, WHICH IS MORE FULLY DESCRIBED IN THE DEDICATION OF **THE ENCLAVE AT INDIAN TRAIL**, AS SHOWN BY THE PLAT HEREOF, ATTACHED HERETO, AND MADE A PART HEREOF, AND APPROVED BY THE CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS AND **THE ENCLAVE AT INDIAN TRAIL**, DOES HEREBY DEDICATE TO SAID CITY ALL STREETS, AVENUES, DRIVES, ALLEYS AND DRAINAGE TRACTS SHOWN ON SAID PLAT, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES WHEN AND AS AUTHORIZED BY THE CITY OF HARKER HEIGHTS.

THE DRAINAGE AND UTILITY EASEMENTS SHOWN ON SAID PLAT ARE DEDICATED TO SAID CITY OF HARKER HEIGHTS FOR INSTALLATION AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES, WHICH THE CITY MAY ELECT TO INSTALL AND MAINTAIN OR PERMIT TO BE INSTALLED OR MAINTAINED.

TRACT 1 AND TRACT 2 SHOWN ON SAID PLAT ARE BEING DEDICATED FEE SIMPLE TO THE CITY OF HARKER HEIGHTS.

WITNESS THE EXECUTION HEREOF, ON THIS _____ DAY OF _____, 202__.

FOR: TERRA AZUL DEVELOPMENTS, LLC

BY: _____
CHRISTOPHER DOOSE
 MEMBER

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY, PERSONALLY APPEARED **CHRISTOPHER DOOSE** KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT. IT HAS BEEN ACKNOWLEDGED TO ME THAT **HE** EXECUTED THE FOREGOING INSTRUMENT AS THE OWNERS OF THE PROPERTY DESCRIBED HEREOF.

NOTARY PUBLIC STATE OF TEXAS
 MY COMMISSION EXPIRES: _____

Public Works, Mark Hyde

- Applicant shall provide engineering plan sheets per the requirements in §154.21(C)(2) for water, wastewater, sidewalk, and drainage/stormwater. **9/22/22 Met. However, based on the submission staff has the following new comments:**
 - **Advisory Note: Applicant is advised that sewer service lines cannot directly connect to a manhole. This shall be amended in the construction plan set.**

- **Advisory Note:** Applicant shall provide mitigating measures for flush assembly in the construction plan set.

City Engineer, Otto Wiederhold

- No comments have been received to date and may be forthcoming. **9/22/22 still awaiting response.**

Deputy Fire Marshal, Johnny Caraway

- The Fire Department has completed the plat review for Habitat for Humanity Phase 2. There will need to be a Fire Hydrant added to the subdivision to meet code requirements. **9/22/22 Met.**

ONCOR, Steven Huggins

- No comments have been received to date and may be forthcoming. **9/22/22 still awaiting response.**

Century Link, Chris McGuire

- No comments have been received to date and may be forthcoming. **9/22/22 still awaiting response.**

Time Warner Cable/Spectrum, Shaun Whitehead

- No comments have been received to date and may be forthcoming. **9/22/22 still awaiting response.**

ATMOS, Rusty Fischer

- No comments have been received to date and may be forthcoming. **9/22/22 still awaiting response.**

Clearwater UWCD, Dirk Aaron

- No comments have been received to date and may be forthcoming. **9/22/22 still awaiting response.**

§ 154.21 PRELIMINARY PLAT.

(A) *General.* The preliminary plat and preliminary engineering drawings shall show all proposed phases of development of an area of land under the same ownership. Approval or conditional approval of the concept plan (if required), the preliminary plat and preliminary engineering drawings is required by the Planning and Zoning Commission and City Council prior to consideration of the final plat and final engineering drawings by the Director of Planning and Development. Preliminary plats and preliminary engineering drawings shall be deemed approved if no action is taken by the Planning and Zoning Commission within 30 days of submittal, and if no action is taken by the City Council within 30 days of Planning and Zoning Commission approval.

(B) *Changes to preliminary plat.* An approved preliminary plat and/or preliminary engineering drawings is binding and must be complied with; however, it may be amended at the request of the developer, or required by the city per this section. Substantial amendments or changes to an approved preliminary plat or preliminary engineering drawings must be reviewed and approved by the Planning and Zoning Commission as well as by the City Council. Minor amendments may be approved by the Planning and Development Director. Minor amendments are those that:

- (1) Increase by 10% or less the number of lots or potential structures that can be accommodated by the infrastructure;
- (2) Reduce the number of lots; and
- (3) Any proposed change in infrastructure is considered a major amendment, unless deemed by the Public Works Director as a minor amendment.

(C) *Form and content.* A complete submission for approval shall contain ten paper copies of the plat and seven paper copies of the engineering drawings. Failure to submit the plat and engineering drawings together in the quantities as stated herein at the time of submission shall be deemed an incomplete submission. The submission shall not be considered complete until all required documents (plat and engineering documents) in their respective quantities as stated herein are submitted.

(1) *Preliminary plat.* The preliminary plat shall be prepared and sealed by a Texas Licensed Professional Engineer or Texas Registered Professional Land Surveyor and plotted on 22 inch by 34 inch sheets at a scale of one inch to 100 feet or larger. The plat shall conform to the general requirements and minimum standards of design and requirements, and shall include the following elements as applicable:

(a) A cover sheet is required for all plats involving three or more sheets. All plan sheet numbers shall be placed on the cover along with the corresponding plan sheet titles. This cover sheet should include a listing of all plan sheet numbers and plan sheet titles in the engineering drawings as well. A vicinity map should always be included on the cover sheet to show the project location;

(b) Title block including proposed subdivision name, phase, block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the plat;

(c) Index sheet for plats with more than one sheet that shows the entire subdivision drawn to a scale of not less than one inch equals 100 feet;

(d) Legal description, existing boundary, lot lines and right-of-way lines of streets and easements with accurate dimensions, bearings, deflection angles, radii and central angles of all curves;

(e) Phasing plan if subdivision is to be constructed in phases;

(f) Lot lines shall have line dimensions clearly displayed within the lot along with the lot's respective lot number. Groups of lots that are considered within a block shall have the block number clearly displayed;

(g) All right-of-way lines and easements shall be clearly displayed on the plat. The plat shall clearly display the location, size and purpose of all existing and proposed easements on or adjoining the property;

(h) Location of existing and proposed streets, alleys, bikeways and sidewalks on or adjoining the site. Such information shall include name, right-of-way widths, type and width of surfacing. All private streets shall be clearly labeled;

(i) Any areas reserved or dedicated for public uses;

(j) Easements and street stub-outs necessary to serve adjacent properties;

(k) Adjacent property information including present ownership, legal descriptions (recorded volume and page) and property lines within 100 feet;

(l) Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data shall be referred. The plat shall be located with respect to a corner of the surveyor tract, or an original corner of the original survey of which it is a part. Temporary benchmarks and NGS datum shall be described on each sheet;

(m) Scale, basis of bearing and benchmarks (datum) and description shall all be clearly displayed on the plat; and

(n) A north arrow is required on all sheets and should be oriented either upward or to the right. It is the intent of this requirement that all stationing should start from cardinal points of the compass and proceed in the direction of construction.

(2) *Preliminary engineering drawings.* Preliminary engineering drawings shall be prepared and sealed by a Texas Licensed Professional Engineer and plotted on 22 inch by 34 inch sheets at a scale of one inch to 100 feet or larger. The preliminary engineering drawings shall match the features found on the preliminary plat and they shall conform to the general requirements and minimum standards of design and requirements in accordance with the most current edition of the *Standard Specifications for Public Works Construction, North Central Texas* adopted by the city, and shall include the following elements as applicable:

(a) Title block including proposed subdivision name, phase(s), block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the preliminary engineering drawings;

(b) Water layout plan view to include rough locations of service connections, pipe diameters, valves, hydrants and flush assemblies;

(c) Sanitary sewer layout plan to include rough locations of service connections, pipe diameters, cleanouts and manholes;

(d) Street and sidewalk layout plan view; and

(e) Storm water drainage layout plan (drainage calculations are only necessary on major drainage structures at this step).

(D) *Processing preliminary plat.*

(1) Submission of preliminary plat application along with all items required in § 154.20 (B)(3)(a).

(2) The preliminary plat and preliminary engineering drawings shall be reviewed by the Planning and Development Department for conformity with the city's plans, thoroughfare plan, utility master plan, engineering standards and specifications, city ordinances and other applicable city standards. Upon completion of this review, the preliminary plat and preliminary engineering drawings shall be submitted to the Planning and Zoning Commission.

(3) The Planning and Zoning Commission shall review the preliminary plat, preliminary engineering drawings and all staff's recommendations. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement, water and sewer lines, drainage, the further development of adjoining lands and the requirements of city ordinances, policies and plans.

(4) The Planning and Zoning Commission shall act on the preliminary plat and preliminary engineering drawings and may advise the developer of any specific changes or additions they will require in the layout, or comment on the character and extent of improvements and dedications that will be required prior to infrastructure construction and as a prerequisite to the approval of the final plat and final engineering drawings.

(5) The Planning and Zoning Commission shall forward the preliminary plat and preliminary engineering drawings with their approval to the City Council for their consideration. The Planning and Development Director shall inform the developer in writing of the decision of the Planning and Zoning Commission and City Council including any conditions for approval or reasons for disapproval. If disapproved by the Planning and Zoning Commission or the City Council, the applicant may resubmit a preliminary plat and preliminary engineering drawings addressing the concerns of the Planning and Zoning Commission and the City Council for reconsideration.

(6) A preliminary plat and preliminary engineering drawings shall expire 24 months after approval unless:

(a) An extension is applied for and granted by the Director of Planning and Development if the city's regulations and requirements have not changed;

(b) Final plat submittal, on at least one phase, occurs within 24 months following the initial approval; or

(c) Preliminary plats and preliminary engineering drawings will also expire if there is a more than a 24 month period of time between approval and submittal of any phase of the preliminary plat.

(7) Submittal shall be 28 days prior to the scheduled Planning and Zoning Commission meeting. The plat and engineering drawings shall be presented to the Council within 30 days of action being taken by the Planning and Zoning Commission for their consideration. The plat and engineering drawings shall be considered approved if the Council does not act on it within 30 days after the Planning and Zoning Commission has acted on it.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2012-21, passed 10-9-12; Am. Ord. 2014-25, passed 10-28-14)

§ 154.35 DESIGN STANDARDS WITHIN CITY LIMITS.

No plat shall be approved and no improvements shall be accepted by the city unless they conform to or exceed the following standards and specifications and all other applicable standards unless an exception/variance is granted.

(A) *Conformity with zoning.* Parcels must be consistent with zoning standards of the zoning district the parcels are located in.

(B) *Conformity with land use plan.* The subdivision shall conform to the plans of the city and any parts, amendments and/or supplements thereto.

(C) *Conformity with design and construction standards for streets, sidewalks, drainage, water and sanitary sewer construction.* All construction of infrastructure improvements shall be in accordance with the city's design guidelines, utility master plans and engineering standards and specifications.

(D) *Certain detailed standards and specifications not covered herein.* In circumstances where public health and safety issues are identified, city staff shall specify additional requirements for a requested subdivision that are not covered within this chapter. No such requirements shall conflict with this or any other ordinances of the city.

(E) *Reserve strips.* There shall be no reserve strips of property that create unusable tracts added properties, and/or other non-conformities.

(F) *Provision for future re-subdivision.* If a tract is subdivided into parcels larger than ordinary building lot sizes, such parcels shall be arranged so as to allow for the opening of future streets and future subdivisions.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2014-25, passed 10-28-14)

§ 154.36 PUBLIC INFRASTRUCTURE IMPROVEMENTS.

(A) *Development costs.* The developer/property owner shall install, at his or her own expense, all water lines, streets, sidewalks, sewer lines, storm sewer lines, drainage facilities and structures within the subdivision, in accordance with city standards governing the same, including all engineering costs covering design, layout and construction.

(B) *Development mains.* Developers shall pay the actual cost of water and sewer main extensions, water towers and associated facilities and equipment, force mains and lift stations required to serve their development area including costs of right-of-way and easements acquisition. Required facilities shall be extended to the edge of adjacent land along street sides or as determined by the city.

(C) *Street over-sizing.* Where street over-sizing in excess of 42 feet in width is required by the city, the city shall reimburse the actual and reasonable cost directly attributable to such over-sizing (including the cost of additional pavement, additional subgrade and additional cross-drainage costs) as herein provided.

(1) *Reimbursement request.* In order to initiate a reimbursement request, the owner must establish a per linear foot oversize cost for the reimbursable public improvements. Requests for the reimbursement to the owner shall include owner's name and mailing address. The requests must include as built drawings showing the reimbursable items with quantities and unit costs, and other supporting or explanatory documentation. The cost for over-sizing shall be mutually agreed upon by the city and the developer.

(2) *Over-sizing requirements.* Upon acceptance of the infrastructure by the city, refunds for approved over-sizing shall be scheduled as of the next year's capital improvements program, unless funds are available earlier. If payment is not made within 60 days after acceptance by the city, interest will accrue at an agreed upon rate between the developer and the city.

(3) *Exceptions.* The City Council may modify the requirements of this section and may elect to participate in the cost of such developments if it finds that the circumstances taken as a whole would make it inappropriate to require the subdivider to comply with this section, or any portion thereof, and such modification or participation would accomplish a legitimate public purpose which would benefit the city. Each request by a subdivider pursuant to this section shall be considered separately in accordance with such criteria as may be defined by the City Council, and the approval of any such request shall be accompanied by such conditions as may be necessary to ensure that a legitimate public purpose beneficial to the city is accomplished. Nothing in this section is intended to authorize the use of public funds or credit for a private purpose.

(D) *Inadequate or substandard streets.* Inadequate or substandard existing streets shall be upgraded to city standards by the developer, including dedication of additional right-of-way if necessary. If development is on one side of such a street, the developer shall dedicate additional right-of-way if necessary, upgrade the street pavement and associated infrastructure on the side that is being platted. Sidewalks shall be constructed or upgraded (if needed) to city standards by the builder/owner prior to the issuance of a certificate of occupancy.

(E) *Inspection.* All infrastructure improvements shall meet or exceed city design criteria and specifications to include being in accordance with the Third Edition (or more current edition) of the *Standard Specifications for Public Works Construction, North Central Texas*. The city will inspect the construction work as it progresses and will make final inspection to assure compliance with city standards. Upon acceptance by the city, all infrastructure improvements constructed for subdivision within the city limits shall become the property of the city unless otherwise noted on the plat.

(F) *Water and wastewater service.* All subdivisions shall provide water distribution and wastewater collection systems that are approved by the city. Design should be consistent with the city standards of construction, engineering standards and specifications and the utility master plans.

(1) *Water connection.* All subdivisions shall connect with the publicly owned water distribution and wastewater collection systems unless a waiver is approved by the city. If the waiver is approved, the developer must submit evidence of conformance with TCEQ, Bell County Health Department, and the city fire flow requirements.

(2) *Extending water distribution.* The developer shall extend water distribution and wastewater collection lines from the nearest city-approved point of connection to the furthest boundary line of the platted subdivision along the right-of-way line or within an abutting dedicated easement specified for the exclusive use of the particular utility. These municipal utilities shall not be located in combination easements without the specific approval of the Public Works Director. This is required in order to provide a point of connection for adjacent properties not having access to such services. Where the developer is not required to extend utilities to adjacent property, an easement shall be required to accommodate future development on adjacent property.

(3) *Fire hydrants.* Fire hydrants shall be installed pursuant to the most currently amended and adopted edition of the International Fire Code. In areas not served by the city, the developer must perform a fire flow test on the system with the city staff as witnesses to assure adequate fire protection is provided.

(4) *Underground conduits.* Underground conduits shall be of sufficient size, as determined by generally accepted and good engineering principals, to accommodate and/or deliver current and anticipated future loads and/or flows and pressures, as the case may be, but in no case less than that specified below for each particular application.

(5) *Water mains.* In no case shall any water main be less than six inches in residential areas and eight inches in nonresidential areas. Water mains shall be sized as shown on the master water plan; in the absence of such a plan, or when the plan does not indicate requirements for a water main in the same location as the proposed water main, the water main shall be designed and sized to deliver the following pressures/flows.

(a) At each building service, the minimum pressure set forth by the Texas Commission on Environmental Quality, Water Supply Division.

(b) Private service lines shall be defined as the service line extending from water system meter to an individual customer. Public service lines shall be defined as the line extending from a water main to a single meter. **BULLHEADS** shall be defined as a public service line with branches to serve two or more customers.

(c) Public service lines will become the property of the city when completed and will be maintained by the developer/builder at his or her expense until accepted by the city. Public service lines will not be less than three-quarter inch or larger than two inches in diameter. Bullheads shall be no less than one inch in diameter. All public service lines shall be sized to deliver the pressures required by the Texas Commission on Environmental Quality. In no case will public service lines exceed 150 feet in length without prior approval of the Public Works Department.

(d) If an existing water main is within 300 feet of the boundary of any lot or tract of land proposed for development and/or improvement through the erection of buildings, then the water main shall be extended to the lot or tract in question. From the point of connection with the existing main, the water main shall be installed in accordance with all applicable regulations.

(6) *Sewer lines.* If an existing sewer main is within 300 feet of the boundary of any lot or tract of land proposed for development and/or improvement through the erection of buildings, then the sewer main shall be extended, in accordance with all applicable regulations, to the lot or tract in question.

(7) *Service line.* Whenever a water or sewer main is required to be extended to a lot or tract, an appropriate service line (tap) shall be extended to serve the lot or tract, and buildings located thereon shall be connected thereto whether they are pre-existing or are subsequently erected. The provisions of divisions (F)(1) and (2) above and any other ordinance notwithstanding, any subdivision or re-subdivision of a lot or tract of land shall be required to provide water and/or sewer service to the subdivision or re-subdivision, regardless of whether a subdivision plat is required to be prepared and approved by the city.

(8) *Extending requirements.* All utilities shall be required to extend across the full width of the development lot (defined by plat or lot of record) in such an alignment that it can be extended to the next property. Properties already served by water and sewer shall not be required to install additional facilities unless the current lines are not of adequate capacity to serve the proposed development in which case the developer will be required to install adequate facilities. Once a utility meter is installed, movement required due to changes in grade/landscape will be the responsibility of the developer/builder.

(9) *Other utilities.* All other utilities (i.e. electric, gas, communications and cable TV) shall be located in perimeter lot easements. These utilities shall not be located in a public right-of-way or a specified easement, prohibiting its use, without the approval of the Public Works Director.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2014-25, passed 10-28-14; Am. Ord. 2020-12, passed 4-28-20)

§ 154.37 STREETS.

(A) Street layout.

(1) *Thoroughfare plan.* Proposed streets must be in conformance with the city thoroughfare plan. All arterial and collector street locations, alignments, right-of-way widths, pavement widths and cross-sections shall be in accordance with the adopted plans and standards. Streets that are not on the thoroughfare plan and are proposed to collect traffic from residential streets shall be designed and constructed as collectors.

(2) *Consistency with existing streets.* The arrangement, character, extent, width, grade and location of each proposed street shall be consistent with streets in the immediate area. However, new streets must meet the minimum current standards. Consideration shall be made for topographical conditions, public safety, convenience and the proposed use of land to be served by such streets.

(3) *Entrances to subdivisions.* In no case shall platted lots have their sole access through an adjacent jurisdiction. As a rule, new subdivisions must have at least two access streets. Entrances shall be 42 feet wide with a 70-foot right-of-way for a minimum distance of 100 feet from the

intersection. A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family structures. In addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:

- (a) Traffic circulation and emergency vehicle access;
- (b) Traffic and pedestrian safety with due consideration given to school bus routes; and
- (c) Topography and visibility distances.

(4) *Residential streets.* Internal local streets shall be laid out so as to discourage then-use by through traffic when possible.

(5) *Secondary access streets.* Where a subdivision has frontage on an arterial street, the city may require a secondary access street to facilitate the sharing of curb cuts and/or to separate access to lots from through traffic.

(6) *Projection of streets.* Where adjoining areas are not subdivided, the developer shall design and construct abutting short stub-outs or temporary turnarounds for the projection of streets at proper block intervals into such unsubdivided areas.

(7) *Inadequate or substandard streets.* Inadequate or substandard existing streets and other infrastructure shall be upgraded to city standards by the developer, including dedication of an additional right-of-way if necessary. If development is on one side of such a street, the developer shall dedicate an additional right-of-way if necessary, upgrade the street pavement and associated infrastructure on the side that is being platted. Sidewalks shall be constructed or upgraded (if needed) to city standards by the builder/owner prior to the issuance of a certificate of occupancy.

(B) *Street design standards.*

(1) *Street design.* Street design shall be in accordance with the city's standards and specifications.

(2) *Curbs and gutters.* The developer shall install curbs and gutters on all new streets except as provided in § 154.45, unless required in special situations determined by the city.

(3) *Curb cuts.* Restrictions to location, design, size and/or number of curb cuts are as required in the Zoning Code.

(4) *Pavement standards.* Streets shall be paved in accordance with city standards. The city may require increased right-of-way or pavement widths if traffic impacts of the proposed development or conditions in the area merit such changes.

(C) *Street classification.* All streets within the city shall be located and constructed as shown on the thoroughfare plan and, where not otherwise shown thereon, shall be designed as follows.

(1) *Residential streets.* Residential streets shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots. They carry low traffic volumes. Where entrances to subdivisions are not part of a collector street, they shall be 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection.

(2) *Minor collectors.* Minor collectors shall be 42 feet wide, with a minimum of 70 feet of right-of-way. These are streets generally located within subdivisions or between subdivisions to collect traffic from minor (residential) streets and to channel this traffic to the major collectors. Residential lots may front on these streets.

(3) *Major collectors.* Major collectors shall be 48 feet wide with a minimum of 80 feet of right-of-way. These streets are generally located along borders of neighborhoods and within commercial areas to collect traffic from residential areas and to channel this traffic to the arterial system. These are limited access roads on which no residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

(4) *Arterials.* Arterials shall be between 60 and 80 feet wide, depending on the needs and the design as determined by the city. The right-of-way shall be between 90 and 120 feet, depending on the design requirements as determined by the city. These are high volume streets with five or more lanes. These are limited access roads on which no residential lots may front.

(D) *Miscellaneous street requirements.*

(1) *Property abutting arterials.* Where a subdivision abuts or contains an existing or proposed arterial, the Planning and Zoning Commission may require access streets, reverse frontage with a screening buffer containing a non-access easement along the rear property line, deep lots with rear service alleys or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(2) *Property abutting railroads.* Where a subdivision abuts or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on the side of such right-of-way.

(3) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is dedicated to the city, under conditions approved by the Planning and Zoning Commission.

(4) *Street jogs.* Street jogs with centerline off-sets of less than 125 feet shall be avoided.

(5) *Street intersections.* Streets shall be laid out so as to intersect at right angles, or as nearly as possible to 90 degrees. Six foot concrete valley gutters are required at street intersections where cross drainage will occur.

(6) *Non-cul-de-sac designed dead-end streets.* Dead-end streets shall be prohibited except for short stub-outs for future roadway extensions. Short stub-out streets may require special terminus treatments for drainage concerns and street integrity. Temporary turnarounds are required if they exceed 150 feet in length.

(7) *Cul-des-sac design.* For subdivisions with lots of less than one acre, cul-de-sac streets shall not exceed 800 feet in length (as measured from the right-of-way line of the intersecting roadway to the center of the turnaround). For single-family subdivisions with lots greater than one acre, the length may not exceed 1,200 feet. All cul-de-sacs shall be provided at the closed end with a turnaround having a minimum radius of 38 feet back of curb to back of curb with a 50 foot right-of-way required.

(8) *Street names.* No street names shall be used which will duplicate or be confused with names of existing streets. Street extensions shall use the existing street names. Street names shall be subject to the approval of the Planning and Zoning Commission.

(9) *Street signs.* The city, at the developer's expense, shall install all street signs. The developer shall be charged for the cost of materials only.

(E) *Alleys.*

(1) Alleys shall generally be parallel to the street.

(2) Alley intersections and sharp changes in alignment shall be avoided. Where two alleys intersect, or where an alley turns, additional width may be required to allow for the turning of vehicles or guying of utility poles.

(3) Easements may be required on either side of the alley or alleys for utility placement.

(4) The width of an alley shall not be less than 20 feet.

(5) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the terminus, as determined by the Planning and Zoning Commission.

(6) Alleys shall paved in the same manner as streets.

(F) *Construction standards.*

(1) *Design.* Pavement section design shall be accomplished by a professional engineer and shall be based upon a geo-technical analysis performed by a qualified geo-technical professional. All construction shall conform to Appendix A, Tables I through IV and the following adopted regulations where applicable: § 50.02, Chapter 50 of this Code of Ordinances, adoption of "Standard Specifications for Public Works Construction".

(2) *Street surfaces.* All street wearing surfaces shall consist of concrete or hot mixed asphaltic concrete (HMAC) laid over a base course of crushed stone which has been designed, and compacted in accordance with city standards and requirements.

(3) *Curb and gutter.* All curb and gutter, integral curbs, valley gutters, driveway approaches, drainage structures and the like shall be constructed of Class "A" (3,600 PSI) Portland Cement Concrete per city standards.

(Ord. 2010-08, passed 3-9-10)

§ 154.40 SIDEWALKS.

(A) In developments in which the original application for approval is filed after the effective date hereof, the developer/property owner shall construct sidewalks on both sides of all streets, private access drives, passage easements and other circulation routes. Sidewalks shall be installed by the developer at the time of development, and owners of lots that remain undeveloped must construct sidewalks within two years after the date of approval of the final plat. Sidewalks must be constructed and accepted by the city prior to the issuance of a certificate of occupancy.

(B) Sidewalks shall be constructed one foot from the property line in the rights-of-way adjacent to their lots, whether on the front, side, or rear of the lots, with a minimum six foot buffer strip behind the back of the curb or edge of pavement. Sidewalks shall be properly connected with existing sidewalks and constructed according to city standards. Streets designated by the Thoroughfare Plan for use as a collector or larger shall require a minimum six foot wide sidewalk. All other sidewalks shall be a minimum of five feet in width.

(C) The appearance of a sidewalk (scoring pattern or special paving) shall be maintained across commercial driveways and alley access points, and crosswalks shall be marked at all legs of the intersection. Obstructions such as, but not limited to, fire hydrants, telephone poles, and street signs, shall not be located within a sidewalk, unless written approval of such is obtained from the Director of Public Works.

(D) Sidewalks constructed to the requirements in this section shall include a standard sidewalk pedestrian ramp whenever a curb return or other structure may present an architectural barrier to handicapped access within a pedestrian path or at street/sidewalk intersections constructed in accordance with ADA requirements.

(E) An alternative sidewalk design may be approved in writing by the Director of Public Works where there are unusual and practical difficulties in carrying out the provisions set forth by this code, provided the alternate design will not adversely affect any adjoining property or the general public.

(F) Exemptions. Division (A) of this section shall not apply to:

- (1) Large-lot residential subdivisions, where lots are one acre or larger in size;
- (2) Cul-de-sacs with a throat length of one lot or fewer; or
- (3) Improvements to existing developments on streets not identified in the sidewalk network, where the majority of the developed portions of the street do not have sidewalks present.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2014-25, passed 10-28-14; Am. Ord. 2017-11, passed 6-13-17)

§ 154.42 EASEMENTS.

(A) Easements across lots or centered on rear or side lots lines shall be provided for utilities where necessary. Drainage, utility and access easements of adequate size, as determined by the Public Works Director or other designated staff, are required to provide for development of adjacent land.

- (1) The width for all water and sanitary sewer utilities shall be a minimum of 15 feet.
- (2) Where electrical utilities will be installed, these utility easements shall be a minimum of ten feet in width.
- (3) Depending on services required and project design, easement width may be increased.
- (4) Where any public or private utility line is required by the developer to be adjusted in location or elevation, the developer shall cause such changes to be made with the approval of the appropriate city representatives and the developer shall bear all costs of such changes.
- (5) Easements with multiple utilities may require additional width.
- (6) Additional easements may be required for the placement of guy wires.

(B) *Streetlight easements.* Streetlight easements of 15 feet in width shall be provided between interior lots, where electrical service is from the rear.

(C) *Access easements.*

(1) *Vehicular access easements.* Vehicular access easements may be required to facilitate the sharing of curb cuts between adjacent owners of property fronting on collector and/or arterial streets. Vehicular access easements 30 feet wide may also be used, if there is no other way possible, to provide access for properties which do not have direct frontage on public rights-of-way.

(2) *Pedestrian access easements.* Pedestrian easements may be required where deemed necessary by the Planning and Zoning Commission or City Council to provide pedestrian circulation within the subdivision or access to schools, shopping centers, recreation, transportation or other community facilities. Such easements shall be at least 15 feet in width and include a minimum five foot sidewalk.

(Ord. 2010-08, passed 3-9-10)

ADMINISTRATION AND ENFORCEMENT

§ 154.60 WAIVERS.

(A) The Planning and Zoning Commission and the City Council may authorize waivers from design standards. In granting a waiver, the city shall prescribe only conditions that it deems necessary or desirable in the public interest.

(B) In making the findings required under § 154.61, the Planning and Zoning Commission and the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(Ord. 2010-08, passed 3-9-10)

§ 154.61 FINDINGS.

No waiver to the findings set forth by the city shall be granted unless:

(A) There are special circumstances or conditions affecting the land involved use that the strict application of the provision of standards would deprive the applicant of the reasonable use of his or her land;

(B) The waiver is necessary for line preservation and enjoyment of the property;

(C) The granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(D) The granting of the waiver will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of this chapter.

(Ord. 2010-08, passed 3-9-10)

§ 154.62 CONFLICT WITH OTHER PROVISIONS.

(A) *Public provisions.* The regulations are not intended to interfere with, abrogate or annul any rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(B) *Private provisions.* These regulations are not intended to abrogate any private easement, covenant or any other private agreement or restriction; however, where the provisions of these regulations are more restrictive or impose higher standards or regulations than such private easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern.

(Ord. 2010-08, passed 3-9-10)

§ 154.63 ENFORCEMENT OF REGULATIONS.

(A) At the request of the city, the City Attorney, or his or her designated representative, shall institute appropriate action in a court of competent jurisdiction to enforce these regulations.

(B) Any person violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and is punishable by a fine of up to \$2,000 and each day such violation continues shall be considered a separate offense and punishable accordingly.

(C) In the event any provision of this chapter is violated within the area of extraterritorial jurisdiction outside its corporate limits, the city may institute any appropriate action or proceedings in the district court to enjoin the violation.

(Ord. 2010-08, passed 3-9-10)



City Council Memorandum

FROM: The Office of the City Manager

DATE: October 11, 2022

DISCUSS AND CONSIDER APPROVING A PRELIMINARY PLAT REFERRED TO AS HARKER HEIGHTS FULLER ADDITION, ON PROPERTY DESCRIBED AS BEING PART OF THE PETER WILLIAMSON SURVEY, ABSTRACT NO. 1099, BELL COUNTY, TEXAS AND BEING PART OF THAT CERTAIN CALLED 2.832 ACRE TRACT DESCRIBED IN A DEED FROM RALPH FRANK SCHLUETER AND GAIL SCHLUETER TO SCOTT VERNON AND J. MICHAEL MILLER ON APRIL 6, 2006, RECORDED IN DOCUMENT NO. 2007-00000521 OF THE OFFICIAL PUBLIC RECORDS OF BELL COUNTY, TEXAS, AND TAKE THE APPROPRIATE ACTION. (PLANNING AND DEVELOPMENT DIRECTOR)

EXPLANATION:

The applicant submitted an application for a preliminary plat for 2.832 acres of land located southeast of the FM 3481/Stillhouse Lake Road and Summer Glen Drive intersection. This parcel was annexed in December 1988 and the zoning district is B-4 (Secondary and Highway Business District).

The application for this case was received on August 31, 2022. Comments were compiled and submitted to the applicant on September 16, 2022. Revisions from the applicant were received on September 21, 2022, and responses to revisions were returned to the applicant on September 22, 2022. The applicant substantially met the city's code requirements for preliminary plat approval.

RECOMMENDATION:

Staff had continued correspondence with the applicant, and therefore recommended approval to the Planning and Zoning Commission of the Preliminary Plat referred to as Harker Heights Fuller Addition, with the following conditions:

As of October 3, 2022, staff had not received resolution of all the outstanding comments. Therefore, staff now recommends approval with conditions of the Preliminary Plat referred to as Harker Heights Fuller Addition, with the following conditions:

1. Per §154.21(C)(1)(d), provide dimensions for existing ROW and verify if the required Major Arterial ROW width along FM 3481 and the required Major Collector width along Fuller Lane is provided and dedicate additional ROW as required for a Major Arterial.
2. Per §154.21(C)(1)(g & j), illustrate and annotate existing and proposed utility easements on and adjacent to this development; and provide a 10' UE along the northern property line.

ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION:

During the Planning and Zoning Commission meeting held on September 28, 2022, the Planning & Zoning Commission voted (9-0) to recommend approval of a Preliminary Plat referred to as Harker Heights Fuller Addition based on staff's recommendations and findings with the following condition:

All outstanding comments shall be addressed as directed by City Staff prior to consideration by the City Council.

ACTION BY THE COUNCIL:

1. Motion to **approve with conditions** a Preliminary Plat referred to as Harker Heights Fuller Addition, on property described as being part of the Peter Williamson Survey, Abstract No. 1099, Bell County, Texas and being part of that certain called 2.832 acre tract described in a deed from Ralph Frank Schlueter and Gail Schlueter to Scott Vernon and J. Michael Miller on April 6, 2006, recorded in Document No. 2007-00000521 of the Official Public Records of Bell County, Texas based on staff's recommendations and findings, **with the two conditions as presented by staff.**
2. Motion to **approve**, a Preliminary Plat referred to as Harker Heights Fuller Addition, on property described as being part of the Peter Williamson Survey, Abstract No. 1099, Bell County, Texas and being part of that certain called 2.832 acre tract described in a deed from Ralph Frank Schlueter and Gail Schlueter to Scott Vernon and J. Michael Miller on April 6, 2006, recorded in Document No. 2007-00000521 of the Official Public Records of Bell County, Texas **based on the discussed recommendations and findings.**
3. Motion to **disapprove with explanation** a Preliminary Plat referred to as Harker Heights Fuller Addition, on property described as being part of the Peter Williamson Survey, Abstract No. 1099, Bell County, Texas and being part of that certain called 2.832 acre tract described in a deed from Ralph Frank Schlueter and Gail Schlueter to Scott Vernon and J. Michael Miller on April 6, 2006, recorded in Document No. 2007-00000521 of the Official Public Records of Bell County, Texas **based on the discussed recommendations and findings with the explanation that the applicant has not met the requirements of §154.21(C)(1)(d), and §154.21(C)(1)(g & j).**
4. Any other action desired.

ATTACHMENTS:

[P22-28 Attachments](#)

[P22-28-Codes](#)



Preliminary Plat Application

*** Requirements - APPLICATION MUST BE FULLY COMPLETED OR WILL NOT BE ACCEPTED***

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

1. Pre-Application Meeting with Staff to ensure applicability
2. Payment of \$500.00 + \$25/per lot
3. Signed Original Field Notes and Dedication Pages
4. Paper Plan Submissions: Ten (10) Copies of the Plat and Seven (7) Copies of Preliminary Engineering Drawings
5. Electronic Submission of all documents for review delivered to Planning Administrative Assistant

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

Property Information:

Plat Name: Harker Heights Fuller Addition Date Submitted: _____
 Existing Lot Count: 0 Proposed Lot Count: 1 Proposed Units: _____ Acreage: 2.832
 Existing Land Use: B-4 Business District Proposed Land Use: B-4 Business District (No change)
 Site Address or General Location: Stillhouse Lake Dr. Bell Country CAD ID: 103451
 Public Infrastructure Proposed with Subdivision: Water Wastewater Streets (including Private) Stormwater

Owner Information & Authorization:

Property Owner: Vernon Scott and Michael Miller
 Address: 716 Bobcat Circle, Harker Heights, TX 76548
 Phone: (254) 289-2281 E-Mail: _____
 Developer: GBT Realty Corporation - Jacob Carter
 Address: 9010 Overlook Blvd, Brentwood TN 37027
 Phone: (615) 505-3105 E-Mail: jcarter@gbtrealty.com
 Engineer/Surveyor: John Cowan & Associates, Inc. - Philip Cornett
 Address: 10147 CR 135, Flint, TX 75762
 Phone: (903) 581-2238 E-Mail: pcornett@jcowaninc.com

CHECK ONE OF THE FOLLOWING:

- I will represent the application myself.
- I hereby designate _____ (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.

Printed Name of Owner

Jacob Carter Digitally signed by Jacob Carter
 DN: cn=J. Carter, o=GBT Realty Corporation, c=United States

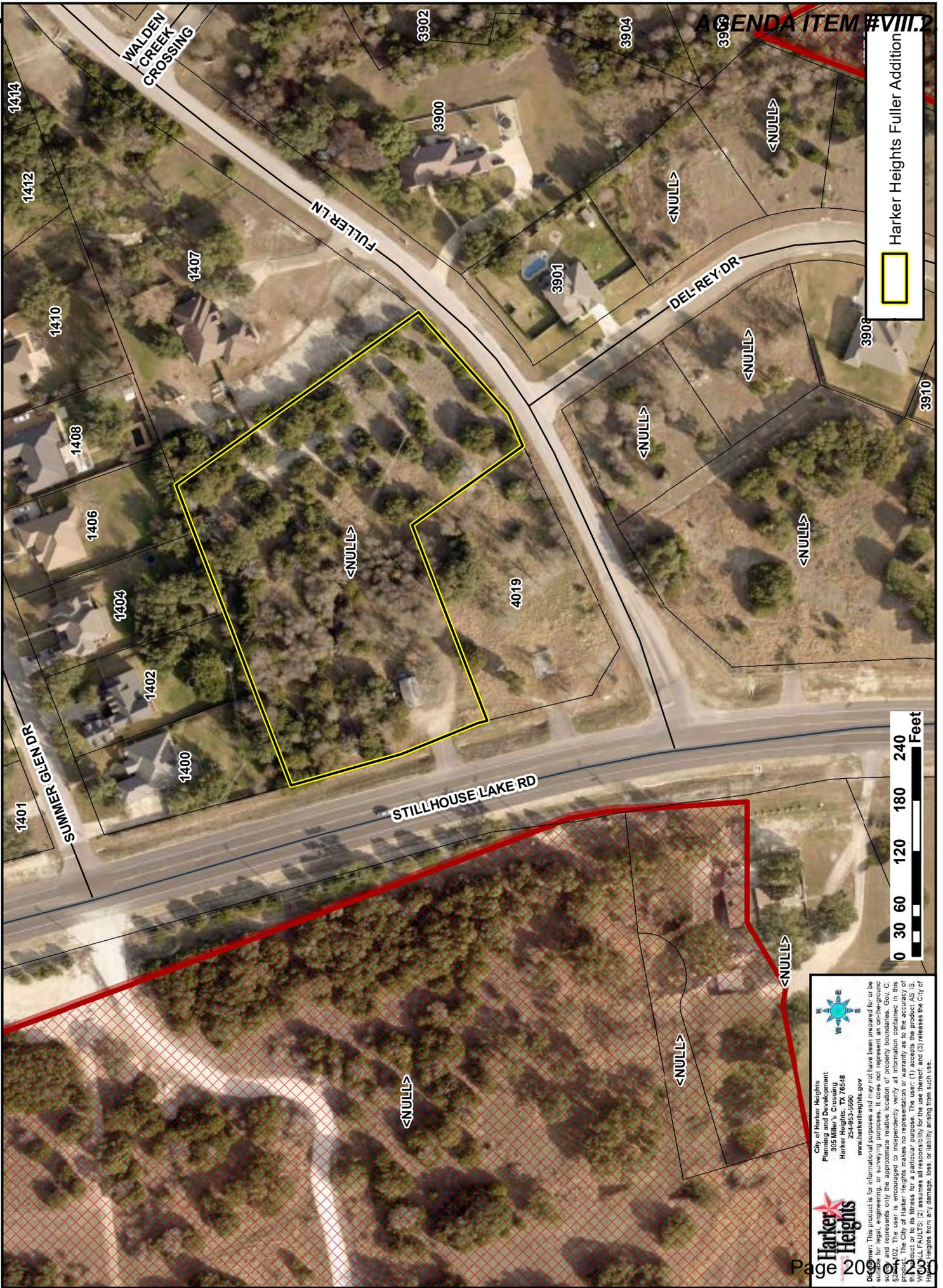
Signature of Owner

SWORN AND SUBSCRIBED BEFORE ME ON THIS _____ DAY OF _____.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS MY COMMISSION EXPIRES: _____

STAFF ONLY -- DO NOT FILL OUT

Date Submitted: _____ Received By: _____ Receipt #: _____



Harker Heights Fuller Addition

City of Harker Heights
 Planning and Development
 305 Miller's Crossing
 Harker Heights, TX 76588
 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. 52a, 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. WOULD FALLS (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.

JOHN COWAN & ASSOCIATES, INC.

REGISTERED PROFESSIONAL LAND SURVEYORS
SINCE 1946

FIRM REGISTRATION No:
10025500

10147 CR 135
FLINT, TEXAS 75762

903.581.2238
TXSURVEYS.COM

FIELD NOTES FOR GBT REALTY

Peter Williamson Survey, Abstract No. 1099
Bell County, Texas

All that certain lot, tract, or parcel of land, being part of the Peter Williamson Survey, Abstract No. 1099, Bell County, Texas, and being part of that certain called 3.832 acre tract described in a deed from Ralph Frank Schlueter and Gail Schlueter to Scott Vernon and J. Michael Miller on April 6, 2006, recorded in Document No. 2007-00000521 of the Official Public Records of Bell County, Texas, and being more completely described as follows, to-wit:

BEGINNING at a pipe fence corner post (found) for the Northwest corner of the above mentioned 3.832 acre tract, the Southwest corner of Lot 1, Block 2 of Summer Glen as shown by plat of same recorded in Volume 477, Page 186 of the Plat Records of Bell County, Texas, in the East right of way of Farm to Market Highway No. 3481 (Stillhouse Lake Road);

THENCE North 69 deg. 23 min. 09 sec. East with the South line of Block 2 of Summer Glen, the North line of the 3.832 acre tract, a distance of 370.20 ft. to a ½" iron rod (found) for the Northeast corner of same, the Northwest corner of Lot 1, Block 1 of Summer Glen, Phase Two as shown by plat of same recorded in Volume 5018, Page 144 of the Plat Records;

THENCE South 35 deg. 07 min. 46 sec. East with West line of Lot 1, the East line of the 3.832 acre tract, at 301.89 ft. pass a ½" iron rod (found) for reference, and continue a total distance of 342.83 ft. to a ½" iron rod (found) for the Southwest corner of Lot 1, the Southeast corner of the 3.832 acre tract, in the North right of way of Fuller Lane;

THENCE westerly with the North right of way of Fuller Lane, the South line of the 3.832 acre tract, South 48 deg. 42 min. 13 sec. West a distance of 156.55 ft. to a 5/8" iron rod (found) for corner and South 64 deg. 48 min. 53 sec. West a distance of 41.15 ft. to a 3/8" iron rod (found) for the Southeast corner of the Chomi Tambunga 1.000 acre tract described in Document No. 2011-00021748;

THENCE North 35 deg. 02 min. 09 sec. West with the East line of the 1.000 acre tract, a distance of 157.03 ft. to a ½" iron rod (set) for the Northeast corner of same;

THENCE South 69 deg. 21 min. 44 sec. West with the North line of the 1.000 acre tract, a distance of 241.41 ft. to a 3/8" iron rod (found) for the Northwest corner of same, in the West line of the 3.832 acre tract, the East line of Farm to Market Highway No. 3481;

THENCE northerly with the East line of Farm to Market Highway No. 3481, the West line of the 3.832 acre tract, as follows:

North 13 deg. 24 min. 42 sec. West a distance of 12.10 ft. to a concrete right of way monument (found) for corner,

North 21 deg. 31 min. 53 sec. West a distance of 95.27 ft. to a concrete right of way monument (found) for corner,

and North 15 deg. 26 min. 22 sec. West a distance of 131.76 ft. to the place of beginning, containing 2.832 acres of land.

Bearing oriented to Grid North of the Texas State Plane Coordinate System, NAD83, Central Zone 4203.

Plat accompanies field notes.

I, PHILIP W. CORNETT, Registered Professional Land Surveyor No. 5515, do hereby certify that the above field notes were prepared from an actual survey made on the ground under my direction and supervision.

GIVEN UNDER MY HAND AND SEAL, this the 29th day of August, 2022.



PHILIP W. CORNETT
Registered Professional Land Surveyor No. 5515
T22-118 2.832 acres



**DEDICATION INSTRUMENT FOR
HARKER HEIGHTS FULLER ADDITION
A SUBDIVISION IN THE
CITY OF HARKER HEIGHTS, BELL COUNTY, TEXAS**

STATE OF TEXAS §

COUNTY OF BELL §

WHEREAS SCOTT VERNON and J. MICHAEL MILLER, hereinafter referred to as Grantor, is the sole owner of that certain tract of land containing 2.832 acres out of and a part of the Peter Williamson Survey, Abstract No. 1099, Bell County, Texas and more particularly described by metes and bounds in the field notes prepared by John Cowan & Associates, Inc. attached hereto and incorporated herein for all purposes for a complete legal description.

NOW THEREFORE, KNOW ALL MEN BY THE PRESENTS:

That Grantor does hereby adopt the plat of the 2.832 acre tract (the "Property"), which plat designates Harker Heights Fuller Addition, a subdivision in 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. Grantor does hereby dedicate, give, grant, and convey to the City of Harker Heights, Texas, together with its assigns and franchises furnishing public utilities to the subdivision, hereinafter collectively referred to as "Grantee", for public use forever, the utility and drainage easements as shown on the plat, upon, over, and through the said Property 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.

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 the roads, streets, easements, and right-of-ways to construct, reconstruct and maintain same.

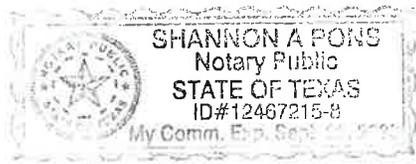
TO HAVE AND TO HOLD the said easements and right-of way, together with all and singular the rights and privileges thereto in any manner belonging unto the said Grantee, its successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to **WARRANT AND FOREVER DEFEND** 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 22 day of Sept, 2022.


SCOTT VERNON

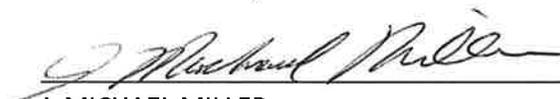
STATE OF TEXAS §
COUNTY OF Bell §

The instrument was acknowledged before me on the 22 day of Sept, 2022 by Scott Vernon.




Notary Public in and for the State of Texas

EXECUTED this the 22 day of Sept, 2022.


J. MICHAEL MILLER

STATE OF TEXAS §
COUNTY OF Bell §

The instrument was acknowledged before me on the 22 day of Sept, 2022 by J. Michael Miller.




Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:
John Cowan & Associates, Inc.
10147 CR 135
Flint, Texas 75762

HARKER HEIGHTS FULLER LANE ADDITION - PRELIMINARY

P22-28 – Harker Heights Fuller Lane Addition

Plat Distributed to Reviewers: 09/02/2022

Comments sent to Engineer: 09/16/2022

Clarification From Engineer: 09/20/2022

Comments sent to Engineer: 09/22/2022

Planning & Development

1. Per §154.21(C)(1)(d), applicant shall provide dimensions for existing ROW and verify if the required Major Arterial ROW width along FM 3481 and the required Major Collector width along Fuller Lane is provided or if the applicant will need to dedicate additional ROW. **9/22/22 Not Met.**
2. Per §154.21(C)(1)(g & j), applicant shall illustrate and annotate existing and proposed utility easements on and adjacent to this development. Applicant shall also provide a 10' UE along the northern property line. **9/22/22 Not Met.**
3. The plat dedication page shall be signed by the owner. **9/22/22 Not Met.**
4. Applicant shall provide engineering plan sheets per the requirements in §154.21(C)(2) for water, sidewalk, and drainage/stormwater. **9/22/22 Met. Applicant is advised that a construction plan level and overlay district level review of the submitted plans was not conducted as part of this preliminary plat level of review.**

Public Works, Mark Hyde

1. Advisory Note: A fire hydrant may be required for the construction of a commercial building.
2. Advisory Note: Sanitary sewer is not available for this lot. The Bell County Health Department permits all on-site sewage facilities in the City.

City Engineer, Otto Wiederhold

- No comments have been received to date and may be forthcoming. **9/22/22 No response to date.**

Deputy Fire Marshal, Johnny Caraway

- No Comments

ONCOR, Steven Huggins

- No comments have been received to date and may be forthcoming. **9/22/22 No response to date.**

Century Link, Chris McGuire

- No comments have been received to date and may be forthcoming. **9/22/22 No response to date.**

Time Warner Cable/Spectrum, Shaun Whitehead

- No comments have been received to date and may be forthcoming. 9/22/22 No response to date.

ATMOS, Rusty Fischer

- No comments have been received to date and may be forthcoming. 9/22/22 No response to date.

Clearwater UWCD, Dirk Aaron

- No comments have been received to date and may be forthcoming. 9/22/22 No response to date.

Bell County Public Health

1. Applicant is advised to submit a design for OSSF to Bell County Public Health District for septic review.
2. Include the following certification block on face of the plat: 9/22/22 Not Met.

I, the undersigned, a registered sanitarian in the State of Texas, hereby certify that this subdivision has been reviewed for compliance with applicable state and county regulations governing On-Site Sewage Facilities and is hereby recommend for approval.

Signature: _____ Date: _____

Title: _____ Bell County Public Health District

TXDOT, Richard Rangel

- No comments have been received to date and may be forthcoming.

§ 154.21 PRELIMINARY PLAT.

(A) *General.* The preliminary plat and preliminary engineering drawings shall show all proposed phases of development of an area of land under the same ownership. Approval or conditional approval of the concept plan (if required), the preliminary plat and preliminary engineering drawings is required by the Planning and Zoning Commission and City Council prior to consideration of the final plat and final engineering drawings by the Director of Planning and Development. Preliminary plats and preliminary engineering drawings shall be deemed approved if no action is taken by the Planning and Zoning Commission within 30 days of submittal, and if no action is taken by the City Council within 30 days of Planning and Zoning Commission approval.

(B) *Changes to preliminary plat.* An approved preliminary plat and/or preliminary engineering drawings is binding and must be complied with; however, it may be amended at the request of the developer, or required by the city per this section. Substantial amendments or changes to an approved preliminary plat or preliminary engineering drawings must be reviewed and approved by the Planning and Zoning Commission as well as by the City Council. Minor amendments may be approved by the Planning and Development Director. Minor amendments are those that:

- (1) Increase by 10% or less the number of lots or potential structures that can be accommodated by the infrastructure;
- (2) Reduce the number of lots; and
- (3) Any proposed change in infrastructure is considered a major amendment, unless deemed by the Public Works Director as a minor amendment.

(C) *Form and content.* A complete submission for approval shall contain ten paper copies of the plat and seven paper copies of the engineering drawings. Failure to submit the plat and engineering drawings together in the quantities as stated herein at the time of submission shall be deemed an incomplete submission. The submission shall not be considered complete until all required documents (plat and engineering documents) in their respective quantities as stated herein are submitted.

(1) *Preliminary plat.* The preliminary plat shall be prepared and sealed by a Texas Licensed Professional Engineer or Texas Registered Professional Land Surveyor and plotted on 22 inch by 34 inch sheets at a scale of one inch to 100 feet or larger. The plat shall conform to the general requirements and minimum standards of design and requirements, and shall include the following elements as applicable:

(a) A cover sheet is required for all plats involving three or more sheets. All plan sheet numbers shall be placed on the cover along with the corresponding plan sheet titles. This cover sheet should include a listing of all plan sheet numbers and plan sheet titles in the engineering drawings as well. A vicinity map should always be included on the cover sheet to show the project location;

(b) Title block including proposed subdivision name, phase, block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the plat;

(c) Index sheet for plats with more than one sheet that shows the entire subdivision drawn to a scale of not less than one inch equals 100 feet;

(d) Legal description, existing boundary, lot lines and right-of-way lines of streets and easements with accurate dimensions, bearings, deflection angles, radii and central angles of all curves;

(e) Phasing plan if subdivision is to be constructed in phases;

(f) Lot lines shall have line dimensions clearly displayed within the lot along with the lot's respective lot number. Groups of lots that are considered within a block shall have the block number clearly displayed;

(g) All right-of-way lines and easements shall be clearly displayed on the plat. The plat shall clearly display the location, size and purpose of all existing and proposed easements on or adjoining the property;

(h) Location of existing and proposed streets, alleys, bikeways and sidewalks on or adjoining the site. Such information shall include name, right-of-way widths, type and width of surfacing. All private streets shall be clearly labeled;

(i) Any areas reserved or dedicated for public uses;

(j) Easements and street stub-outs necessary to serve adjacent properties;

(k) Adjacent property information including present ownership, legal descriptions (recorded volume and page) and property lines within 100 feet;

(l) Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data shall be referred. The plat shall be located with respect to a corner of the surveyor tract, or an original corner of the original survey of which it is a part. Temporary benchmarks and NGS datum shall be described on each sheet;

(m) Scale, basis of bearing and benchmarks (datum) and description shall all be clearly displayed on the plat; and

(n) A north arrow is required on all sheets and should be oriented either upward or to the right. It is the intent of this requirement that all stationing should start from cardinal points of the compass and proceed in the direction of construction.

(2) *Preliminary engineering drawings.* Preliminary engineering drawings shall be prepared and sealed by a Texas Licensed Professional Engineer and plotted on 22 inch by 34 inch sheets at a scale of one inch to 100 feet or larger. The preliminary engineering drawings shall match the features found on the preliminary plat and they shall conform to the general requirements and minimum standards of design and requirements in accordance with the most current edition of the *Standard Specifications for Public Works Construction, North Central Texas* adopted by the city, and shall include the following elements as applicable:

(a) Title block including proposed subdivision name, phase(s), block and lot numbers, current legal description (or reference thereto), acreage, name and address of property owner, name and address of surveyor/engineer, date of survey, date of preparation and page content title. This title block shall be present on each page of the preliminary engineering drawings;

(b) Water layout plan view to include rough locations of service connections, pipe diameters, valves, hydrants and flush assemblies;

(c) Sanitary sewer layout plan to include rough locations of service connections, pipe diameters, cleanouts and manholes;

(d) Street and sidewalk layout plan view; and

(e) Storm water drainage layout plan (drainage calculations are only necessary on major drainage structures at this step).

(D) *Processing preliminary plat.*

(1) Submission of preliminary plat application along with all items required in § 154.20 (B)(3)(a).

(2) The preliminary plat and preliminary engineering drawings shall be reviewed by the Planning and Development Department for conformity with the city's plans, thoroughfare plan, utility master plan, engineering standards and specifications, city ordinances and other applicable city standards. Upon completion of this review, the preliminary plat and preliminary engineering drawings shall be submitted to the Planning and Zoning Commission.

(3) The Planning and Zoning Commission shall review the preliminary plat, preliminary engineering drawings and all staff's recommendations. Particular attention will be given to the arrangement, location and width of streets, their relation to the topography of the land, lot sizes and arrangement, water and sewer lines, drainage, the further development of adjoining lands and the requirements of city ordinances, policies and plans.

(4) The Planning and Zoning Commission shall act on the preliminary plat and preliminary engineering drawings and may advise the developer of any specific changes or additions they will require in the layout, or comment on the character and extent of improvements and dedications that will be required prior to infrastructure construction and as a prerequisite to the approval of the final plat and final engineering drawings.

(5) The Planning and Zoning Commission shall forward the preliminary plat and preliminary engineering drawings with their approval to the City Council for their consideration. The Planning and Development Director shall inform the developer in writing of the decision of the Planning and Zoning Commission and City Council including any conditions for approval or reasons for disapproval. If disapproved by the Planning and Zoning Commission or the City Council, the applicant may resubmit a preliminary plat and preliminary engineering drawings addressing the concerns of the Planning and Zoning Commission and the City Council for reconsideration.

(6) A preliminary plat and preliminary engineering drawings shall expire 24 months after approval unless:

(a) An extension is applied for and granted by the Director of Planning and Development if the city's regulations and requirements have not changed;

(b) Final plat submittal, on at least one phase, occurs within 24 months following the initial approval; or

(c) Preliminary plats and preliminary engineering drawings will also expire if there is a more than a 24 month period of time between approval and submittal of any phase of the preliminary plat.

(7) Submittal shall be 28 days prior to the scheduled Planning and Zoning Commission meeting. The plat and engineering drawings shall be presented to the Council within 30 days of action being taken by the Planning and Zoning Commission for their consideration. The plat and engineering drawings shall be considered approved if the Council does not act on it within 30 days after the Planning and Zoning Commission has acted on it.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2012-21, passed 10-9-12; Am. Ord. 2014-25, passed 10-28-14)

§ 154.35 DESIGN STANDARDS WITHIN CITY LIMITS.

No plat shall be approved and no improvements shall be accepted by the city unless they conform to or exceed the following standards and specifications and all other applicable standards unless an exception/variance is granted.

(A) *Conformity with zoning.* Parcels must be consistent with zoning standards of the zoning district the parcels are located in.

(B) *Conformity with land use plan.* The subdivision shall conform to the plans of the city and any parts, amendments and/or supplements thereto.

(C) *Conformity with design and construction standards for streets, sidewalks, drainage, water and sanitary sewer construction.* All construction of infrastructure improvements shall be in accordance with the city's design guidelines, utility master plans and engineering standards and specifications.

(D) *Certain detailed standards and specifications not covered herein.* In circumstances where public health and safety issues are identified, city staff shall specify additional requirements for a requested subdivision that are not covered within this chapter. No such requirements shall conflict with this or any other ordinances of the city.

(E) *Reserve strips.* There shall be no reserve strips of property that create unusable tracts added properties, and/or other non-conformities.

(F) *Provision for future re-subdivision.* If a tract is subdivided into parcels larger than ordinary building lot sizes, such parcels shall be arranged so as to allow for the opening of future streets and future subdivisions.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2014-25, passed 10-28-14)

§ 154.36 PUBLIC INFRASTRUCTURE IMPROVEMENTS.

(A) *Development costs.* The developer/property owner shall install, at his or her own expense, all water lines, streets, sidewalks, sewer lines, storm sewer lines, drainage facilities and structures within the subdivision, in accordance with city standards governing the same, including all engineering costs covering design, layout and construction.

(B) *Development mains.* Developers shall pay the actual cost of water and sewer main extensions, water towers and associated facilities and equipment, force mains and lift stations required to serve their development area including costs of right-of-way and easements acquisition. Required facilities shall be extended to the edge of adjacent land along street sides or as determined by the city.

(C) *Street over-sizing.* Where street over-sizing in excess of 42 feet in width is required by the city, the city shall reimburse the actual and reasonable cost directly attributable to such over-sizing (including the cost of additional pavement, additional subgrade and additional cross-drainage costs) as herein provided.

(1) *Reimbursement request.* In order to initiate a reimbursement request, the owner must establish a per linear foot oversize cost for the reimbursable public improvements. Requests for the reimbursement to the owner shall include owner's name and mailing address. The requests must include as built drawings showing the reimbursable items with quantities and unit costs, and other supporting or explanatory documentation. The cost for over-sizing shall be mutually agreed upon by the city and the developer.

(2) *Over-sizing requirements.* Upon acceptance of the infrastructure by the city, refunds for approved over-sizing shall be scheduled as of the next year's capital improvements program, unless funds are available earlier. If payment is not made within 60 days after acceptance by the city, interest will accrue at an agreed upon rate between the developer and the city.

(3) *Exceptions.* The City Council may modify the requirements of this section and may elect to participate in the cost of such developments if it finds that the circumstances taken as a whole would make it inappropriate to require the subdivider to comply with this section, or any portion thereof, and such modification or participation would accomplish a legitimate public purpose which would benefit the city. Each request by a subdivider pursuant to this section shall be considered separately in accordance with such criteria as may be defined by the City Council, and the approval of any such request shall be accompanied by such conditions as may be necessary to ensure that a legitimate public purpose beneficial to the city is accomplished. Nothing in this section is intended to authorize the use of public funds or credit for a private purpose.

(D) *Inadequate or substandard streets.* Inadequate or substandard existing streets shall be upgraded to city standards by the developer, including dedication of additional right-of-way if necessary. If development is on one side of such a street, the developer shall dedicate additional right-of-way if necessary, upgrade the street pavement and associated infrastructure on the side that is being platted. Sidewalks shall be constructed or upgraded (if needed) to city standards by the builder/owner prior to the issuance of a certificate of occupancy.

(E) *Inspection.* All infrastructure improvements shall meet or exceed city design criteria and specifications to include being in accordance with the Third Edition (or more current edition) of the *Standard Specifications for Public Works Construction, North Central Texas*. The city will inspect the construction work as it progresses and will make final inspection to assure compliance with city standards. Upon acceptance by the city, all infrastructure improvements constructed for subdivision within the city limits shall become the property of the city unless otherwise noted on the plat.

(F) *Water and wastewater service.* All subdivisions shall provide water distribution and wastewater collection systems that are approved by the city. Design should be consistent with the city standards of construction, engineering standards and specifications and the utility master plans.

(1) *Water connection.* All subdivisions shall connect with the publicly owned water distribution and wastewater collection systems unless a waiver is approved by the city. If the waiver is approved, the developer must submit evidence of conformance with TCEQ, Bell County Health Department, and the city fire flow requirements.

(2) *Extending water distribution.* The developer shall extend water distribution and wastewater collection lines from the nearest city-approved point of connection to the furthest boundary line of the platted subdivision along the right-of-way line or within an abutting dedicated easement specified for the exclusive use of the particular utility. These municipal utilities shall not be located in combination easements without the specific approval of the Public Works Director. This is required in order to provide a point of connection for adjacent properties not having access to such services. Where the developer is not required to extend utilities to adjacent property, an easement shall be required to accommodate future development on adjacent property.

(3) *Fire hydrants.* Fire hydrants shall be installed pursuant to the most currently amended and adopted edition of the International Fire Code. In areas not served by the city, the developer must perform a fire flow test on the system with the city staff as witnesses to assure adequate fire protection is provided.

(4) *Underground conduits.* Underground conduits shall be of sufficient size, as determined by generally accepted and good engineering principals, to accommodate and/or deliver current and anticipated future loads and/or flows and pressures, as the case may be, but in no case less than that specified below for each particular application.

(5) *Water mains.* In no case shall any water main be less than six inches in residential areas and eight inches in nonresidential areas. Water mains shall be sized as shown on the master water plan; in the absence of such a plan, or when the plan does not indicate requirements for a water main in the same location as the proposed water main, the water main shall be designed and sized to deliver the following pressures/flows.

(a) At each building service, the minimum pressure set forth by the Texas Commission on Environmental Quality, Water Supply Division.

(b) Private service lines shall be defined as the service line extending from water system meter to an individual customer. Public service lines shall be defined as the line extending from a water main to a single meter. **BULLHEADS** shall be defined as a public service line with branches to serve two or more customers.

(c) Public service lines will become the property of the city when completed and will be maintained by the developer/builder at his or her expense until accepted by the city. Public service lines will not be less than three-quarter inch or larger than two inches in diameter. Bullheads shall be no less than one inch in diameter. All public service lines shall be sized to deliver the pressures required by the Texas Commission on Environmental Quality. In no case will public service lines exceed 150 feet in length without prior approval of the Public Works Department.

(d) If an existing water main is within 300 feet of the boundary of any lot or tract of land proposed for development and/or improvement through the erection of buildings, then the water main shall be extended to the lot or tract in question. From the point of connection with the existing main, the water main shall be installed in accordance with all applicable regulations.

(6) *Sewer lines.* If an existing sewer main is within 300 feet of the boundary of any lot or tract of land proposed for development and/or improvement through the erection of buildings, then the sewer main shall be extended, in accordance with all applicable regulations, to the lot or tract in question.

(7) *Service line.* Whenever a water or sewer main is required to be extended to a lot or tract, an appropriate service line (tap) shall be extended to serve the lot or tract, and buildings located thereon shall be connected thereto whether they are pre-existing or are subsequently erected. The provisions of divisions (F)(1) and (2) above and any other ordinance notwithstanding, any subdivision or re-subdivision of a lot or tract of land shall be required to provide water and/or sewer service to the subdivision or re-subdivision, regardless of whether a subdivision plat is required to be prepared and approved by the city.

(8) *Extending requirements.* All utilities shall be required to extend across the full width of the development lot (defined by plat or lot of record) in such an alignment that it can be extended to the next property. Properties already served by water and sewer shall not be required to install additional facilities unless the current lines are not of adequate capacity to serve the proposed development in which case the developer will be required to install adequate facilities. Once a utility meter is installed, movement required due to changes in grade/landscape will be the responsibility of the developer/builder.

(9) *Other utilities.* All other utilities (i.e. electric, gas, communications and cable TV) shall be located in perimeter lot easements. These utilities shall not be located in a public right-of-way or a specified easement, prohibiting its use, without the approval of the Public Works Director.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2014-25, passed 10-28-14; Am. Ord. 2020-12, passed 4-28-20)

§ 154.37 STREETS.

(A) Street layout.

(1) *Thoroughfare plan.* Proposed streets must be in conformance with the city thoroughfare plan. All arterial and collector street locations, alignments, right-of-way widths, pavement widths and cross-sections shall be in accordance with the adopted plans and standards. Streets that are not on the thoroughfare plan and are proposed to collect traffic from residential streets shall be designed and constructed as collectors.

(2) *Consistency with existing streets.* The arrangement, character, extent, width, grade and location of each proposed street shall be consistent with streets in the immediate area. However, new streets must meet the minimum current standards. Consideration shall be made for topographical conditions, public safety, convenience and the proposed use of land to be served by such streets.

(3) *Entrances to subdivisions.* In no case shall platted lots have their sole access through an adjacent jurisdiction. As a rule, new subdivisions must have at least two access streets. Entrances shall be 42 feet wide with a 70-foot right-of-way for a minimum distance of 100 feet from the

intersection. A developer may request the approval of one access street if the access street has no connecting streets, terminates in a permanent cul-de-sac or provides access to not more than a total of 30 single-family dwelling lots or an equivalent housing unit density comprised of duplex or multi-family structures. In addition to the single point of access situation presented by streets that end in permanent cul-de-sac, a single point of access may be dictated by property configuration, safety or access management restrictions. In determining if a new subdivision may have one point of ingress/egress, consideration shall be given to:

- (a) Traffic circulation and emergency vehicle access;
- (b) Traffic and pedestrian safety with due consideration given to school bus routes; and
- (c) Topography and visibility distances.

(4) *Residential streets.* Internal local streets shall be laid out so as to discourage then-use by through traffic when possible.

(5) *Secondary access streets.* Where a subdivision has frontage on an arterial street, the city may require a secondary access street to facilitate the sharing of curb cuts and/or to separate access to lots from through traffic.

(6) *Projection of streets.* Where adjoining areas are not subdivided, the developer shall design and construct abutting short stub-outs or temporary turnarounds for the projection of streets at proper block intervals into such unsubdivided areas.

(7) *Inadequate or substandard streets.* Inadequate or substandard existing streets and other infrastructure shall be upgraded to city standards by the developer, including dedication of an additional right-of-way if necessary. If development is on one side of such a street, the developer shall dedicate an additional right-of-way if necessary, upgrade the street pavement and associated infrastructure on the side that is being platted. Sidewalks shall be constructed or upgraded (if needed) to city standards by the builder/owner prior to the issuance of a certificate of occupancy.

(B) *Street design standards.*

(1) *Street design.* Street design shall be in accordance with the city's standards and specifications.

(2) *Curbs and gutters.* The developer shall install curbs and gutters on all new streets except as provided in § 154.45, unless required in special situations determined by the city.

(3) *Curb cuts.* Restrictions to location, design, size and/or number of curb cuts are as required in the Zoning Code.

(4) *Pavement standards.* Streets shall be paved in accordance with city standards. The city may require increased right-of-way or pavement widths if traffic impacts of the proposed development or conditions in the area merit such changes.

(C) *Street classification.* All streets within the city shall be located and constructed as shown on the thoroughfare plan and, where not otherwise shown thereon, shall be designed as follows.

(1) *Residential streets.* Residential streets shall be 36 feet in width back-of-curb to back-of-curb with a minimum 60 feet of right-of-way. These are streets that serve individual residential lots. They carry low traffic volumes. Where entrances to subdivisions are not part of a collector street, they shall be 42 feet wide with 70 feet of right-of-way for a distance of 100 feet from the intersection.

(2) *Minor collectors.* Minor collectors shall be 42 feet wide, with a minimum of 70 feet of right-of-way. These are streets generally located within subdivisions or between subdivisions to collect traffic from minor (residential) streets and to channel this traffic to the major collectors. Residential lots may front on these streets.

(3) *Major collectors.* Major collectors shall be 48 feet wide with a minimum of 80 feet of right-of-way. These streets are generally located along borders of neighborhoods and within commercial areas to collect traffic from residential areas and to channel this traffic to the arterial system. These are limited access roads on which no residential lots may front (i.e., no driveways shall be allowed) unless there is no other reasonable and safe access to the lot.

(4) *Arterials.* Arterials shall be between 60 and 80 feet wide, depending on the needs and the design as determined by the city. The right-of-way shall be between 90 and 120 feet, depending on the design requirements as determined by the city. These are high volume streets with five or more lanes. These are limited access roads on which no residential lots may front.

(D) *Miscellaneous street requirements.*

(1) *Property abutting arterials.* Where a subdivision abuts or contains an existing or proposed arterial, the Planning and Zoning Commission may require access streets, reverse frontage with a screening buffer containing a non-access easement along the rear property line, deep lots with rear service alleys or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(2) *Property abutting railroads.* Where a subdivision abuts or contains a railroad right-of-way or limited access highway right-of-way, the Planning and Zoning Commission may require a street approximately parallel to and on the side of such right-of-way.

(3) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except where their control is dedicated to the city, under conditions approved by the Planning and Zoning Commission.

(4) *Street jogs.* Street jogs with centerline off-sets of less than 125 feet shall be avoided.

(5) *Street intersections.* Streets shall be laid out so as to intersect at right angles, or as nearly as possible to 90 degrees. Six foot concrete valley gutters are required at street intersections where cross drainage will occur.

(6) *Non-cul-de-sac designed dead-end streets.* Dead-end streets shall be prohibited except for short stub-outs for future roadway extensions. Short stub-out streets may require special terminus treatments for drainage concerns and street integrity. Temporary turnarounds are required if they exceed 150 feet in length.

(7) *Cul-des-sac design.* For subdivisions with lots of less than one acre, cul-de-sac streets shall not exceed 800 feet in length (as measured from the right-of-way line of the intersecting roadway to the center of the turnaround). For single-family subdivisions with lots greater than one acre, the length may not exceed 1,200 feet. All cul-de-sacs shall be provided at the closed end with a turnaround having a minimum radius of 38 feet back of curb to back of curb with a 50 foot right-of-way required.

(8) *Street names.* No street names shall be used which will duplicate or be confused with names of existing streets. Street extensions shall use the existing street names. Street names shall be subject to the approval of the Planning and Zoning Commission.

(9) *Street signs.* The city, at the developer's expense, shall install all street signs. The developer shall be charged for the cost of materials only.

(E) *Alleys.*

(1) Alleys shall generally be parallel to the street.

(2) Alley intersections and sharp changes in alignment shall be avoided. Where two alleys intersect, or where an alley turns, additional width may be required to allow for the turning of vehicles or guying of utility poles.

(3) Easements may be required on either side of the alley or alleys for utility placement.

(4) The width of an alley shall not be less than 20 feet.

(5) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the terminus, as determined by the Planning and Zoning Commission.

(6) Alleys shall paved in the same manner as streets.

(F) *Construction standards.*

(1) *Design.* Pavement section design shall be accomplished by a professional engineer and shall be based upon a geo-technical analysis performed by a qualified geo-technical professional. All construction shall conform to Appendix A, Tables I through IV and the following adopted regulations where applicable: § 50.02, Chapter 50 of this Code of Ordinances, adoption of "Standard Specifications for Public Works Construction".

(2) *Street surfaces.* All street wearing surfaces shall consist of concrete or hot mixed asphaltic concrete (HMAC) laid over a base course of crushed stone which has been designed, and compacted in accordance with city standards and requirements.

(3) *Curb and gutter.* All curb and gutter, integral curbs, valley gutters, driveway approaches, drainage structures and the like shall be constructed of Class "A" (3,600 PSI) Portland Cement Concrete per city standards.

(Ord. 2010-08, passed 3-9-10)

§ 154.40 SIDEWALKS.

(A) In developments in which the original application for approval is filed after the effective date hereof, the developer/property owner shall construct sidewalks on both sides of all streets, private access drives, passage easements and other circulation routes. Sidewalks shall be installed by the developer at the time of development, and owners of lots that remain undeveloped must construct sidewalks within two years after the date of approval of the final plat. Sidewalks must be constructed and accepted by the city prior to the issuance of a certificate of occupancy.

(B) Sidewalks shall be constructed one foot from the property line in the rights-of-way adjacent to their lots, whether on the front, side, or rear of the lots, with a minimum six foot buffer strip behind the back of the curb or edge of pavement. Sidewalks shall be properly connected with existing sidewalks and constructed according to city standards. Streets designated by the Thoroughfare Plan for use as a collector or larger shall require a minimum six foot wide sidewalk. All other sidewalks shall be a minimum of five feet in width.

(C) The appearance of a sidewalk (scoring pattern or special paving) shall be maintained across commercial driveways and alley access points, and crosswalks shall be marked at all legs of the intersection. Obstructions such as, but not limited to, fire hydrants, telephone poles, and street signs, shall not be located within a sidewalk, unless written approval of such is obtained from the Director of Public Works.

(D) Sidewalks constructed to the requirements in this section shall include a standard sidewalk pedestrian ramp whenever a curb return or other structure may present an architectural barrier to handicapped access within a pedestrian path or at street/sidewalk intersections constructed in accordance with ADA requirements.

(E) An alternative sidewalk design may be approved in writing by the Director of Public Works where there are unusual and practical difficulties in carrying out the provisions set forth by this code, provided the alternate design will not adversely affect any adjoining property or the general public.

(F) Exemptions. Division (A) of this section shall not apply to:

- (1) Large-lot residential subdivisions, where lots are one acre or larger in size;
- (2) Cul-de-sacs with a throat length of one lot or fewer; or
- (3) Improvements to existing developments on streets not identified in the sidewalk network, where the majority of the developed portions of the street do not have sidewalks present.

(Ord. 2010-08, passed 3-9-10; Am. Ord. 2014-25, passed 10-28-14; Am. Ord. 2017-11, passed 6-13-17)

§ 154.42 EASEMENTS.

(A) Easements across lots or centered on rear or side lots lines shall be provided for utilities where necessary. Drainage, utility and access easements of adequate size, as determined by the Public Works Director or other designated staff, are required to provide for development of adjacent land.

- (1) The width for all water and sanitary sewer utilities shall be a minimum of 15 feet.
- (2) Where electrical utilities will be installed, these utility easements shall be a minimum of ten feet in width.
- (3) Depending on services required and project design, easement width may be increased.
- (4) Where any public or private utility line is required by the developer to be adjusted in location or elevation, the developer shall cause such changes to be made with the approval of the appropriate city representatives and the developer shall bear all costs of such changes.
- (5) Easements with multiple utilities may require additional width.
- (6) Additional easements may be required for the placement of guy wires.

(B) *Streetlight easements.* Streetlight easements of 15 feet in width shall be provided between interior lots, where electrical service is from the rear.

(C) *Access easements.*

(1) *Vehicular access easements.* Vehicular access easements may be required to facilitate the sharing of curb cuts between adjacent owners of property fronting on collector and/or arterial streets. Vehicular access easements 30 feet wide may also be used, if there is no other way possible, to provide access for properties which do not have direct frontage on public rights-of-way.

(2) *Pedestrian access easements.* Pedestrian easements may be required where deemed necessary by the Planning and Zoning Commission or City Council to provide pedestrian circulation within the subdivision or access to schools, shopping centers, recreation, transportation or other community facilities. Such easements shall be at least 15 feet in width and include a minimum five foot sidewalk.

(Ord. 2010-08, passed 3-9-10)

ADMINISTRATION AND ENFORCEMENT

§ 154.60 WAIVERS.

(A) The Planning and Zoning Commission and the City Council may authorize waivers from design standards. In granting a waiver, the city shall prescribe only conditions that it deems necessary or desirable in the public interest.

(B) In making the findings required under § 154.61, the Planning and Zoning Commission and the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

(Ord. 2010-08, passed 3-9-10)

§ 154.61 FINDINGS.

No waiver to the findings set forth by the city shall be granted unless:

(A) There are special circumstances or conditions affecting the land involved use that the strict application of the provision of standards would deprive the applicant of the reasonable use of his or her land;

(B) The waiver is necessary for line preservation and enjoyment of the property;

(C) The granting of the waiver will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

(D) The granting of the waiver will not have the effect of preventing the orderly subdivision of adjoining land in the vicinity in accordance with the provisions of this chapter.

(Ord. 2010-08, passed 3-9-10)

§ 154.62 CONFLICT WITH OTHER PROVISIONS.

(A) *Public provisions.* The regulations are not intended to interfere with, abrogate or annul any rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(B) *Private provisions.* These regulations are not intended to abrogate any private easement, covenant or any other private agreement or restriction; however, where the provisions of these regulations are more restrictive or impose higher standards or regulations than such private easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern.

(Ord. 2010-08, passed 3-9-10)

§ 154.63 ENFORCEMENT OF REGULATIONS.

(A) At the request of the city, the City Attorney, or his or her designated representative, shall institute appropriate action in a court of competent jurisdiction to enforce these regulations.

(B) Any person violating any provision of this chapter shall, upon conviction, be guilty of a misdemeanor and is punishable by a fine of up to \$2,000 and each day such violation continues shall be considered a separate offense and punishable accordingly.

(C) In the event any provision of this chapter is violated within the area of extraterritorial jurisdiction outside its corporate limits, the city may institute any appropriate action or proceedings in the district court to enjoin the violation.

(Ord. 2010-08, passed 3-9-10)